

ORDINANCE NO. 154

AN ORDINANCE OF THE WEST VALLEY SANITATION
DISTRICT BOARD OF DIRECTORS, AMENDING
CHAPTERS 1 and 7 OF THE DISTRICT'S ORDINANCE CODE
CORRESPONDING TO THE JOINT AUDIT OF THE SEWER USE FOR THE
SERVICE AREAS OF THE SAN JOSE/SANTA CLARA REGIONAL
WASTEWATER FACILITY

WHEREAS, the Federal Clean Water Act (CWA) establishes water quality standards for water bodies such as streams, rivers, bays, and oceans; and

WHEREAS, the Environmental Protection Agency (EPA) implements the CWA and regulates direct dischargers such as the San Jose/Santa Clara Regional Wastewater Facility (Plant), and indirect dischargers such as industrial facilities subject to the National Pollution Discharge Elimination System Permit Program to control the discharge of pollutants into sanitary sewer systems; and

WHEREAS, in April 2019, the EPA and the Regional Water Quality Control Board audited the City of San José Pretreatment Program (Joint Audit) and directed amendments to its Sewer Use Ordinance be adopted; and

WHEREAS, in June 2021, the City of San Jose adopted the recommended amendments to its Sewer Use Ordinance; and

WHEREAS, the District, as a tributary agency of the Plant and conforming to the requirements under the Master Agreement for Wastewater Treatment Services, is required to likewise revise its Code in a manner to reflect the revisions adopted by the City of San Jose resulting from the Joint Audit.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the District Board of Directors of the West Valley Sanitation District of Santa Clara County as follows:

1. Amendment: Chapter 1, Sections 1.050(A), 1.050(B), 1.050(I), 1.050(N), 1.050(P), and 1.050(S) of the District's Code is amended to read as follows:

1.050 Definitions. The following words and phrases whenever used in the Ordinances of West Valley Sanitation District of Santa Clara County, California, shall be construed as defined in the section unless from the context a different meaning is intended or unless a different meaning is specifically defined or more particularly directed to the use of such words or phrases:

(A) Definitions beginning with "A":

"Accidental discharge" means any discharge at a flow or concentration which could cause a violation of the discharge standards in this code or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or slug.

“Accessory dwelling unit” or “ADU” means an attached or detached separate dwelling units that provide complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated; excludes units that comply with the requirements of Government Code Section 65852.22.

“Amalgam separator” means a device that employs filtration, settlement, centrifugation, or ion exchange to remove dental amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer; has been certified under the International Organization for Standardization’s standard for amalgam separators as capable of removing a minimum of ninety- five percent (95%) of dental amalgam at flow rates comparable to the flow rate of the actual vacuum suction system in operation; and does not have any automatic flow bypass.

“Ammonia” means that form of nitrogen which is chemically definable as compound NH_3 .

“Average concentration” means the concentration of a pollutant in an industrial user’s discharge that is calculated by adding the concentrations of the particular pollutant in all composite samples taken during a given time period, including but not limited to self-monitoring samples, and dividing the total by the number of samples taken.

“Authorized or Duly Authorized Representative of the User” means one of the following:

(A) For a corporation:

(1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operating facilities if the following criteria are met:

(a) The manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

(b) The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and

(c) The manager has the assigned or delegated authority to sign documents in accordance with corporate procedures.

(B) For partnership or sole proprietorship: a general partner or proprietor, respectively.

(C) For a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(D) The individuals described in paragraphs A through C, above, may designate a Duly Authorized Representation in writing, specifying the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and submitting the authorization to the district manager.

(B) Definitions beginning with “B”:

“Backflow protective device” means a mechanical check valve device, that is installed on the sewer lateral, to prevent the backflow of sewage into a building space.

“Baseline Monitoring Report (BMR)” means a report which shall include all requirements of federal regulation, including but not limited to 40 CFR 403.12(b), and

(A) For New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, submitted at least ninety (90) days prior to commencement of discharge and contain identifying information, environmental permits in place, a description of operations, flow measurements, measurements of pollutants, and the pretreatment a New Source intends to use to meet the applicable standards, including estimates of measurements;

(B) For existing Industrial Users, submitted within one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or after the final administrative decision, and shall contain, at a minimum, identifying information, environmental permits in place, a description of operations, flow measurements, a measurement of pollutants, proper certification, and a compliance schedule as necessary.

“Batch discharge” means the discharge of wastewater resulting from an intermittent treatment process in which an identified amount of process wastewater is collected, treated to meet discharge standards, and released to the district’s sanitary sewer system.

“Best management practices” means schedules of activities, prohibitions of practices, implementation of devices and other technology, maintenance procedures and other management practices, such as, standard operating procedures, general housekeeping, or pollution prevention practices, to prevent or reduce the introduction of pollutants to the sanitary or storm sewer system which have been approved for use by the district manager for particular industry groups, business types, or specific industrial processes. Best Management Practices may also include approved alternative means (e.g. management plans) of complying with federal, state, or local regulations.

“Biochemical oxygen demand” means the quantity of oxygen, expressed in parts per million (ppm) by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees Celsius (20° C).

“Board” means the Board of Directors of the District.

(I) Definitions beginning with “I”:

“Indirect Discharge or Discharge” Means the introduction of pollutants or any discharge or wastewater to the sanitary system.

“Industrial user” means any non-residential user that discharges industrial wastes to the sanitary sewer system.

“Industrial wastes” means the non-domestic wastes from producing, manufacturing, and

processing operations of every kind and nature.

“Interference” means:

(A) A discharge which alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the processes or operation of the district’s sanitary sewer system, including the plant, or causes or significantly contributes to a violation of any requirement of the National Pollutant Discharge Elimination System (NPDES) Permit, which is a permit issued to the plant pursuant to Section 402 of the Clean Water Act.

(B) “Interference” also includes prevention of bio-solids use or disposal by the plant in accordance with published regulations providing guidelines under Section 405 of the Clean Water Act or in regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state regulations (including those contained in any state bio-solids management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Plant.

“Installer” means a person, including the district, who contracts for the installation of a sewer.

(N) Definitions beginning with “N”:

“New source” means:

(A) 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 Clean Water Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other Source is located; or

(2) The building, structure, or facility totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production of wastewater generating processes of the facility are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(B) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program:

(a) Any placement, assembly or installation of facilities or equipment; or

(b) Significant site preparation work, including clearing, excavating, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into contractual obligations for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

“Ninety (90) Day Compliance Report” Means a report which shall include all requirements of federal regulation, including but not limited to 40 CFR 403.12(d), and

(A) For a New Source, submitted within ninety (90) days following the commencement of the introduction of wastewater into the POTW, as that term is defined in 40 C.F.R. 403.3(q), and contain, at a minimum, flow measurements, a measurement of pollutants, and certification of compliance with pretreatment standards; and

(B) For Industrial Users, submitted within ninety (90) days following the final date for compliance with an applicable Pretreatment Standard and contain, at a minimum, flow measurements, a measurement of pollutants, certification of compliance with pretreatment standards and the actual production during sampling period; and for Industrial Users subject to equivalent mass or concentration limits, a reasonable measure of the long term production rate.

“Non-significant categorical industrial user” means categorical industrial user that the district manager determines to meet the following conditions:

(A) Does not discharge more than one hundred (100) gpd of total categorical process wastewater;

(B) Has consistently complied with all applicable categorical pretreatment standards;

(C) Never discharges any untreated concentrated wastewater; and

(D) Submits annually a certification statement pursuant to 40 CFR 403.12(q).

(P) Definitions beginning with “P”:

“Pass-through” means a discharge which exits the plant into waters of the U.S. in quantities or concentrations which alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant’s NPDES permit, including an increase in the magnitude or duration of a violation.

“Permit” means any written authorization required pursuant to this code or any other regulation of the district.

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Person responsible” means a person(s) determined by the enforcement officer to have violated or is maintaining a violation of any district code.

“pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

“Plant” means the San Jose-Santa Clara Regional Wastewater Facility which is also known as the San Jose/Santa Clara Water Pollution Control Plant.

“Plumbing system” means plumbing fixtures and traps, waste and vent pipes, and all sewer pipes within a building and extending to the building sewer connection two feet outside the building foundation or wall.

“Pollutant not present” means a pollutant regulated by a categorical pretreatment standard that is not used or stored in a categorical industrial user’s facility, is not added to or created by any industrial or pretreatment process at the facility, and is not present above the background levels of the water supply.

“Premises” means any lot, parcel of land, building or establishment.

“Pretreatment requirements” means any substantive or procedural requirement related to pretreatment imposed on an industrial user other than a pretreatment standard.

“Pretreatment standard” means prohibited discharge standards, including those in federal regulations such as 40 CFR 403.5, categorical pretreatment standards, and local limits.

“Priority pollutants” means all pollutants as defined by the “General Pretreatment Regulations” of the Environmental Protection Agency, found at 40 CFR 401 and 403.

“Process flow” means the daily, twenty-four (24) hour flow of wastewater from any kind or nature of production, manufacturing or processing operation, including industrial and commercial operations where water is used for the removal of any type of waste other than sanitary sewage. Process flow does not include diluting waters.

“Property line cleanout” means an access point to the building sewer constructed to district standards and is typically located one (1) foot behind the property line. The property line cleanout allows district staff to gain access to the lower sewer lateral for maintenance purposes.

(S) Definitions beginning with “S”:

“Sanitary sewage” or “sewage” means water-carried wastes from residences, business buildings, institutions, and industrial establishments.

“Sanitary sewer overflow” or “SSO” means any overflow spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system, SSOs include:

(A) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;

(B) Overflows or releases of untreated or partially treated wastewater that do not reach the waters of the United States; and

(C) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.

“Sanitary sewer system” means any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system.

“Separate dwelling unit” means a premises or portion thereof designed for occupancy for

residential purposes by one (1) family, with sleeping, kitchen and bathroom facilities provided therein for the exclusive use of said family.

“Sewer” means a pipe or conduit for holding and carrying sanitary sewage and industrial wastes, and includes manholes, vertical risers, cleanouts and all other appurtenant facilities which are necessary or convenient to the holding or carrying of sewage, classified as follows:

(A) “Branch sewer” means a sewer that receives wastewater from a relatively small area and discharges into a main sewer serving more than one (1) branch sewer area.

(B) “Building sewer” or “sewer lateral” means the extension from a building’s plumbing system to the point of connection to the branch or main sewer.

(C) “Easement sewer” means a sewer that is located within a sanitary sewer easement or public utility easement.

(D) “Intercepting sewer” means a sewer that receives wastewater flow from a number of transverse sewer outlets and conducts such waters to a point for treatment.

(E) “Lower sewer lateral” or means the lower portion of a building sewer between the property line and the connection point to a public sewer located within a public right-of-way. The lower sewer lateral is owned by the district.

(F) “Main sewer” means a sewer to which one or more branch sewers are tributary.

(G) “Outfall sewer” means a sewer that conveys treated wastewater from a treatment plant and carries it to a point of final discharge in an ocean, river, or estuary.

(H) “Private sewer” means a sewer privately owned, maintained, and used by one (1) or more properties.

(I) “Public sewer” means a sewer owned and maintained by a governmental agency.

(J) “Trunk sewer” means a sewer that receives the discharge from several main sewers and serves a large territory.

(K) “Upper sewer lateral” means the upper portion of building sewer from the plumbing system to the property line when the building sewer is connected to a public sewer located within a public right-of-way. The upper sewer lateral and property line cleanout, if installed, is privately owned.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sanitary sewage and industrial wastes, such as the San Jose/Santa Clara Water Pollution Control Plant.

“Significant change” means any change in an industrial user’s operation that results in any of the following:

(A) An increase or decrease in twelve (12)-month average process flow by twenty-five percent (25%) of the industrial user’s average process flow.

(B) An increase or decrease in twelve (12)-month average process flow that results in a change from low flow discharger to standard discharger or from standard discharger to low flow discharger.

(C) An increase or decrease in twelve (12)-month average process flow that results in a change from non-significant categorical industrial user to significant industrial user or from significant industrial user to non-significant categorical industrial user.

(D) An increase or decrease in twelve (12)-month production rate of twenty-five percent (25%) for any industrial user subject to production-based limits over the industrial user’s production rate for the immediate preceding twelve (12) months.

- (E) Adding or deleting processes discharges or sample points.
- (F) Waiver of monitoring requirements for any pollutant not present.

“Significant industrial user” means:

- (A) A categorical industrial user other than a non-significant categorical industrial User; or
- (B) An industrial user that:
 - (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the district’s sanitary sewer system (excluding sanitary sewage, noncontact cooling and boiler blowdown wastewater); or
 - (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Plant; or
 - (3) Is designated as such by the district manager on the basis that it has a reasonable potential for adversely affecting the plant’s operation or for violating any pretreatment standard or requirement.

“Significant noncompliance” is a violation, or violations, by an industrial user meeting one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent (66%) or more of all measurements taken during a six (6) month period exceed by any order of magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (B) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, Grease, and 1.2 for all other pollutants);
- (C) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3 (l) such as daily maximum, ph, long-term average, instantaneous limit, or narrative standard, that the district manager determines has caused, alone or in combination with other discharges either interference or pass-through, including endangering the health of district or plant personnel and/or the general public;
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the district’s exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet within ninety (90) days after the scheduled due date, a compliance schedule milestone, contained in a discharge permit or enforcement order for starting construction, completing construction, or attaining full compliance;
- (G) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day (90) compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (H) Failure to accurately report non-compliance; and
- (I) Any other violation or group of violations, which may include a violation of reasonable control measures, the district manager determines will adversely affect the operation or implementation of the pretreatment program.

“Single-family premises” means a premises with one (1) separate dwelling unit that is not designed, improved or used for any non-residential purpose.

“Slug control plan” means the document prepared pursuant to 40 CFR 403.8(f)(1)(iii)(B)(6) by a significant industrial user that describes that procedural and operational controls in place to prevent a slug load or slug discharge.

“Slug load” or “slug discharge” means any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or non-customary batch discharge which has a reasonable potential to cause interference, pass-through, or in any other way cause a violation of the provisions of Chapter 1 or Chapter 7 or applicable permit conditions.

“Source” means any building, structure, facility or installation from which there is or may be potential as determined by the district manager to discharge pollutants above the local limits included in this Code or state or federal limits or wastewater of such volume or strength that it may cause interference, pass-through, or operational problems in the district’s sanitary sewer system or at the San Jose/Santa Clara Water Pollution Control Plant.

“Standard discharger” means any industrial user who is not a low flow discharger.

“Standard methods” means:

(A) The procedures set forth in the 40 CFR 136 unless another method for the analysis of industrial wastewater has been approved in writing in advance of use of the procedure by the district manager.

(B) All analyses shall be performed by a laboratory certified by the state for the specific pollutants and matrix to be analyzed, unless otherwise approved in writing by the district manager prior to performance of a sample analysis.

“Storm waters” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Street” means any public highway, road, street, avenue, alley, way, or right-of-way.

“Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

“System of rules and personnel practices” means the Merit System of Rules and Personnel Practices for the Employees of West Valley Sanitation District of Santa Clara County, as amended from time to time.

2. Amendment: Chapter 7, Sections 7.080, 7.140, 7.160, 7.180, 7.300, 7.350, 7.370, and Sections 7.400 to 7.590 of the District’s Ordinance Code is hereby amended to read as follows:

7.080 Pretreatment by Owner or Operator. Each owner or operator of a private premises shall, at the owner’s or operator’s own expense, provide such treatment, or take such other measures as the district manager may require to prevent accidental discharge, reduce objectionable effluent characteristics or contents, or reduce the rate of discharge of waters or wastes prior to being deposited into the district’s sanitary sewer system, to prevent damage to, or interference with the district’s sanitary sewer system.

7.140 Fats, Oils, and Grease.

(A) No person shall discharge, cause, allow or permit to be discharged, into the district's sanitary sewer system, any liquid or other waste containing fats, oils, and grease (FOG) in excess of one hundred parts per million (100 ppm) by weight.

(B) No person shall discharge, cause, allow, or permit any FOG discharge from a food service establishment (FSE) into the district's sanitary sewer system, unless such discharge has first been processed through an approved grease control device.

(C) No person shall discharge, cause, allow, or permit to be discharged, any yellow grease, any waste, or material mixed with yellow grease, into the district's sanitary sewer system from a FSE. No yellow grease from a FSE shall be mixed with grease trap or grease interceptor waste.

(D) Any industrial user that violates this Section 7.140 shall resample and submit reports to the district for all pollutants in violation of any applicable wastewater discharge permit limits or any other pollutants as required by the district manager within thirty (30) days of becoming aware of the violations.

7.160 Corrosive Matter.

(A) No person shall discharge, cause, allow or permit to be discharged, into the district's sanitary sewer system, or any part thereof, any liquid, solid, vapor, gas or substance having a "pH" lower than six (6.0) or equal to or greater than twelve and one-half (12.5), or having any other corrosive property capable of causing damage or hazard to the district's sanitary sewer system or any part thereof, or to any personnel operating, maintaining, repairing or constructing said sanitary sewer system, or any part thereof, or working in or about said system or that interferes with the proper operation of the San Jose/Santa Clara Water Pollution Control Plant, or the treatment of sanitary sewage or industrial wastes.

(B) any person that violates any of the corrosive matter limits in this Section 7.160 shall resample and submit sample reports to the district for all pollutants in violation of any applicable wastewater discharge permit limits or any other pollutants as required by the district manager within thirty (30) days of becoming aware of the violation.

7.180 Interfering Substances.

(A) No person shall discharge, or cause, allow or permit to be discharged into the district's sanitary sewer system, or any part thereof, any industrial waste containing any of the following toxic substances exceeding the concentrations set forth below.

| <u>Toxic Substances</u> | <u>Standard Discharger Maximum Allowable Concentrations</u> | <u>Low Flow Discharger Maximum Allowable Concentrations</u> |
|-------------------------|---|---|
| Antimony | 5.0 mg/l | 5.0 mg/l |
| Arsenic | 1.0 mg/l | 1.0 mg/l |
| Beryllium | 0.75 mg/l | 0.75 mg/l |
| Cadmium | 0.7 mg/l | 0.7 mg/l |
| Chromium, Total | 1.0 mg/l | 1.0 mg/l |
| Copper | 2.3 mg/l | 2.7 mg/l |

| | | | | |
|----------------|-------|------|-------|------|
| Cyanide, Total | 0.5 | mg/l | 0.5 | mg/l |
| Lead | 0.4 | mg/l | 0.4 | mg/l |
| Mercury | 0.010 | mg/l | 0.010 | mg/l |
| Nickel | 0.5 | mg/l | 2.6 | mg/l |
| Phenols, Total | 30.0 | mg/l | 30.0 | mg/l |
| Selenium | 1.0 | mg/l | 1.0 | mg/l |
| Silver | 0.7 | mg/l | 0.7 | mg/l |
| Zinc | 2.6 | mg/l | 2.6 | mg/l |

(B) No person shall discharge, or cause, allow, or permit to be discharged into the district's sanitary sewer system or any part thereof, any toxic or poisonous substances, or any other pollutants, including biochemical oxygen demand, in sufficient quantity to injure or cause an interference with the sewage treatment process or pass-through the San Jose/Santa Clara Water Pollution Control Plant, or in sufficient quantity to constitute a hazard to humans, or animals, or in sufficient quantity to create a hazard for humans, or aquatic life in any waters receiving effluent from the district's sanitary sewer system, or which may create a hazard in the use or disposal of sewage sludge.

(C) All samples, including grab and composite, may be used to evaluate compliance with the above limits.

(D) Any industrial user that violates any of the interfering substances limits must resample and submit sample reports for all pollutants in violation of any applicable wastewater discharge permit limits or other pollutants as required by the district manager within thirty (30) days of becoming aware of the violation.

7.300 Installation and Maintenance of Amalgam Separators.

(A) Except as provided in subsections (B) and (C) below, no person shall discharge, cause, allow, or permit any discharge to the district's sanitary sewer system from a dental vacuum system, unless such discharge has first been processed through an amalgam separator.

(B) For each dental vacuum system installed prior to January 1, 2009, an amalgam separator shall be installed on, or before December 31, 2010. No dental vacuum system shall be installed on, or after July 1, 2009 without an amalgam separator. Proof of certification and installation records shall be submitted to the district manager within ninety (90) days of installation.

(C) A dental vacuum system may be operated without an amalgam separator provided that the system is not used with the removal or placement of fillings that contain dental amalgam more than three (3) days per calendar year and the system is used exclusively by the following types of dental practices:

- (1) Oral Pathology;
- (2) Oral and maxillofacial radiology;
- (3) Oral and maxillofacial surgery;
- (4) Orthodontics;
- (5) Periodontics;
- (6) Prosthodontics.

(D) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained for

minimum of five (5) years and available for immediate inspection upon request therefore by the district manager or designee during normal business hours.

7.350 Power to Inspect.

(A) Pursuant to the inspection procedures set forth in Chapter 13, Section 13.010, the district manager and other duly authorized employees and agents of the district bearing credentials and identification, shall have the right to access upon all properties and reasonable access to the parts of a facility generating and disposing wastewater into the district's sanitary sewer system for the purpose of 1) investigating compliance with all of the requirements of this code, state, federal regulations and any permit; 2) inspecting any sewer or storm drain connection, suspected source of discharging to the sewer or storm drain, including all discharge connections of roof, surface drains, and plumbing fixtures; 3) inspecting the installation and maintenance of a FSE grease control device; 4) inspecting, observing, measuring, photographing, sampling, and testing the quality, consistency, and characteristics of sewage and industrial wastewaters being discharged into any public sewer or natural outlet; and 5) inspecting and copying any records relating to quantity and quality of wastewater discharges, including, but not limited to, water usage and effluent discharged, chemical usage, and hazardous waste records.

(B) It shall be unlawful to unreasonably obstruct, delay or interfere with the district access to the owner's and/or operator's premises.

(C) The district manager may terminate service or revoke the permit of any person who has discharged wastewater to the district's sanitary sewer system and has unreasonably refused access to the district or its agents.

7.370 Discharge Reports.

(A) Discharges are subject to the reporting requirements as contained in Title 40 of the Code of Federal Regulations. The district manager may require that any person connected to, or discharging wastewater into the district's sanitary sewer system file additional periodic discharge reports or a zero discharge report, including but not limited to, the requirements contained in 40 CFR 403.12, or other applicable federal regulation.

(B) The periodic discharge report may be required to include, but not limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, hauling records, potential for slug discharge, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the discharger to meet applicable discharge limits.

(C) The zero discharge report shall certify that the zero discharge user does not discharge any process water to the sanitary sewer, or that a zero discharge categorical user does not discharge any categorical process water or ancillary process water to the designated zero discharge categorical sample point into the district's sanitary sewer system. This report may be required to include, but not limited to, nature of process, hours of operation, number of employees, hauling records, or other information that relates to generation of wastes.

(D) The district manager may also require such periodic discharge reports and zero discharge reports to include information concerning the chemical constituents and quantity of chemicals stored on-site, including waste hauling records or other information which relates to the generation of wastes, even though they may not normally be discharged.

(E) In addition to discharge reports, the district manager may require dischargers to submit such additional reports as may be necessary to allow the district to evaluate the discharger's

ability to comply with this chapter, including but not limited to best management practices or self-monitoring reports.

(F) It shall be unlawful for any person who has discharged wastewater to the district's sanitary sewer system to refuse to file any report requested by the district manager, to file an incomplete or inaccurate report, or to file any report or application after the due date as specified by the district manager.

(G) Sampling and analysis shall be performed in accordance with federal regulations, including 40 CFR 403.12 and amendments thereto. Where federal regulation does not contain sampling or analytical methods for the pollutant in question, or where the district manager determines that federal regulations are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods validated by the district manager.

7.400 Termination of Service and Permit Revocation.

(A) The district manager may revoke any wastewater discharge permit, and/or terminate, or cause to be terminated wastewater service to any premises:

(1) If a discharge of wastewater from the premises cause or threatens to cause a violation of any provision of this chapter or applicable local, state, federal regulations or permit conditions; or

(2) If a discharge of wastewater from the premises causes or threatens to cause a condition of contamination, pollution, or public nuisance.

(B) Written notice of the permit revocation or service termination, and a statement of the grounds thereof, shall be delivered to the discharger. The notice shall be effective ten (10) calendar days after it is served on the discharger, unless the district manager determines that immediate permit revocation or suspension of service is necessary for the preservation of public health, safety, or for the protection of public or private property. If the district manager determines that immediate permit revocation or suspension of service is necessary, the district manager may act to revoke the permit or suspend service immediately after written notice is delivered to the discharger.

(C) It shall be unlawful for any person to discharge any material into the district's sanitary sewer system from any premises for which the permit has been revoked or wastewater service has been suspended or terminated.

7.410 Summary Suspension.

(A) If the district manager determines there is an imminent threat to health, safety, or welfare of the public as set out in Subsection B below, a wastewater discharge permit may be summarily suspended for a period of time not to exceed thirty (30) days.

(B) The district manager's determination that there is an imminent threat to the public health, safety, or welfare shall be based on one or more of the following:

(1) There is an urgent need to take immediate action to protect the public from a substantial threat of serious bodily injury or death existing on or within one hundred fifty (150) feet of the permitted premises; or

(2) There has been a violation of a permit condition or other requirement of this code creates an imminent danger to the public health, safety or welfare on or within one hundred fifty (150) feet of the permitted premises; or

(3) The permittee has conducted the permitted business in a manner that creates or results in a public nuisance, as defined in Section 7.360 or 13.040 of this code, or Sections 3479

and 3480 of the California Civil Code, and that public nuisance creates an imminent danger to health, safety, or welfare within one hundred fifty (150) feet of the permitted premises.

(C) The summary suspension shall take effect immediately upon service of a written notice of suspension by the district manager. Notice given to the permittee shall include the following information:

- (1) The effective date and time period of the summary suspension;
- (2) The grounds and reasons upon which the summary suspension is based;
- (3) The permittee who wishes to challenge the summary suspension may request a hearing before the board of directors;
- (4) The method for requesting a hearing before the board of directors; and
- (5) The notice of summary suspension shall become final unless the district received a written request for a hearing from the permittee within the time period specified in Subsection E.

(D) The summary suspension shall remain in effect unless and until the board of directors either:

- (1) Amends the notice of summary suspension to shorten the time period provided in the earlier notice of summary suspension; or
- (2) Issues a decision after holding a hearing pursuant to the requirement of this section that modifies or overrules the summary suspension.

(E) If the permittee wishes to challenge the summary suspension, the permittee must file a written request for a hearing before the board of directors within three (3) business days after service of the notice of summary suspension. If the district does not receive a request for a hearing from the permittee with this time period, the notice of summary suspension shall become final.

(F) The district must respond to the permittee's request for a hearing by holding a hearing to affirm, modify or overrule the summary suspension within sixty (60) days of the permittee's request for a hearing, unless the permittee request an extension of the time within which the district can hold the hearing.

(G) The district shall serve a written notice of hearing on the permittee not later than two (2) business days after receiving the permittee's written request for a hearing. The notice of hearing shall contain the date, time, and place at which the hearing shall be conducted.

(H) At the hearing before the board of directors, the permittee shall be given the opportunity to present evidence that either rebuts the ground(s) for which the summary suspension was issued or demonstrates that the reason or reasons leading to the summary suspension have been mitigated or corrected.

(I) The hearing will be conducted informally and technical rules of evidence shall not apply. Any and all evidence that the board of directors deems reliable, relevant and not unduly repetitious may be considered.

(J) Following the conclusion of the hearing, the board of directors shall issue a decision which affirms, modifies or overrules the summary suspension, as specified in Subsection K. If the board of directors affirms or modifies the summary suspension, it may impose additional conditions upon the permit if those conditions were reviewed at the hearing and the conditions are intended to protect the health, safety, and welfare of the public or prevent the conduct or condition that led to the summary suspension.

(K) The board of directors shall issue a decision upon the close of the hearing. The secretary to the board of directors shall serve the permittee with a copy of the board's decision within three (3) business days of the close of the hearing. The decision of the board of directors shall be final for the purposes of this chapter and section 11.100.

7.420 Correction of Violations; Collection of Costs; Injunction.

(A) The district may abate any violation of this chapter.

(B) The cost of such abatement may be added to the sewer service charge of the property owner or tenant of the property upon which the violation occurred, and the district shall have all available remedies for the collection of such costs as it has for the collection of sewer service charges.

7.430 Cumulative Remedies. The district may take enforcement action for any violation of this code. Nothing in this code requires escalation of enforcement and, instead, the district may take any action it deems necessary under the circumstances. The remedies identified in this code are cumulative, not exclusive, and are in addition to those the district may have at law, including administrative, civil, and criminal remedies.

7.440 Violations and Civil Penalties. No person shall discharge in violation of, or fail to comply with, the requirements of a wastewater discharge permit, or any other provision of this chapter, or other regulations. Each violation of a wastewater discharge permit condition or other rule, regulations, or law shall be a separate violation under this code.

(A) Civil Penalties Issued by the District:

(1) Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the district or district staff may issue administrative complaints, conduct administrative hearings, and/or civil penalties in accordance with the procedures set forth in these sections for violation of this chapter's requirements relating to the pretreatment of industrial waste or the prevention of the entry of industrial waste into the district's sanitary sewer system. The penalties shall be as follows:

(a) In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.

(b) In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.

(c) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the district.

(d) In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the district.

(2) In determining the amount of the civil penalty, the district may take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

(3) An aggrieved party may appeal the issuance of a civil penalty to a hearing officer. The procedures set forth in Chapter 14, Sections 14.070 through 14.100 shall govern the appeal process before a hearing officer, except that for the purposes of Chapter 13, the aggrieved party also has a right to appeal the hearing officer's order to the district board of directors. The aggrieved party shall file his or her appeal with the board of directors within thirty (30) calendar days upon issuance of the hearing officer's order.

(4) Unless appealed to the district board of directors, orders of a hearing officer setting administrative civil penalties under this subsection shall become effective and final upon service of a copy of the hearing officer's order thereof, and payment shall be made within thirty (30) calendar days.

(5) Any party aggrieved by a final order issued by the district board of directors, after either granting or denying review of the order of a hearing officer, may obtain review of the board of directors' order by filing in superior court a petition for writ of mandate within thirty (30) calendar days following the service of a copy of a decision and order issued by the board of directors.

(6) The amount of any civil penalties imposed under this subsection that have remained delinquent for a period of sixty (60) calendar days shall constitute a lien against the real property from which the discharge originated resulting in the imposition of the civil penalty.

(7) All penalties collected under this subsection shall be deposited in a special account and shall be made available for the monitoring, treatment, and control of discharges into the district's sanitary sewer system or for other mitigation measures.

(8) No penalties shall be recoverable under this subsection for any violation for which civil liability is recovered under subsection 7.420(B).

(B) Civil Penalties Issued by a Court:

(1) Any person who intentionally or negligently violates any provisions of this chapter, any provision of any Permit issued pursuant to this chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, may be civilly liable to the district in a sum of not more than twenty-five thousand dollars (\$25,000), but not less than one thousand dollars (\$1,000), a day for each violation, plus actual damages incurred by the district's sanitary sewer system. In addition to the above-described penalty and damages, the district may recover reasonable attorneys' fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The district may petition the superior court to impose, assess, and recover this civil penalty. In determining the amount, the court takes into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.

(3) No penalties shall be recoverable under this subsection for any violation for which administrative civil penalties are recovered under subsection 7.420(A).

(C) Remedies under this Section 7.420 are in addition to and do not supersede or limit any and all other remedies available to the district, except as otherwise provided in this code.

7.450 Mandatory Wastewater Discharge Permits. No critical user, zero discharge categorical user, or significant industrial user shall connect, discharge, cause, allow, or permit any discharge, into the district's sanitary sewer system except in accordance with a wastewater discharge permit issued by the district manager.

7.460 Permit Duration and Amendment.

(A) Wastewater discharge permit shall be issued for a specific duration, not to exceed five (5) years.

(B) Permits shall be subject to amendment by the district as limitations or requirements for discharge are modified and changed.

(C) The holder of a wastewater discharge permit shall be informed of any proposed amendment to its Permit at least thirty (30) days prior to the effective date of the amendment.

(D) The district manager may include a compliance schedule in an amended permit.

7.470 Permit Application.

(A) All persons requiring a wastewater discharge permit shall file a complete application, in the form prescribed by the district manager and accompanied by payment of all fees established by this code and further accompanied by payment of all fees established by the City of San Jose, for its industrial waste discharge permit program.

(B) For new construction, permit applications shall be filed with the district manager at the time that an application for a building permit for a new building or structure is made.

(C) All persons discharging wastewaters into the district's sanitary sewer system for which a discharge permit has been issued must apply for a new permit prior to making a significant change in the operations affecting their discharge.

7.480 Delinquent Fees

(A) Wastewater discharge permits are due ninety (90) days prior to: (a) Commencing discharge to the district's sanitary sewer system; (b) Commencing operation of a zero discharging categorical process; or (c) Expiration of existing wastewater discharge permit. Any person who fails to file a wastewater discharge permit application by the application due date prior to discharge shall be assessed a penalty for delinquent filing as follows:

(1) Up to and including thirty (30) days after the application due date, the penalty shall be fifty percent (50%) of the permit fee.

(2) Thirty-one (31) to ninety (90) days after the application due date, the penalty shall be one hundred percent (100%) of the permit fee.

(3) Ninety-one (91) days to one (1) year after the application due date, the penalty shall be one thousand percent (1000%) of the permit fee.

(B) Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the district may have with respect to the discharge.

(C) The district manager may waive the assessment of penalty if the industrial user meets all of the following requirements:

(1) The industrial user has submitted a completed wastewater discharge permit application to the San Jose/Santa Clara Water Pollution Control Plant no later than thirty (30) days from the date the application was due;

(2) The industrial user has applied to the San Jose/Santa Clara Water Pollution Control Plant for a waiver no later than thirty (30) days from the date the application was due;

(3) The industrial user submitted timely applications for:

(a) The five (5) years immediately prior to the present late wastewater discharge permit application, or

(b) The two (2) years immediately prior to the present late wastewater discharge permit application if the industrial user has discharged for less than five (5) years; and

(4) The industrial user can provide documentation that

(a) The application was postmarked or received by the San Jose/Santa Clara Water Pollution Control Plant no later than three (3) days after the application due date, or

(b) Failure to submit a timely application was due to circumstances beyond the control of the industrial user, and occurred despite the exercise of ordinary care and the absence of willful neglect.

7.490 Signature Requirements.

(A) Permit applications, discharge reports and any other reports required by the district manager to be signed, shall be signed by an authorized or duly authorized representative of the business filing the application.

(B) Reports subject to requirements in Title 40 of the Code of Federal Regulations shall include the following relevant certification statement as set forth in Title 40 of the Code of Federal Regulations, CFR Section 403.12, subsections (l) or (q).

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

7.500 Additional Information.

(A) If the district manager is not satisfied that the wastewater discharge permit application has sufficient information to determine whether the permit should be issued, the district manager may refuse to issue the permit or request that the applicant submit further information.

(B) The applicant shall have fourteen (14) calendar days, or such longer period of time as allowed by the district manager, after reviewing a request for information, to complete the application.

(C) If the returned application is not resubmitted within the specified time period, then a new application for a wastewater discharge permit must be submitted along with the application fees and any delinquent fees for a new permit.

7.510 Transfer of Permit.

(A) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior approval of the district manager.

(B) Wastewater discharge permit may be transferred to a new owner and/or operator only if the permittee provides advance written notice to the district manager and the district manager approves the transfer of a wastewater discharge permit.

(1) The notice to the district manager must include a certification by the new owner and/or operator which:

(a) States the new owner and/or operator has not immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

(2) Failure to provide advanced notice of a transfer renders the wastewater discharge permit void as the date of facility transfer.

(C) Upon an approved transfer, the existing owner or operator shall provide a copy of the wastewater discharge permit to the new owner or operator.

(D) Nothing in this ordinance shall be construed to prevent the application of terms and conditions of this ordinance, including enforcement penalties, from applying to a succeeding owner or operator, successor in interest, or other assigns of an existing contract of permit holder.

7.520 Denial of Permit. The district manager may deny a discharge permit if any one or more of the following conditions exist:

(A) The application is not accompanied by the required fee(s).

(B) The application contains false or misleading information.

(C) The issuance of the wastewater discharge permit would result in the discharge of industrial wastes of such quantity or strength that the public health, safety, public or private property are endangered.

(D) The issuance of the wastewater discharge permit would cause the San Jose/Santa Clara Water Pollution Control Plant to violate any permit conditions, laws, or regulations of the state and/or federal government.

(E) The applicant has not provided adequate information to establish that its discharge will comply with all requirements of this chapter and with such other terms and conditions as the district manager may deem necessary to include in the applicant's wastewater discharge permit.

(F) The applicant has not provided plans for sufficient protection from accidental discharges to the sanitary sewer system.

(G) If the district manager refuses to issue a wastewater discharge permit, the application fees shall not be returned to the applicant unless the district manager has ascertained that a permit is not required to discharge the wastewater for which the wastewater discharge permit application is made.

7.530 Permit Conditions.

(A) Wastewater discharge permit shall be expressly subject to all provisions of this chapter and all other regulations, user charges, discharge limitations, and fees established by the district and all applicable local, state and federal law and regulations.

(B) The permit may include such terms and conditions as the district manager may deem necessary to implement this chapter, or any other applicable local, state, or federal law and regulations, including but not limited to:

(1) Limits on the average and maximum wastewater volume, constituents and characteristics.

(2) Requirements for installation and maintenance of flow monitoring, inspection, and sampling facilities;

(3) Specifications and pretreatment requirements for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(4) Compliance schedules, including those necessary to meet categorical or other pretreatment standards;

(5) Requirements for submission of technical reports or discharge reports.

(6) Requirements for maintaining and retaining facility records relating to wastewater discharge as specified by the district and affording the district or its agent access thereto;

(7) Requirements for notification to the district or its agents of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents being introduced into the wastewater stream;

(8) Requirements and plans for protection against accidental discharges, including but not limited to containment of chemicals and waste materials. The review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Code or other state or federal regulations.

(9) Requirements for notification of accidental discharges; and

(10) Requirements for the submission of a slug control plan or specific element thereof.

(C) No person shall fail to comply with the terms and conditions of a wastewater discharge permit, or fail to comply with any other mandatory provision of this code, or other regulations, or discharge limitations established by the district, or local, state and federal laws and regulations. Each violation of the wastewater discharge permit condition or other rule, regulation, or law shall be a separate violation under this code.

7.540 Best Management Practices.

(A) The district manager may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits, federal regulations, and the requirements under this chapter.

(B) All industrial users shall follow BMPs established by ordinance, individual wastewater discharge permit, or implement BMPs in their operations to minimize the discharge of pollutants to the sanitary sewer system and ensure appropriate monitoring, treatment, and other measures are being taken to prevent violations.

(C) When an industrial user develops BMPs in response to an enforcement action, the user shall continue to implement those BMPs and any associated record keeping unless approved to discontinue.

(D) Industrial users subject to BMPs as a means of complying with the standards of this chapter shall maintain documentation to demonstrate compliance with the applicable BMP standards.

(E) Periodic reports on continued compliance for BMP regulated dischargers shall require the discharger to certify that the BMPs have been implemented during the reporting period.

7.550 Waiver of Pollutants Not Present.

(A) A categorical industrial user seeking to request a waiver of monitoring requirements for pollutants not present must submit the following with its wastewater discharge permit application:

(1) Date from at least one (1) sampling of the facility's process wastewater prior to any treatment that is representative of all wastewater from all processes;

(2) Signature in compliance with Section 7.470;

(3) Certification statement as specified under 40 CFR 403.6(a)(2)(ii); and

(4) Other technical factors as may be required by the district manager to demonstrate that the pollutant is not present in the industrial user's discharge.

(B) If approved, the waiver shall be included as part of the categorical industrial user's discharge permit. The categorical industrial user must certify in each self-monitoring report with the statement set forth in 40 CFR 403.12(e)(2)(v) that there has been no increase in the waste stream due to the activities of the user of the pollutant that was waived.

(C) The waiver shall only be valid for the term of the wastewater discharge permit, and a new request for waiver must be submitted for each new wastewater discharge permit.

7.560 Wastewater Discharge Permit Appeals.

(A) Any permittee or permit applicant may appeal a notice of revocation of a wastewater discharge permit, notice of denial of a wastewater discharge permit, any term or condition of a wastewater discharge permit, amendment of a wastewater discharge permit, or notice of termination of service to the district manager.

(B) A request for hearing on a decision to revoke a permit or terminate service shall be filed in writing with the district manager within ten (10) days after the date the notice of revocation or termination of service is served on the permittee. A request for hearing on a decision to revoke a wastewater discharge permit or terminate service shall, except in the case of immediate wastewater discharge permit revocation or suspension of service for the preservation of public health, safety or for the protection of public or private property, stay the effect of the notice of revocation or termination of service, during the pendency of the appeal.

(C) A request for hearing on a decision to deny a wastewater discharge permit, on the terms or conditions in a wastewater discharge permit, on an amendment to a wastewater discharge permit, shall be filed, in writing, with the district manager within thirty (30) days after the date the notice of decision is served on the applicant.

(D) Failure of a permittee or applicant to timely request a hearing shall be deemed acceptance of the district manager's decision, and the district manager's decision shall be deemed final and effective.

(E) At the hearing before the district manager, the applicant shall be given an opportunity to present witnesses and documentary and other evidence.

(F) The hearing will be conducted informally and technical rules of evidence shall not apply. Any and all evidence which the district manager deems reliable, relevant and not unduly repetitious may be considered.

(G) The applicant may be represented at the hearing by another person.

(H) The district manager shall provide written notice of decision on the appeal to the permittee or applicant. The decision of the district manager on the appeal shall be deemed final and effective three (3) days after the notice of the decision on appeal is served on the permittee or applicant.

(I) Filing of a request for hearing shall not entitle any person to discharge in violation of any of the provisions of this code.

7.570 Additional Relief. The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy provided by law for the benefit of the district.

7.580 Applicability of Regulations Issued by the Director of Environmental Services of the City of San Jose. In addition to the provisions contained in the district's code, industrial user discharging industrial waste into the district's sewer system, shall be subject to all wastewater discharge permit regulations promulgated by the Director of Environmental Services of the City of San Jose authorized by this chapter and Chapter 15.14.790 of the San Jose Municipal Code which are not inconsistent with the district's code.

7.590 Publication of Users in Significant Noncompliance. The district manager is authorized to publish annually, a list of significant industrial users, at any time during the previous twelve (12)

months, which were in significant noncompliance with applicable pretreatment standards and requirements. The term significant compliance is defined in 40 CFR 403.8.

3. Publication

This ordinance shall take effect and be in force no less than thirty (30) days after its enactment, and before expiration of fifteen (15) days after its enactment it shall be published once with the names of the members of the Board of Directors voting for and against the same in at least one newspaper of general circulation published and circulated in the District.

INTRODUCED at a regular meeting of the Board of Directors of West Valley Sanitation District on the 13th day of October 2021.

ENACTED at a regular meeting of the Board of Directors on 10th day of November 2021, by the following vote:

AYES: Directors Resnikoff, Ristow, Turner, Wasserman, Zhao

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

S/Rowena Turner Chairperson of the Board

S/Lesha Luu, Secretary

Published: November 19, 2021