

INDUSTRIAL WASTEWATER DISPOSAL AGREEMENT

AIR FORCE PLANT 42, PALMDALE

This Industrial Wastewater Disposal Agreement (“**Agreement**”) is between County Sanitation District No. 14 of Los Angeles County, a district organized and existing pursuant to Health and Safety Code Section 4700 et seq. (“**District**”) and UNITED STATES OF AMERICA (“**Government**”). The District and Government are each a “**Party**” and together are the “**Parties.**”

- A. The District owns and operates, jointly with other Los Angeles County Sanitation Districts (collectively, the “**Districts**”), a sewerage system for the disposal of wastewater originating within the Districts. Pursuant to Health and Safety Code Section 4742.1, on a determination by the District’s Board of Directors that it is in the best interest of the District, the District has the authority to contract, on terms and conditions as may be agreed upon, to accept industrial wastewater originating outside its territorial boundaries.
- B. The Government owns an aircraft assembly plant, known as Air Force Plant 42 (“**Plant 42**”), located at 2503 East Avenue P, Palmdale California 93550-2196, as shown in Exhibit 1. Plant 42 is not within the jurisdictional boundaries of the District as shown in Exhibit 2.
- C. For the purposes of this Agreement, the Government is represented by and acting through Air Force Life Cycle Management Center (AFLCMC/EZV), Acquisition Environmental & Industrial Facilities Division, under the Air Force Material Command, Wright-Patterson Air Force Base, Ohio by order of the Secretary of the Air Force via Air Force Instruction 63-701, Acquisition dated 8 April, 2009 with Incorporating Change 4, 3 August 2011; including AFI 63-609, Managing Industrial Facilities dated 18 January 2005 with Incorporating Change 1, 19 December 2006, any successor documents. All obligations assumed under this agreement are limited to the extent allowed by Federal law, the Clean Water Act, and when those obligations involve the payment of money, approval by Congress through properly appropriated funds, are subject to the availability of funds.
- D. The Government has several tenants occupying sites at Plant 42 (“**Tenant Contractors**”). The sites occupied by Tenant Contractors are Sites 1, 2, 3, 4, 5, 6, 7E, 7W and 8 as shown in Exhibit 1. Any discharges from current or future Tenant Contractors are subject to the terms of this Agreement.
- E. The Government has facilities (e.g. fire station, air traffic control tower) that are not required to obtain Industrial Wastewater Discharge Permits, but these and any future facilities are subject to this Agreement.
- F. The District imposes charges for annual sewer service (Surcharge and Service Charge) and for capital facilities (Connection Fees) for facilities that discharge to the District. The District imposes requirements on dischargers through provisions of the *Wastewater Ordinance* dated April 1, 1972, as amended July 1, 1998 (“**Wastewater Ordinance**”), a copy of which is attached as Exhibit 3. The District is willing to continue to accept wastewater from Plant 42 if the Government and the Tenant Contractors comply with discharge requirements and pay all equivalent fees and charges described in this Agreement. The Government is willing to comply with all District requirements and pay all appropriate charges as set forth in this Agreement.
- G. The parties previously entered into an industrial wastewater disposal agreement dated June 24, 1998, in which the District agreed to accept industrial wastewater from Plant 42. The Parties desire to continue the arrangement but enter into a new contract with terms set forth in this Agreement. The Parties have mutually determined that they no longer desire to operate under the terms and conditions of the June 24, 1998 Agreement and will, going forward, operate under the terms and conditions of this Agreement. Therefore, the Parties now desire to terminate the June 24, 1998 Agreement in all respects.

The Parties therefore agree as follows:

1. GENERAL PROVISIONS

1.1 Effective Date. The Effective Date of this Agreement is March 14, 2024.

1.2 Termination of the June 24, 1998 Agreement. As of the Effective Date, the June 24, 1998 Agreement is terminated and of no force or effect, and the Parties have no rights or obligations, past, present, or future, originating or deriving from the June 24, 1998 Agreement except only such obligations that expressly state that they survive the termination of the June 24, 1998 Agreement including the payment of connection fees for fiscal years prior to the Effective Date of this Agreement that may still be under audit or review by the District, or may be determined at a later date, and that have not been billed to the Government as of the Effective Date. The basis of the calculation for fiscal years prior to the Effective Date of this Agreement that may still be under audit or review by the District and that have not yet been billed will be calculated pursuant to Sections 1.5 and 2.1 of this Agreement.

1.3 Acceptance of Wastewater. The District shall accept wastewater from the Government and those Tenant Contractors who enter into separate agreements with the District subject to the terms of this Agreement (and in the case of the Tenant Contractors, subject also to the terms of the Tenant Contractor Agreement).

1.4 Compliance with the Wastewater Ordinance.

The Government and the Tenant Contractors shall comply with all present and future District Requirements applicable to wastewater discharge. The Government and the Tenant Contractors shall be legally bound and subject to all provisions of the *Wastewater Ordinance* including all amendments that the District may adopt from time to time except for provisions described in this Agreement.

1.5 Connection Fee Ordinance. The Government is subject to the provisions of the “AN ORDINANCE PRESCRIBING FEES FOR THE PRIVILEGE OF CONNECTING ANY PARCEL OR INDUSTRIAL OPERATION WITHIN THE BOUNDARIES OF COUNTY SANITATION DISTRICT NO. 14 OF LOS ANGELES COUNTY DIRECTLY OR INDIRECTLY TO THE SEWERAGE SYSTEM, OR FOR INCREASING THE STRENGTH AND/OR QUANTITY OF WASTEWATER ATTRIBUTABLE TO A CONNECTED PARCEL OR INDUSTRIAL OPERATION WITHIN THE DISTRICT, AND PROVIDING FOR THE COLLECTION OF THOSE CHARGES” dated May 14, 2020, (“*Connection Fee Ordinance*”), including all amendments, or revisions that the District may adopt from time to time except as provided in this agreement.

1.6 Current Baseline Capacity: The Baseline Capacity attributed to the Government at Plant 42 as of the Effective Date of this Agreement is 3.33 capacity units. Additional capacity is addressed in Section 3.2 below.

1.7 Tenant Contractor Agreements. Prior to the expiration of current Tenant Contractor Site Agreements or occupation of a site by a new Tenant Contractor, the Government will require each Tenant Contractor to enter into Tenant Contractor Agreements with the District. The Tenant Contractor Agreement shall be substantially in the form of Exhibit 4. The District reserves the right to enforce more stringent requirements for dischargers in the future, as required by applicable laws and future revisions of the *Wastewater Ordinance*. The District’s Chief Engineer and General Manager or his or her designee is authorized to enter into the Tenant Contractor Agreements on behalf of the District pursuant to the terms and conditions of this Agreement. The District has no duty to obtain the Tenant Contractor Agreements from the Tenant Contractors.

1.8 No Property Interest. Neither the Government nor the Tenant Contractors will acquire any property interest by virtue of the Agreement. The Government acknowledges that this Agreement grants rights no greater than those accruing to wastewater dischargers within the District. In the event that a Tenant Contractor's right to discharge is suspended or terminated by the District for violation of a provision of its Tenant Contractor Agreement or Permit, the Government will have no right to claim a refund of any fee or charge paid to the District.

2. EXCEPTION TO WASTEWATER ORDINANCE

2.1 Surcharge Rate: The Government and each Tenant Contractor pays to the District the applicable annual sewer service fees for conveyance, treatment, and disposal of the wastewater generated from their respective site(s) in accordance with the *Wastewater Ordinance*, as amended from time to time, except that the Government and the Tenant Contractors will not be entitled to any credits for ad valorem taxes or any other fees or charges that the Government or Tenant Contractors have not paid to the District.

3. CONDITIONS OF DISCHARGE

3.1 Tenant Contractor Conditions. Except for the facilities operated by the Government, the Government shall have no direct responsibility for conditions of discharge by the Tenant Contractors as defined in the Tenant Contractor Agreements. Conditions of discharge shall be determined as set forth in the Tenant Contractor Agreements entered into between the District and the Tenant Contractors.

3.2 Additional Capacity. The Chief Engineer may attribute additional capacity to the Government upon the payment of additional connection fee charges and the permitting of any new or increased discharges under this Agreement. If the Government exceeds or proposes to exceed the Baseline Capacity attribution, the Chief Engineer may, in his or her sole discretion, refuse to attribute additional capacity.

3.3 Site Access. The Government shall provide District staff access to inspect and monitor wastewater sampling points for the Government discharge sites within the Plant 42 boundaries shown in Exhibit 1. The Government requires District staff to be accompanied by a 412 TW/OL-AFP 42/CE, Civil Engineering airfield security escort to access these areas. The Government shall require Tenant Contractors to provide sufficient access to District staff for monitoring and inspection at Tenant Contractor sites shown in Exhibit 1.

4. TERM

4.1 The Term of this Agreement is twenty-five (25) years from the Effective Date.

4.2 Either Party may terminate this Agreement for any reason by giving the other Party one year advanced written notice of termination.

4.3 The District may terminate a Tenant Contractor Agreement with any or all Tenant Contractors as provided in the Tenant Contractor Agreements.

5. MISCELLANEOUS

5.1 Authorized Personnel. The District will provide the Government with a current list of authorized staff designated to inspect and sample Plant 42 sites. District staff will present valid government-issued identification to Plant 42 security personnel for verification prior to entry.

5.2 Notice. Any notice related to this Agreement must be in writing and delivered personally or by U.S. Mail or nationally recognized overnight service to the addresses below, which addresses may be changed at any time upon written notice:

District

Los Angeles County Sanitation District No. 14
1955 Workman Mill Road
Whittier, CA 90601
Attn: Industrial Waste Section Head
(562) 908-4888, extension 2900

Government

AFLCMC/EZVP, Building 12
1981 Monahan Way
Wright Patterson AFB, OH 45433-7626
Attn: Air Force Plant 42 IPT Lead

- 5.3 Modification. This Agreement may be modified only by written agreement between the District and the Government.
- 5.4 Third Party Beneficiaries. Tenant Contractors are not intended to be third party beneficiaries to this Agreement, except to the extent that any benefit is expressed in individual Tenant Contract Agreements.
- 5.5 Indemnification. The Government will fully indemnify, to the extent allowed by law, defend, and hold harmless the District and all other County Sanitation Districts of Los Angeles County, their directors, agents, and employees, from any claims, actions, demands, losses, liabilities, attorney's fees, and costs arising out of or caused by its noncompliance with the District's rules, regulations, requirements, ordinances, and permit provisions, and will be subject to all penalties and civil liabilities proved in the *Wastewater Ordinance* or by state or federal law.
- 5.6 Assignment. The Government shall not assign the Agreement, or any right, duty, or obligation of performance under this Agreement, in whole or in part, without the prior written consent of the District.
- 5.7 Authority. Each person executing this Agreement hereby represents and warrants their authority to do so, and that such authority has been duly and validly conferred.
- 5.8 Choice of Law. This Agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of California. The prevailing party in such a dispute shall be entitled to recover its attorneys' fees and costs.
- 5.9 Delegation of Authority. The District delegates to its Chief Engineer and General Manager, or his or her designee, the authority to take any and all actions on behalf of the District including, without limitation, all consents, approvals and authorizations that, in his or her judgment, serve to carry out the purposes of this Agreement.

The Parties have executed this Agreement as of the Effective Date.

UNITED STATES OF AMERICA

Name: Alex Briskin

Title: Chief, Acquisition Environmental and
Industrial Facilities Division

LOS ANGELES COUNTY SANITATION
DISTRICT NO. 14

By: _____

Chairperson

ATTEST:

Secretary to the Board

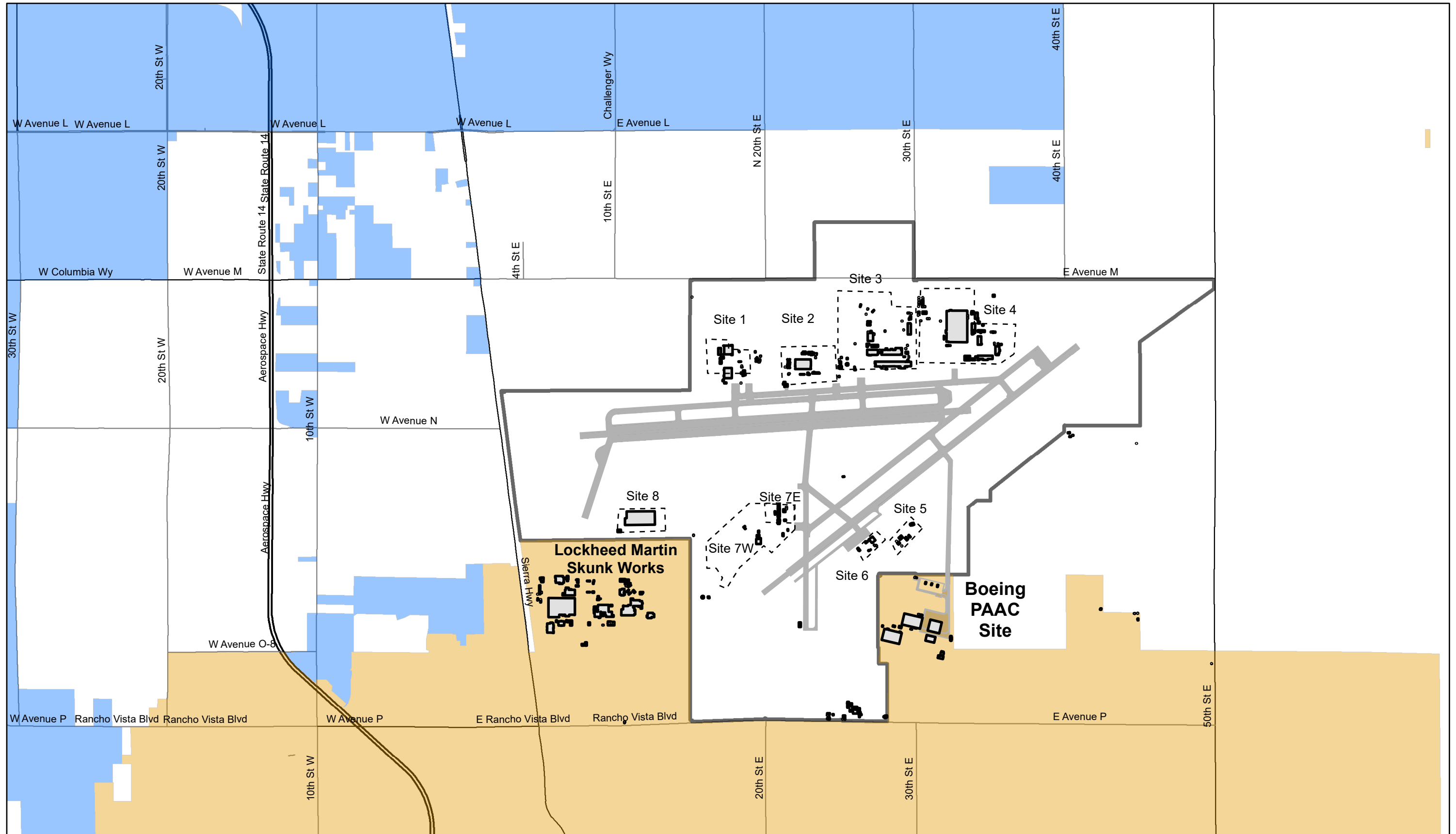
APPROVED AS TO FORM:

Lewis Brisbois Bisgaard & Smith, LLP

By: _____

District Counsel

Air Force Plant 42 Layout



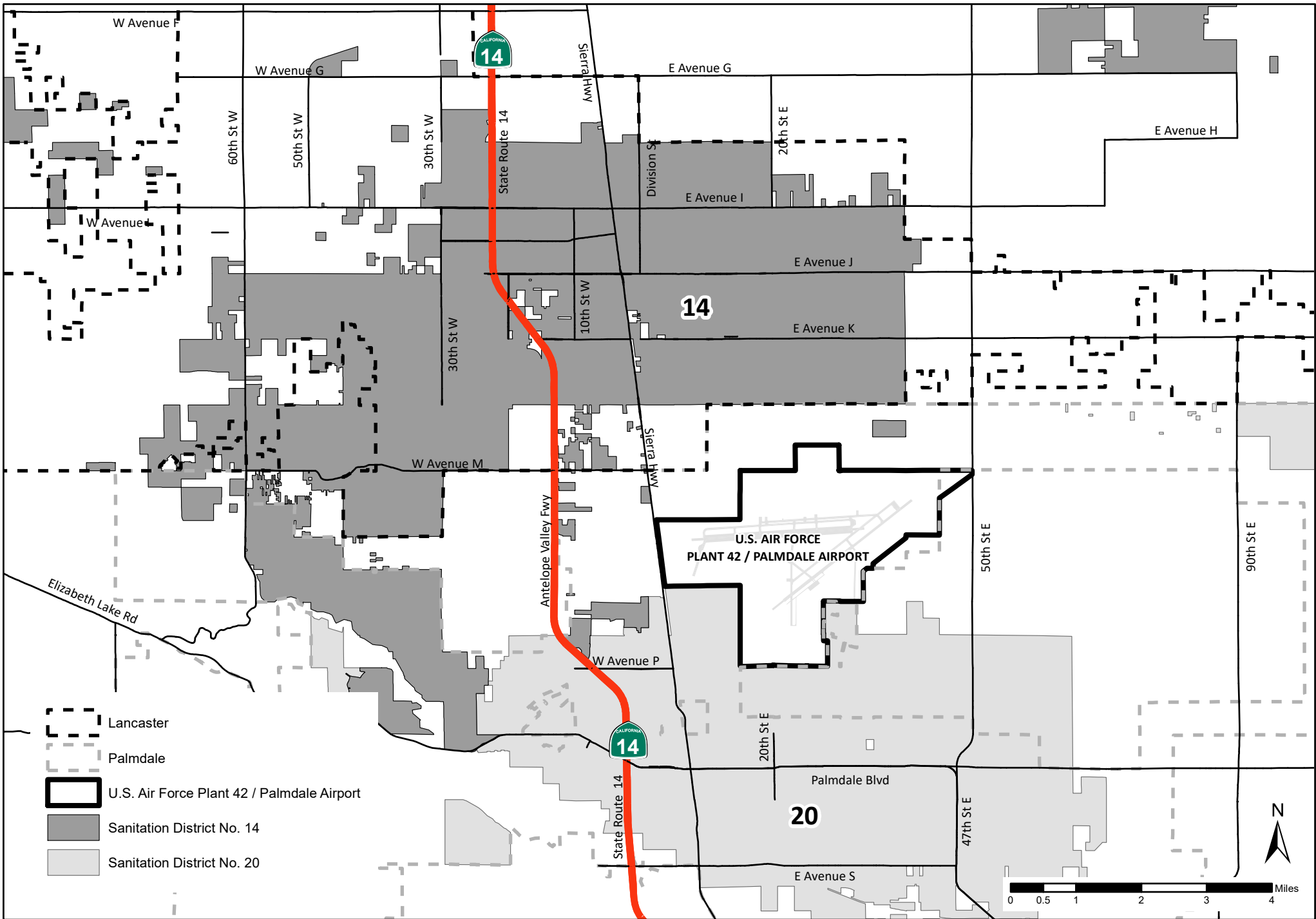
Legend

-  Highway
-  District 14
-  Airport Surfaces
-  Plant 42
-  District 20

Exhibit 1

0 0.5 1 2 Miles





District 14 Boundaries Map

Exhibit 2

WASTEWATER ORDINANCE

April 1, 1972

As Amended

July 1, 1998

**COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY**



CHARLES W. CARRY
Chief Engineer and General Manager

The Boards of Directors of County Sanitation Districts Nos. 1, 2, 3, 4, 5, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 32, 34, 35 and South Bay Cities Sanitation Districts of Los Angeles County do ordain as follows:

WASTEWATER ORDINANCE

In 1972, the Sanitation Districts' Boards of Directors first adopted the *Wastewater Ordinance*. The purpose of the Ordinance is to establish controls on users of the Districts' sewerage system in order to protect the environment and public health, and to provide for the maximum beneficial use of the Districts' facilities.

APRIL 1, 1972

As Amended

July 1, 1998

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

CHARLES W. CARRY

Chief Engineer and General Manager

1955 Workman Mill Road

P. O. Box 4998

Whittier CA 90607

562/699-7411

Industrial Waste Section - Extension 2900

To report any emergencies relating to wastewater discharges which occur after normal working hours or on the weekends, please telephone 562/437-6520 or 437-1881.

AN ORDINANCE PROVIDING FOR THE
ADMINISTRATION OF AN INDUSTRIAL
WASTEWATER CONTROL SYSTEM; FOR THE
REGULATION OF SEWER CONSTRUCTION AND
SEWER USE; FOR THE IMPOSITION OF PERMIT
REQUIREMENTS FOR INDUSTRIAL WASTEWATER
DISCHARGERS; FOR THE PROHIBITION,
REGULATION AND PRETREATMENT OF
INDUSTRIAL WASTEWATERS; FOR THE
IMPOSITION OF FEES AND CHARGES; FOR THE
DISTRIBUTION OF REVENUE; FOR THE
IMPLEMENTATION OF FEDERAL AND STATE
POLLUTION CONTROL REGULATIONS AND FOR
THE IMPLEMENTATION OF OTHER METHODS OF
CONTROLLING AND REGULATING THE
DISCHARGE OF WASTEWATERS

**WASTEWATER ORDINANCE
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County Sanitation Districts of Los Angeles County
WASTEWATER ORDINANCE

PART 1 - ADMINISTRATION

SECTION 100 - AUTHORIZATION

This Ordinance is enacted pursuant to authority contained in the County Sanitation District Act, California Health and Safety Code, Sections 4700 through 4859 and exercises authority conferred by law including but not limited to Health and Safety Code, Sections 5400 through 5474, and California Government Code, Sections 54725 through 54740.

SECTION 101 - PURPOSE AND SHORT TITLE

The purpose of this Ordinance is to protect the environment and public health; to provide for the maximum possible beneficial public use of the Districts' sewerage facilities through adequate regulation of sewer construction, sewer use and industrial wastewater discharges; to provide for equitable distribution of the Districts' costs; and to provide procedures for complying with requirements placed upon the Districts by other regulatory agencies. This Ordinance shall be known as the Wastewater Ordinance and may be cited as such.

SECTION 102 - SCOPE

This Ordinance shall be interpreted in accordance with the definitions set forth in Appendix A, hereto, which Appendix is hereby incorporated as a part of this Ordinance.

The provisions of this Ordinance shall apply to all direct or indirect discharges, including the discharge of all wastewater, to any part of the sewerage systems of the Districts, or to other sewerage systems tributary to the Districts' sewerage system. The provisions of this Ordinance shall also apply to wastewater originating outside the territorial boundaries of the Districts or outside the boundaries of Los Angeles County if such wastewater eventually enters the Districts' sewerage system. This Ordinance among other things regulates sewer construction and provides for the approval of plans for sewer construction and implements federal and state pollution control regulations. This Ordinance provides

for the issuance of permits, including Permits for Industrial Wastewater Discharge, prohibits the discharge of certain wastes and regulates the quantity and quality of other waste discharges. This Ordinance imposes wastewater pretreatment requirements upon waste dischargers and provides for the regulation of the degree of such pretreatment. This Ordinance provides for the filing of Wastewater Treatment Surcharge Statements, imposes fees and charges and provides for the distribution of revenue. Violations of this Ordinance are subject to criminal fines and penalties, civil liabilities and other penalties in accordance with law.

SECTION 103 - LIQUID WASTE DISPOSAL POLICY

The Districts construct, operate and maintain trunk sewers and wastewater treatment and disposal facilities serving residential, industrial, institutional and commercial users throughout a major portion of Los Angeles County. Local wastewater collection systems (lateral sewers) are constructed, operated and maintained by other public agencies, including the County of Los Angeles and various cities. Such systems are typically tributary to and discharge into the Districts' sewerage systems. The following policies apply to all wastewater discharges within the Districts' boundaries and to other discharges that are tributary to the Districts' facilities.

Wastewater originating within the Districts' boundaries will generally be accepted into the Districts' sewerage systems, provided the wastewater will not, directly or indirectly, (1) damage structures; (2) create nuisances such as odors; (3) threaten public health; (4) impose excessive collection, treatment or disposal costs on the Districts; (5) interfere with wastewater treatment or residue disposal processes; (6) violate quality and pretreatment requirements set by the Districts or federal or state agencies; (7) detrimentally affect the environment or (8) cause the Districts to violate any terms or conditions of their facilities' permits or any other waste discharge or air quality requirements.

The highest and best use of the Districts' sewerage systems is the conveyance, treatment and disposal of domestic wastewater. The use of the Districts' sewerage systems for conveyance, treatment and disposal of industrial wastewater is subject to additional regulation by the Districts.

The use of the Districts' sewerage systems for disposal of contaminated or uncontaminated rainwater, groundwater or stormwater will be permitted by prior approval of the Chief Engineer only in those limited situations provided for in Section 305 of this Ordinance. Approval of any such use will be temporary in nature and may be revoked at any time by the Chief Engineer.

The Districts' sewerage systems must meet requirements imposed by the local, state and federal governments. Such regulations require the Districts to report violations of applicable waste discharge regulations which are discovered by the Districts in the course of their monitoring, inspection or other activities. Any fines or penalties imposed by another governmental agency on the Districts for a condition of non-compliance caused by a wastewater discharger shall be considered damages to the Districts and shall subject the person or persons causing the noncompliance to be subject to the provisions of Section 417 of this Ordinance.

The Districts have adopted a policy of wastewater reclamation and reuse in order to provide an alternate source of water supply and to reduce overall costs of wastewater treatment and disposal. The reclamation of wastewater through secondary and tertiary wastewater treatment processes may necessitate the imposition of quality requirements on industrial wastewater dischargers which are more stringent than those imposed by other government agencies.

To comply with local, state and federal requirements and to meet increasingly higher quality standards for treatment plant effluent, air emissions and residue, provisions are made in this Ordinance for the regulation of industrial wastewater discharges. This Ordinance establishes quantity and quality limitations on industrial wastewater discharges which may adversely affect the Districts' sewerage systems or the quality of treatment plant effluent, air emissions and residue. Methods of cost recovery from industrial wastewater dischargers are also established.

Recovery, reuse and waste minimization procedures established by industrial wastewater dischargers to meet the limitations set on their discharges will be preferred by the Districts over those procedures designed solely to meet wastewater discharge limitations.

In order to provide for the optimum use of the Districts' facilities, the Chief Engineer shall establish conditions of discharge which may include the rerouting of certain wastewaters to alternate sewers or treatment plants. The Chief Engineer may also require that certain industrial wastewaters be discharged during specified periods, such as low flow, in the Districts' sewerage systems.

SECTION 104 - SUPERSEDING PREVIOUS REGULATIONS

This *Wastewater Ordinance*, as amended July 1, 1998, shall supersede all previous regulations and policies of the Districts governing items covered in this Ordinance. Specifically, the provisions of this Ordinance shall supersede the Districts' "Policy Governing Use of District Trunk Sewers" dated December 6, 1961, and shall amend the Districts' "An Ordinance Regulating Sewer Construction, Sewer Use and Industrial Wastewater Discharges," dated April 1, 1972, and as amended July 1, 1975, July 1, 1980, July 1, 1983, and November 1, 1989.

PART II — GENERAL PROVISIONS

SECTION 201 - ADMINISTRATION

Except as otherwise provided herein, the Chief Engineer shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Chief Engineer may be delegated by the Chief Engineer to persons acting in the beneficial interest of or in the employ of the Districts.

SECTION 202 - PENALTY FOR VIOLATION AND CIVIL LIABILITY

Every person violating any provision of this Ordinance, including the failure to pay any fees, charges or surcharges imposed hereby, or any condition or limitation of a permit or plan approval issued pursuant thereto, is guilty of a misdemeanor, and upon conviction is punishable as provided by law. Each day during which any violation continues shall constitute a separate offense. The Chief Engineer is hereby authorized to seek, through the office of the District Attorney of Los Angeles County or other appropriate authority, prosecution of criminal charges against any person violating any provision of this Ordinance. Violations of discharge limitations established under this Ordinance may also be violations of state and federal environmental laws which may be punishable as felonies and which may also carry substantial fines and penalties.

In addition, any person who violates any provision of this Ordinance or any term or condition of any permit issued pursuant to this Ordinance or plan approval which prohibits or limits the discharge of any waste or imposes any pre-treatment requirement shall be civilly liable to the Districts in the maximum sum provided by law for each day in which such violation occurs.

District No. 2 is hereby delegated the sole authority to, and by action of its Board of Directors may, elect to have any fees or charges prescribed by this Ordinance collected on the tax roll, and may, as provided by law, impose liens on property to collect any fees and charges which have become delinquent. District No. 2 is further delegated the sole authority to commence civil actions to enforce the provisions of this Ordinance and to recover any sums due hereunder and may further delegate such portions of that

authority to the Chief Engineer as the Board of Directors of District No. 2 may deem appropriate. District No. 2 may agree to submit such actions to binding arbitration in those instances in which the Board determines that it is in the best interest of the Districts to do so.

SECTION 203 - VALIDITY

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 204 - NOTICE

Unless otherwise provided herein, any notice required to be given to the Chief Engineer under this Ordinance shall be in writing and served in person or by first-class, registered or certified mail. If served by mail, the notice shall be sent to the last address known to the Chief Engineer. Where the address is unknown, service may be made upon the owner of record of the property upon which the alleged violation occurred.

Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

SECTION 205 - TIME LIMITS

Any time limit provided in any written notice or in any provision of this Ordinance may be extended only by the Chief Engineer in writing.

SECTION 206 - INSPECTORS AND MONITORING PERSONNEL

The Chief Engineer shall provide adequate identification for all Districts' inspectors, monitoring personnel, and other authorized personnel and these persons shall, when so requested, identify themselves when entering any property for inspection or sampling purposes, or when inspecting the work of any contractor.

Authorized personnel of the Districts may inspect and monitor any facility or industrial process that is involved directly or indirectly with any discharge to the Districts' sewerage systems. These facilities shall include but not be limited to sewers; wastewater pumping plants; pollution control plants; industrial wastewater generation, conveyance and pretreatment facilities, devices and connection sewers; wastewater monitoring facilities or stations; and all similar or related sewerage facilities. Inspections may be made to determine whether such facilities are maintained and operated properly, to verify that the discharger is in compliance with a cease and desist order, and to determine whether the discharger is otherwise in compliance with the provisions of this Ordinance.

Authorized personnel of the Districts shall be provided immediate access to all of the above facilities or to other facilities directly or indirectly connected to the Districts' sewerage systems any time wastewater is being discharged to the Districts' sewerage system, and any time the discharger's facility is open or operating, and any other reasonable times including, but not limited to, emergency situations. A condition for the issuance of any industrial wastewater discharge permit described in Sections 401 and 402 of this Ordinance and for the continued use of the Districts' sewerage system shall be that the discharger expressly consents to inspection of the discharger's facility and industrial processes at reasonable times by Districts' personnel or representatives. Inspections of other facilities for which no permit has been applied or issued may be made pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, those procedures need not be followed in the event of an emergency affecting public health and safety, or if the discharger consents.

Access to wastewater monitoring facilities or stations, which are required under Section 414 of this Ordinance, shall be granted immediately upon request during any time the discharger's plant is open, any time wastewater is being discharged to the Districts' sewerage system, and any other reasonable time. Any permanent or temporary obstruction to the safe and easy access to the sewerage facility to be inspected shall promptly be removed by the discharger or property owner at the written or verbal request of the Chief Engineer and shall not be replaced. Classes of dischargers

whose industrial wastewaters have been determined by the Chief Engineer to present identifiable hazards to the Districts' sewerage systems, and those individual dischargers whose security procedures or plant configurations restrict or delay access shall provide an approved, secured monitoring facility which is directly accessible to Districts' personnel without having to pass through other secured property of the discharger. The costs of providing facilities with such access shall be borne by the discharger and not by the Districts.

No person shall interfere with, delay, resist or refuse entrance to authorized Districts' personnel attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the Districts' sewerage system.

SECTION 207 - DELETED

SECTION 208 - RECORDING OF FEES AND CHARGES

The Chief Engineer shall keep an accurate account of all fees and charges received under this Ordinance, containing the names and addresses of the persons on whose account the fees and charges were paid, the date and amount thereof, and the purpose for which charges were paid. Such records shall be retained for at least that amount of time as provided by law.

SECTION 209 - ESTIMATED QUANTITIES AND VALUES

Unless otherwise provided herein, whenever the fees and charges required by this Ordinance are based on estimated values or estimated quantities, the Chief Engineer shall make such determinations in accordance with generally accepted engineering estimating practices.

SECTION 210 - COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

The Chief Engineer shall establish standards for wastewaters discharged into the Districts' sewerage system or systems tributary thereto in accordance with state law and federal regulations, as they are promulgated from time to time. Violations of such standards shall constitute violations of this Ordinance.

SECTION 211 - APPROVAL OF PLANS AND ISSUANCE OF PERMITS

The Chief Engineer shall approve plans for sewerage construction, issue a Permit for Industrial Wastewater Discharge or any other permit under this Ordinance if the proposed sewerage construction, sewer connection, industrial wastewater discharge or other procedure conforms to the requirements of this Ordinance.

All required fees and charges shall be paid before approval of plans or issuance of a permit. Neither the approval of plans nor issuance of a permit, nor the absence thereof, shall relieve the discharger of any duty imposed by this Ordinance.

SECTION 212 - DISTRIBUTION OF REVENUE

Except as otherwise provided herein, all fees and charges payable under the provisions of this Ordinance shall be paid to the County Sanitation Districts of Los Angeles County and any revenue derived pursuant to this Ordinance shall be allocated as follows:

- (A) Any revenue derived from any source within an individual District other than a Joint Outfall District shall be credited to that District.
- (B) Any revenue derived from any source within the Joint Outfall Districts shall be distributed as prescribed in the Joint Outfall Agreement to which all Joint Outfall Districts are signatory. In the absence of such agreement, revenue shall be distributed as described in (A) above.

SECTION 213 - RECONSIDERATION AND APPEAL PROCEDURES

Any permit applicant, permit holder or wastewater discharger adversely affected by any decision, action or determination made by or on behalf of the Districts by the Chief Engineer in interpreting or implementing the provisions of this Ordinance or any permit issued hereunder, may file with the Districts a written request for reconsideration. Such requests shall be acted upon only if received within 45 days from the date of occurrence of the action in dispute. Requests for reconsideration shall be acted upon by the Chief Engineer within 45 days from the date of receipt. If the Chief Engineer fails to act within 45 days, the request shall be deemed to be denied. Persons requesting reconsideration shall promptly fur-

nish all additional information and produce all additional documents requested by the Chief Engineer which are relevant to the subject matter of the request for reconsideration. Failure to promptly furnish all such information and documents shall be grounds for a denial of the request for reconsideration.

If the ruling made by the Chief Engineer is unsatisfactory to the person requesting reconsideration, the person may file an appeal with the Board of Directors of District No. 2. Any such appeal must be made in writing and filed within 45 days after notice of the action taken by the Chief Engineer. If the request is denied without action by the Chief Engineer, the person making the request must file any appeal within 90 days from the date the request for reconsideration was made. All appeals shall be filed with the Secretary of the Board of Directors of District No. 2.

The written appeal shall state all the pertinent aspects of the matter, and shall be accompanied by a fee of Five Hundred Dollars (\$500.00) which shall be refunded if the appeal is sustained. The Board of Directors of District No. 2 may conduct a hearing on the appeal or may designate as a hearing examiner either one or more of its members or a third party who is neither an officer nor an employee of the Districts and who is found by the Board to possess special expertise in the matter at issue. The hearing examiner or examiners shall conduct a hearing on any appeal filed pursuant to this section and shall afford to the discharger the opportunity to appear personally or through counsel, to cross-examine witnesses and present evidence. Notice of the hearing shall be given in accordance with Section 204 at least fifteen days prior to the date of hearing. The hearing examiner or examiners shall submit a written report and recommendations to the Board together with a brief summary of the evidence considered and the conclusions reached with respect to this evidence.

The Board of Directors of District No. 2, after considering the evidence presented at a hearing before the full Board or report submitted to it by the hearing examiner, shall adopt findings supported by the evidence and shall make its decision and issue its order. The Board may adopt, reject or modify the report of the hearing examiner in whole or in part.

No decision, action, or determination of the Chief Engineer shall be stayed by any appeal procedure authorized by this section.

SECTION 214 - PAYMENT OF CHARGES AND DELINQUENT CHARGES

Wastewater treatment surcharges shall be determined in accordance with Section 409 of self-monitoring procedures performed by the industrial discharger pursuant to Section 414 and reported to the Districts as required by Section 411. Except as hereinafter provided, each industrial discharger shall make estimated surcharge payments to the Districts. Payments shall be due and payable on September 30, December 31, March 31, and August 15 of each year. Such payments shall be delinquent if not paid on said dates and collectively shall be in such amounts as shall equal the total surcharge payable as determined in accordance with procedures established by the Chief Engineer. The payment due August 15 of each year shall be equal the total wastewater treatment surcharge due for the preceding fiscal year less the sum of the prepayments due and made on September 30, December 31, and March 31 of the preceding fiscal year. In the event the sum of the prepayments exceeds the annual wastewater treatment surcharge due, the overpayment shall be refunded upon verification by the Districts. Wastewater treatment surcharges found to be due after audit shall bear interest from August 15 following the end of the fiscal year for which such surcharges accrued.

All other fees and charges imposed under the provisions of this Ordinance are due and payable upon serving a notice of charges. Any notice of charges shall be served by first-class mail or such other procedure as will reasonably assure receipt. Unpaid charges shall become delinquent 45 days after mailing or personally serving the notice of charges.

A basic penalty of one percent of the original unpaid amount shall be added to any fee or charge or wastewater surcharge for each day the charge is delinquent. This basic penalty shall not exceed ten percent. Additional penalties and interest shall accrue on the total of all delinquent fees, charges or wastewater surcharges and the basic penalty, at three percent over the prime interest rate in effect at the beginning of the fiscal year during which the charges were initially due, not to exceed the maximum allowed by law.

SECTION 215 - FAILURE TO FILE FORMS

Any person failing to file any form, statement, or permit application, or to submit plans or other documents or to pro-

vide information required by this Ordinance or by the Chief Engineer pursuant to authority conferred by this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties and liabilities provided for in Section 202.

SECTION 216 - DAMAGE TO DISTRICTS' FACILITIES OR EQUIPMENT

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing or tampering with any temporary or permanent structure, equipment or appurtenance which is owned by the Districts or a part of the Districts' sewerage systems shall be a violation of this Ordinance.

SECTION 217 - EFFECTIVE DATE OF ORDINANCE

The effective date of this Ordinance is April 1, 1972; the effective date of the first amended Ordinance is July 1, 1975; the effective date of the second amended Ordinance is July 1, 1980; the effective date of the third amended Ordinance is July 1, 1983; the effective date of the fourth amended Ordinance is November 1, 1989; the effective date of the fifth amended Ordinance is July 1, 1998.

SECTION 218 - EFFECTIVE DATE OF WASTEWATER TREATMENT SURCHARGE

Charges made under Section 409 shall begin to accrue on July 1, 1972 and shall become payable thereafter as provided in this Ordinance.

PART III – SEWERAGE CONSTRUCTION AND SEWER USE

SECTION 301 - APPROVAL OF PLANS FOR SEWERAGE CONSTRUCTION

No person, other than employees of the Districts, persons contracting to do work for the Districts, or maintenance workers of the local sewerage agency, shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection or industrial connection sewer over six (6) inches in diameter, wastewater pumping plant, wastewater treatment plant, or other sewerage facility within the Districts where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the Districts without first obtaining approval of sewerage construction plans from the Chief Engineer.

Persons wishing to make a sewer connection to the Districts' system may be required to pay a connection fee for sewerage system capacity. The *Connection Fee Ordinance* for the Sanitation District in which the sewer connection is proposed should be reviewed for specific requirements.

The applicant shall submit to the Chief Engineer for approval, construction plans and such specifications and other details as required to describe fully a proposed sewerage facility. The plans shall have been prepared under the supervision of and shall be signed by a civil, chemical or structural engineer registered in the State of California, or a registered engineer of other suitable discipline as determined by the Chief Engineer.

Approval of the plans by the city or by the county department that has jurisdiction over the local sewerage system in the area in which the sewerage facility is to be located, shall be obtained before approval of plans by the Chief Engineer. Two (2) complete copies of the sewerage facility plans shall be furnished to the Chief Engineer for review and approval prior to any facility construction. Any revisions to approved plans shall be submitted for approval as described above.

Plans for sewerage construction for any facility which will convey industrial wastewater will not be approved by the Chief Engineer unless the discharger has first obtained a Districts' Permit for Industrial Wastewater Discharge or the

discharger has received written permission from the Chief Engineer after agreeing not to discharge industrial wastewaters until a Districts' Permit for Industrial Wastewater Discharge is obtained.

Plans for sewerage construction shall meet all design requirements of the local sewerage agency and shall also meet all design requirements as established from time to time by the Chief Engineer. Inspection of all sewerage construction under this Section shall be made by personnel of the Districts in the manner described in Section 303. An approval of plans for sewerage construction shall expire one (1) year after date of approval unless construction has been initiated by that time.

SECTION 302 - PERMIT FOR SEWER SIX INCHES OR SMALLER IN DIAMETER CONNECTING DIRECTLY TO A TRUNK SEWER OF THE DISTRICTS

Any person desiring to connect a sewer six (6) inches or smaller in diameter directly to a trunk sewer of the Districts shall make written application to the Chief Engineer on a Districts' Trunk Sewer Connection Permit application form. The applicant shall complete the form and furnish such additional information as required by the Chief Engineer to substantiate that the proposed work or use will comply with the provisions of this Ordinance.

A Trunk Sewer Connection Permit will not be issued unless the applicant has first obtained approval from the local sewerage agency in the area in which the property is located. A Trunk Sewer Connection Permit will not be issued for any sewer which will convey industrial wastewater unless the discharger has first obtained a Districts' Permit for Industrial Wastewater Discharge.

Direct connection of a sewer six (6) inches or smaller in diameter to a Districts' trunk sewer will be permitted only if the Chief Engineer determines that a suitable local sewer is not available, that adequate trunk sewer capacity exists, that the connection will function properly and that the connection will not adversely affect existing or anticipated facilities or operations of the Districts.

Sewers six (6) inches or smaller in diameter to be connected directly to a Districts' trunk sewer shall be constructed in a manner and at a location specified by the Districts. In-

specification of the connections to a trunk sewer shall be made by personnel of the Districts in the manner described in Section 303.

No sewer exceeding six (6) inches in diameter shall be connected directly to a Districts' trunk sewer without the prior approval of plans for sewerage construction, in accordance with Section 301 of this Ordinance.

A Districts' Trunk Sewer Connection Permit shall expire 120 days after issuance unless construction of the connection has been initiated by that time. A permit will not be required from the Districts for connection of a sewer six (6) inches or smaller in diameter which does not connect directly to a trunk sewer, providing the sewer will not carry industrial wastewaters.

SECTION 303 - INSPECTION OF CONSTRUCTION

All sewers to be connected directly to a Districts' trunk sewer will be inspected by personnel of the Districts during construction. The Districts shall be notified at least 48 hours prior to excavating to expose a Districts' sewer or commencing construction of a manhole on a Districts' sewer. In making a connection to a Districts' trunk sewer, no physical alteration of the Districts' facilities shall commence until a Districts' inspector is present.

Sewerage facilities which will not be directly connected to a Districts' sewer will not be inspected routinely by the Districts during construction. Upon completion of construction and prior to removal of the downstream bulkhead and upon receiving 48 hours notice, the Districts will inspect the work to determine if it has been constructed in a satisfactory manner and to determine if all facilities are cleaned of construction debris that could be flushed into the Districts' sewers.

No wastewater shall be discharged into any sewerage facility tributary to a Districts' facility prior to obtaining inspection and approval of sewerage construction by the Districts.

Following satisfactory completion of construction, the Districts will, if requested, issue a construction inspection completion statement.

**SECTION 304 - PLAN APPROVALS AND PERMITS
NOT TRANSFERABLE**

Approval of plans for sewerage construction and Trunk Sewer Connection Permits are not transferable from one person to another person or from one location to another location.

**SECTION 305 - PROHIBITED RAINWATER, GROUNDWATER AND
OTHER WATER DISCHARGES**

No person shall discharge or cause to be discharged any contaminated or uncontaminated rainwater, water used in fighting fires, stormwater, groundwater, artesian well water, street drainage, yard drainage, water from yard fountains, ponds or lawn sprays into any sewerage facility which directly or indirectly discharges to facilities owned by the Districts, except where prior approval for such discharge of water is given by the Chief Engineer. Approved discharges shall be considered industrial wastewater discharges under this Ordinance. Any such approval may be revoked at any time by the Chief Engineer.

**SECTION 306 - PROHIBITED INDUSTRIAL WASTEWATER
DISCHARGE**

No industrial wastewaters shall be discharged to a Districts' trunk sewer or to a sewer discharging directly or indirectly to a Districts' trunk sewer until a Permit for Industrial Wastewater Discharge has been approved by the Districts.

SECTION 307 - MANHOLE RECONSTRUCTION NOTIFICATION

The work of adjusting manholes on Districts' sewers to new elevations will be performed by personnel of the Districts in cooperation with the paving contractor and in accordance with established procedures of the Districts. The person proposing or performing work necessitating the adjustment of manholes on Districts' sewers to a new elevation shall be responsible for notifying the Districts at least 48 hours in advance of the work.

SECTION 308 - IMPROPER USE OF CONNECTED SEWERS

The Districts may inspect any lateral or collecting sewers that discharge wastewater directly or indirectly to the Districts'

trunk sewers. If the Chief Engineer determines that the improper use, maintenance, or construction of a lateral or collecting sewer causes or contributes to the discharge of septic wastewater, excessive groundwater, debris or any other objectionable substance to the Districts' sewers, the Chief Engineer may give notice of the unsatisfactory condition to any discharger contributing to such condition and to the local sewerage agency responsible for the maintenance of such sewer, and shall direct that condition be corrected. In the event of a failure to comply with the Chief Engineer's directive, the Districts may disconnect such lateral or collecting sewer from the Districts' sewerage system.

SECTION 309 - CHARGE FOR EXCESSIVE SEWER MAINTENANCE

No person shall discharge or cause to be discharged to a Districts' trunk sewer, either directly or indirectly, any waste that obstructs, interferes with, or otherwise requires excessive maintenance of any Districts' sewer or sewerage facility; including any waste that creates a stoppage or breakage; any toxic, hazardous or odorous condition; or any damage or deterioration of any Districts' sewer or sewerage facility. Any excessive sewer or sewerage maintenance expenses or reconstruction costs including administrative costs attributable thereto shall be charged to the discharger causing or contributing to such conditions. Any refusal to pay such charges shall constitute a violation of this Ordinance.

PART IV — INDUSTRIAL WASTEWATERS

SECTION 401 - PERMIT FOR INDUSTRIAL WASTEWATER DIS- CHARGE

Except as hereafter provided, no person shall discharge or cause to be discharged any industrial wastewaters directly or indirectly to the sewerage facilities owned by the Districts without first obtaining a Districts' Permit for Industrial Wastewater Discharge (Permit). A Districts' Permit shall be obtained prior to commencement of any construction of new or modified facilities which will discharge industrial wastewater to the sewer. A separate Permit shall be required for each industrial wastewater connection to a public sewer discharging directly or indirectly to the Districts' sewerage system. The use of a sewer connection which is the subject of a Districts' Permit by anyone other than the person named in the Permit is prohibited. A Permit or Permit revision shall also be obtained by dischargers who use transportable treatment systems for pretreatment of industrial wastewater. Any person who operates a transportable treatment system must receive written authorization from the Chief Engineer prior to commencement of operations at any industrial facility. Any person operating a transportable treatment system shall comply with all requirements established by the Chief Engineer for such systems. A Permit shall also be obtained by all persons generating industrial wastewater, other than hauled domestic wastewater, which enters the Districts' sewerage system by means of liquid waste haulers.

The Chief Engineer may exempt certain classes of dischargers of industrial wastewaters from the requirement to obtain a Permit if the quantity and quality of the wastewater is determined to be unlikely to create significant effects on the Districts' sewerage system or produce violations of state law or federal regulations.

The Permit may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the Districts, relocation of point of discharge, consolidation of wastewater discharge connections, prohibition of discharge of certain wastewater components or characteristics, batch treatment and discharge, restriction of discharge to

certain hours of the day, and such other conditions as may be required to effectuate the purposes of this Ordinance. The Permit may also require payment of additional charges to defray increased costs of the Districts created by the wastewater discharge and payment of equivalent connection fees, equivalent annexation fees or other equivalent charges for dischargers not located within the Districts (or who, historically, have not been subject to the Districts' normal revenue charges).

Permits for facilities that receive for treatment, recycling or reclamation one or more wastes generated off-site, may additionally require monitoring of influent wastestreams and may restrict the types and quantities of wastes accepted.

The Districts' Permit is not transferable to a new business location or to a new business. Each discharger shall immediately notify the Districts in writing of any change in the name or legal capacity of the discharger. The Permit shall be voidable by the Chief Engineer upon non-use, cessation of operations, transfer of business ownership, or the issuance of a new Permit for the same sewer connection.

No person shall discharge industrial wastewaters in excess of the quantity or quality limits stated in the Permit. The violation of any Permit condition or requirement shall constitute a violation of this Ordinance and shall be punishable as provided by law. Any person who, as defined by the Chief Engineer, significantly increases or decreases the flow rate or significantly alters the quality of wastewater discharge shall immediately apply for and obtain a Permit revision. Any discharger who modifies an industrial plant, operating mode, process, or wastewater treatment facility in a manner which, as defined by the Chief Engineer, would significantly increase or decrease the flow rate or significantly alter the quality of the wastewater discharge described in a Permit or Wastewater Treatment Surcharge Statement shall first apply for and obtain a Permit revision. This Permit revision shall be obtained prior to the commencement of any construction of new plant facilities or operation of modified facilities by the wastewater discharger.

As a condition of the Districts' issuance of a Permit, each discharger shall agree that upon receipt of a Notice of Suspension under Section 404 of this Ordinance or upon receipt of a Notice of Revocation under Section 405 of this Ordinance, such discharger shall immediately cease and

desist the direct or indirect discharge of all industrial wastewater to the Districts' sewerage system. As a further condition of the issuance of a Permit, it shall be agreed that, upon application by District No. 2, any court of competent jurisdiction may enter a temporary restraining order and preliminary and permanent injunction restraining any discharges in violation of this Ordinance.

SECTION 402 - PROCEDURE FOR OBTAINING A DISTRICTS' PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE

Applicants for a Permit for Industrial Wastewater Discharge shall complete a Districts' application form available at the Districts' offices or at the office of the local sewerage agency having jurisdiction in the area in which the discharge is to be made. Following approval, the local sewerage agency shall forward the application form and appurtenant plans and data to the Districts for review and approval. The Districts may require additional information from the discharger beyond that required on the application form. Detailed instructions for obtaining a Permit are contained in the Districts' booklet, "Information and Instructions for Obtaining an Industrial Wastewater Discharge Permit" which can be obtained at the Districts' offices or at the office of the local sewerage agency. Applicants for permits shall comply with all such instructions.

Upon receipt of all required information, the Districts will determine whether the discharger is obligated to pay a connection fee. This fee shall be paid to the Districts before the Permit is issued. Dischargers shall be assigned a single surcharge account and a single sewer capacity baseline for all contiguous property even though individual permits may be issued for separate connections from such property. After all information and fees are received, the application shall be processed and, upon approval, be signed by representatives of both the local sewerage agency and the Districts, and one copy returned to the applicant. When properly signed, the application form together with any documents attached thereto shall constitute a valid Permit.

The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the Districts all requested information and if the Chief Engineer determines that there is adequate capacity in the Districts' facilities to convey, treat, and dis-

pose of the wastewaters. Dischargers shall comply with all terms, conditions, limitations, requirements, and instructions contained in their Permit. Violations of Permit terms, conditions, limitations, requirements, and instructions including any federal pretreatment standards or any effluent limits adopted by the Districts or required by state law, shall be enforceable as violations of this Ordinance, and shall be punishable as provided by law.

In the event that the Chief Engineer determines that any person is discharging industrial wastewater directly or indirectly to the Districts' sewerage system without a valid Permit, the Chief Engineer may issue to such person a Temporary Permit for Industrial Wastewater Discharge (Temporary Permit) containing such conditions, limitations, restrictions, and other provisions or requirements which the Chief Engineer determines are necessary or advisable to protect the Districts' system and to assure compliance with all federal, state and Districts' discharge requirements. This Temporary Permit shall be enforceable until such time as a Permit is issued. The discharger shall immediately comply with all of the provisions and requirements of such Temporary Permit, and shall apply for a Permit within thirty (30) days from the issuance of the Temporary Permit. A Temporary Permit is revocable by the Chief Engineer at any time. Any person whose Temporary Permit is revoked shall immediately cease and desist all discharge of any industrial wastewaters.

SECTION 403 - CHANGE OF RESTRICTIONS IN PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE

The Chief Engineer may upon reasonable notice to the discharger change or modify the restrictions or conditions of a Permit from time to time to effectuate the purposes of this Ordinance. Alternatively, the Chief Engineer may require the discharger to apply for a new or revised Permit. The Chief Engineer shall allow an industrial wastewater discharger a reasonable period of time to comply with any changes required in the Permit.

SECTION 404 - SUSPENSION OF PERMITS ISSUED UNDER THIS ORDINANCE

The Chief Engineer may suspend any permit issued under the authority of this Ordinance for a period not to exceed

forty-five (45) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety or welfare, to the environment, to the local sewerage agency's system, or to the Districts' sewerage system.

Any discharger notified of a permit suspension shall immediately cease and desist the discharge of all industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Chief Engineer shall take such steps as are reasonably necessary to insure compliance which may include blocking or severing the discharger's connection to the Districts' system.

Any discharger whose permit is suspended may file with the Chief Engineer a request for a suspension hearing. Such a request shall not stay the suspension. In the event of such request, the Chief Engineer shall, within fourteen (14) days of the receipt of such request, hold a hearing on the suspension and shall either confirm or terminate the suspension.

Reasonable notice of the suspension hearing shall be given to the discharger in the manner provided for in Section 204. At this hearing the discharger whose permit is suspended may appear personally or through counsel, cross-examine witnesses and present evidence. A decision on the suspension shall be made by the Chief Engineer within seventy-two (72) hours after the close of the hearing or the order of suspension shall be stayed until a decision is made either approving or terminating the suspension action. The decision of the Chief Engineer shall be made in writing and shall contain a brief summary of the evidence considered together with a written statement of findings of fact and conclusions of law.

The Chief Engineer shall reinstate the suspended permit upon proof of satisfactory compliance with all discharge requirements of the Districts including all additional permit requirements deemed necessary by the Chief Engineer.

The Districts' legal counsel may, upon recommendation of the Chief Engineer, commence and prosecute such legal action as may be appropriate to enforce the provisions of this Section.

SECTION 405 - REVOCATION OF PERMITS ISSUED UNDER THIS ORDINANCE

The Board of Directors of District No. 2 may revoke any permit issued under the authority of the Ordinance upon a finding that the discharger has violated any provision of this Ordinance, or any other ordinance adapted by the Districts. No Revocation of a Permit, other than a Temporary Permit, shall be ordered until a revocation hearing on the question has been held by the Chief Engineer. At this revocation hearing, the discharger may appear personally or through counsel, cross-examine witnesses, and present evidence. Notice of the revocation hearing shall be given to the discharger in accordance with Section 204 at least fifteen (15) days prior to the date of the hearing. The Chief Engineer may, without prior Board authorization, initiate a permit revocation hearing and action.

If at the conclusion of the revocation hearing the Chief Engineer recommends revocation of the permit, he shall submit a written report with his recommendation to the Board of Directors of District No. 2 together with a brief summary of the information considered and the conclusions reached. The Board, after considering the information presented at the revocation hearing and the Chief Engineer's report, and any report submitted by the discharger, shall adopt findings supported by the information and may adopt, reject or modify the report in whole or in part and shall make its decision and issue its order.

The decision of the Board of Directors of District No. 2 on whether or not to revoke a permit shall be made in writing and served promptly upon the discharger in the manner provided in Section 204. The order of the Board may be effective immediately or at a later date as may be specified in such order.

Any discharger whose permit has been revoked shall immediately comply with any order of revocation issued by the Board of Directors of District No. 2 and shall cease and desist all discharges. The Chief Engineer may permanently block or sever any connection to the Districts' sewerage system of any discharger whose permit has been revoked, if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of wastewater may be made by the discharger whose permit has been revoked, the discharger must apply for a new Districts' permit, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to the Districts, excluding any connection fees previously paid. Costs incurred by the Districts, including administrative costs, in revoking the permit and disconnecting the discharger from the Districts' sewerage system shall be paid by the discharger before issuance of a new permit.

SECTION 406 - PROHIBITED AND RESTRICTED WASTE DISCHARGES

No person shall discharge or cause to be discharged to the Districts' sewerage systems, or to any public sewer that directly or indirectly connects to the Districts' sewerage systems, any wastes which may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant processes or the quality of treatment plant effluent or residue, public or private property, or wastes which may otherwise endanger the public, the environment, or create a public nuisance. No person shall discharge or cause to be discharged to the Districts' sewerage systems, or to any public sewer that directly or indirectly connects to the Districts' sewerage systems, any wastes which adversely affect air quality, adversely affect water reclamation processes or the quality of reclaimed water, cause or contribute to a violation of any requirement of any Districts' facilities permit, any National Pollutant Discharge Elimination System Permit or waste discharge requirements, or place the Districts in non-compliance with any of the statutory authorities listed in Title 40, Code of Federal Regulations, Part 403.3(i), or place the Districts in noncompliance with any local, state or federal law including any air quality standard or regulation such as the New Source Performance Standards (set forth in Part 60, Chapter I, Title 40, Code of Federal Regulations), the National Emissions Standards for Hazardous Air Pollutants (set forth in Part 61, Chapter I, Title 40, Code of Federal Regulations), or any standard or regulation promulgated by the California Air Resources Board or the South Coast Air Quality Management District.

- Prohibited or restricted wastes described in this section shall not be discharged, processed or stored in such a manner that such wastes could have access to the public sewer. Any prohibited or restricted wastes found in any approved monitoring facility as referred to in Section 414 shall be conclusively presumed to have been discharged to the public sewer and the discharger shall be subject to the enforcement provisions of this Ordinance.

Dischargers shall immediately notify the Districts of the discharge of any prohibited waste, or of the discharge of excessive quantities or concentrations, as defined by the Chief Engineer, of any restricted waste. Dischargers shall also notify the Districts of any circumstances affecting their plant processes or facilities which may potentially result in the discharge of a prohibited waste or of excessive quantities or concentrations, as defined by the Chief Engineer, of any restricted waste, including but not limited to any malfunction, upset or improper operation of the discharger's plant processes, pretreatment systems, or spill containment facilities, or any diversion or bypass of wastewater. Failure to immediately notify the Districts of any such condition shall be a separate violation of this Ordinance.

No person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the Districts' sewerage systems, the following wastes or wastes in any quantities or concentrations in excess of the following restrictions:

- (A) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid, or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system or that would exceed the lower explosive limit established by the Chief Engineer at the approved industrial monitoring location or that would create such conditions in the sewerage system.
- (B) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

- (C) Any waste having a pH lower than 6.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the sewerage system.
- (D) Any solids or viscous substances of such size or in such quantity, condition or nature that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, diatomaceous earth, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers or other similar paper products whole or ground or materials which tend to solidify in the sewer and obstruct wastewater flow.
- (E) Any rainwater, stormwater, groundwater, artesian well water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other contaminated or uncontaminated water except to the extent provided by Section 305.
- (F) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.
- (G) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of petroleum or mineral-based cutting oils, commonly called soluble oil and which form persistent water emulsions.
- (H) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of nonbiodegradable oil, petroleum oil or refined petroleum products.
- (I) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of dispersed biodegradable oils, fats and greases, such as lard, tallow or vegetable oil.
- (J) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of cyanide.

- (K) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of undissolved or dissolved solids.
- (L) Any wastes containing excessive quantities or concentrations, as defined by the Chief Engineer, of BOD, COD or other oxygen-demanding substances.
- (M) Any wastes containing excessive quantities or concentrations, as defined by the Chief Engineer, of mercaptans, sulfides, phenols, or any strongly odorous material or material tending to create odors.
- (N) Any wastes containing dissolved sulfides above a concentration of 0.1 milligram/liter or wastes which contribute to excessive sulfide production, as defined by the Chief Engineer.
- (O) Any wastes containing excessive quantities or concentrations, as defined by the Chief Engineer, of dissolved silica, dissolved aluminum, or other substances including high pH material which cause incrustations, scale or precipitates on sewer walls or other similar adverse effects on the sewerage system.
- (P) Any substance promoting or causing the promotion of toxic gases.
- (Q) Any waste having an excessively high temperature as defined by the Chief Engineer, any waste having a temperature of 140° F or higher, or which may cause the wastewater influent to a Districts' treatment plant to exceed 104° F.
- (R) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of thiosulfate or any other waste constituent which requires chemical applications above levels used in the normal operation of the Districts' sewerage systems.
- (S) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of toxic organic, chlorinated hydrocarbon or organic phosphorus-type compounds.
- (T) Any excessive quantities, as defined by the Chief Engineer, of deionized water, steam condensate or distilled water.

- (U) Any waste containing substances that may precipitate, solidify, gel, polymerize or become viscous under conditions normally found in the sewerage system.
- (V) Any waste producing or contributing to discoloration of wastewater or treatment plant effluent, as determined by the Chief Engineer.
- (W) Any garbage or waste, other than domestic wastewater, that is not ground sufficiently to pass through a 3/8-inch screen.
- (X) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of iron, manganese, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, silver, arsenic or any other materials toxic to humans, animals, the environment or to biological or other wastewater treatment processes.
- (Y) Any blowdown or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.
- (Z) Any single pass cooling or heating water.
- (AA) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of radioactive material wastes.
- (BB) Any waste containing recognizable portions of the human anatomy.
- (CC) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of detergents, surface active agents, or other substances, which may cause foaming in the sewerage system.
- (DD) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of chlorides, fluorides, sulfates, borates or any other materials that can pass through treatment facilities and degrade water quality or limit reuse of the wastewater.
- (EE) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of ammonia.
- (FF) Any waste containing excessive quantities or concentrations, as defined by the Chief Engineer, of benzene

or other volatile organic compounds or any other waste constituent that alone or in combination with other materials adversely affects air quality.

The Chief Engineer shall, from time to time, establish quantitative or other limitations applicable to industrial wastewater discharges when in his judgment it is necessary to protect the Districts' sewerage system or to be in compliance with state or local law or federal regulations. Such limitations shall apply at the industrial wastewater monitoring facility or station prior to mixing with domestic wastewaters. Wastewater discharges in excess of the limits established by the Chief Engineer or any state law or applicable federal pretreatment standard shall constitute excessive concentrations or quantities prohibited by this Section 406. The Chief Engineer shall promulgate and maintain a list of limitations established for restricted wastes which are generally applicable to all dischargers and shall make such list available upon request.

The Chief Engineer shall establish quantitative limitations for dischargers which, because of their location, quantity or quality of discharge, can degrade the quality of wastewater treatment plant effluent or residue or air quality to a level that prevents or inhibits Districts' efforts to reuse or dispose of the water or residue or causes any unusual operation or maintenance problems in the sewerage system. The Chief Engineer, in determining the unacceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.

SECTION 407 - MEDICAL AND INFECTIOUS WASTES

The Chief Engineer may prohibit the discharge of infectious wastes and may require that any such wastes be rendered noninfectious prior to discharge if deemed to pose a threat to public health and safety. No person shall discharge solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities to the Districts' sewerage system including, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or recognizable portions of the human anatomy or laboratory animals, except where prior written approval for such

discharges is given by the Chief Engineer. Approved discharges shall be considered industrial wastewater discharges under this Ordinance. Any such approval may be revoked at any time by the Chief Engineer.

SECTION 408 - AVAILABILITY OF DISTRICTS' FACILITIES

If sewerage capacity is not available, the Districts may require any industrial wastewater discharger to restrict a discharge until sufficient capacity can be made available. When requested, the Districts will advise persons desiring to locate new facilities of those areas where industrial wastewater of their proposed quantity and quality can be accommodated by available sewerage facilities. The Districts may refuse service to persons locating facilities in areas where their proposed quantity or quality of industrial wastewater would adversely affect the available sewerage facility.

SECTION 409 - WASTEWATER TREATMENT SURCHARGE FOR INDUSTRIAL DISCHARGERS

Each industrial discharger not exempted under Section 411 shall pay to the Districts an annual wastewater treatment surcharge in accordance with Section 214. The wastewater treatment surcharge shall be determined in accordance with each such discharger's contribution of flow, chemical oxygen demand, suspended solids, and peak flow. The wastewater treatment surcharge shall be based on the appropriate Districts' sewerage system's maintenance, operation and capital expenditures for providing wastewater collection, treatment and disposal services as described in Section 410.

The annual wastewater treatment surcharge shall be computed by the following formula:

$$\text{Surcharge} = a(V) + b(\text{COD}) + c(\text{SS}) + d(M)(P)$$

Where:

Surcharge = Net annual wastewater treatment surcharge in dollars.

V = Total annual volume of wastewater flow, in millions of gallons.

- COD = Total annual wastewater discharge of chemical oxygen demand, in thousands of pounds.
- SS = Total annual wastewater discharge of suspended solids, in thousands of pounds.
- P = Peak wastewater discharge rate over a thirty (30) minute period occurring between the hours of 8:00 a.m. and 10:00 p.m. in gallons per minute. Values of "P" which are equal to or less than ten (10) gallons per minute shall be considered equal to zero.
- a,b,c,d = Unit charge rates adopted by each individual District based upon the projected annual costs for wastewater collection, treatment and disposal, in dollars per unit, as described in Section 410.
- M = Multiplying factor accounting for increased Districts' costs due to high ratios of industrial discharge peak-to-average flow rates (P/A), where "P" is defined above, and "A" is the average wastewater discharge rate, determined by dividing "V" by the total annual hours of significant wastewater discharge for the industrial discharger, converted to gallons per minute. Factor M is obtained from Figure 1.

The quantities for yearly total flows, COD, suspended solids, and peak flow rates used in the above formula are to be determined by wastewater flow measurements and periodic sampling and analysis of the wastewater in accordance with such procedures as may be specified by the Chief Engineer. Extensive wastewater sampling, analysis, and flow measurement may be required by the Chief Engineer for larger wastewater dischargers or for those who discharge pollutants in significantly large or unusual amounts.

The Chief Engineer shall set the minimum requirements for sampling, analysis, and flow measurement by the discharger necessary to establish quantities to be used in the above formula.

The Chief Engineer shall establish a wastewater treatment charge per million gallons applicable to industrial dis-

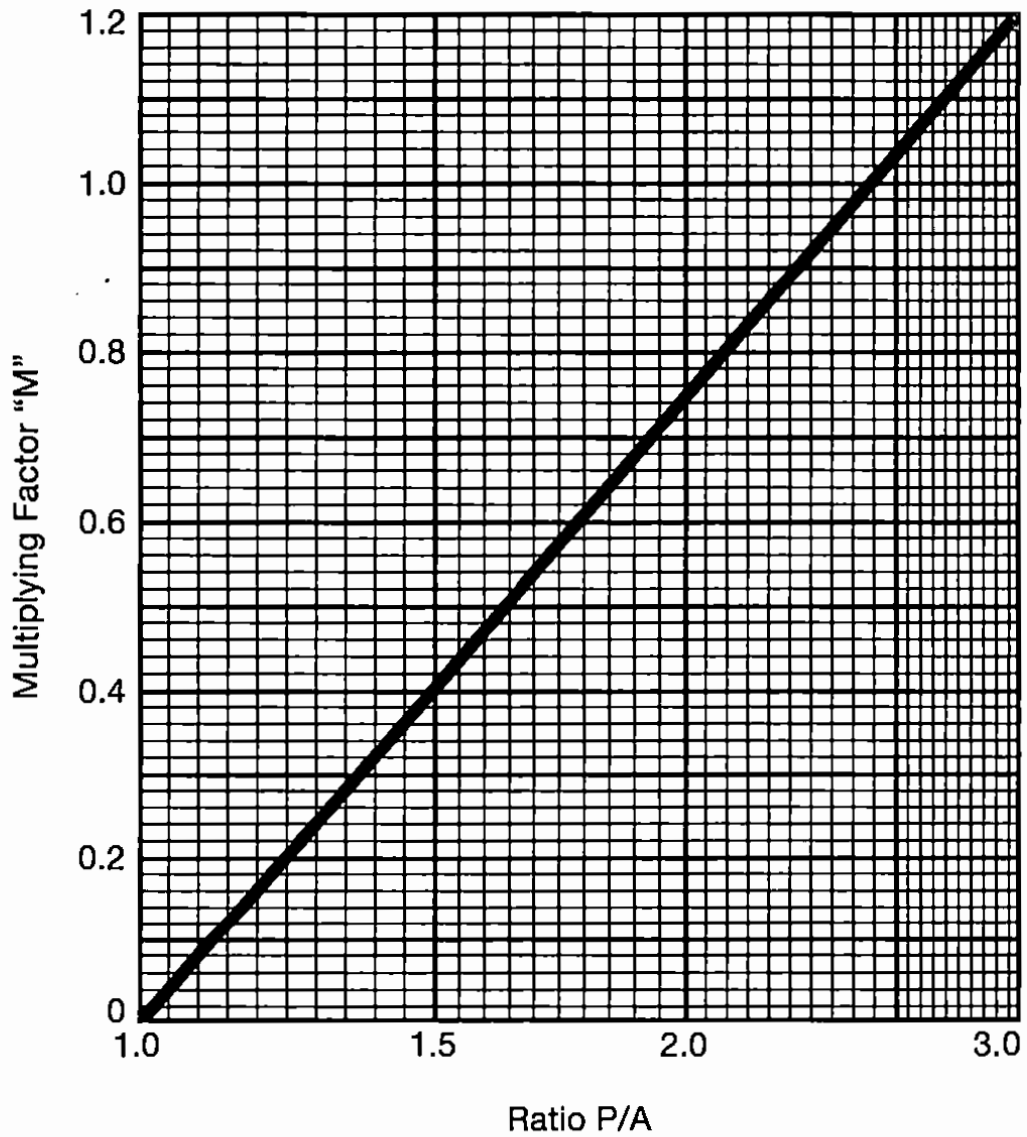
chargers whose yearly flow does not exceed six (6) million gallons. This charge shall be based upon average costs of providing wastewater services to industrial dischargers falling within this classification and may be used upon approval of the Chief Engineer in lieu of the preceding formula. Approval of the Chief Engineer shall be withheld only with respect to discharges of unusually high strength wastes in terms of COD and suspended solids. Wastewater treatment surcharges for such dischargers shall be due and payable on the dates set forth in Section 214 or less frequently upon the determination of the Chief Engineer. The Chief Engineer may from time to time establish a different quantitative limitation than that set forth above so long as the same does not exceed a yearly flow of twelve and one-half million gallons. The charge described in this paragraph shall not apply to industrial dischargers subject to user charges established under Section 422.

The Chief Engineer shall establish a charge per employee for domestic wastewater discharges which shall be paid by all industrial dischargers whose domestic wastewater is not included in the general wastewater treatment surcharge payment. Such charge shall be based upon the average quantity and quality of domestic wastewater per employee and the charge rates established for the wastewater treatment surcharge formula.

If the industrial discharger elects or is required by the Districts to discharge the peak rates of industrial wastewater flow during the nighttime hours between 10:00 p.m. and 8:00 a.m., the flow discharge shall be made approximately uniform during these hours. Certain industrial dischargers may be prohibited from discharging peak flow during the nighttime hours if these flows would adversely affect Districts' operations.

FIGURE 1

VALUES OF MULTIPLYING FACTOR "M"



NOTE:

Mathematical formula for "M" is: $M = 2.50 \log (P/A)$

SECTION 410 - ESTABLISHMENT OF UNIT CHARGE RATES FOR WASTEWATER TREATMENT SURCHARGE

Unit charge rates a, b, c, and d in the wastewater treatment surcharge formula, as described in Section 409, shall be established for each sewerage system by the procedure described herein and shall be adopted by the individual Districts which utilize each system.

For each sewerage system, appropriate unit charge rate parameters for flow, chemical oxygen demand, and suspended solids—respectively designated a (in dollars per million gallons), b (in dollars per 1000 pounds of COD) and c (in dollars per 1000 pounds of suspended solids)—shall be determined by the following method:

- (A) The total annual operation and maintenance costs for each sewerage system, excluding the annual costs for the administration and operation of the industrial waste program, shall be estimated for the accrual year or accrual years in the event of a multiple year rate adoption and distributed among the three wastewater charge parameters of flow, chemical oxygen demand, and suspended solids. This distribution shall be in accordance with the Chief Engineer's determination of the average distribution of such sewerage system's costs predominantly related to each parameter for the most recent year for which complete data are available.
- (B) The total annual net capital costs for each sewerage system shall be estimated for the accrual year or accrual years in the event of a multiple year rate adoption and distributed among the three wastewater charge parameters of flow, chemical oxygen demand, and suspended solids in accordance with the Chief Engineer's determination of the portion of the sewerage system's net capital costs predominantly related to each parameter in the relevant year.
- (C) The sum of the total annual accrual year operation and maintenance costs in (A) above and the total annual net capital costs in (B) above shall be used to determine the weighted distribution for wastewater charge parameters of flow, chemical oxygen demand, and suspended solids for each sewerage system for the relevant year.
- (D) The sum of the total annual operation and maintenance costs and the total annual net capital costs and neces-

sary reserves for each sewerage system as determined by the Chief Engineer shall be offset by appropriate revenue sources to determine the remaining revenue required to operate each sewerage system in an accrual year. The remaining revenue required shall be distributed to the three wastewater charge parameters of flow, chemical oxygen demand, and suspended solids as determined in (C) above. The costs attributed to each parameter shall be divided by the projected annual total flow volume and total masses of chemical oxygen demand, and suspended solids, respectively, to be treated by the sewerage system in an accrual year. The projected annual total flow volume and total masses of chemical oxygen demand, and suspended solids shall be based on an estimated mass balance of all wastewater discharges to the sewerage system as determined by the Chief Engineer. The unit wastewater charge rates so determined will be expressed in dollars per million gallons for a_1 and in dollars per thousands pounds for b_1 and c_1 .

- (E) To account for the costs of monitoring, inspection, permitting, enforcement, laboratory services and other associated administrative services, the respective rates for a_1 , b_1 , and c_1 calculated in (D) above shall be multiplied by the respective unit rates for a , b , and c as established for the 1997-98 fiscal year and divided by the respective unit rates for a_1 , b_1 , and c_1 established for the 1997-98 fiscal year. The resulting values, expressed in dollars per million gallons for flow, and in dollars per thousand pounds for COD and suspended solids, shall be the unit wastewater surcharge rates.

For each sewerage system in the Districts, the unit charge rate related to peak flow and designated d (in dollars per gallon per minute of peak flow) shall be equal to the unit charge rate for peak flow adopted for the 1997-98 fiscal year multiplied by the total charge for the relevant year that would be due using the unit rates established in (E) above and the loadings for a sewage unit (260 gallons per day, 1.22 lbs. per day COD, and 0.59 lbs. per day suspended solids) and divided by the total charge that would have been due using the unit rates for the 1997-98 fiscal year and the loadings for a sewage unit.

SECTION 411 - WASTEWATER TREATMENT SURCHARGE STATEMENT

Each industrial discharger, except for those dischargers that fall within a flow classification exempted by the Chief Engineer, shall file annually with the Districts a wastewater treatment surcharge statement. All surcharge statements and any required payments shall be filed on or before August 15 following the end of the fiscal year. Each industrial discharger shall report on such statement the total annual surcharge due to the Districts and the wastewater discharge data used in making such calculations. Such information shall be provided on a form prepared by the Chief Engineer and shall be signed by the discharger under penalty of perjury. Dischargers shall comply with all instructions which accompany the Districts' forms. The discharger shall submit such additional data as the Chief Engineer may from time to time require in implementing the wastewater treatment surcharge program.

SECTION 412 - PRETREATMENT OF INDUSTRIAL WASTEWATERS

The Chief Engineer may require an industrial discharger to provide wastewater pretreatment systems or facilities whenever the Chief Engineer determines that it is necessary or advisable to treat industrial flows prior to discharge to the sewer, to restrict or prevent the discharge to the sewer of certain waste constituents, to distribute any peak discharges of industrial wastewaters more equally over a long time period, to comply with any state discharge or pretreatment requirements, to comply with federal pretreatment standards, or to accomplish any pretreatment result required by the Chief Engineer in order to effectuate the purposes of this Ordinance. Any pretreatment facilities required by the Chief Engineer shall be provided and maintained at the expense of the industrial wastewater discharger. Pretreatment systems or facilities shall not be installed or operated without the prior written approval of the Chief Engineer. The requirement for such approval, however, shall not absolve the industrial discharger of the responsibility for meeting any industrial wastewater discharge limitation imposed by the Districts or by the state or federal government. If inspections or other information reveal that pretreatment systems and facilities are not installed or operated in conformance with the plans and procedures submitted to and approved by the Districts, or are not operated in compliance with the discharge requirements

and limitations imposed by the Districts, the industrial discharger shall make such modifications as are necessary to meet such requirements. In special cases, the Chief Engineer may require construction of sewer lines by the discharger to convey certain industrial wastes to specific trunk sewers in addition to or in lieu of the installation of a pretreatment system. Users who have the potential to discharge significant levels of flammable substances, as defined by the Chief Engineer, shall install and maintain approved combustible gas detection meter systems. All pretreatment systems determined by the Chief Engineer to require engineering design shall have plans prepared and signed by a civil, chemical, or mechanical engineer registered in the State of California or a registered engineer of other suitable discipline as determined by the Chief Engineer.

Gravity separation interceptors, equalization tanks, neutralization chambers, control manholes or other monitoring facilities, and spill containment systems, may be required by the Chief Engineer as he deems necessary to remove prohibited settleable and floatable solids, to equalize wastewater streams varying greatly in quantity and/or quality, to neutralize low or high pH wastewater, to facilitate inspection, flow measurement and sampling, and to prevent discharge to the sewer of quantities of prohibited or restricted materials resulting from a rupture of a tank or pipeline or other such accidental occurrences. Spill containment systems shall conform to guidelines established by the Chief Engineer. Floor drains from commercial or manufacturing buildings, warehouses or multi-use structures shall first discharge to a gravity separation interceptor before entry into the sewer system.

Any discharger which has a pumping plant or long private sewer leading from the industrial wastewater pretreatment system to the nearest public sewer may be required to install a monitoring facility or other equipment on the private sewer immediately before the junction with the public sewer. Such facility shall be required by the Chief Engineer to be designed and constructed so as to enable Districts' personnel to verify the quantity and quality of wastewater actually discharged into the public sewer.

The Chief Engineer may from time to time adopt specific requirements for pretreatment systems and facilities. Such requirements shall be set forth in the Districts' waste dis-

charge guidelines and shall be summarized in the most recent edition of the Districts' booklet entitled "Information and Instructions for Obtaining an Industrial Wastewater Discharge Permit." This Permit booklet shall be made available at the Districts' offices and at the office of the local sewerage agency having jurisdiction over the local sewers tributary to the Districts' sewerage system. Dischargers shall comply with all pretreatment requirements, requirements for construction of facilities, requirement for wastewater sampling and analysis, and requirements for submittal of permits specified in the waste discharge guidelines and the Permit booklet.

SECTION 413 - SEPARATION OF DOMESTIC AND INDUSTRIAL WASTEWATERS

All domestic wastewaters from rest rooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device and the discharger's monitoring facility or station.

SECTION 414 - WASTEWATER MONITORING AND REPORTING

(A) SURCHARGE REPORTING

Each industrial wastewater discharger shall make such measurements of wastewater flow volumes, flow rates, chemical oxygen demand (COD) and suspended solids (SS) as are necessary to accurately determine its annual wastewater treatment surcharge unless specifically relieved of such obligation by the Chief Engineer as provided under Section 409 of this Ordinance. Each discharger shall take at least the minimum number of flow measurements and wastewater samples for COD and SS analyses as required by the Chief Engineer. Dischargers who fail to perform required monitoring, fail to accurately perform such monitoring, or fail to properly report the results of such monitoring to the Districts shall pay the costs of any Districts' monitoring needed to satisfy applicable monitoring requirements. Dischargers with more than one identifiable waste stream or with large variations or fluctuations in wastewater quantity or quality must take a sufficient number of flow measurements and samples to accurately represent the to-

tal wastewater flow from the discharger's facility including each identifiable waste stream, variation or fluctuation. The Chief Engineer may require industrial wastewater dischargers to provide additional or continuous wastewater flow measurement and sampling. If a discharger fails to take the minimum number of wastewater samples or flow measurements, fails to accurately take such samples or measurements, or fails to properly report the results of such monitoring to the Districts, then the Chief Engineer may determine that the discharger's wastewater monitoring, including sampling, analysis, flow measurements or other engineering investigations, shall be undertaken by the Districts with all associated costs of such monitoring to be paid by the discharger.

Wastewater samples and flow measurements reported to the Districts shall be taken from monitoring facilities of a design and configuration approved by the Chief Engineer. Samples shall be composites taken at least once per hour over a 24-hour period, properly refrigerated, and where appropriate, composited according to wastewater flow rates during the 24 hours. Dischargers required to have wastewater flow monitoring systems shall use such systems to obtain accurate flow-proportioned composite samples, and shall report the flow volumes and flow rates recorded by such systems on their annual surcharge statements. Dischargers shall monitor wastewater discharges which are representative of the entire range of plant operations.

Dischargers shall report to the Districts the analytical results for COD and SS for each wastewater sample taken and analyzed during the fiscal year. Copies of all laboratory results of such analyses shall be submitted with the discharger's annual wastewater treatment surcharge statement. If a discharger believes that an analysis is in error or not truly representative of its wastewater, the discharger shall so state, submit the analysis, and furnish all reasons why the analysis is believed to be erroneous or unrepresentative.

The Districts will take measurements and samples from time to time to verify the wastewater characteristics reported to the Districts. Dischargers shall assist the Districts where necessary to obtain correct and accurate

measurements, and shall not interfere with the operations of the Districts' personnel or equipment. Upon audit of a discharger's surcharge statement, the Chief Engineer may include the results of any Districts' monitoring of the discharger's wastewater or substitute Districts' monitoring results for monitoring by the discharger deemed faulty by the Chief Engineer.

Wastewater samples shall be analyzed by a state certified laboratory or laboratory approved by the Chief Engineer. All analyses shall be performed in accordance with the procedures specified by the U.S. Environmental Protection Agency (EPA) in the most current "Guidelines Establishing Test Procedures for the Analysis of Pollutants" (40 Code of Federal Regulations, Part 136) (Guidelines). For those industrial wastewaters which contain unusual quantities or types of wastes, the Chief Engineer may require (1) use of alternate methods or procedures specified in the Guidelines or the most current of Standard Methods for the Examination of Water and Wastewater (Standard Methods), (2) use of modifications to the methods or procedures specified in the Guidelines or Standard Methods, or (3) use of any other test method or procedure that gives a reasonable value of the pollutant. If no appropriate procedure is provided in the above references, the Chief Engineer may approve the standard procedure of the industry or other procedure to measure wastewater constituents. For wastewater analyses that would be significantly affected by conditions of the wastewater sample which are different from normal conditions prevailing in the sewerage system (e.g., pH), the Districts may require that the sample be adjusted to normal sewerage system conditions before analysis. Any independent laboratory or discharger performing wastewater analyses shall furnish any required analytical data or information on the procedures or equipment used if requested to do so by the Chief Engineer. Dischargers shall clearly identify on their reports to the Districts any analyses which were not performed in accordance with the procedures provided in the above references.

All sample results, and all other information, submitted to the Districts shall be verified under penalty of perjury by an authorized representative of the discharger who is also either a general partner or proprietor, or, if a cor-

poration, a principal executive officer of at least the level of vice president. An authorized representative of the discharger shall further certify that all sample results submitted to the Districts are properly composited samples of the discharger's wastewater taken from the discharger's approved monitoring facility at the times and locations stated and in full compliance with all Districts' requirements for sample collection. If samples are collected by an outside consultant, the consultant shall also certify that the samples were collected in full compliance with Districts' requirements. All reports of the results of wastewater analysis shall be signed by the person performing the analysis or other authorized representative of the analytical laboratory performing the analysis, and any limiting words on the report notwithstanding, such signature shall constitute a certificate under penalty of perjury by such person that the reported analysis was actually performed on the sample identified in the report, that the analysis was performed in accordance with the procedures specified in this Ordinance, and that the results described in the report are the true results of the analysis performed.

(B) WASTEWATER MONITORING AND REPORTING FOR OTHER PURPOSES

In addition to the measurements and samples required for surcharge reporting purposes, each industrial wastewater discharger shall make such other measurements of wastewater constituents as may be specified by the Chief Engineer or required under applicable state law, federal pretreatment standards, or federal regulations. Wastewater flow measurements and samples shall be collected and analyzed and the results submitted under penalty of perjury in the same form as provided in this Section 414 (A) for flow measurements and samples required for surcharge reporting purposes, or as otherwise provided by the Chief Engineer, and shall be reported to the Districts at such times as may be specified by the Chief Engineer.

Dischargers who fail to perform any required monitoring, fail to accurately perform such monitoring, or fail to properly report to the Districts the results of such monitoring, shall pay all costs of any Districts' monitoring needed to satisfy applicable monitoring requirements.

Dischargers shall develop compliance schedules for installation of technology required to meet applicable federal pretreatment standards, Districts' pretreatment requirements, and any other applicable discharge requirements established by state law or federal regulations. Dischargers subject to such standards and requirements shall submit to the Districts all notices and self-monitoring reports as are necessary to assess and assure compliance with such standards and requirements including, but not limited to, compliance schedules for the installation of required pretreatment equipment or technology, Baseline Monitoring Reports, Compliance Schedule Progress Reports, Final Compliance Reports, and Notices of Slug Loading. All dischargers shall develop, submit and adhere to any self-monitoring reports and compliance schedules required by the Chief Engineer.

(C) WASTEWATER MONITORING FACILITIES

All industrial wastewater dischargers required to obtain a Permit shall furnish, install and properly maintain a monitoring facility for wastewater sampling. This monitoring facility shall be of a design or configuration approved by the Chief Engineer, which may include wastewater flow measurement equipment, automatic flow-proportional sampling equipment and automatic wastewater analysis and data recording equipment. The wastewater monitoring facility shall be used to evaluate the quantity and quality of industrial wastewater discharge to the public sewer. Each industrial discharger, as a part of its application for obtaining a Permit, shall propose a suitable location and design for the wastewater monitoring facility. Upon approval of the monitoring facility by the Districts, the discharger shall perform wastewater monitoring at this facility and shall agree to allow the use of this facility for industrial wastewater monitoring by the Districts. The monitoring facility shall be located so as to be safe and accessible to Districts' employees, and shall be constructed in accordance with the Districts' requirements, and all applicable local building codes and other local construction requirements. The discharger's proposal for a wastewater monitoring facility shall comply with Districts' design requirements and shall be reviewed and, if found to be suitable, approved

by the Chief Engineer. Plans for all wastewater monitoring facilities, including flow measurement and sampling systems, determined by the Chief Engineer to require engineering design, shall be prepared and signed by a civil, chemical or mechanical engineer registered in the State of California or a registered engineer of other suitable discipline as determined by the Chief Engineer.

The discharger's wastewater sampling analysis and flow measurement procedures, equipment, and results shall be subject to inspection by the Districts at any time. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times by the discharger. The failure of a discharger to keep approved wastewater monitoring facilities clean and in good working order shall not be grounds for the discharger to claim that any sample results are unrepresentative of the discharger's wastewater. Flow measurement systems shall be regularly maintained and calibrated in accordance with guidelines established by the Chief Engineer.

Industrial wastewater records and documents, including sample analysis reports, waste haulers' reports, flow meter charts, pH meter charts, and other records of monitoring and sampling activities and reports shall be made available for inspection and copying to the Chief Engineer upon request. Copies or facsimiles of these records shall be provided to the Districts at the discharger's expense upon request. The discharger's records must include for all samples:

- 1 The date, exact location, method and time of sampling and the names of the person or persons taking the samples;
- 2 The dates analyses were performed;
- 3 The person performing the analyses;
- 4 The analytical techniques/methods used; and
- 5 The results of such analyses.

Each industrial discharger shall retain for a minimum of four years any and all records of wastewater monitoring and sampling activities and analytical results. This period of retention shall be extended during the course of any unresolved disputes or litigation involving the discharger and the Districts, or when requested by the Chief Engineer.

SECTION 415 - DISCREPANCIES BETWEEN ACTUAL AND REPORTED INDUSTRIAL WASTEWATER DISCHARGE QUANTITIES

Should Districts' measurements or other investigations indicate that an industrial wastewater discharger is discharging a quantity of wastewater, chemical oxygen demand, suspended solids, or other wastewater constituent or at a flow rate significantly in excess of that stated in the Districts' Permit, the discharger shall apply for a revised Permit.

Should measurements or other investigations indicate that an industrial wastewater discharger has discharged industrial wastewater, chemical oxygen demand, suspended solids or other wastewater constituents at rates or in quantities in excess of those stated by the discharger on a wastewater treatment surcharge statement or other report furnished by the discharger to the Districts, the discharger shall furnish all information in its possession relevant to the apparent discrepancy.

If, after making proper allowance for relevant factors, the Chief Engineer is unable to resolve the discrepancy on the basis of the information available, the Chief Engineer may order that additional information be obtained by Districts' employees through engineering investigations, tests, flow measurements and wastewater sampling and analyses. All costs of engineering investigations, flow measurements, wastewater sampling and analyses and other actions performed by the Districts to resolve the discrepancy shall be paid for by the discharger.

The Chief Engineer shall then make a determination of the amount of any wastewater treatment and disposal charges plus charges for costs of obtaining additional information which are due to the Districts, together with any interest and penalty charges due, and shall notify the discharger of the total charges due. The discharger shall pay such amounts within 45 days after service of written notice. For the purpose of establishing the correct wastewater treatment and disposal charges, the data obtained in these samplings, along with any other relevant information obtained by the Districts or presented by the discharger, shall be used by the Chief Engineer. If an evaluation of wastewater monitoring data of the discharger by the Chief Engineer indicates that some or all of the discharger's data are statistically or otherwise unrelated to the data obtained by the Districts and

there is no satisfactory explanation for such discrepancy, the Chief Engineer may reject any or all of the data submitted by the discharger. The Chief Engineer may then use all or portions of data obtained by the Districts to determine appropriate wastewater treatment and disposal charges.

The discharger may, within 12 months after payment of a wastewater treatment surcharge, submit a request for a refund together with appropriate supporting data. The Districts will consider this request and if a refund is due it shall be granted.

SECTION 416 - WASTEWATER DISCHARGER CLASSIFICATIONS

The Chief Engineer may classify wastewater dischargers by categories and establish a wastewater treatment surcharge based upon average flow quality and flow quantity for the category. Such classification may be adjusted by some commonly recognized parameter selected by the Chief Engineer that establishes the relative size of the wastewater discharger being charged.

SECTION 417 - DAMAGES CAUSED BY WASTEWATER DISCHARGES

Any person who discharges any waste which causes or contributes to any damage, injury, excessive wear or deterioration of any Districts' facilities, requires the clean up, removal, reconstruction or replacement of such facilities, brings about any detrimental effects on treatment processes, or causes any other damage including the imposition of fines by state, federal, or other regulatory agencies on the Districts shall be liable to the Districts for all costs and expenses occasioned thereby including administrative costs. If more than one discharger contributed to such damages, each contributing discharger shall be jointly and severally liable to the Districts for all such damages. The Chief Engineer may apportion such damages among the contributing dischargers in accordance with his assessment of the relative contribution of each discharger.

SECTION 418 - DISPOSAL OF VEHICLE-TRANSPORTED LIQUID WASTES TO THE SEWERAGE SYSTEM

No person shall discharge or cause to be discharged any wastes from septic tanks, seepage pits, cesspools, chemi-

cal toilets or other approved waste-holding devices, any industrial liquid wastes or any other liquid wastes from a vacuum pumping truck or other liquid transport vehicles, directly or indirectly to the Districts' sewerage facilities without first obtaining a Districts' Permit for Wastewater Transport Truck to Discharge to the Sewerage System (Truck Permit). A separate Truck Permit shall be required for each wastewater transport truck that discharges to the Districts' sewerage system. No person shall discharge any hazardous wastes, as defined by federal or state law, from any vehicle directly or indirectly to the Districts' sewerage system.

A holder of a Truck Permit shall discharge wastewater only at approved locations, and may discharge only domestic wastewater from septic tanks, seepage pits, cesspools, chemical toilets or approved waste-holding devices. Discharge of industrial wastes or any wastes other than specified above is prohibited unless a Districts' Permit for Industrial Wastewater Discharge (Permit) has first been obtained by the generator of such wastes together with the written permission of the Chief Engineer to discharge wastewater at the approved location. Emergency discharge of wastewater not covered under an existing Districts' Permit or Truck Permit may be granted only through written permission of the Chief Engineer, and shall be made only at the locations and times designated by the Chief Engineer.

Applicants for a Truck Permit shall complete a Districts' application form available at the offices of the Districts. Upon receipt of a fully completed application form and all required information, the application shall be processed and reviewed by the Chief Engineer. If approved, one copy of the application form shall be returned to the applicant and, when properly signed by the Chief Engineer, the application form shall constitute a valid Truck Permit. Periodic renewal of the Truck Permit is required.

No person shall discharge any prohibited or restricted wastes as described in Section 406 of this Ordinance at any Districts' approved disposal locations for wastewater transport trucks. The Districts may require proof of the origin of truck-transported wastes, and physical and chemical analysis of any wastes before permission is granted to dispose of such wastes at approved locations. The Districts may reject wastes that the Chief Engineer has reason to believe may be a hazardous waste, an industrial waste that has not been

properly permitted, or any other waste with unusual or unknown characteristics which may require further analyses to determine its acceptability for sewer disposal.

Holders of the Truck Permit shall pay all applicable permit fees, permit renewal fees and wastewater disposal fees. The wastewater disposal fee may be paid with Liquid Waste Disposal Fee Coupons available for purchase at Districts' offices or by other methods of payment approved by the Chief Engineer.

The Chief Engineer may revoke or suspend a Truck Permit in accordance with the procedures described in Sections 404 and 405 upon a finding that the permit holder has violated any provision of this Ordinance. Any person whose Truck Permit has been suspended or revoked shall immediately cease and desist all discharge of truck-transported wastes to the Districts' sewerage system. Any person whose Truck Permit has been revoked shall surrender to the Districts any identification decals or devices that have been issued to the person by the Districts.

Any person found to be dumping truck-transported wastes directly or indirectly to the Districts' sewerage system, including sewers owned by the local sewerage agency and discharging to the Districts' sewerage system, at any location not specifically authorized by the Districts for such purpose, shall be in violation of this Ordinance. Such person shall at the direction of the Chief Engineer be subject to all enforcement provisions of Section 202 including prohibition by the Districts from any future use of the Districts' sewerage system for disposal of wastes from wastewater transport trucks.

Recreational vehicle sanitary waste disposal stations shall also be subject to regulation by the Chief Engineer. Such regulation may include a permit requirement and the imposition of appropriate fees and charges.

SECTION 419 - TRADE SECRETS

The Districts have determined that the public interest served by not making public any records or other information submitted by dischargers which contain or constitute trade secrets clearly outweighs the public interest served by the disclosure of said records. Accordingly, any trade secrets acquired by the Districts in the course of implementation or

enforcement of this Ordinance shall not be made public except to the extent necessary to enforce this Ordinance.

Any claim or trade secret status must be asserted at the time of submission of such information to the Districts by stamping the words "Confidential Business Information" on each page or document containing such information. All information on wastewater effluent quality or quantity furnished by the company or obtained by the Districts shall not be eligible for trade secret status and shall be available as public information.

SECTION 420 - INDUSTRIAL WASTEWATER DISCHARGERS WITHIN A DISTRICT BUT TRIBUTARY TO THE CITY OF LOS ANGELES' TREATMENT FACILITIES

Industrial wastewater discharge permits for dischargers tributary to the treatment facilities of the City of Los Angeles will be issued by the City after approval by the Districts. Inspection of the discharger's plant to determine compliance with industrial wastewater discharge regulations may be made by either City or Districts' personnel under a coordinated plan of inspection developed by the two agencies. Industrial wastewater discharge regulations and effluent limitations of both agencies will apply to the discharger unless one agency specifically waives its requirements.

SECTION 421 - PUBLICATION OF NAMES OF DISCHARGERS IN SIGNIFICANT NONCOMPLIANCE

As required by federal law, the Chief Engineer shall, at least annually, provide public notice in a local newspaper of the identity of those dischargers who are deemed under federal regulations to be significant violators of or in significant noncompliance with the provisions of this Ordinance which implement the federal industrial waste pretreatment program.

SECTION 422 - WASTEWATER TREATMENT USER CHARGE

The Chief Engineer may from time to time establish categories of industrial dischargers having similar wastewater characteristics and with respect to which the Chief Engineer has determined that the burden of complying with Sections 411 and 414 is disproportionate to the anticipated revenue to be

derived therefrom. Such industrial dischargers may, at the direction of the Chief Engineer, be required to annually pay a wastewater treatment user charge in lieu of the wastewater treatment surcharge provided for by Section 409. Wastewater treatment user charges shall be due and payable on the dates set forth in Section 214 or less frequently upon the determination of the Chief Engineer. Wastewater dischargers subject to such user charges may be required to periodically submit information necessary for the determination of charge rates or total charges. User charges shall be established by the Chief Engineer to equitably defray costs incurred by the Districts for collection, treatment and disposal of the wastewater from dischargers within these established categories. The Chief Engineer may permit or require an industrial discharger otherwise subject to a wastewater treatment user charge to pay a wastewater treatment surcharge under Section 409 in lieu of the user charge.

SECTION 423 - SPECIAL CHARGES FOR NONCONVENTIONAL INDUSTRIAL WASTEWATER CONSTITUENTS

Special charges for nonconventional industrial wastewater constituents shall be paid by those industrial dischargers who discharge thiosulfate, volatile organic compounds, or other nonconventional industrial wastewater constituents in excess of any threshold values for such constituents as may be established from time to time by the Chief Engineer. Special charges for nonconventional wastewater constituents shall be determined by the Chief Engineer and shall be based on the appropriate Districts' sewerage system's maintenance, operation and capital expenditures for providing collection, treatment and disposal services in connection with such constituents.

Industrial dischargers subject to special charges shall perform any additional monitoring and sampling required by the Chief Engineer for the proper assessment of such charges. Such monitoring and sampling shall be performed in accordance with any other specific requirements established by the Chief Engineer for each industrial wastewater constituent subject to special charges. Special charges shall be due and payable upon service of a notice of charges as provided in Section 214, or in accordance with such other billing, reporting and payment procedures established by the Chief Engineer for each such industrial wastewater constituent.

SECTION 424 - WASTE DISCHARGE GUIDELINES

The Chief Engineer may from time to time promulgate guidelines for pretreatment systems, spill containment, centralized waste treatment facilities, flow measurement, rainwater disposal, combustible gas monitoring systems, and such other matters as he deems appropriate to effectuate the purposes of this Ordinance. Such guidelines shall be available upon request.

APPENDIX A - DEFINITIONS

The definitions given in this part shall be used in the interpretation of this Ordinance, the issuance of permits, the making of charges for service and all other operations of this Ordinance unless another meaning for the word is apparent from the context.

SECTION A-1 - ACCRUAL YEAR

“Accrual Year” shall mean the twelve-month period for which charges shall be determined.

SECTION A-2 - ADMINISTRATIVE COSTS

“Administrative Costs” shall include but not be limited to (1) the salaries and overhead administrative costs of all Districts’ employees who participated in the investigation, repair, clean-up and/or any other activities related to excessive sewer maintenance or damages incurred by Districts’ facilities, or related to enforcement of any Section of this Ordinance, (2) the actual costs of materials and services used including monitoring and laboratory costs, (3) Districts’ vehicle expenses used to transport such personnel and equipment and (4) costs for Districts’ legal counsel.

SECTION A-3 - BOARD

“Board” or “Board of Directors” shall mean the Board of Directors of County Sanitation District No. 2 of Los Angeles County.

SECTION A-4 - BOD OR BIOCHEMICAL OXYGEN DEMAND

“BOD” or “biochemical oxygen demand” shall mean the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five (5) days at 20° C and as determined by the appropriate procedure in Standard Methods.

SECTION A-5 - CHIEF ENGINEER

“Chief Engineer” shall mean the Chief Engineer and General Manager of the County Sanitation Districts of Los Angeles County or his duly authorized deputy or agent.

SECTION A-6 - COD OR CHEMICAL OXYGEN DEMAND

“COD” or “chemical oxygen demand” shall mean the measure of chemically decomposable material in domestic or industrial wastewaters as represented by the oxygen utilized as determined by the appropriate procedure described in Standard Methods.

SECTION A-7 - CONNECTION FEE ORDINANCE

“Connection Fee Ordinance” shall mean an ordinance prescribing fees for the privilege of connecting any parcel within the boundaries of a County Sanitation District of Los Angeles County directly or indirectly to the sewerage system, or for increasing the strength and/or quantity of wastewater attributable to a connected parcel within the District, and providing for the collection of such charges adopted by the various County Sanitation Districts of Los Angeles County as it may be revised from time to time.

SECTION A-8 - CONTIGUOUS PROPERTY

“Contiguous Property” shall mean property which is owned or hired by the industrial wastewater discharger, is contiguous to the source of industrial wastewater discharge, and is made up of land parcels with common boundaries or parcels separated only by streets or other publicly owned or operated rights-of-way. Publicly owned rights-of-way include those owned or operated by railroad, pipeline, water, power, electrical, gas, telephone or other public utility companies. Only those parcels having a common boundary, if the public right-of-way is removed, shall be considered to be contiguous.

SECTION A-9 - CONTROL MANHOLE

“Control Manhole” shall mean a structure such as a manhole, vault, or other device through which industrial wastewater flows without dilution by domestic wastewaters. A control manhole is intended to act as a flow measurement and wastewater sampling point and shall be adequately designed for these purposes.

SECTION A-10 - COUNTY

“County” shall mean the County of Los Angeles.

SECTION A-11 - DISCHARGER

“Discharger” shall mean any person that discharges or causes a discharge to a public sewer.

SECTION A-12 - DISSOLVED SOLIDS

“Dissolved solids” or “dissolved matter” shall mean the solid matter in solution in the wastewater under conditions normally found in the sewer and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in Standard Methods.

SECTION A-13 - DISTRICTS

“Districts” shall mean either all or any of the individual County Sanitation Districts of Los Angeles County.

SECTION A-14 - DISTRICT NO. 2

“District No. 2” shall mean County Sanitation District No. 2 of Los Angeles County.

SECTION A-15 - DOMESTIC WASTEWATER

“Domestic wastewater” shall mean the water-carried wastes produced from non-industrial activities and which result from normal human living processes irrespective of where these wastes are discharged to the sewerage system. The term Domestic Wastewater shall be synonymous with the term Sanitary Flow. See Section A-42.

SECTION A-16 - EFFLUENT

“Effluent” shall mean the liquid outflow of any facility designed to treat, convey or retain wastewater.

SECTION A-17 - EQUALIZATION TANK

“Equalization Tank” shall mean a container of sufficient capacity to hold a significant portion of an industrial wastewater discharger’s daily flow to permit the mixing, prior to discharge to the sewer, of low and high strength wastes that may occur at different times during the day.

SECTION A-18 - FEDERAL PRETREATMENT STANDARDS

“Federal Pretreatment Standards” shall mean and include the “National Pretreatment Standard” defined in Title 40, Code of Federal Regulations (CFR), Part 403, Section 403.2(j), and set forth in 40 CFR, Part 403, Section 403.1 and following, and the “National Categorical Pretreatment Standards” set forth in 40 CFR, Chapter I, Subchapter N, Part 405 and following.

SECTION A-19 - FEDERAL REGULATIONS

“Federal Regulations” shall mean any applicable provision of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33, United States Code, Section 1251 and following, and any regulation promulgated by the U.S. Environmental Protection Agency under Title 40 CFR implementing that act.

SECTION A-20 - FISCAL YEAR

“Fiscal Year” shall mean the twelve-month period beginning on July 1 and ending on June 30 of the following calendar year.

SECTION A-21 - FORMULA

“Formula” shall mean the Wastewater Treatment Surcharge Formula as set forth in Section 409.

SECTION A-22 - HOUSE CONNECTION

“House Connection” shall mean the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying domestic wastewater.

SECTION A-23 - INDUSTRIAL CONNECTION SEWER

“Industrial Connection Sewer” shall mean the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

SECTION A-24 - INDUSTRIAL DISCHARGER OR INDUSTRIAL COMPANY

“Industrial Discharger” or “Industrial Company” shall mean any person who discharges any measurable quantity of in-

dustrial wastewater to any of the Districts' sewerage systems or any other system tributary thereto.

SECTION A-25 - INDUSTRIAL WASTEWATER

"Industrial Wastewater" shall mean all liquid-carried wastes of the community, excluding domestic wastewater, rainwater, groundwater, stormwater and drainage of contaminated and uncontaminated water. Industrial wastewater may include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin. All liquid wastes hauled by truck, rail, or another means for disposal to the sewer shall be considered as industrial wastewater regardless of the original source of the wastes. Hauled domestic wastewater is included in the category of industrial wastewater.

SECTION A-26 - INSPECTOR AND MONITORING PERSONNEL

"Inspector" shall mean a person authorized by the Chief Engineer to inspect wastewater generation, conveyance, processing and disposal facilities. "Monitoring Personnel" shall mean persons authorized by the Chief Engineer to install and operate analytical instruments, sampling equipment, flow meters, and to perform other similar work at wastewater generation, conveyance, treatment and disposal facilities.

SECTION A-27 - JOINT OUTFALL DISTRICTS

"Joint Outfall Districts" shall mean those Districts signatory to the current Joint Outfall Agreement.

SECTION A-28 - GRAVITY SEPARATION INTERCEPTOR

"Gravity Separation Interceptor" shall mean any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

SECTION A-29 - LATERAL SEWER, COLLECTING SEWER OR MAIN LINE SEWER

"Lateral Sewer," "Collecting Sewer" or "Main Line Sewer" shall mean the public sewer usually eight (8) inches or larger

in diameter and used to collect wastewater from house connection and industrial connection sewers and transport it to trunk sewers. Lateral, collecting or main line sewers are normally built and maintained by the local sewerage agency.

SECTION A-30 - LOCAL SEWERING AGENCY

“Local Sewering Agency” shall mean the city or county or other public agency legally authorized to construct, maintain and operate a system of lateral or collecting sewers.

SECTION A-31 - NET CAPITAL

“Net Capital” shall mean the total anticipated capital contribution of a District for the accrual year less all anticipated grants, gifts, and donations.

SECTION A-32 - NONCONVENTIONAL INDUSTRIAL WASTEWATER CONSTITUENT

“Nonconventional Industrial Wastewater Constituent” shall mean any chemical or compound other than COD and suspended solids.

SECTION A-33 - ORDINANCE

“Ordinance” shall mean, unless otherwise specified, this Ordinance.

SECTION A-34 - PEAK FLOW RATE

“Peak Flow Rate” shall mean the average rate at which wastewater is discharged to a public sewer during the highest 30-minute flow period during the accrual period.

SECTION A-35 - PERSON

“Person” shall mean any individual, partnership, committee, association, corporation, public agency and any other organization or group of persons, public or private.

SECTION A-36 - PUBLIC CORPORATION

“Public Corporation” shall mean this state and any political subdivision thereof, any incorporated municipality therein, any public agency of the state or any political subdivision thereof, or any corporate municipal instrumentality of this state.

SECTION A-37 - PUBLIC SEWER

"Public Sewer" shall mean any sewer dedicated to public use and whose use is controlled by a public corporation.

SECTION A-38 - RADIOACTIVE MATERIAL

"Radioactive Material" shall mean material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.

SECTION A-39 - RAINWATER

"Rainwater" shall mean the volume of water resulting from precipitation which directly falls on a parcel.

SECTION A-40 - RESIDUE

"Residue" shall mean the settleable solids and semi-liquid suspension of solids separated from the liquid fraction of wastewater during treatment. These solids shall include, but not be limited to: compost, filter cake, sludge, centrate and centrifuged solids.

SECTION A-41 - REVENUE OR APPROPRIATE REVENUE

"Revenue" or "Appropriate Revenue" shall include revenue from the sale of by-products, investment income, annexation fees, connection fees, grants, gifts, donations, ad valorem tax allocations, and from other miscellaneous sources.

SECTION A-42 - SANITARY FLOW.

"Sanitary Flow" shall mean the same as the term Domestic Wastewater. See Section A-15.

SECTION A-43 - SECTION

"Section" shall mean a section of this Ordinance.

SECTION A-44 - SEWAGE

"Sewage" shall mean wastewater.

SECTION A-45 - SEWAGE PUMPING PLANT

"Sewage Pumping Plant" shall mean any facility designed and constructed to raise wastewater in elevation or to overcome head losses due to pipeline friction.

SECTION A-46 - SEWER CAPACITY BASELINE

“Sewer Capacity Baseline” shall mean the number of capacity units existing at a specific property location as determined on the basis of the current Connection Fee Ordinance for the District within which the specific property is located. A capacity unit is the burden that a typical single family home places on the sewerage system in terms of wastewater flow and strength.

SECTION A-47 - SEWER CONNECTION FEE

“Sewer Connection Fee” shall mean the fee established by the Connection Fee Ordinance of the District in which the specific property is located. Connection Fee Ordinances establish varying fees for the privilege of connecting a property parcel of land to the Districts’ sewerage system. The connection fee charges are established based upon the wastewater quantity and strength.

SECTION A-48 - SEWERAGE

“Sewerage” shall mean any and all facilities used for collecting, conveying, pumping, treating and disposing of waste and wastewater.

SECTION A-49 - SEWERAGE SYSTEM

“Sewerage System” shall mean a network of waste and wastewater collection, conveyance, treatment and disposal facilities interconnected by sewers, and owned by the Districts, except with respect to those Districts that do not own, in whole or in part, wastewater treatment or disposal facilities in which event it shall mean a network of wastewater collection and conveyance facilities.

SECTION A-50 - SHALL AND MAY

“Shall” is mandatory and “May” is permissive.

SECTION A-51 - DISCHARGERS IN SIGNIFICANT NONCOMPLIANCE

“Dischargers in Significant Noncompliance” shall mean industrial users who were found to be significantly violating applicable pretreatment standards or other pretreatment requirements. A significant violation is defined as a violation which remains uncorrected 45 days after notification of non-compliance, or uncorrected after a time period as otherwise

specified by EPA, which is part of a pattern of noncompliance over a twelve-month period, which involves a failure to accurately report noncompliance, or which resulted in the Districts exercising its emergency authority.

SECTION A-52 - SOLID WASTES

“Solid Wastes” shall mean the nonliquid-carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.

SECTION A-53 - SPILL CONTAINMENT SYSTEM

“Spill Containment System” shall mean a system of dikes, walls, barriers, berms, or other devices designed to contain a spillage of the liquid contents of containers.

SECTION A-54 - STANDARD METHODS

“Standard Methods” shall mean the most current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association.

SECTION A-55 - STORMWATER

“Stormwater” shall mean the volume of water following a storm which runs off or travels over the ground surface to a drainage area or channel.

SECTION A-56 - SUSPENDED SOLIDS

“Suspended Solids” or “Suspended Matter” shall mean the insoluble solid matter suspended in wastewater under conditions normally found in sewers that is separable by laboratory filtration in accordance with the procedure described in Standard Methods.

SECTION A-57 - TRADE SECRETS

“Trade Secrets” shall include but shall not be limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who

do not know or use it. Trade secrets shall not include industrial wastewater effluent data.

SECTION A-58 - TRUNK SEWER

“Trunk Sewer” shall mean a sewer constructed, maintained and operated by the Districts that conveys wastewater to Districts’ treatment facilities and into which lateral and collecting sewers discharge.

SECTION A-59 - USER

“User” shall mean discharger, see Section A-11.

SECTION A-60 - WASTEWATER

“Wastewater” shall mean the liquid-carried wastes of the community and all constituents and residues thereof. Wastewater includes domestic and industrial wastewater but does not include rainwater, groundwater, stormwater or drainage of other water.

SECTION A-61 - SIGNIFICANT WASTEWATER DISCHARGE

Significant wastewater discharges, for the purpose of establishing the peak flow charge M factor in Section 409, shall mean those discharges during periods where the effluent flows are at least 50 percent of the annual average hourly rate.

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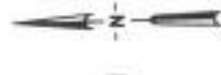
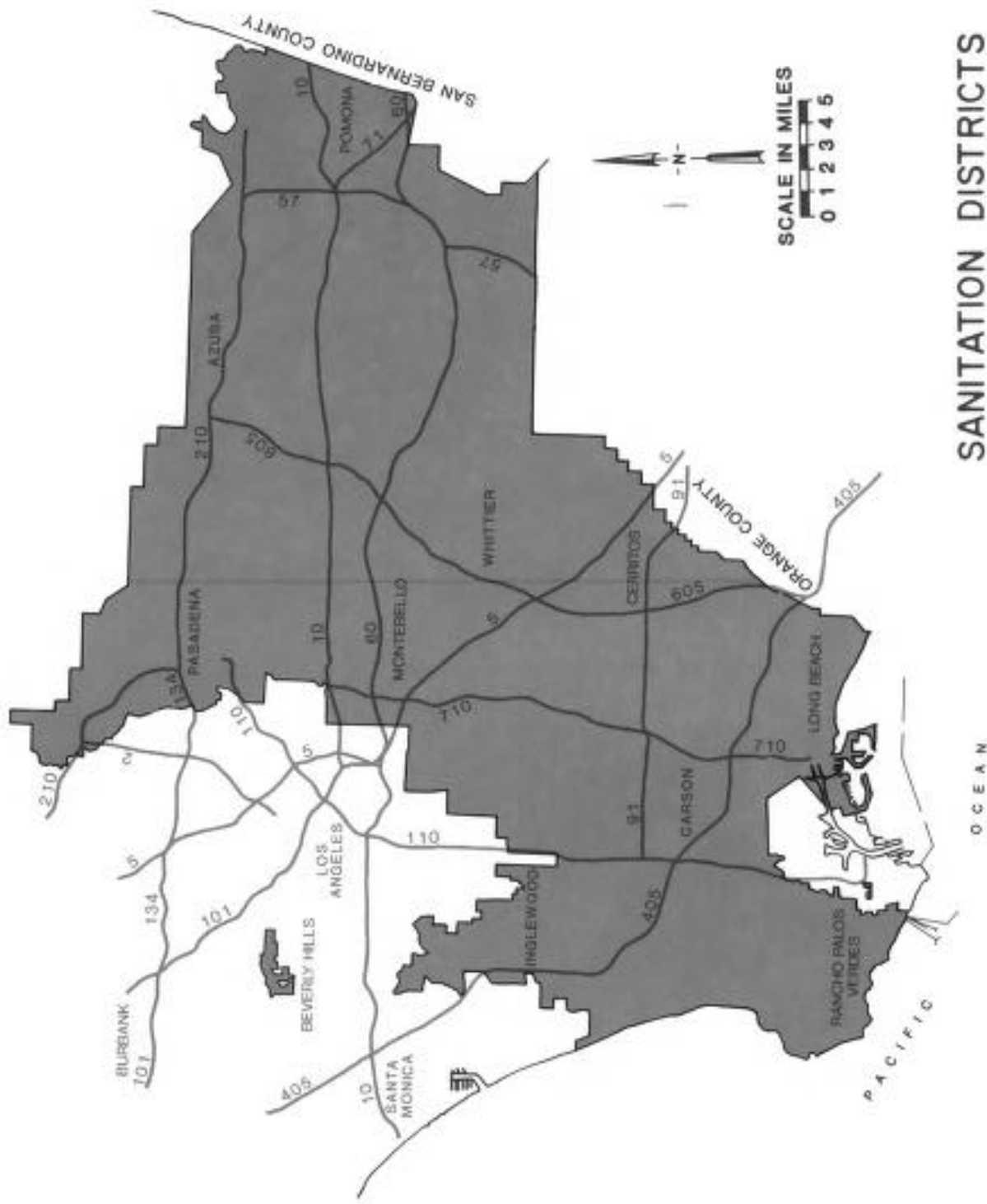
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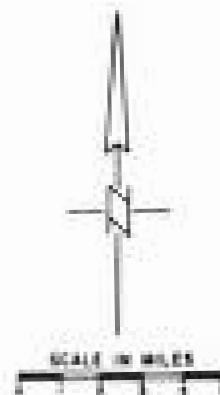
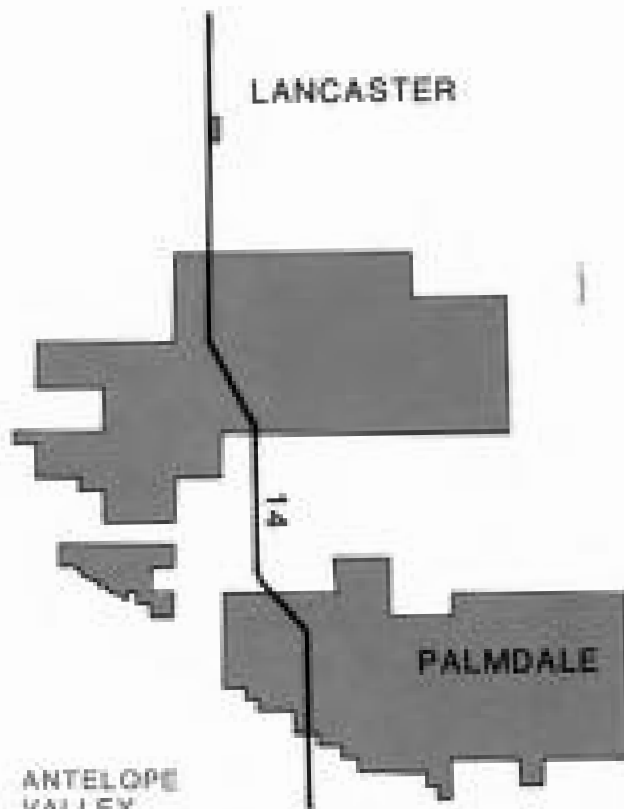
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SANITATION DISTRICTS OF LOS ANGELES COUNTY

CHARLES W. CARRY CHIEF ENGINEER & GENERAL MANAGER



SANTA CLARITA VALLEY



ANTELOPE VALLEY

EXHIBIT 4 – MODEL FOR TENANT CONTRACTOR AGREEMENT

**TENANT CONTRACTOR INDUSTRIAL WASTEWATER DISPOSAL AGREEMENT
FOR SITE _____, AIR FORCE PLANT 42, PALMDALE**

This Industrial Wastewater Disposal Agreement (“**Agreement**”) is between County Sanitation District No. 14 of Los Angeles County, a district organized and existing pursuant to Health and Safety Code Section 4700 et seq. (“**District**”) and _____ (the “**Tenant Contractor**”). The District and Tenant Contractor are each a “**Party**” and together are the “**Parties.**”

- A. The District owns and operates, jointly with other Los Angeles County Sanitation Districts (collectively, the “**Districts**”), a sewerage system for the disposal of wastewater originating within the Districts. Pursuant to Health and Safety Code Section 4742.1, on a determination by the District’s Board of Directors that it is in the best interest of the District, the District has the authority to contract, on terms and conditions as may be agreed upon, to accept industrial wastewater originating outside its territorial boundaries.
- B. The United States of America (the “**Government**”) owns an aircraft assembly plant, known as Air Force Plant 42 (“**Plant 42**”), located at 2503 East Avenue P, Palmdale California 93550-2196, as shown in Exhibit 1. Plant 42 is not within the jurisdictional boundaries of the District as shown in Exhibit 2. Through an agreement with the District, the Government secured the rights to discharge wastewater from Plant 42 into the District’s sewerage system. Tenant Contractor operates and is responsible for disposal of wastewater generated at Site ____ located on Plant 42.
- C. The District imposes charges for annual sewer service (Surcharge and Service Charge) and for capital facilities (Connection Fees) for facilities that discharge to the District. The District imposes requirements on dischargers through provisions of the *Wastewater Ordinance* dated April 1, 1972, as amended July 1, 1998 (“**Wastewater Ordinance**”), a copy of which is attached as Exhibit 3. The District is willing to continue to accept wastewater from the Tenant Contractor at Plant 42 if the Tenant Contractor complies with discharge requirements equivalent to those imposed on industrial dischargers located within the District and pays all equivalent fees and charges described in this Agreement. The Tenant Contractor is willing to comply with all Districts requirements and pay all appropriate charges as set forth in this Agreement.
- D. The Districts is willing to accept the Tenant Contractor’s industrial wastewater from Plant 42, on the condition that the Tenant Contractor agrees: a) to pay the established rates of the District that include capital and ongoing operations and maintenance components; b) to comply with all waste discharge limits and permit requirements that may be imposed from time to time by the District’s Chief Engineer and General Manager (“**Chief Engineer**”); and c) to be legally bound by the applicable provisions of the District’s ordinances.
- E. The parties previously entered into an industrial wastewater disposal agreement dated October 22, 1998, in which the District agreed to accept industrial wastewater from the Tenant Contractor for a term of up to 25 years. The Parties desire to continue the arrangement but enter into a new contract with terms set forth in this Agreement. The Parties have mutually determined that they no longer desire to operate under the terms and conditions of the October 22, 1998 Agreement and will, going forward, operate under the terms and conditions of this Agreement. Therefore, the Parties now desire to terminate the October 22, 1998 Agreement in all respects.

The Parties therefore agree as follows:

1. GENERAL PROVISIONS

1.1 Effective Date. The Effective Date of this Agreement is _____.

- 1.2 Termination of the October 22, 1998 Agreement. As of the Effective Date, the October 22, 1998 Agreement is terminated and of no force or effect, and the Parties have no rights or obligations, past, present, or future, originating or deriving from the October 22, 1998 Agreement except only such obligations that expressly state that they survive the termination of the October 22, 1998 Agreement including the payment of connection fees for fiscal years prior to the Effective Date of this Agreement that may still be under audit or review by the District, or may be determined at a later date, and that have not been billed to the Tenant Contractor as of the Effective Date. The basis of the calculation for fiscal years prior to the Effective Date of this Agreement that may still be under audit or review by the District and that have not yet been billed will be calculated pursuant to Sections 1.5 and 2.1 of this Agreement.
- 1.3 Permission to Discharge. The Tenant Contractor may discharge industrial and sanitary wastewater from Plant 42 into the sewerage system designated by the Chief Engineer subject to the terms and conditions set forth in this Agreement.
- 1.4 Compliance with the *Wastewater Ordinance*.
The Tenant Contractor shall comply with all present and future District requirements applicable to wastewater discharge. The Tenant Contractor shall be legally bound and subject to all provisions of the *Wastewater Ordinance* including all amendments that the District may adopt from time to time except for provisions described in this Agreement.
- 1.5 Connection Fee Ordinance. The Tenant Contractor is subject to the provisions of the “AN ORDINANCE PRESCRIBING FEES FOR THE PRIVILEGE OF CONNECTING ANY PARCEL OR INDUSTRIAL OPERATION WITHIN THE BOUNDARIES OF COUNTY SANITATION DISTRICT NO. 14 OF LOS ANGELES COUNTY DIRECTLY OR INDIRECTLY TO THE SEWERAGE SYSTEM, OR FOR INCREASING THE STRENGTH AND/OR QUANTITY OF WASTEWATER ATTRIBUTABLE TO A CONNECTED PARCEL OR INDUSTRIAL OPERATION WITHIN THE DISTRICT, AND PROVIDING FOR THE COLLECTION OF THOSE CHARGES” dated May 14, 2020, (“*Connection Fee Ordinance*”), including all amendments, or revisions that the District may adopt from time to time except as provided in this Agreement.
- 1.6 Current Baseline Capacity: The Baseline Capacity attributed to The Tenant Contractor by the Government as of the Effective Date of this Agreement is ___ capacity units. Additional capacity is addressed in Section 2.2 below.
- 1.7 Discharge Requirements. The Tenant Contractor will comply without limitation the obligation to:
- a) Obtain and comply with the requirements of the Industrial Wastewater Discharge Permit (“**Permit**”) issued or required to be issued under the *Wastewater Ordinance*, including the installation of any required wastewater pretreatment facilities, systems, or devices;
 - b) File annually with the Districts a wastewater treatment surcharge statement and pay to the District the industrial wastewater treatment surcharge described in Sections 409 and 410 of the *Wastewater Ordinance*, including, as appropriate, any quarterly estimated surcharge payments provided for under Section 214 of the *Wastewater Ordinance*;
 - c) Obtain periodic chemical analyses of its wastewater pursuant to Section 414 of the *Wastewater Ordinance* and report these results to the District; and
 - d) Comply with all regulations of the District and all provisions of the *Wastewater Ordinance* pertaining to the discharge of any toxic or otherwise prohibited or regulated wastewater constituents.
- 1.8 Other Regulations and Requirements. The Tenant Contractor shall comply with all requirements and discharge limitations of the Districts and discharge limitations and pay all additional fees and charges equivalent to those imposed by any other ordinances of the Districts to which the Tenant Contractor would be subject if it were located within the boundaries of the District.

- 1.9 Fees, Charges, Costs. The Tenant Contractor shall pay all costs for conveyance, treatment, and disposal of wastewater in accordance with the *Wastewater Ordinance*, except that the Tenant Contractor will not be entitled to any credits for ad valorem taxes or any other fees or charges that the Tenant Contractor has not paid to the District. If the *Wastewater Ordinance* is further amended to impose other fees and charges, to collect additional costs, or to revise or amend the wastewater treatment surcharge, then the Tenant Contractor shall pay those fees and charges or additional costs without an offset credit for revenue sources not contributed to the District by the Tenant Contractor. In addition, the Tenant Contractor shall pay all other fees or charges required by the District under the *Wastewater Ordinance*.
- 1.10 No Property Interest. The Tenant Contractor will not acquire any real property interest by virtue of the Agreement. The Tenant Contractor acknowledges that this Agreement grants rights no greater than those accruing to wastewater dischargers within the District. In the event that a Tenant Contractor's right to discharge is suspended or terminated by the District for violation of a provision of its Agreement or Permit, the Tenant Contractor will have no right to claim a refund of any fee or charge paid to the District.
- 1.11 Industrial Wastewater Facilities. The Tenant Contractor shall construct, operate, and maintain, at no cost to the District, any facilities required to pre-treat, convey, and deliver the Tenant Contractor's wastewater to the District's sewer system. All plans, work, maintenance, and connections to the sewerage system must be in conformance with all applicable rules and regulations including those of the Districts, Los Angeles County, and any other applicable laws and regulations. The Tenant Contractor shall reimburse the District for all the Districts' costs of inspection, construction, or maintenance arising out of or relating to the Tenant Contractor's facilities. The Tenant Contractor shall obtain all necessary construction permits.

2. CONDITIONS OF DISCHARGE

- 2.1 Flow Meter. In order to determine the annual quantity and peak daily flow rate of wastewater discharged into the sewerage system, the Tenant Contractor shall construct and maintain at its expense an accurate wastewater flow measuring device approved by the Districts. Each flow metering device must be at all times in compliance with the Districts' regulations for such metering devices. Wastewater quality and quantity will be determined in accordance with the provisions of the *Wastewater Ordinance*.
- 2.2 Additional Capacity. The Chief Engineer may attribute additional capacity to the Tenant Contractor upon the payment of additional connection fee charges and the permitting of any new or increased discharges under this agreement. If the Tenant Contractor exceeds or proposes to exceed the Baseline Capacity attribution, the Chief Engineer may, in his or her sole discretion, refuse to attribute additional capacity.

3. DURATION

- 3.1 The Term of this Agreement is twenty-five (25) years from the Effective Date.
- 3.2 The Chief Engineer may at his or her option, terminate this Agreement for any reason by giving the Tenant Contractor one year advance written notice of termination.
- 3.3 This Agreement will terminate if the Government terminates the Tenant Contractor's lease(s) at Plant 42.

4. MISCELLANEOUS

- 4.1 Permit Revocation. The Districts may revoke the Tenant Contractor's Permit, after a hearing as provided in Section 405 of the *Wastewater Ordinance*, if the Tenant Contractor fails to make payment of any fees or charges due under this Agreement, or under the *Wastewater Ordinance*, or

any amendments thereto, or if the Tenant Contractor fails to comply with any material provision of the Tenant Contractor Permit, this Agreement, or any other District rule or regulation.

- 4.2 Indemnification. The Tenant Contractor shall fully indemnify, defend, and hold harmless the District and all other County Sanitation Districts of Los Angeles County, their directors, agents and employees, from any claims, actions, demands, losses, liabilities, attorney's fees, and costs arising out of or caused by its noncompliance with Districts' rules, regulations, requirements, ordinances, and permit provisions, and will be subject to all penalties and civil liabilities provided in the *Wastewater Ordinance* or by County or federal law.
- 4.3 Assignment. The Tenant Contractor shall not assign this Agreement, or any right, duty, or obligation of performance under this Agreement, in whole or in part, without the prior written consent of the District.
- 4.4 Notice. Any notice under this Agreement must be in writing, and must be sent by U.S. Mail to the respective party at the address listed below and to such other addresses as the parties may from time to time specify in writing:

District
Los Angeles County Sanitation District No. 14
1955 Workman Mill Road
Whittier, CA 90601
Attn: Industrial Waste Section Head
(562) 908-4888, extension 2900

To The Tenant Contractor:
[insert]

- 4.5 Modification. Any amendments, modifications, and/or changes to this Agreement must be in writing and signed by a duly authorized representative of the Parties.
- 4.6 Authority. Each person executing this Agreement hereby represents and warrants (i) their authority to do so, and (ii) that such authority has been duly and validly conferred.
- 4.7 Choice of Law. This Agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of California. Venue for any proceeding to construe or enforce this Agreement shall be the Superior Court in and for the County of Los Angeles and the prevailing party in such a dispute shall be entitled to recover its attorneys' fees and costs.
- 4.8 Delegation of Authority. The District delegates to its Chief Engineer and General Manager, or his or her designee, the authority to take any and all actions on behalf of the District including, without limitation, all consents, approvals and authorizations that, in his or her judgment, serve to carry out the purposes of this Agreement.

The Parties have executed this Agreement as of the Effective Date.

[Entity Name]

By: _____

Name:

Title:

**LOS ANGELES COUNTY SANITATION
DISTRICT NO. 14**

By: _____

Chairperson

ATTEST:

Secretary to the Board

APPROVED AS TO FORM:

Lewis Brisbois Bisgaard & Smith, LLP

By: _____
District Counsel