

AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

DATE: Tuesday, November 17, 2020

PLACE: Teleconference

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, the Board meeting will be held via Teams Teleconference.

The District Boardroom will be closed to the public.

The public may observe and comment by electronic means as described on Page 3.

See Page 3 of the Agenda Packet for Teams Teleconference Access Information

Our mission is to protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

1. CALL TO ORDER
2. PLEDGE TO THE FLAG
3. ROLL CALL – Members: Duarte, Halket, Howard, Johnson, Vonheeder-Leopold
4. SPECIAL ANNOUNCEMENTS/ACTIVITIES
5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)
At this time those on the teleconference call are encouraged to address the Board on any item of interest that is within the subject matter jurisdiction of the Board and not already included on tonight’s agenda. Comments should not exceed five minutes. The President of the Board will recognize each speaker, at which time the speaker should introduce him/herself, and then proceed with his/her comment. Written comments of five minutes or less and received by 5 p.m. on the day of the meeting will be read into the meeting record.
6. REPORTS
 - 6.A. Reports by Staff
 - Event Calendar
 - Correspondence to and from the Board
 - 6.B. Joint Powers Authority and Committee Reports
 - 6.C. Agenda Management (consider order of items)
7. CONSENT CALENDAR
Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board or the public prior to the time the Board votes on the Motion to adopt.
 - 7.A. Approve Regular Meeting Minutes of November 3, 2020
Recommended Action: Approve by Motion

- 7.B. Authorize Execution of Grant of Easement to City of Pleasanton for Johnson Drive and Stoneridge Drive Roadway Improvements
Recommended Action: Authorize by Motion

8. BOARD BUSINESS

- 8.A. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists
Recommended Action: Approve by Motion
- 8.B. Second Reading: Adoption of Ordinance Revising District Code Chapter 5.20 Regarding Wastewater Discharge and Pretreatment Regulations
Recommended Action: Waive Reading by Motion and Adopt Ordinance
- 8.C. Accept Regular and Recurring Report: Warrant List and Provide Direction
Recommended Action: Accept by Motion and Provide Direction
- 8.D. Receive Report on Recycled Water Funding and Provide Direction
Recommended Action: Receive Report and Provide Direction
- 8.E. Discussion and Direction on Water Enterprise Finances
Recommended Action: Discuss and Provide Direction

9. BOARD MEMBER ITEMS

- Submittal of Written Reports for Day of Service Events Attended by Directors
- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

10. ADJOURNMENT

All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection during business hours by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

Teams Teleconference Access Information

Dublin San Ramon Services District Regular Board Meeting Tuesday, November 17, 2020

If the public wishes to provide comments during Agenda Item 5 – Public Comment, or on any of the agenda items, please join the meeting using the teleconference instructions below, or email written comments to the Board of Directors at board@dsrsd.com by 5 p.m. Tuesday, November 17, 2020. Written comments, of five minutes or less, will be read into the meeting record during the public comment portion of the agenda or during discussion of the subject of the comment.

To Join by Computer or Device:

1. Click [Join Meeting](#).
2. Select how you want to join the Teams meeting.
3. Click **“Join now.”** You can personalize your video and audio preferences before or after joining.
4. Public participants would wait for the meeting host to admit you.
5. You must unmute yourself when you wish to speak by clicking the microphone icon, which is also used to mute yourself when you finish speaking.

To Join by Phone Only:

1. Dial **(831) 256-7773** USA Toll from any telephone.
2. Enter Conference ID **370 886 664#** when prompted. DO NOT PRESS *.
3. Wait for the meeting host to admit you. If you are unsuccessful in joining, hang up and dial in again.
4. You must unmute yourself when you wish to speak by pressing *6, which is also used to mute yourself when you finish speaking.

Video Teleconference Meeting Instructions and Information:

- Stay muted unless speaking.
- Listen for prompts to know when public comments are solicited.
- You must unmute yourself when you wish to speak during Public Comment or during discussion of a particular agenda item. The meeting host can mute but cannot unmute participants.
- Announce yourself and speak slowly and clearly when commenting.
- Call (925) 875-2224 if you experience any technical difficulties.

Boardmembers and staff will be attending the meeting via teleconference. The Board will convene any Closed Sessions on a separate teleconference line and return to the open teleconference meeting for the next agenda item when the Closed Session is completed. The open teleconference meeting will be muted during this time and will resume for the Closed Session report and meeting adjournment.

The Boardroom is closed to the public.

All votes during the meeting will be taken by roll call vote.

**DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

November 3, 2020

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, this Board meeting was held via Teams teleconference. The District Boardroom is closed to the public; however, the public may observe and comment by calling in to the teleconference meeting per the instructions provided on page 3 of the agenda. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. CALL TO ORDER

A regular meeting of the Board of Directors was called to order at 6:01 p.m. by President Duarte.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Edward R. Duarte, Vice President Ann Marie Johnson, Director Georgean M. Vonheeder-Leopold, and Director Dwight L. (Pat) Howard.

Director Richard M. Halket was absent. Due to technical issues, Vice President Johnson left the meeting at 6:05 p.m. during Item 6.B. and rejoined the meeting at 6:08 p.m. during Item 8.A.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Manager/Treasurer; Judy Zavadil, Engineering Services Manager/District Engineer; Jeff Carson, Operations Manager; Douglas E. Coty, General Counsel; and Vivian Chiu, Administrative Analyst I.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES – None

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:04 p.m. No public comment was received.

6. REPORTS

6.A. Reports by Staff

- Event Calendar – General Manager McIntyre had nothing to report.
- Correspondence to and from the Board on an Item not on the Agenda – None

6.B. Joint Powers Authority and Committee Reports – None

6.C. Agenda Management (consider order of items) – No changes were made.

7. CONSENT CALENDAR

Director Howard MOVED for approval of the items on the Consent Calendar. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES and TWO ABSENT (Johnson and Halket) per roll call vote.

- 7.A. Approve Regular Meeting Minutes of October 20, 2020 – Approved
- 7.B. Approve Amendment to the Capital Improvement Program Ten-Year Plan for Fiscal Years 2020 through 2029 and Two-Year Budget for Fiscal Years 2020 and 2021 to Combine Water Lines Replacement - Wineberry Area (CIP 16-W017) and Water Lines Replacement - Canterbury Area (CIP 21-W001) Projects and Approve Master Agreement for Consulting Services with BKF Engineers and Authorize Execution of Task Order No. 1 – Approved – Resolution No. 57-20 and Resolution No. 58-20

8. BOARD BUSINESS

- 8.A. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

Assistant General Manager Lee reviewed the item for the Board. She reported there have been no material changes since the last update to the Board. Both Alameda and Contra Costa Counties remain in Tier 3 (orange tier) indicating moderate risk under the state's system for reopening the economy. Due to Election Day, the state will be announcing its weekly tier assignment update on Wednesday instead of Tuesday this week.

Director Howard MOVED to Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Halket) per roll call vote.

- 8.B. Second Reading: Adopt Ordinance Revising District Code Chapter 7.40 Acquisition of Real Property, Supplies, and Equipment; and Rescind Purchasing Policy and Resolution No. 18-18

President Duarte read the title of the Ordinance: An Ordinance of Dublin San Ramon Services District Amending Chapter 7.40 of the District Code to Include Procurement Authority and Standards for District Purchasing.

Director Howard MOVED to Waive Reading of the Ordinance. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Halket) per roll call vote.

There was no public comment received. The Board had no comments.

Director Vonheeder-Leopold MOVED to Adopt Ordinance No. 344, Amending Chapter 7.40 of the District Code to Include Procurement Authority and Standards for District Purchasing; and Adopt Resolution No. 59-20, Rescinding the Purchasing Policy and Rescinding Resolution No. 18-18. Director Howard SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Halket) per roll call vote.

- 8.C. First Reading: Introduction of Ordinance Revising District Code Chapter 5.20 Regarding Wastewater Discharge and Pretreatment Regulations

President Duarte read the title of the Ordinance: Introduction of Ordinance Revising District Code Chapter 5.20 Regarding Wastewater Discharge and Pretreatment Regulations

Director Howard MOVED to Waive Reading of the Ordinance. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Halket) per roll call vote.

Senior Environmental Compliance Inspector Alex Perez reviewed the item for the Board. He summarized the revisions include recommended changes resulting from a pretreatment compliance audit of the California Environmental Protection Agency and changes to address the District's administrative processes.

The Board and staff discussed the requirement to list local limits for pollutants and concentrations in Section 5.20.060 of the District Code and the handling of emerging chemicals such as PFAS (perfluoroalkyl and polyfluoroalkyl substances). Staff explained the process for derivation of the local limits, the regional efforts for monitoring PFAS, and the District's voluntary participation in a pool to monitor emerging chemicals.

There was no public comment received. The Board had no additional comments.

Director Howard MOVED to Schedule Adoption of the Ordinance Amending Chapter 5.20 of the District Code to Revise Provisions that Govern Wastewater Discharge Regulations for November 17. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Halket) per roll call vote.

8.D. Receive Presentation on Upgraded Power Monitoring System

Senior Electrical Engineer-Supervisory Maurice Atendido reviewed the item for the Board and gave a presentation with screen shots of the new software, Eaton Foreseer, used to monitor the power and energy usage of the wastewater treatment plant, the DERWA (DSRSD-EBMUD Recycled Water Authority) recycled water treatment facility, and the LAVWMA (Livermore-Amador Valley Water Management Agency) pump station processes. He expressed the new system has easier navigation, is more user friendly, and provides better data reporting. He remarked the upgrade is a preplanning step to the Electrical Master Plan.

The Board and staff discussed the resources used for the upgrade. Mr. Atendido noted the original field devices were reused because they are compatible with the new system. Therefore, only a server, software, and labor were required for the upgrade. President Duarte commended staff for a job well done.

8.E. Receive Update on Primary Sedimentation and Improvements Project (CIP 17-P004)

Associate Engineer Supervisor Jaclyn Yee reviewed the item for the Board and gave a presentation with photos of the project. She provided the status of the construction progress, construction change orders, and remaining contingency.

The Board and staff discussed aspects of the presentation pertaining to the issues with the baffles and troughs and the three-month delay in the project schedule. They also discussed a recovery plan for the project's critical path. Ms. Yee commented the critical path related to seasons will be addressed by a wet weather plan that is similar to last year's plan.

9. BOARDMEMBER ITEMS

- Submittal of Written Reports for Day of Service Events Attended by Directors – None
- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

Director Vonheeder-Leopold requested for the recorded presentation of the Santa Clarita Valley Water Agency’s completion of its PFAS water treatment facility, as mentioned in an ACWA (Association of California Water Agencies) news article.

10. CLOSED SESSION

At 7:02 p.m. the Board went into Closed Session.

10.A. Conference with Legal Counsel – Anticipated Litigation
Consideration of Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4): One Potential Case

10.B. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2): One Potential Case

11. REPORT FROM CLOSED SESSION

At 7:52 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

12. ADJOURNMENT

President Duarte adjourned the meeting at 7:52 p.m.

Submitted by,

Vivian Chiu, MMC
Administrative Analyst I

FOR: Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Authorize Execution of Grant of Easement to City of Pleasanton for Johnson Drive and Stoneridge Drive Roadway Improvements

RECOMMENDATION:

Staff recommends the Board of Directors authorize, by Motion, the General Manager to execute a grant of easement to the City of Pleasanton for Johnson Drive and Stoneridge Drive roadway improvements.

DISCUSSION:

In 1987, the Federal Government granted the property along Johnson Drive and Stoneridge Drive, depicted in Attachment 1, (“property”) to the District. The property is located within the boundaries of the City of Pleasanton (“City”) and includes the intersection of Stoneridge Drive and Johnson Drive, as well as the “Park and Ride” site at the northwest corner of the intersection. Prior to granting the property to the District, the Federal Government granted a roadway easement to the City for the roadway alignment. The easement, however, was not officially recorded with the Alameda County Recorder’s Office.

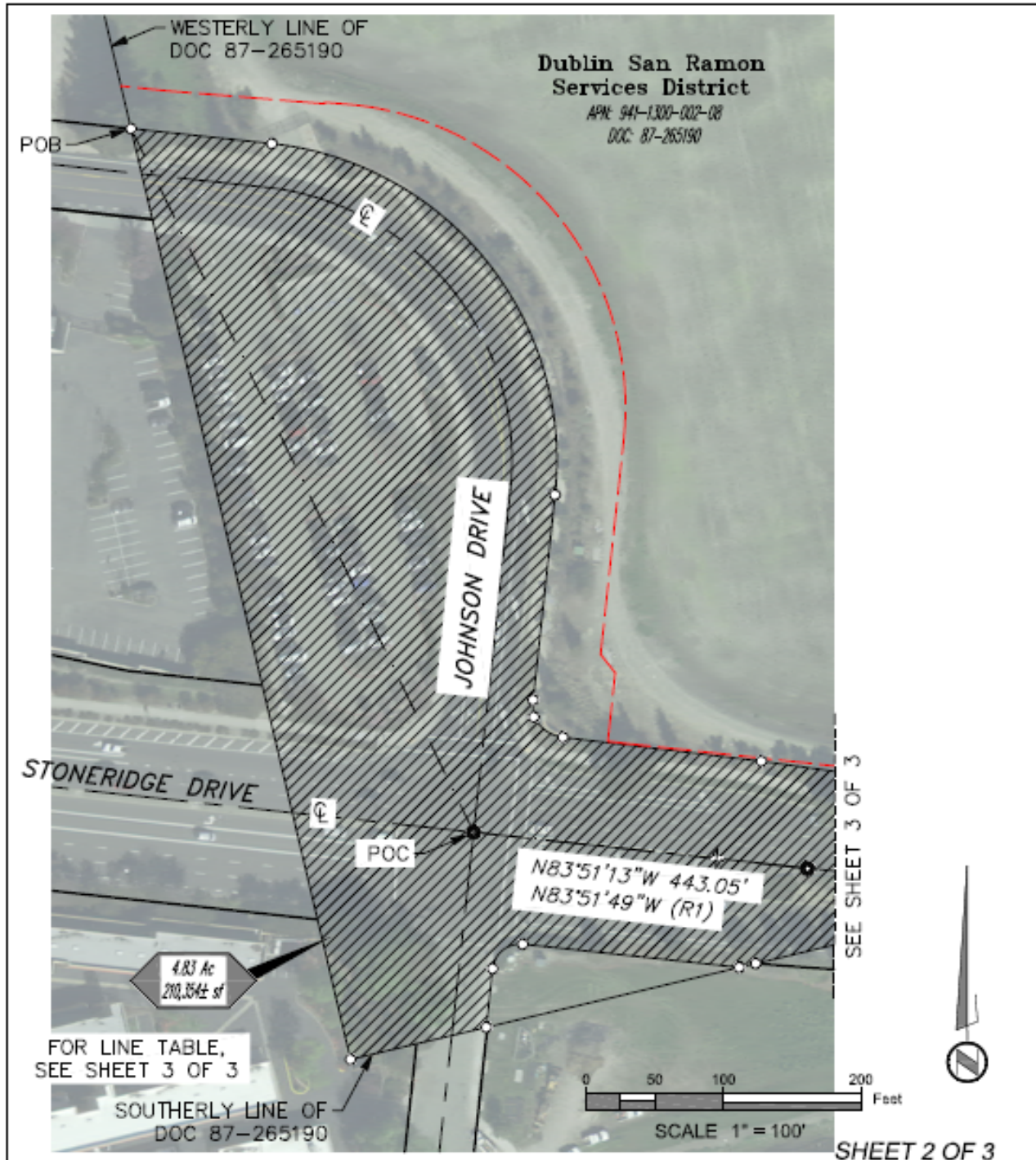
The property is adjacent to the Johnson Drive Economic Development Zone (JDEDZ). The JDEDZ is a City designated planning area consisting of forty acres of mostly underutilized or vacant land situated along Johnson Drive near Interstate 680 (I-680) and Stoneridge Drive. On February 4, 2020, the Pleasanton City Council certified the JDEDZ Supplemental Environmental Impact Report, amended the City’s General Plan, and approved rezoning for the JDEDZ from general and light industrial to commercial.


To proceed with roadway improvements planned as part of the JDEDZ, the City is requesting a public road, utilities, and parking easement over a portion of the property. The improvements are proposed within the land between the hatched area and the red lines in Attachment 1. As a first step, the City has requested an easement which is largely the same as the original grant of roadway easement from the Federal Government plus additional area to cover the existing roadway which has been widened since the original easement. The easement is indicated by a hatched line, in Attachment 1. The District will retain ownership of the underlying property which is critical as the District has several utilities in this area.

The land between the hatched area and the red lines in Attachment 1 includes a portion of the Dedicated Land Disposal (DLD) area. Granting the easement within this area and allowing roadway improvements will reduce treatment capacity in the DLD. The value of this area is under negotiation with the City of Pleasanton. For this reason, staff recommends granting the easement in the hatched area now, so that improvements may proceed. A subsequent easement request for the remaining area will be brought before the Board of Directors for consideration when a value has been mutually determined and agreed upon.

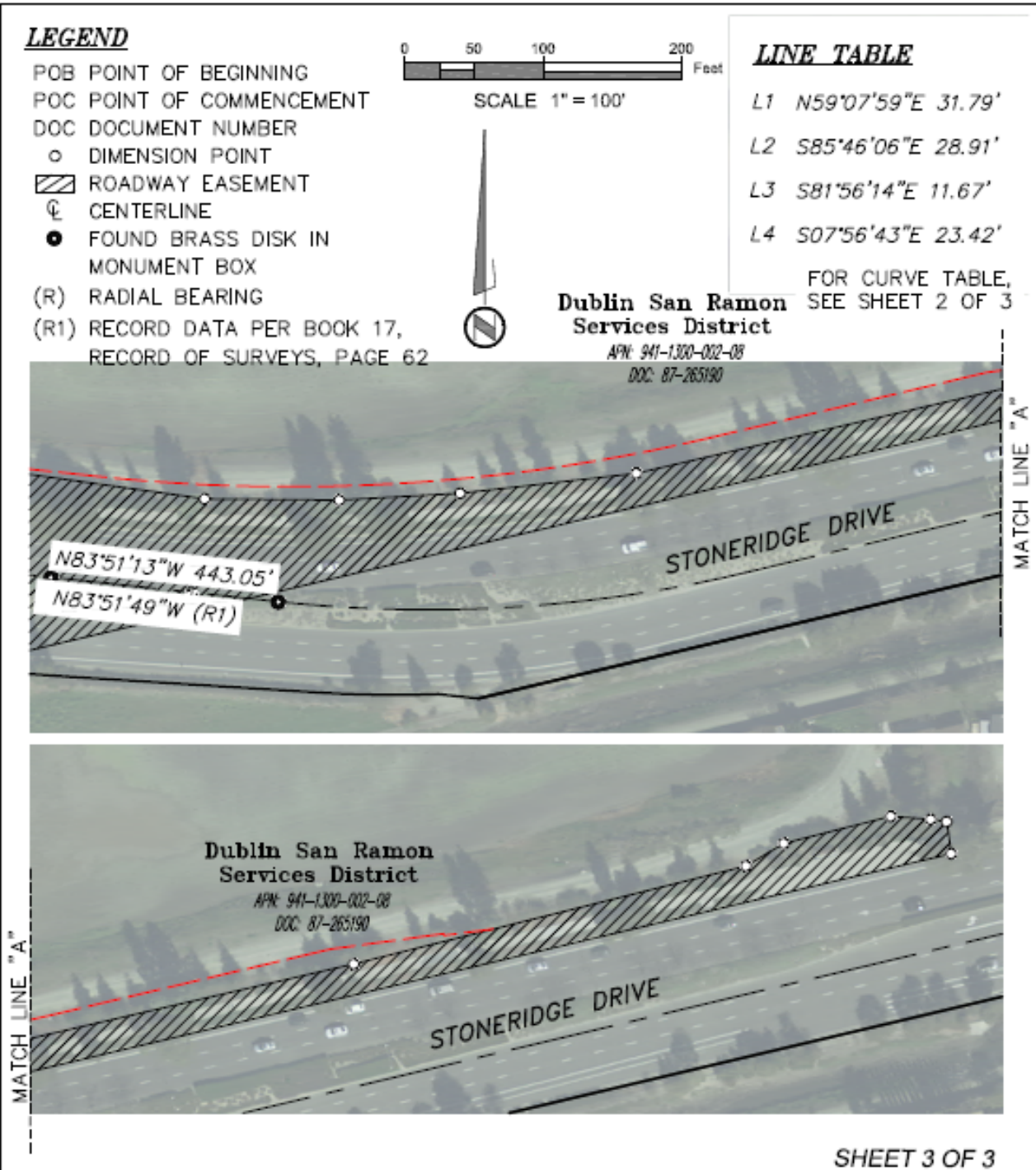
District General Counsel has reviewed the easement request and recommends granting the easement to the City as proposed.

Originating Department: Engineering Services	Contact: S. Delight	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: \$ 0	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Easement Exhibit Attachment 2 – Grant of Easement	
		8 of 151



 <p>MARK THOMAS</p> <p>Scale: 1" = 100' Date OCT 2020 Drawn By ADB Checked By TTB</p>	<p>Exhibit B ROADWAY EASEMENT APN 941-1300-002-08 Plat to Accompany Legal Description In the City of Pleasanton Alameda County, California</p>	<p>SHEET 2 OF 3</p>
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<p>MARK THOMAS</p> <p>Scale: 1" = 150'</p> <p>Date OCT 2020</p> <p>Drawn By ADB</p> <p>Checked By TTB</p>	<p>Exhibit B</p> <p>ROADWAY EASEMENT</p> <p>APN 941-1300-002-08</p> <p>Plat to Accompany Legal Description</p> <p>In the City of Pleasanton</p> <p>Alameda County, California</p>	<p>SHEET 3 OF 3</p>
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Recording Requested By:

CITY OF PLEASANTON

And When Recorded Mail to:

City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566
Attention: City Clerk

Documentary Transfer Tax \$ Exempt R&T Code 11922

By:

Recording Fee \$0.00 Gov't Code 27383

Space Above This Line for Recorder's Use

APN XXX-XXXX-XXX-XX (Por.)

GRANT OF EASEMENT
(Roadway, Public Utilities and Parking)

DUBLIN SAN RAMON SERVICES DISTRICT, a public corporation, (“DSRSD” or “GRANTOR”), does hereby GRANT to CITY OF PLEASANTON, a municipal corporation, its successors and assigns, (“CITY” or “GRANTEE”), a perpetual non-exclusive Easement for public road, public utilities, and public parking purposes, and related construction and maintenance purposes and incidents thereto on, under, over and across that certain real property (hereinafter called the “Easement Area”), situated in the City of Pleasanton, County of Alameda, State of California, described in Exhibit A, and depicted in Exhibit B, both attached hereto and incorporated herein by this reference.

RECITALS

WHEREAS, on April 24, 1978, the United States of America (“USA”) executed a grant of easement with the City as grantee for the area generally described as the Easement Area, which easement the City duly accepted by enacting Resolution 78-70; and

WHEREAS, that easement was at all times and is subject to the terms and conditions set forth in Exhibit C, attached hereto and incorporated herein by this reference; and

WHEREAS for reasons unknown, that grant of easement was erroneously not recorded; and

WHEREAS, on July 10, 1987, the USA subsequently executed a quitclaim deed granting DSRSD fee title to real property in the City of Pleasanton, County of Alameda, which included the Easement Area, and which deed was duly recorded in the Official Records of the County of Alameda on September 25, 1987 as Series No. 87-265190; and

WHEREAS, in its October 20, 1987 correspondence from the USA to DSRSD, the USA confirmed that as the succeeding fee owner of the Easement Area, DSRSD was vested with the rights of the fee owner and burdened by the obligations of the unrecorded April 24, 1978 grant of easement as set forth in Exhibit C hereto; and

WHEREAS, following its acceptance of the April 24, 1978 easement, the City built and operated a public roadway, issued encroachment permits for public utilities within such roadway, and built and operated a park-and-ride lot within the Easement Area; and

WHEREAS, the City and DSRSD desire to clarify of record that the City has a legal easement within the Easement Area for the public roadway, public utilities and public parking lot.

This Grant of Easement is executed and delivered to GRANTEE upon the terms and conditions set forth in Exhibit C and the following additional terms & conditions:

A. GRANTEE acknowledges that it has inspected the Easement Area and accepts the Easement Area in its “as is” condition, without any representation or warranty of any kind whatsoever and without any obligation on the part of the GRANTOR.

B. GRANTEE shall be obligated at its sole cost and expense to maintain and repair the roadway and parking lot, except to the extent that maintenance or repair is the responsibility of a public utility subject to a City-issued encroachment permit, and will utilize and maintain the Easement Area in such a manner that there is no interference with the pipeline shown in Exhibit D, or unreasonable interference with other uses of the Easement Area by GRANTOR, including but not limited to uses and facilities installed therein from time to time by GRANTOR through the process described in Sections F and G, below.

Nothing within the provisions of this Easement is intended to affect the legal liability of GRANTEE by imposing any standard of care respecting the design, construction, maintenance and repair of the roadway and parking lot different from the standard of care imposed by law.

C. GRANTEE shall not assign the Easement rights herein conveyed to another without the express written permission of GRANTOR.

1. However, GRANTEE may issue encroachment permits for the installation of public utilities within the Easement Area. GRANTEE and GRANTOR agree to collaboratively and expeditiously review encroachment permit applications within ten (10) working days after copies of such applications are provided by GRANTEE to GRANTOR.
 - (a) Maintenance of suitable separations from GRANTOR’s facilities shall be required if feasible, and GRANTEE shall not issue an encroachment permit if said public utilities are proposed to extend within ten horizontal feet or one vertical foot of GRANTOR’s then-existing facilities unless suitable protections are provided for those facilities of GRANTOR, as determined by GRANTOR.

- (b) Any such encroachment permit issued by GRANTEE to allow public utilities to operate in the Easement Area shall also require that such public utilities: (1) maintain and repair their facilities, and any damage to the roadway and parking lot caused by their facilities, at their sole cost and expense, (2) utilize and maintain the Easement Area in such a manner that there is no interference with the use of the Easement Area by GRANTOR, including but not limited to facilities installed therein from time to time by GRANTOR, (3) defend GRANTOR against any and all liability, claims, damages, costs, or expenses in law or equity, including reasonable attorney's fees, claimed or alleged to have arisen from actions or failure to act by such public utilities, and (4) indemnify GRANTOR for any and all liability, claims, damages, costs, or expenses in law or equity, including reasonable attorney's fees, arising from actions or failure to act by such public utilities.

D. To the extent permitted by law, and subject to conditions 3, 4, 5, 10, and 11 of the April 24, 1978 easement, GRANTOR and GRANTEE shall each indemnify and hold the other, and their respective officers, agents, and employees harmless from any and all losses, costs or expenses in law or equity, damages, liability on account of personal injury, death or property damage, or claims for personal injury, death or property damage of any nature whatsoever and by whomsoever made, including reasonable attorney's fees, to the extent arising out of the activities of the indemnifying party, and of its employees, subcontractors, or agents under this Easement. This indemnity obligation, pursuant to Civil Code section 2778, includes the costs incurred by the party being indemnified of defending against any and all losses, costs or expenses in law or equity, damages, liability on account of personal injury, death or property damage, or claims for personal injury, death or property damage of any nature whatsoever and by whomsoever made.

E. GRANTOR reserves the right to convey easement rights to others so long as such easement(s) do not conflict or unreasonably interfere with GRANTEE's Easement rights herein conveyed, but prior to making such a conveyance, GRANTOR will provide at least ten (10) working days written notice to GRANTEE by transmitting copies of such easements to GRANTEE. GRANTOR will meet with GRANTEE at GRANTEE's request to consider any of GRANTEE's concerns regarding the easements, and GRANTOR and GRANTEE shall work collaboratively to resolve such concerns.

F. GRANTOR reserves the right to use the Easement Area for any present or future purpose not in conflict with the Easement rights expressly granted herein, but prior to undertaking such uses, GRANTOR will provide at least ten (10) working days written notice to GRANTEE describing the uses. GRANTOR will meet with GRANTEE at GRANTEE's request to consider any of GRANTEE's concerns regarding the uses, and GRANTOR and GRANTEE shall work collaboratively to resolve such concerns. This easement shall not be construed to convey to GRANTEE, by implication or otherwise, any rights not expressly granted herein.

G. GRANTOR, its successors and/or assigns, shall not place or permit to be placed on the Easement area, any above-ground structures. Nothing in the foregoing or elsewhere in this easement shall be construed to prevent or restrict GRANTOR from placing or permitting to be placed manholes or hatches above vaults or other facilities of GRANTOR that it may install from

time to time within the Easement Area. Prior to the placement of such facilities, GRANTOR shall provide GRANTEE at least ten (10) working days written notice by transmitting plans of such facilities to GRANTEE. GRANTOR will meet with GRANTEE at GRANTEE's request to consider any of GRANTEE's concerns, and GRANTOR and GRANTEE shall work collaboratively to resolve such concerns.

H. GRANTEE, prior to undertaking any significant modification to the roadway or public parking within the Easement Area, shall provide GRANTOR at least ten (10) working days written notice by transmitting plans of such modifications to GRANTOR. GRANTEE will meet with GRANTOR at GRANTOR's request to consider any of GRANTOR's concerns, and GRANTEE and GRANTOR shall work collaboratively to resolve such concerns.

I. Any notice which GRANTOR or GRANTEE are required to provide to the other related to this Easement shall be given in writing and may be personally served, sent by overnight courier delivery, or deposited in the United State Mail as certified mail, postage prepaid, addressed to the other party at the following address:

GRANTOR: Dublin San Ramon Services District
Attn: General Manager
7051 Dublin Blvd.
Dublin, CA 94568

GRANTEE: City of Pleasanton
Attention: City Manager
P.O. Box 520 or 123 Main Street
Pleasanton, CA 94566

J. GRANTEE alone shall pay any and all taxes, charges or use fee(s) levied by any governmental agency against GRANTEE'S interest in the Easement Area. GRANTEE shall not cause liens of any kind to be placed against the Easement Area.

K. GRANTOR shall pay no fees, charges or transfer taxes of any kind in connection with the Easement rights herein conveyed.

L. GRANTEE hereby acknowledges the title of GRANTOR in and to the property underlying the Easement Area and agrees never to assail or to resist said title. If GRANTOR determines in its sole discretion that it is required to relocate its facilities installed within the Easement Area because of changes to the roadway made by, on behalf of, or as permitted by, GRANTEE, GRANTEE shall reimburse GRANTOR for all costs and expenses incurred by Grantee to relocate Grantee's facilities.

M. This instrument, including the Exhibits attached hereto and incorporated herein, contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing, signed by the party to be charged.

N. This instrument shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

O. Acceptance and recordation of the Grant of Easement by GRANTEE shall signify GRANTEE's acceptance of the terms and conditions of the conveyance.

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Dublin San Ramon Services District Resolution No. _____ adopted _____, 2020, a certified copy of which is attached hereto and made a part hereof.

GRANTOR - DUBLIN SAN RAMON SERVICES DISTRICT

By: _____
Daniel McIntyre, General Manager

Dated: _____

Attest:

By: _____
Nicole Genzale, District Secretary

Approved as to Form:

By: _____
Douglas E. Coty, District General Counsel

ACCEPTED:

GRANTEE - CITY OF PLEASANTON

By: _____
Nelson Fialho, City Manager

Dated: _____

Attest:

By: _____
Karen Diaz, City Clerk

Approved as to Form:

By: _____
Daniel Sodergren, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

All that real property situated in the City of Pleasanton, County of Alameda, State of California described as follows:

A portion of the property described in the QUITCLAIM DEED to Dublin San Ramon Services District recorded July 10, 1987 in Document 87-265190, Alameda County Records, more particularly described as follows:

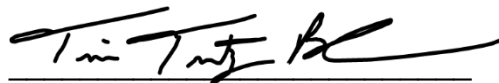
Commencing at a found brass disk in a monument box, shown as being located at the intersection of the centerlines of Stoneridge Drive and Johnson Drive on the Record of Survey filed November 8, 1992 in Book 17, Page 62 of Record of Surveys, Alameda County Records, which is shown as being distant North 83°51'49" West, 443.05 feet from a found brass disk in monument box on said Record of Survey; thence North 25°57'51" West, 569.33 feet to a point on the westerly line of the aforementioned QUITCLAIM DEED and the **Point of Beginning**; thence leaving said westerly line, South 83°53'28" East, 103.10 feet to the beginning of a tangent curve to the right, having a radius of 232.02 feet; thence along said curve through a central angle of 90°00'00", an arc length of 364.46 feet; thence South 06°06'35" West, 150.01 feet to the beginning of a tangent curve to the left, having a radius of 40.00 feet; thence along said curve through a central angle of 17°58'01", an arc length of 12.54 feet to the beginning of a non-tangent curve to the left, with a radial bearing of South 63°08'54" West and a radius of 27.29 feet; thence along said curve through a central angle of 56°16'00", an arc length of 26.80 feet; thence South 83°07'06" East, 145.49 feet; thence South 82°04'17" East, 178.79 feet; thence South 89°25'58" East, 97.24 feet; thence North 86°44'00" East, 87.55 feet; thence North 83°32'49" East, 128.18 feet; thence North 77°01'46" East, 277.11 feet; thence North 75°57'54" East, 292.23 feet; thence North 59°07'59" East, 31.79 feet; thence North 75°49'25" East, 79.76 feet; thence South 85°46'06" East, 28.91 feet; thence South 81°56'14" East, 11.67 feet; thence South 07°56'43" East, 23.42 feet to a point on the southerly line of the aforementioned QUITCLAIM DEED; thence along said southerly line, South 76°41'02" West, 1227.97 feet; South 76°41'32" West, 12.32 feet; thence leaving said southerly line, North 83°53'27" West, 158.41 feet to the beginning of a tangent curve to the left, with a radius of 20.00 feet; thence along said curve, through a central angle of 90°00'00", and arc length of 31.42 feet; thence South 06°06'33" West, 42.90 feet to said southerly line; thence along said southerly line South 76°41'05" West, 101.57 feet to the southwesterly corner of said QUITCLAIM DEED; thence along the westerly line of said QUITCLAIM DEED, North 13°16'20" West, 695.68 feet to the **Point of Beginning**.

Containing 210,354 square feet or 4.83 acres, more or less.

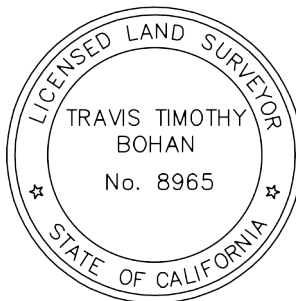
Coordinates and bearings shown on this survey are based on the California Coordinate System, NAD83, Zone 3, Epoch 2011.00. Distances are grid distances. Divide by 0.99992 to obtain ground distances. All distances are in US Survey feet unless otherwise noted.

Exhibit "B" is attached hereto and made a part of this legal description.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.



Travis Timothy Bohan LS. 8965

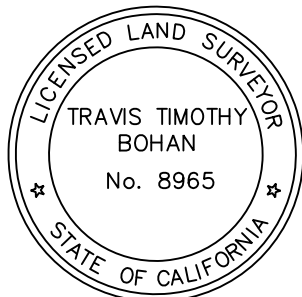
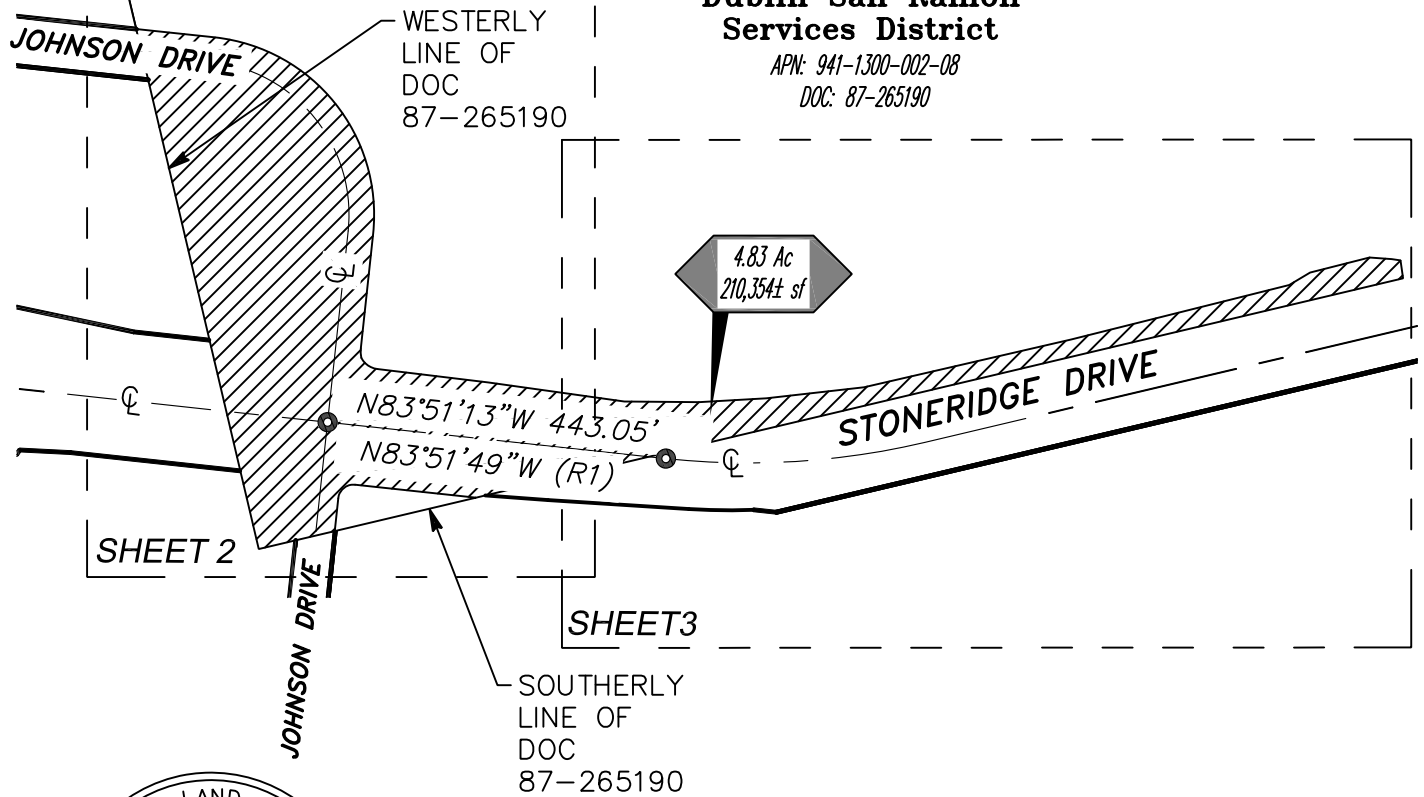


10/29/2020

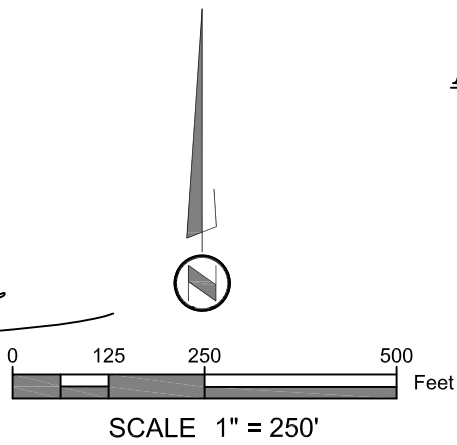
Date

**Dublin San Ramon
Services District**

APN: 941-1300-002-08
DOC: 87-265190



Travis Timothy Bohan



LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- DOC DOCUMENT NUMBER
- DIMENSION POINT
- ▨ ROADWAY EASEMENT
- ⊕ CENTERLINE
- FOUND BRASS DISK IN MONUMENT BOX
- (R) RADIAL BEARING
- (R1) RECORD DATA PER BOOK 17, RECORD OF SURVEYS, PAGE 62

THE BASIS OF BEARINGS IS BASED ON CCS NAD83, ZONE 3. EPOCH 2011.00 DISTANCES ARE GRID DISTANCES. DIVIDE BY 0.99992 TO OBTAIN GROUND DISTANCES. ALL DISTANCES ARE IN US SURVEY FEET UNLESS OTHERWISE NOTED.

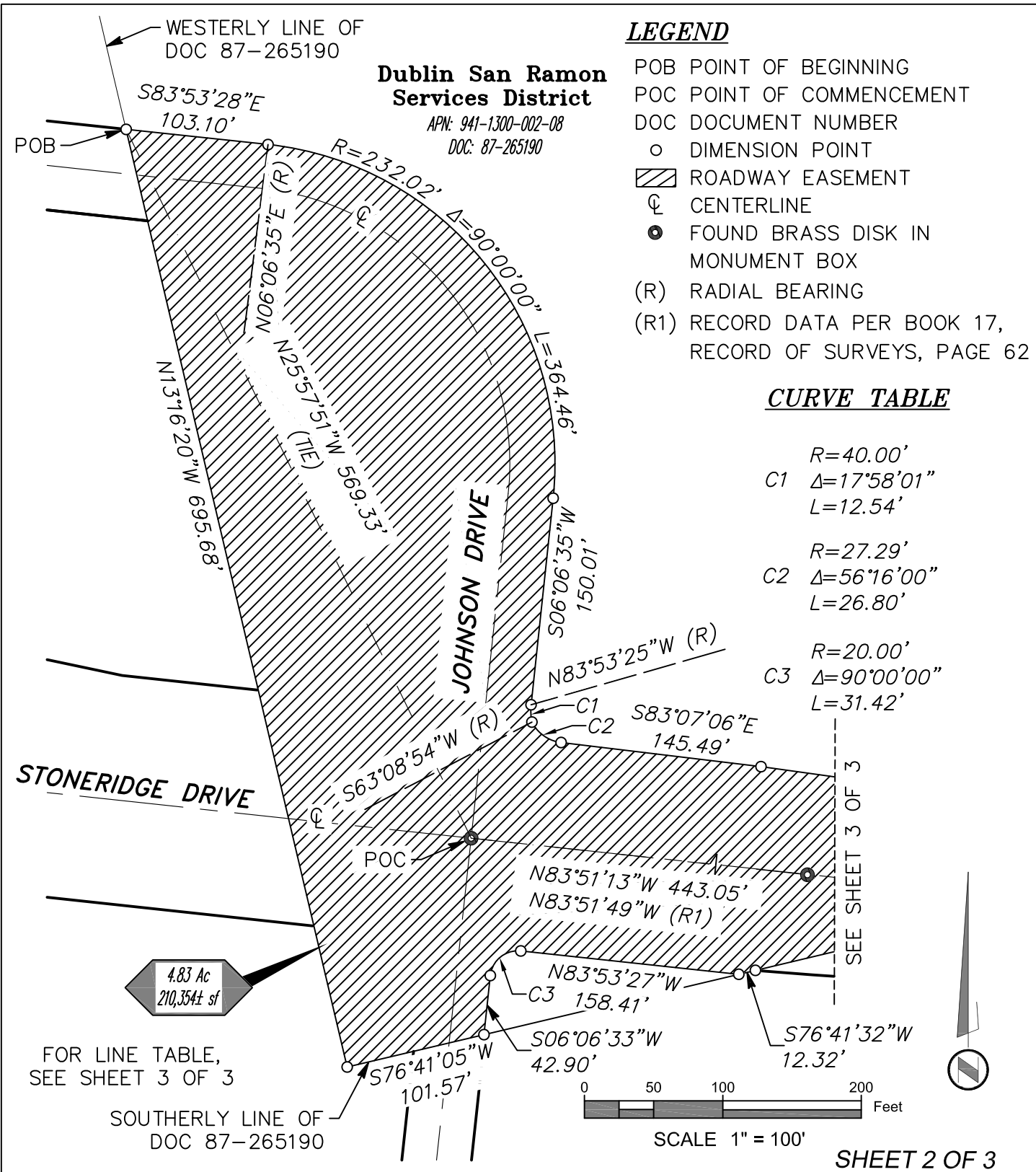
SHEET 1 OF 3



MARK THOMAS

Scale: 1" = 250'
Date OCT 2020
Drawn By ADB
Checked By TTB

**Exhibit B
ROADWAY EASEMENT
APN 941-1300-002-08
Plat to Accompany Legal Description
In the City of Pleasanton
Alameda County, California**



LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- DOC DOCUMENT NUMBER
- DIMENSION POINT
- ▨ ROADWAY EASEMENT
- ⊕ CENTERLINE
- FOUND BRASS DISK IN MONUMENT BOX
- (R) RADIAL BEARING
- (R1) RECORD DATA PER BOOK 17, RECORD OF SURVEYS, PAGE 62

CURVE TABLE

C1	R=40.00'	Δ=17°58'01"	L=12.54'
C2	R=27.29'	Δ=56°16'00"	L=26.80'
C3	R=20.00'	Δ=90°00'00"	L=31.42'

4.83 Ac
210,354± sf

FOR LINE TABLE,
SEE SHEET 3 OF 3

SOUTHERLY LINE OF
DOC 87-265190



SCALE 1" = 100'




SHEET 2 OF 3

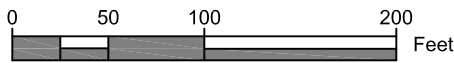
MARK THOMAS

Scale: 1" = 100'
Date OCT 2020
Drawn By ADB
Checked By TTB

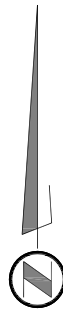
Exhibit B
ROADWAY EASEMENT
 APN 941-1300-002-08
 Plat to Accompany Legal Description
 In the City of Pleasanton
 Alameda County, California

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- DOC DOCUMENT NUMBER
- DIMENSION POINT
-  ROADWAY EASEMENT
-  CENTERLINE
-  FOUND BRASS DISK IN MONUMENT BOX
- (R) RADIAL BEARING
- (R1) RECORD DATA PER BOOK 17, RECORD OF SURVEYS, PAGE 62



SCALE 1" = 100'



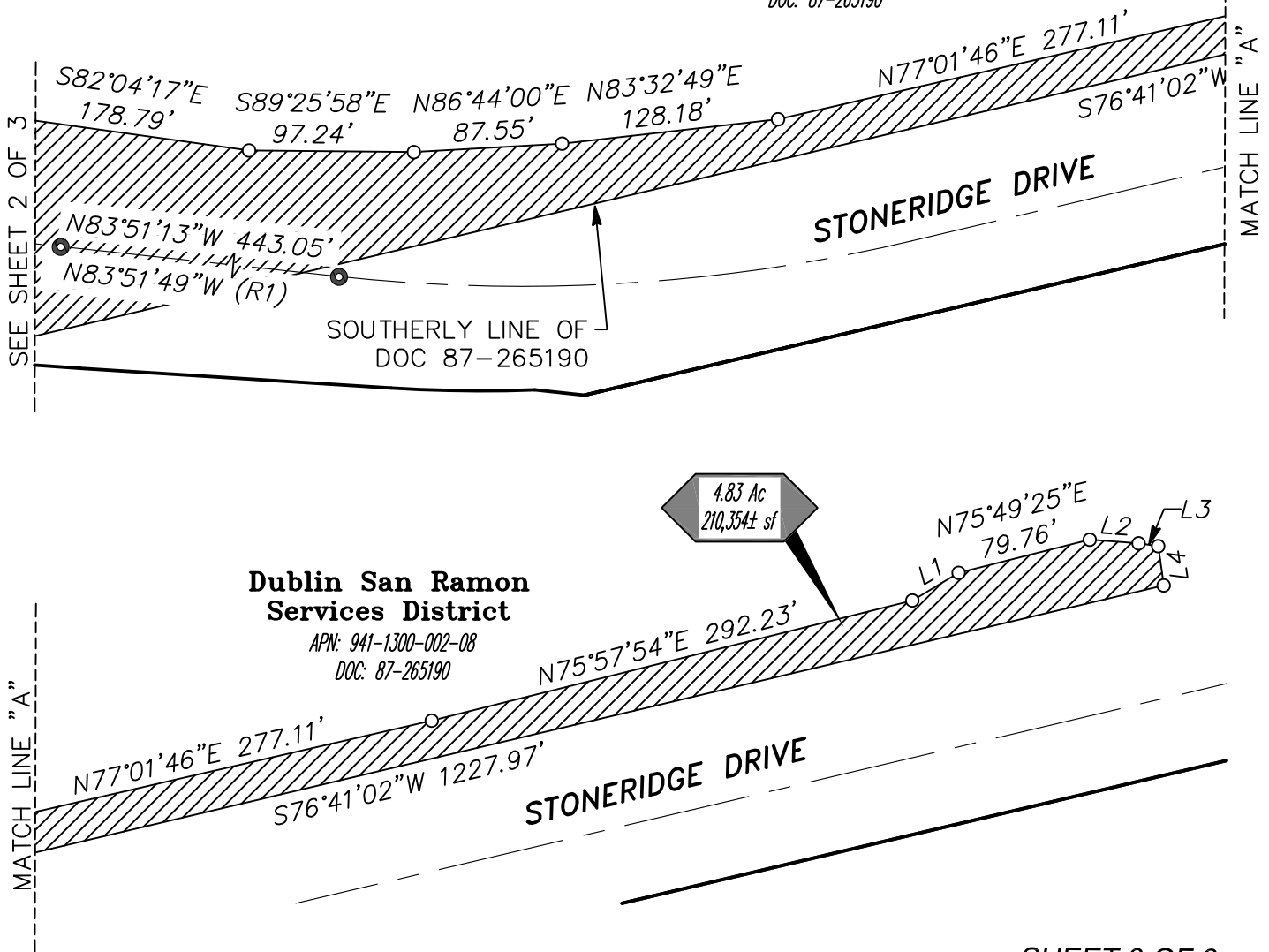
LINE TABLE

- L1 N59°07'59"E 31.79'
- L2 S85°46'06"E 28.91'
- L3 S81°56'14"E 11.67'
- L4 S07°56'43"E 23.42'

FOR CURVE TABLE, SEE SHEET 2 OF 3

Dublin San Ramon Services District

APN: 941-1300-002-08
DOC: 87-265190



Dublin San Ramon Services District

APN: 941-1300-002-08
DOC: 87-265190

SHEET 3 OF 3



MARK THOMAS

Scale: 1" = 150'
Date OCT 2020
Drawn By ADB
Checked By TTB

Exhibit B
ROADWAY EASEMENT
APN 941-1300-002-08
Plat to Accompany Legal Description
In the City of Pleasanton
Alameda County, California

Exhibit C
ROADWAY EASEMENT
APN 941-1300-002-08

Terms and Conditions of April 24, 1978 easement

1. The construction, use, and maintenance of said road or street, including culverts and other drainage facilities, shall be performed without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over said premises.
2. The grantee shall at all times maintain said road or street to good condition and shall promptly make all repairs thereto needed to preserve a smooth-surface highway.
3. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer, or in lieu of such repair or replacement the grantee shall, if so required by said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.
4. The use and occupation of said lands of the United States for the purposes authorized by this instrument shall be subject to such rules and regulations as the said officer may prescribe from time to time in order to properly protect the interests of the United States.
5. The United States shall in no case be liable for any damages or injuries to the said road or street which may be caused by or result from any operations undertaken by the Government, and no claim or right to compensation shall accrue from such damages or injuries.
6. The United States reserves the right to make such connections between the road or street herein authorized and roads and streets on said lands as the Chief of Engineers may from time to time consider necessary, and also reserves to itself rights-of-way for all purposes across, over, and/or under the right-of-way hereby granted; provided, however, that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the grantee of said right-of-way for highway purposes.
7. It is to be understood that this instrument is effective only insofar as the rights of the United States in the property over which the said road or street is to be extended are concerned, and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.
8. All or any part of such right-of-way herein granted maybe terminated by the Secretary of the Army for failure to comply with any or all of the terms or conditions of this grant, or for non-use for a two-year period or abandonment of rights granted herein.
9. It is understood, that the provisions of Conditions Nos: 1 and 5, supra, shall not abrogate or interfere with any agreements or commitments made or entered into between the grantee and any other agency of the United States with regard to financial aid to the grantee in connection with the construction, maintenance, or repair of the road or street described herein.

Exhibit C
ROADWAY EASEMENT
APN 941-1300-002-08

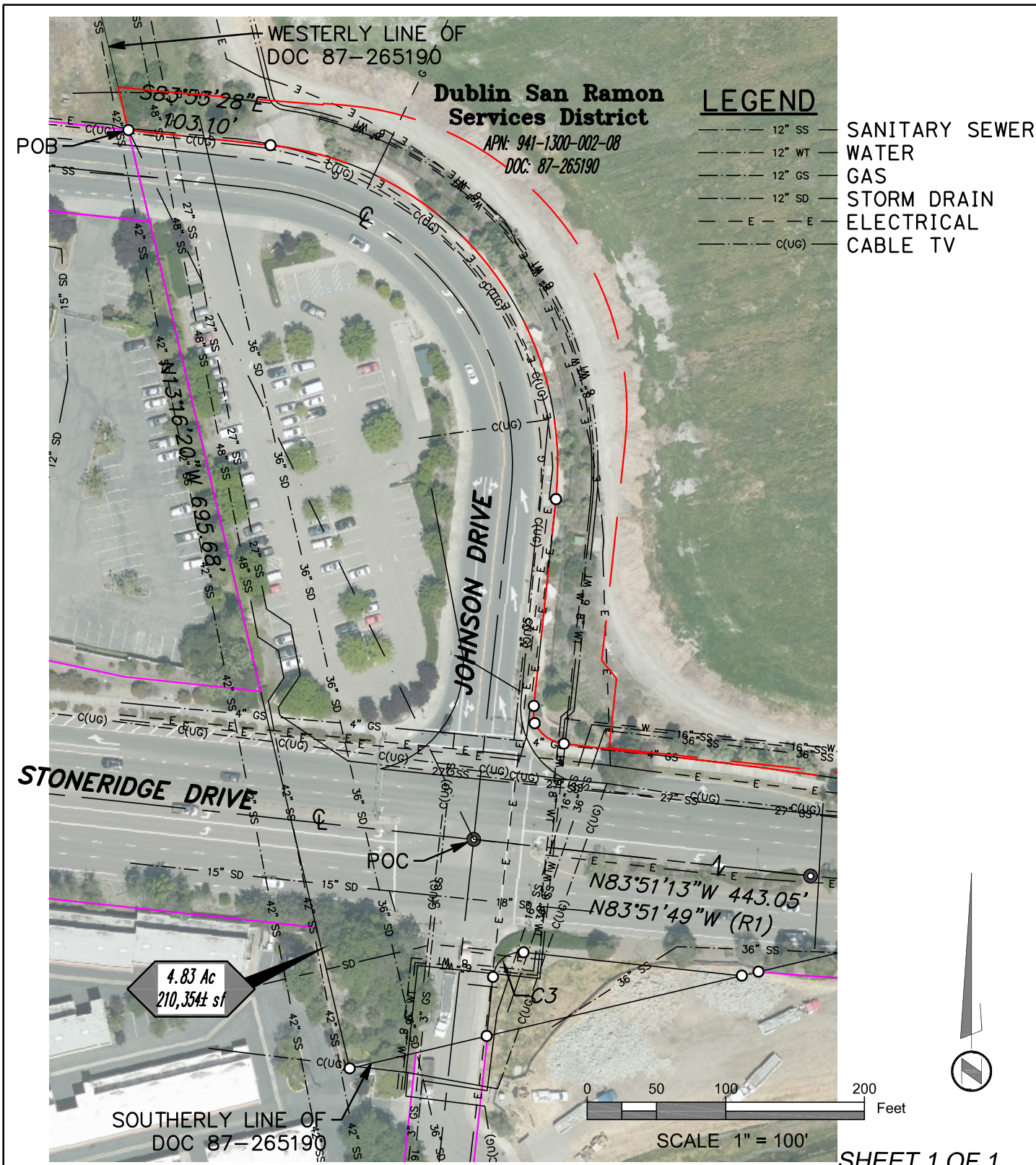
10. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property, or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to governmental activities, and the grantee shall hold the United States harmless from any and all such claims.

11. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said road or street.

12. It is understood that this easement shall not interfere with the operation of any sewer facilities providing for treatment and transport of Camp Parks sewage.

13. That a thirty (30) foot easement along the western boundary and a twenty-five (25) foot easement along the northern boundary of the right-of-way shall be reserved for the DSRSD pipelines and interceptor.

The granting clause was altered and Conditions Nos. 12 and 13 were added prior to the execution of this easement.



SHEET 1 OF 1

MARK THOMAS

Scale: 1" = 100'
 Date: 11/12/2020
 Drawn By ADB/JDS
 Checked By TTBJLS

Exhibit D
SITE UTILITIES
 APN 941-1300-002-08



TITLE: Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

RECOMMENDATION:

Staff recommends the Board of Directors receive a verbal update on the COVID-19 emergency and approve, by Motion, a continuation of the State of Emergency response to the COVID-19 pandemic, as declared by the General Manager and confirmed and ratified by Resolution No. 26-20, and find that there exists a need for continuing the District's COVID-19 emergency which the Board last confirmed on November 3, 2020.

SUMMARY:

On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the District's State of Emergency in response to the COVID-19 pandemic and directed the General Manager to provide regular progress reports to the Board until the State of Emergency is terminated. There have been no substantial changes to the District's COVID-19 response since the Board was last updated. The District continues to operate under COVID-19 emergency restrictions and comply with all state and local public health orders. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the State of Emergency.

BACKGROUND:

On March 4, 2020, Governor Gavin Newsom of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19, a coronavirus. On March 13, 2020, President Donald Trump declared a National Emergency as a result of the threat of COVID-19.

On March 16, 2020, the public health officers of Alameda and Contra Costa Counties issued a legal order directing their respective residents to shelter in place (SIP) and limiting activity, travel, and business functions to the most essential needs. The SIP order provided an exception for the operations and maintenance of "Essential Infrastructure," which includes, but is not limited to, water, wastewater, and recycled water service. Since most District facilities are located within Alameda County, emergency response plans have been based on the Alameda County SIP order. The Alameda County public health officer has issued updated SIP orders on March 31, April 29, May 18, June 5, June 18, July 15, August 21, September 2, October 1, and October 21 in response to changing conditions. The Alameda County SIP order requires employers to implement physical distancing and other safety measures to limit the spread of COVID-19 in the workplace. The latest SIP order has no specified termination date and will continue to be updated periodically.

On March 16, 2020, the General Manager, as the District's Emergency Manager per the Emergency Response Plan policy (P300-16-2), declared a District State of Emergency to allow for essential operations to continue, and to ensure operational flexibility in meeting the challenges of COVID-19, while providing vital water and sewer services that are needed to protect public health and the environment.

On March 19, 2020, the State public health officer issued an order requiring most Californians to stay at home, with certain exceptions for critical services and other essential needs. This stay-at-home order has no specified termination date.

On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the continuation of the District State of Emergency, and directed the General Manager to report on progress at least at every regularly scheduled meeting until the State of Emergency is terminated.

Originating Department: Office of the General Manager		Contact: J. Lee	Legal Review: Not Required
Financial Review: Not Required		Cost and Funding Source: \$0	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		24 of 151	

On May 4, 2020, Governor Newsom issued Executive Order N-60-20, allowing for the gradual relaxing of the stay-at-home order and reopening of industry sectors under a four-stage roadmap. However, due to a surge in positive COVID-19 cases during the summer, the State began putting counties on a state watch list and requiring them to scale back reopenings.

On August 28, 2020, the State announced a new color-coded, four-tier “Blueprint for a Safer Economy” which loosens and tightens restrictions on activities based on risk level. This new color-coded system (Purple, Red, Orange, and Yellow) replaces the earlier roadmap and outlines a more gradual process for reopening the economy than the first attempt. The State assesses each county weekly and assigns them a tier based on the rate of positive cases and percentage of positive tests. These metrics will be used to determine how quickly a county can move through the tiers or whether a county needs to take a step back if COVID-19 cases surge again. At a minimum, counties must remain in a tier for at least three weeks and meet the next tier’s criteria for two consecutive weeks before moving forward. Both Alameda and Contra Costa Counties were initially assigned to the Purple Tier (Tier 1), which represents widespread community transmission.

On September 30, 2020, the State announced a new health equity metric which will be used (along with the other metrics) to determine a county’s tier. This metric requires the test positivity rates in the most disadvantaged neighborhoods to fall within the same range as the county’s overall test positivity rates. The equity metric took effect on October 6, 2020.

DISCUSSION:

As of November 10, 2020, Alameda County remains in the Orange Tier (Tier 3) under the State’s Blueprint for a Safer Economy. The Orange Tier is the second-lowest tier in the State’s color-coded risk system and indicates a moderate risk of COVID-19 transmission in the community. Alameda is experiencing a slight uptick in COVID-19 cases and current activities allowed are generally limited to the Red Tier. Alameda County has not loosened restrictions on office settings.

On November 10, 2020, the State moved Contra Costa County back into the Red Tier (Tier 2), which represents a substantial risk. Contra Costa County was placed in the less restrictive Orange Tier on October 27. However, the number of new COVID cases per capita has exceeded the allowable threshold for the Orange Tier for two consecutive weeks, prompting the downgrade to the Red Tier. As a result, Contra Costa County will need to reimpose stricter limitations on certain activities effective November 13, 2020, to control the spread of the virus.

District emergency planning has been aggressively implemented. In compliance with state and local public health orders, half of the District’s staff are fully or partially working from home and the remaining staff are reporting to District facilities, with staggered schedules and other measures implemented to comply with social distancing requirements. A few operational activities are still suspended or delayed while the District’s Environmental Health and Safety Team evaluates how to resume these activities in a manner that complies with the District’s COVID-19 safety protocols. Significant changes to the District’s COVID-19 response plans are unlikely to occur until Alameda County reaches the Yellow Tier (Tier 4) under the State’s color-coded system and the Alameda County SIP order restrictions for office settings are relaxed. Given the gradual rise in COVID cases throughout Alameda and Contra Costa Counties, these changes are not anticipated to occur prior to the end of the calendar year.

The COVID-19 emergency continues in the District’s service area. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the State of Emergency reflected by Resolution No. 26-20.



TITLE: Second Reading: Adopt Ordinance Revising District Code Chapter 5.20 Regarding Wastewater Discharge and Pretreatment Regulations

RECOMMENDATION:

Staff recommends the Board of Directors waive, by Motion, the second reading of an Ordinance that will revise provisions of the District Code Section 5.20 that govern wastewater discharge and pretreatment regulations and adopt the Ordinance.

DISCUSSION:

This is the second of two readings for the proposed revisions to District Code Chapter 5.20 which governs wastewater discharge and pretreatment regulations. The Board reviewed the details of the recommended revisions to the District Code at the first reading on November 3, 2020. If adopted, the Ordinance will become effective in 30 days, on December 17, 2020.

A marked-up version of Chapter 5.20 showing proposed changes is included as Attachment 1. A clean version of the proposed modified Chapter 5.20 is shown in Exhibit 1 to the Ordinance. A summary of the proposed changes was provided in the staff report and in a presentation at the November 3, 2020 Board meeting

Most of these revisions stem from the Pretreatment Compliance Audit (PCA) from 2017 as performed by Environmental Protection Agency (EPA) contractors, Tetra Tech, Inc., on behalf of the Regional Water Quality Control Board. The PCA resulted in four required and three recommended changes to the District Code. These proposed changes are enacted to better align the District Code with EPA requirements, referenced in Title 40 of the Code of Federal Regulations Part 403 (40 CFR 403), as determined by the results of the audit.

Other revisions included amending sections of the District Code that deal with control measures on Fats, Oils and Grease (FOG) both in the collection system, and at the pending FOG receiving station at the wastewater treatment plant. The revisions are meant to allow permitted discharges of truck-hauled FOG at the wastewater treatment plant while at the same time prohibiting the unauthorized discharge of chemical degreasing agents to the collection system.

Lastly, staff recommends two administrative revisions to address the District’s business needs: (1) a transfer of duties from the District Engineer to the Legally Responsible Official, and (2) an outright prohibition of wastewater associated with alkaline hydrolysis, sometimes referred to as “water cremation.”

District General Counsel has reviewed the proposed revisions to the Code. General Counsel also determined a public hearing is not required to revise this chapter of the District Code. Public notification requirements include the publishing of an Ordinance summary after both the first and second readings. The first summary was published on the District’s website and in the newspaper on November 10, 2020 and no public comment was received. The second summary will be published on November 24, 2020.

Originating Department: Operations	Contact: A. Perez	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: \$ 0	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Code Chapter 5.20	
		26 of 151

Chapter 5.20

WASTEWATER DISCHARGE AND PRETREATMENT REGULATIONS

Sections:

- 5.20.010 Purpose and policy.
- 5.20.020 Abbreviations.
- 5.20.030 Definitions.
- 5.20.040 Prohibited discharge standards.
- 5.20.050 National Categorical Pretreatment Standards.
- 5.20.060 Local limits.
- 5.20.070 State and federal requirements and standards.
- 5.20.080 District's right of revision.
- 5.20.090 Dilution prohibition.
- 5.20.100 Bypass.
- 5.20.110 Affirmative defense to prohibited discharge violations.
- 5.20.120 Discharge from self-regulating water softeners.
- 5.20.130 Pretreatment facilities.
- 5.20.140 Additional pretreatment measures.
- 5.20.150 Spill prevention and control plans.
- 5.20.160 Hauled wastewater.
- 5.20.170 Wastewater analysis.
- 5.20.180 Wastewater discharge permit requirements.
- 5.20.190 Wastewater discharge permits – Existing connections.
- 5.20.200 Wastewater discharge permits – New connections.
- 5.20.210 Wastewater discharge permit application.
- 5.20.220 Signatory and certification requirement.
- 5.20.230 Wastewater discharge permit decisions.
- 5.20.240 Wastewater discharge permit term.

- 5.20.250 Wastewater discharge permit contents/conditions.
- 5.20.260 Wastewater discharge permit modification.
- 5.20.270 Wastewater discharge permit transfers prohibited.
- 5.20.280 Wastewater discharge permit revocation.
- 5.20.290 Wastewater discharge permit reissuance.
- 5.20.300 Baseline monitoring reports.
- 5.20.310 Compliance schedule progress reports.
- 5.20.320 Reports on compliance deadline.
- 5.20.330 Periodic compliance reports.
- 5.20.340 Reports of changed conditions.
- 5.20.350 Reports of potential problems.
- 5.20.360 Reports from unpermitted users.
- 5.20.370 Violation – Repeat sampling and reporting.
- 5.20.380 Analytical requirements.
- 5.20.390 Sample collection.
- 5.20.400 Reports deemed submitted upon receipt.
- 5.20.410 Record retention.
- 5.20.420 Right of entry – Inspection and sampling.
- 5.20.430 Inspection/search warrants.
- 5.20.440 Confidential information.
- 5.20.450 Publication of users in significant noncompliance.
- 5.20.460 Notice of violation.
- 5.20.470 Order to show cause.
- 5.20.480 Compliance orders.
- 5.20.490 Cease and desist orders.
- 5.20.500 Consent orders.
- 5.20.510 Appeals.
- 5.20.520 Civil liability, administrative complaint, penalties and costs.
- 5.20.530 Emergency suspensions.

- 5.20.540 Termination of discharge.
- 5.20.550 Legal and equitable remedies.
- 5.20.560 Violation a misdemeanor.
- 5.20.570 Remedies nonexclusive.
- 5.20.580 Performance bonds.
- 5.20.590 Liability insurance.
- 5.20.600 Water service termination.
- 5.20.610 Public nuisance.
- 5.20.620 Paramount provisions.
- 5.20.010 Purpose and policy.

This chapter sets forth uniform requirements for users of the District's wastewater treatment facility and collection system and enables the District to comply with all applicable state of California and federal laws, including the Clean Water Act (33 United States Code Sections 1251 et seq.; "the Act") and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the District's wastewater collection system which would cause interference with the system, the District's treatment works, or other District operations.
- B. Prevent the introduction of pollutants into the District's wastewater collection system which cannot sufficiently be treated and pass through the District's treatment works or which will have a deleterious effect on the District's treatment works, or which otherwise are incompatible with the District's treatment operations.
- C. Protect both the District's treatment works personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public.
- D. Promote recycling of wastewater effluent and sludge from the District's wastewater treatment works.
- E. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District's pretreatment program and/or its treatment works.
- F. Enable the District to comply with its National Pollutant Discharge Elimination System permit (NPDES) conditions, sludge use and disposal requirements, and any other applicable federal or state of California laws.
- G. Prevent the introduction of wastes into the system which may affect the District's ability to dispose of its grit, sludge or other residuals.

H. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety arising from the collection, treatment and disposal of wastes through the District's treatment works.

This chapter shall apply to all users discharging to the District's wastewater treatment works. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the District's pretreatment program. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.020 Abbreviations.

The following abbreviations used in this chapter shall have the meanings respectively ascribed thereto:

BOD – biochemical oxygen demand.

BTEX – benzene, toluene, ethyl benzene and xylenes.

CCR – State of California Code of Regulations.

CFR – Code of Federal Regulations.

COD – chemical oxygen demand.

EPA – United States Environmental Protection Agency.

GPD – gallons per day.

LEL – lower explosive limit.

mg/L – milligrams per liter.

MGD – million gallons per day.

NPDES – National Pollutant Discharge Elimination System.

PCBs – polychlorinated biphenyl compounds.

RCRA – Resource Conservation and Recovery Act of 1976 (42 USC Section 6901 et seq.).

SIC – Standard Industrial Classification.

TICH – total identifiable chlorinated hydrocarbons.

TTO – total toxic organics.

TPH – total petroleum hydrocarbons, both gasoline and diesel.

TSS – total suspended solids.

USC – United States Code. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.030 Definitions.

Unless it is apparent from the context that another meaning is intended, the following words and terms used in this chapter shall have the meanings respectively ascribed thereto; provided, that the definitions specified in Chapter 5.10 DSRSDC, Wastewater Facilities Use Regulation and Protective Measures, also pertain to this chapter except to the extent of any conflict, in which case the definitions in this chapter shall govern.

“Act” or “the Act” or “PL 92-500” refers to the Federal Water Pollution Control Act Amendments of 1972, as amended (33 USC Section 1251 et seq.), commonly referred to as the Clean Water Act (the Act).

“Authorized representative of the user” means any official described in DSRSDC 5.20.220, Signatory and certification requirement.

“Best available technology” means the best control and treatment measures that are available and economically achievable.

“Best Management Practices or BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Categorical industrial user” means any industrial user who is subject to categorical pretreatment standards, as provided in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Categorical pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 USC Section 1317) that applies to a specific category of users, and which appears in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Collection system” means the District’s pipelines, pump stations, manholes and other related facilities which transport wastewater to the District’s treatment works.

“Commercial user” means any nonresidential user, including a business activity that is not otherwise classified as an industrial user, and that introduces wastewater that is determined by the District Engineer/Wastewater Treatment Plant Legally Responsible Official to consist primarily of sewage into the District’s wastewater facilities.

“Discharger” means any person, firm, association, corporation, governmental agency or other entity who or which disposes of wastewater into a sanitary sewer system that is connected to, or part of, the District’s treatment works.

“Domestic wastewater” means that portion of wastewater attributed to normal residential discharges derived from ordinary living processes of human beings and not wastes generated and/or discharged from commercial, institutional, or industrial activities.

“Existing source” means any source of wastewater discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if a standard is thereafter promulgated in accordance with Section 307 of the Act.

“Flow” means the volume of wastewater measured during a period of time (e.g., gallons per minute, MGD, etc.).

“Garbage” means solid wastes from the preparation, cooking and dispensing of food; from the handling, storage and sale of produce; and paper and plastic wastes.

“Grab sample” means a sample of wastewater which is taken over a period of time not exceeding 15 minutes without regard to the flow of the waste stream.

“Hydrolysate” means the resultant liquid from the hydrolysis of human or animal remains.

“Hydrolysis” means the process by which the body of a deceased person or animal is chemically reduced to its essential organic components and bone fragments in a hydrolysis chamber.

“Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

“Industrial user” means any user whose operations generate and/or produce discharges of industrial wastes and wastewater derived from any production, manufacturing, processing, institutional, commercial, agricultural, or other activity or operation, and whose activity or operations are identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as said manual now exists or is hereafter amended or supplemented.

“Industrial wastewater zero-discharge permit” means a wastewater discharge permit issued to a user that does not discharge any processed industrial wastewater, but stores and uses chemicals or other pollutants in such manner that they have the potential of entering a sanitary sewer.

“Instantaneous maximum allowable discharge limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected by or for the District, irrespective of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which by itself or in conjunction with another discharge or other discharges inhibits or disrupts the District’s treatment facilities, its treatment processes or operations, or its sludge processes, including sludge use or disposal, that causes a violation of any condition or requirement of the District’s NPDES permit or that adversely affects the quality of processed sludge thereby preventing disposal thereof by land application or other recycling means.

“Intermediate industrial user” means an industrial user who is not a significant industrial user but whose operations produce, or are likely to produce, priority pollutant(s) or pollutant(s) that are otherwise prohibited or pollutant(s) that are restricted by the District, including and without limitation, DRSDC 5.20.060, Local limits.

“ISO 11143” means the International Organization for Standardization’s standard for amalgam separators.

“Limited discharge permit” means a wastewater discharge permit that authorizes an industrial user to discharge wastewater into a sanitary sewer for no longer than nine months; including, but not limited to, any discharge from construction-related activities.

“Mechanical garbage grinder” means a mechanical device for pulverizing quantities of garbage.

“Medical wastes” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“National pretreatment standard” or “pretreatment standard” or “standard” means pollutant discharge limits in any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. The term includes prohibited discharge limits established pursuant to 40 CFR Section 403.5.

“New source” means any building, structure, facility or installation (collectively in this definition, “facility”) from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act and which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

1. The facility is constructed at a site at which no other source is located; or
2. The facility completely replaces the process or production equipment that generates the discharge of pollutants at an existing source; or
3. The production or wastewater-generating processes associated with the facility are substantially independent of an existing source at the same site. In determining whether such sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

Modification of a facility on a site at which an existing source is located that does not meet the criteria of subsection (1) or (2) of this definition, but that otherwise alters, replaces, or adds to existing processes or production equipment does not constitute a new source.

Construction of a new source under this definition is deemed to have commenced if the owner or operator thereof has either:

- a. Commenced, as part of a continuous on-site construction program: (i) any placement, assembly, or installation of facilities or equipment; (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- b. Entered into an agreement or other binding obligation to purchase facilities or equipment which is intended to be used in the operation of the new source within a reasonably foreseeable time period. Options to purchase, or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute an agreement or other binding obligation under this definition.

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“NPDES permit” or “the District’s NPDES permit” means the National Pollutant Discharge Elimination System permit issued to the District pursuant to the Act and regulations promulgated thereunder.

“Oil and grease” means any material or like matter that is soluble in freon or any solvent that is approved for oil and grease analysis under 40 CFR Section 136 classification method 413.1.

“PAHs (polynuclear aromatic hydrocarbon compounds)” means those compounds analyzed by EPA Method 610 listed below:

Acenaphthene

Benzo(a)pyrene

Fluoranthene

Acenaphthylene

Benzo(b)fluoranthene

Fluorene

Anthracene

Benzo(ghi)perylene

Naphthalene

Benzo(a)anthracene

Benzo(k)fluoranthene

Pyrene

Dibenzo(a,h)anthracene

Chrysene

Phenanthrene

Indeno(1,2,3-cd)pyrene

“Pass-through” means a discharge which, by itself or in conjunction with other discharge(s), exits the District’s treatment facilities at a concentration or quantity that causes a violation of any condition or requirement of the District’s NPDES permit (including an increase in the magnitude or duration of violation).

“PCBs (polychlorinated biphenyl compounds)” means those compounds analyzed by EPA method 608 listed below:

PCB-1016

PCB-1248

PCB-1221

PCB-1254

PCB-1232

PCB-1260

PCB-1242

“pH” means the negative logarithm of the concentration of active hydrogen ions, expressed in moles per liter of solution.

“Pollutant” means dredged soil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the treatment works. This reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means except by diluting the concentration of the pollutants, unless the dilution is permitted by an applicable pretreatment standard.

“Pretreatment standard(s)” or “pretreatment requirement(s)” means any substantive or procedural requirement governing a user’s activities or operations that is related to pretreatment, other than a national pretreatment standard, categorical pretreatment standard or pretreatment standard.

“Priority pollutant” means any toxic pollutant designated as such in 40 CFR Section 401.15, including amendments thereto.

“Septage tank waste” means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, recreational vehicles (“RVs”), and septic tanks.

“Significant industrial user” means a significant industrial user defined in 40 CFR Section 403.3(v) as:

1. Any categorical industrial user; or
2. Any other industrial user that:
 - a. Discharges 25,000 gallons or more per day of process wastewater to the District’s treatment works (excluding sanitary, noncontact cooling and boiler blow-down water);

- b. Contributes a process waste stream which comprises five percent or more of the average dry weather hydraulic or organic capacity of the District's treatment plant; or
- c. Is designated as such by the District based on a finding that the industrial user's activities or operations have a reasonable potential for adversely affecting the operation of the District's treatment works or for violating any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement (in accordance with 40 CFR Section 403.8(f)(6)).

"Significant noncompliance" means noncompliance of an industrial user with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements that constitutes one or more of the criteria defined in DSRSDC 5.20.450, Publication of users in significant noncompliance.

"Slug load" or "slug" means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge.

"Standard Industrial Classification code" or "SIC code" means a classification established under the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"TICH (total identifiable chlorinated hydrocarbons)" means those organochlorine pesticides analyzed by EPA method 608 listed below:

α -BHC

4,4'-DDD

Endosulfan I

Endrin Aldehyde

β -BHC

4,4'-DDE

Endosulfan II

Heptachlor

δ -BHC

4,4'-DDT

Endosulfan Sulfate

Heptachlor Epoxide

γ -BHC

Dieldrin

Endrin

Toxaphene

Chlordane

“Treatment facility” means that portion of the treatment works that is designed to provide treatment of wastewater.

“TTO (total toxic organics)” means the summation of all quantifiable values greater than 0.01 milligrams per liter of the organic toxic pollutants included in 40 CFR Part 433.11 listed in Appendix 1 to Chapter 5.

“Waste hauler discharge permit” means the wastewater discharge permit which gives authorization to a waste or septage hauler to discharge domestic wastes, chemical toilet wastes or other permissible wastewater into a designated discharge point in the District’s treatment works.

“Wastewater discharge permit” means a permit that authorizes a user to discharge nondomestic wastewater into a sanitary sewer; provided, that wastewater discharge permit includes industrial wastewater discharge permit, pollution prevention wastewater discharge permit, or industrial wastewater zero-discharge permit (hereinafter defined), except that the latter does not authorize a discharge.

“Water softener” means a unit installed to remove minerals (hardness) from potable water. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.040 Prohibited discharge standards.

A. General Prohibitions. A user shall not introduce into the District’s treatment works any pollutant or combination of pollutants which causes or will cause pass-through or interference. These general prohibitions apply to every user of the District’s treatment works irrespective of whether the user is subject to national pretreatment standards, categorical pretreatment standards, pretreatment standards or requirements, or any other federal, state of California or any District requirement.

B. Specific Prohibitions. A user shall not introduce into the District’s treatment works any waste or waste stream that has the following characteristics or substances:

1. Pollutants which alone or by reaction with other pollutants have the potential to create a fire hazard or explosion hazard in the District’s treatment works, or to be injurious to human health and safety or to the operations of the District’s treatment works. In no case shall a user discharge a waste or waste stream that has a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR Section 261.21. Additionally, in no case shall a user discharge a waste or waste stream that exceeds 10 percent of the LEL of an approved gas detector meter. The materials which may be prohibited hereunder based upon their potential to cause a fire or explosion hazard include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substance that constitutes a fire or explosion hazard.

2. Wastewater which will cause corrosive structural damage to the District's treatment works and collection system; provided, that in no case shall a user discharge wastewater with pH less than 6.0 or greater than 11.0.
3. Solid or viscous substances in amounts which will cause or threaten to cause obstruction to the flow in a sanitary sewer or cause or threaten to cause pass-through or interference including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, woods, paunch manure, garbage with particles greater than 1/2 inch in any dimensions, animal guts or tissues, bones, hair, hides or flesh, entrails or whole blood.
4. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) discharged to a sanitary sewer at a flow rate and/or pollutant concentration alone or by interaction with other pollutants which will cause interference.
5. Wastewater having a temperature greater than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment facility to exceed 104 degrees Fahrenheit (40 degrees centigrade).
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the District's treatment facility and collection system in a quantity that may cause acute worker health and safety hazards.
8. Any trucked or hauled septic tank wastes, holding tank wastes or chemical toilet wastes, unless a permit has been issued to the waste hauler by the District in accordance with the regulations specified in DSRSDC 5.20.160, Hauled wastewater.
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which either alone, or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry of personnel into sewers for maintenance or repair.
10. Any waste or wastewater which imparts color that cannot be removed by the District's treatment facility, including, without limitation, dye wastes and vegetable tanning solutions, consequently causing a violation of the District's NPDES permit.
11. Any wastewater containing any radioactive wastes or isotopes exceeding any limits specified in 17 CCR Section 30287 or 10 CFR Section 20, whichever is more stringent.
12. Any storm water, ground water, rainwater, street drainage, subsurface drainage, yard drainage, except pursuant to a specific permit issued by the District; provided, further, that no person shall construct or install any drain or other connection which will allow such discharges into a sanitary sewer. The District may approve such discharges only upon a determination by the District that no reasonable alternative is available, or that such water constitutes a pollution hazard if not discharged to the sanitary sewer.
13. Any restaurant grease.

14. Any sludge, screening, or other residues from the pretreatment of industrial wastes.
15. Any medical wastes, such as isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
16. Any detergents, surface active agents, or other substances which may cause excessive foaming in the District's treatment works.
17. Any substance, waste, wastewater or constituent thereof as may be specifically prohibited or prohibited by concentration levels specified in DSRSDC 5.20.060, Local limits.
18. Any waste defined as hazardous in federal and/or state statutes.
19. Any substance, waste, wastewater or constituent thereof which may by itself or in combination with other discharges cause the District to violate any permit condition related to effluent toxicity, or otherwise cause or contribute to the potential release of toxic substances from the District's treatment facility or collection system into the environment in toxic amounts.
20. Any wastewater containing perchloroethylene.
21. Any wastewater having a BOD greater than 400 mg/L, except pursuant to a contract with the District providing for corresponding processing, treatment and, if applicable, treatment facility expansion costs.
22. Any waters or wastes that have emulsifiers or any other compounds that would allow oils, grease and fats to enter a sanitary sewer in excess of the local limits for oil and grease specified in DSRSDC 5.20.060, Local limits.
23. Any wastewater containing hazardous pollutants in sufficient quantity, either alone or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the state, or to exceed the limitations of a categorical pretreatment standard, national pretreatment standard or a pretreatment standard or requirement.
24. Pollutants, substances, or wastewater prohibited by this chapter shall not be processed or stored in such a manner that they could be discharged to a sanitary sewer.
25. Any wastewater containing mercury such as from the removal and/or placement of dental amalgam fillings.
26. All prescription and nonprescription (over the counter) pharmaceutical drugs or medications.
27. No person shall discharge hydrolysate, wastes, or wastewater resulting from hydrolysis either directly or indirectly to the sewer system.

C. Discharge Location Prohibition. A user shall not discharge any wastewater directly into a manhole or other opening in the District's collection system, other than through sanitary sewer laterals or other sanitary sewer connections approved by the District, except pursuant to a permit issued by the District for such discharge. Such permit shall only be issued if the discharge is otherwise in compliance with the

provisions of this chapter and no other discharge alternative is reasonably available as determined by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

D. Development of Limits. The District will develop and effectively enforce local limits to restrict discharge prohibitions. The District will provide notice of limits through issuance of permits, through District Code, and as requested. The District may develop Best Management Practices (BMPs) to implement discharge prohibitions.

5.20.050 National Categorical Pretreatment Standards.

The National Categorical Pretreatment Standards, set forth in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as said standards may from time to time be amended, supplemented, superseded, and new categorical pretreatment standards promulgated, are incorporated herein by this reference. The General Manager shall notify all affected users of the applicable reporting requirements specified in DSRSDC 5.20.300, Baseline monitoring reports, through DSRSDC 5.20.330, Periodic compliance reports. However, if the standards otherwise imposed under this chapter are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.060 Local limits.

No person shall discharge, or cause to be discharged, any wastewater containing the pollutants listed below in excess of the concentrations listed.

Pollutant

Discharge Limit (mg/L)

Arsenic

0.50

Cadmium

1.00

Total chromium

1.00

Copper

1.00

Lead

2.00

Mercury

0.010

Nickel

1.50

Selenium

1.30

Silver

1.50

Zinc

4.00

Cyanide

0.50

Phenols

20.00

PCBs

0.01

T.I.C.H.

0.02

TTO

5.00

PAH

6.50

Oil and grease (animal and vegetable)

200

Oil and grease (hydrocarbon)

150

Total dissolved solids

1000

Total sulfides

2.0

BTEX

1.00

TPH (gas and diesel)

15.0

[Ord. 298, 2003; Ord. 327, 2010.]

5.20.070 State and federal requirements and standards.

If either state or federal limitations, standards and requirements applicable to discharges to the District's treatment works are more stringent than the limitations, requirements, and standards set forth in this chapter, the most stringent limitation, standard or requirement shall apply. Modifications of federal or state limitations, standards and requirements which are more stringent than the limitations, standards and requirements set forth in this chapter and that are promulgated subsequent to the adoption of the ordinance or resolution enacting this chapter shall be applied to discharges to the District's treatment works at such time and in such manner as is specified in DSRSDC 5.20.260, Wastewater discharge permit modification. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.080 District's right of revision.

The District retains the right to establish more stringent limitations, standards or requirements for discharges to the District's treatment works to achieve the objectives of this chapter. No user shall acquire any vested or other right to a particular limitation, standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.090 Dilution prohibition.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The District may impose mass limitations on the discharges of users who use dilution to meet applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, or in other cases when the imposition of mass limitations is necessary to achieve the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.100 Bypass.

A. For the purpose of this section the following definitions apply:

1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production.

B. Bypass is prohibited, and a violation of this chapter, unless all of the following criteria are met:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This

criterion is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under ~~subsections (C-D) & (E)~~ ~~subsection (C)~~ of this section.

C. The District may approve an anticipated bypass after considering its adverse effects if the District determines that it will meet the three conditions listed in subsection (B)(1) of this section.

D. If a user knows in advance of the need for a bypass, the user shall submit written notice thereof to the District at least 10 days before the date of the anticipated bypass, if reasonably possible.

E. A user shall provide oral notice to the District of an unanticipated bypass that exceeds any applicable national pretreatment standard or categorical pretreatment standard or any applicable pretreatment standard or requirement within 24 hours of time of the user's knowledge of the bypass. ~~Refer to the user permit for contact phone number(s).~~ -Written notice shall also be given to the District within five days from the time of the user's knowledge of the bypass. The written notice shall include: (1) a description of the bypass and its cause; (2) the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the occurrence of the bypass.

F. A user may allow a bypass to occur that does not violate any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, but only for essential maintenance of the user's pretreatment facilities to assure efficient operation thereof. Such bypasses are not subject to the provision of subsection (B) of this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.110 Affirmative defense to prohibited discharge violations.

A user shall have an affirmative defense to an alleged violation of the general prohibitions of DSRSDC 5.20.040(A), General Prohibitions, or any specific prohibition of DSRSDC 5.20.040(B), Specific Prohibitions, that would cause a pass-through or an interference upon proof that the user did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause a pass-through or an interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

B. No local limit exists, but the discharge was not substantially different in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit and with applicable sludge use or disposal requirements. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.120 Discharge from self-regulating water softeners.

Waste discharged into a sanitary sewer from the regeneration of a residential water softener of any kind or description is prohibited, except that from a water softener that conforms to the requirements of Health and Safety Code Section 116785. [Ord. 298, 2003; Ord. 327, 2010; Ord. 344, 2018.]

5.20.130 Pretreatment facilities.

Users shall provide wastewater pretreatment as necessary to comply with this chapter and shall comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, local limits, and the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge standards, within the time limitations specified by the EPA, the state of California, or the District, whichever limitation is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans and specifications describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are installed or constructed. Approval of plans and specifications does not constitute an assurance of pretreatment performance. Plans and specifications shall be prepared by a registered professional engineer. Neither the District's review of such plans, specifications and operating procedures, nor approval thereof, shall relieve or release the user from the responsibility of modifying or replacing such facilities as necessary to produce a discharge acceptable to the District in compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.140 Additional pretreatment measures.

A. The District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sanitary sewers, re-locate and/or consolidate points of discharge, separate nonindustrial waste streams from industrial waste streams, and impose such other conditions, including without limitation the installation of pretreatment facilities in addition to those previously provided in accordance with DSRSDC 5.20.130, Pretreatment facilities, as may be determined by the District's General Manager to be necessary to protect the treatment works and to prevent exceedances of discharge limits, or otherwise to assure the user's compliance with the requirements of this chapter.

B. The District may require users discharging into the District's treatment facility to install and maintain, on their property and at their expense, a suitable storage and flow-control facility that ensures equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Appropriate grease, oil, and sand interceptors shall be installed by a user when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; provided, that such interceptors shall not be required for residential users. All interceptors shall be accessible for cleaning. Interceptors shall be inspected, cleaned, and repaired routinely by the user and at the user's expense.

D. Chemicals or treatments intended to prevent local clogging or to prolong grease trap or interceptor service (e.g., bacteria, enzymes, additives, agents, degreasers, solvents, bioremediation, dosing systems, emulsifiers [including hot water], and slow-dissolve blocks) are strictly prohibited.

ED. The District may require users whose discharge has the potential to include flammable substances to install and maintain an approved combustible gas detection meter at the user's expense.

FE. All users shall give written notice to the District, the EPA Regional Waste Management Division Director and state of California hazardous waste authorities of any discharge to the District's treatment works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or as otherwise defined by state of California statute or regulation.

Such notification shall include the identity of the hazardous waste by chemical constituency or other designation that readily describes the waste as a hazardous waste, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the District's treatment works, the notification shall also contain the following information: (1) the hazardous waste constituents contained in the waste; (2) an estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimate of the mass constituents in the waste stream expected to be discharged during the following 12 months.

All notifications of hazardous waste discharge must take place no later than 180 days after the discharge commences, consistent with 40 CFR 403.12 (pP) (1).

GF. All owners and operators of dental vacuum systems, except as set forth in this section, shall install an ISO 11143 certified amalgam separator device for each dental vacuum system on or before December 1, 2011. All dental offices that come into operation on or after November 10, 2009, shall include an installed ISO 11143 certified amalgam separator device capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a noncertified separator will be accepted; provided, that smaller units of the same technology from the same manufacturer are ISO-certified. For facilities that have installed amalgam separators on or before November 10, 2009, that are not ISO-certified, the non-ISO-certified system may remain in place; provided, that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the General Manager for approval.

The following types of dental practices are exempt from this section; provided, that the District receive written assurance that removal or placement of amalgam fillings occurs at the facility no more than three days per year:

1. Orthodontics;
2. Periodontics;
3. Oral and maxillofacial surgery;
4. Radiology; oral pathology or oral medicine;
5. Endodontics and prosthodontics.

For users who or which are discharging into the treatment works as of the date the ordinance adding this chapter to the Dublin San Ramon Services District Code becomes effective, the foregoing notice shall be given within 30 days of said effective date; provided, that such notice shall be given sooner if a similar such notice is so required by federal regulations. Users who commence discharging after said effective date shall include such notice in their application for a discharge permit.

In providing the notice under this section, the user shall certify that the user has a program in operation to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practicable.

Nothing contained in this section modifies the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge standards. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.150 Spill prevention and control plans.

All significant industrial users shall submit a spill prevention and control plan. The District may require other users, as the District deems necessary, to submit for approval and implement such a plan. The spill prevention and control plan shall be updated biennially. The spill prevention and control plan shall contain, as a minimum, the following elements:

- A. A description of discharge practices, including non-routine batch discharges;
- B. A description of stored chemicals;
- C. The procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under DSRSDC 5.20.040, Prohibited discharge standards, with procedures for follow-up written notification within five days; and
- D. If required by the District, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, construction of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.160 Hauled wastewater.

No septic tank, holding tank, cesspool or chemical toilet shall connect directly to the District's wastewater collection system. Such wastes shall be discharged only during the District's regular business hours and only at a designated discharge point at the District's treatment works pursuant to a waste hauler discharge permit. Only wastes which are compatible with the operation of the District's treatment works shall be disposed at said site. Wastes that contain any hazardous waste, as defined by federal or state of California statutes and regulations, whichever is most stringent, or any wastes which are prohibited under DSRSDC 5.20.040, Prohibited discharge standards, or any other regulation enacted by the District shall not be discharged to the District's treatment works.

- A. Insurance and Indemnification. Waste hauler discharge permittees shall hold harmless, indemnify and defend the District, its Board of Directors, other boards, commissions, committees, officers, employees and agents (collectively "indemnitees") from and against all claims for liability, losses, damages, expenses, costs (including, without limitation, all costs and fees, whether for attorneys, experts or others, incurred in anticipation of, or during, administrative proceedings, arbitration, mediation, or litigation) of every nature, kind and description, which may be brought against or suffered or sustained by indemnitees, caused in whole or in part by the negligence, intentional tortious acts or omissions, or willful misconduct of the waste hauler, its officers, employees or agents, in its operations under its waste hauler permit. Waste hauler discharge permittees shall provide, and maintain at all times during the term of its waste hauler permit, liability insurance conforming to requirements adopted by Board policies or determined by the General Manager to be commensurate with the risks, the evaluation of which considers, at a minimum, the financial ratings of the companies providing the insurance, the coverages provided and exclusions therefrom, monetary limits and deductibles, and

additional insured endorsements. Waste hauler discharge permittees shall either provide all indemnitees with a full and complete defense against each and every claim, or shall provide a cash deposit or a surety bond acceptable to the District in the amount of 150 percent of the amount claimed, or \$50,000, whichever is more.

B. Registration and Public Health License. The waste hauler shall provide proof of registration with the Alameda County and/or Contra Costa County health departments, and possession of a public health license from said department(s).

C. Discharge Restrictions. ~~Only S~~septage and chemical toilet wastes are permitted to be discharged by a licensed waste hauler. Grease from restaurant grease traps and/or grease interceptors shall only be discharged by District authorized waste haulers under a separate Fats, Oil and Grease (FOG) discharge permit. ~~not be discharged in any fashion by a waste hauler.~~

D. Hours of Discharge. Discharge of septage waste at the District's treatment works shall be allowed daily between ~~7:00~~6:00 a.m. and ~~5:10~~10:00 p.m. unless the General Manager grants specific authorization to the waste hauler to discharge at other times.

E. Reporting Requirements.

1. Septage Load Manifest. The operator of the waste-hauling vehicle shall accurately document each load of septage waste discharged at the District's treatment works by completing a septage load manifest that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage discharge at the District's treatment works.
- c. The identification number of the sample bottle used to take the septage sample.
- d. The total capacity, in gallons, of the vehicle's waste holding tank.
- e. The name and complete address of each source contributing to the septage load.
- f. The date the load was obtained at the source.
- g. The gallons pumped from each source.
- h. The signature of the operator of the waste hauling vehicle.

2. Septage Hauler's Log. The operator of the waste hauling vehicle shall accurately log in each load of septage waste discharged at the District's treatment works by completing a septage hauler's log that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage load discharge at the District's treatment works.
- c. The time that the operator of the waste hauling vehicle arrives at and departs from the District's treatment works.
- d. The identification number of the sample bottle used to take the septage sample.

- e. The total capacity, in gallons, of the vehicle's waste holding tank.
- f. The signature of the operator of the waste hauling vehicle. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.170 Wastewater analysis.

Upon request of the District, a user shall submit information regarding the nature and characteristics of its wastewater within 45 days of the request. The District may prepare a form for this purpose and may periodically require users to update such information. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.180 Wastewater discharge permit requirements.

A. Every significant industrial user or intermediate industrial user proposing to connect its facilities to the District's treatment works or proposing to discharge wastewater to the District's treatment works shall obtain an industrial wastewater discharge permit prior to the proposed connection or discharge. All significant industrial users or intermediate industrial users connected to, or discharging wastewater into, the District's treatment works on or before the effective date of the ordinance enacting this chapter shall obtain an industrial wastewater discharge permit within 90 days from said effective date. If a user's wastewater discharge, including one whose discharge is such that it is not classified as a significant industrial user or an intermediate industrial user, poses potential risk to the District's wastewater system as determined by the General Manager, the user shall obtain an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit prior to connecting or discharging into the sanitary sewer system. The user shall be subject to source control monitoring as determined by the District.

B. It shall be unlawful to discharge wastewater into a sanitary sewer, the treatment works or the treatment facility except pursuant to an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit issued in accordance with the provisions of this chapter.

C. A violation of the terms and conditions of an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be deemed a violation of this chapter enforceable and punishable pursuant to the provisions of DSRSDC 5.20.460, Notice of violation, through DSRSDC 5.20.610, Public nuisance, inclusive. Possession of an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, or with any other requirements of federal, state of California and local law. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.190 Wastewater discharge permits – Existing connections.

Any user required by this chapter to obtain a wastewater discharge permit that was discharging wastewater into the District's treatment works prior to November 10, 2009, and proposes to continue such discharge shall, within 30 days after said date, apply to the District for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit in accordance with DSRSDC 5.20.210, Wastewater discharge permit application, and shall not cause or allow discharges to the District's treatment works to continue after 90 days from said effective date except pursuant to a wastewater discharge permit issued by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.200 Wastewater discharge permits – New connections.

Every user that is required to obtain a wastewater discharge permit and that proposes to begin or recommence discharging into the District's treatment works shall obtain such permit prior to the commencement or recommencement of such discharge. An application for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be filed in accordance with DSRSDC 5.20.210, Wastewater discharge permit application, at least 90 days prior to the date upon which any discharge will begin or recommence. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.210 Wastewater discharge permit application.

Users applying for a wastewater discharge permit, either an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit, shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees.

A. Users classified as listed below shall obtain a pollution prevention wastewater discharge permit, unless exempted by the General Manager.

1. Dry cleaners;
2. Dental facilities;
3. Other dischargers determined by the General Manager to require special regulations or source control.

Users applying for a pollution prevention wastewater discharge permit shall complete and submit the appropriate application. The format of the application is specific to the type of business.

B. Users applying for an industrial wastewater discharge permit shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees. The application shall include the following information (in units and terms appropriate for evaluation) pertaining to the premises from which the discharge is proposed to emanate:

1. All information required by DSRSDC 5.20.300, Baseline monitoring reports.
2. A description of the activities, operations, plant processes, facilities and materials carried out or present on the applicant's premises, including a list of raw materials and chemicals used or stored on or at the premises which, in the original or processed form, are proposed to be, or either intentionally or accidentally could be, discharged to the District's treatment works.
3. The number and job descriptions of the persons employed at, or in connection with, the activities and operations conducted at or on the premises and the proposed or actual hours of operation.
4. The description, by type, amount, process or processes, of each product manufactured or fabricated at the premises and the rate of production for each.
5. The type and amount (average and maximum per day) of raw materials processed.
6. Site plans, floor plans, mechanical and plumbing plans, and structural details showing all sanitary sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

7. The time of day and duration of all process discharges, treated and untreated, related to the products manufactured or fabricated at the premises or otherwise related to the activities or operations conducted at or on the premises.
8. The average daily and 15-minute peak wastewater flow rates generated at the premises, including daily, monthly and seasonal variations, if any. Flow rates shall be provided for each regulated wastewater stream.
9. The measured average daily and maximum daily volume of wastewater discharged to a sanitary sewer from the premises.
10. Wastewater constituents and characteristics including, but not limited to, those specified in DSRSDC 5.20.040, Prohibited discharge standards.
11. A list of any environmental control permits issued to or for the facility.
12. The type(s) and quantity or quantities of hazardous substances stored or placed on the premises with a description of the method(s) of storage and/or containment device(s) for each such substance; provided, that such substances are present in quantities sufficient to be deleterious to the operations of the treatment works or harmful to the environment if released.
13. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
14. Such other information that is deemed necessary by the District to evaluate the application. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.220 Signatory and certification requirement.

All wastewater discharge permit applications and user reports shall be signed by an authorized representative of the user and include a certification statement in the then-current form required by the Clean Water Act and the regulations promulgated thereunder. In case there is doubt about which certification statement is applicable, the following certification statement shall be used until it is superseded by amendments to the regulations promulgated under the Clean Water Act unless the District determines otherwise:

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

The authorized representative may be any of the following:

- A. If the user is a corporation:

1. The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a federal, state of California, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals holding the positions described in subsections (A) through (C) of this section may designate another authorized representative by name or position who has the responsibility for overall operation of the facility from which the discharge originates, or has overall responsibility for environmental matters for the user; provided, that such authorization shall be submitted to the District in writing. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.230 Wastewater discharge permit decisions.

The District shall evaluate the information and data furnished by the user and such additional information and data as the District may require to complete the application. The District shall complete its evaluation of the application within 60 days of receipt of a completed application. The District may grant the application and issue a wastewater discharge permit subject to the requirements, terms and conditions of this chapter and such other terms and conditions as the District deems appropriate, or the District may deny the application. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.240 Wastewater discharge permit term.

Wastewater discharge permits shall be issued for a specified term, not to exceed three years. A permit may be issued for a term less than one year or for a specified expiration date. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.250 Wastewater discharge permit contents/conditions.

Wastewater discharge permits shall include such terms and conditions that are deemed reasonably necessary by the District to prevent pass-through or interference or otherwise to protect against damage to the District's treatment works, to provide for worker health and safety, to facilitate sludge management and disposal and to protect the quality of the receiving waters of the treatment works' effluent.

A. Wastewater discharge permits shall include:

1. The term of the permit, which in no event shall exceed three years.
2. A prohibition against assignment or other transfers of the permit or any interest therein.

3. Effluent limits based on applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state of California, or local law.
5. A statement of applicable civil and criminal penalties for violation of categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements or other terms and conditions of the permit and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable federal, state of California or local law.
6. Requirements to control discharges of slug loads or slugs, if determined by the District to be necessary.

B. Wastewater discharge permits shall be subject expressly to the provisions of this chapter, the Act, all applicable state of California, federal and local regulations and payment of the District's applicable fees and charges. Wastewater discharge permits shall be enforced uniformly by the District in accordance with this chapter and applicable federal and state regulations. Permits may include, without limitation, the following:

1. Requirements for separation of industrial wastewater from domestic wastewater prior to discharge to a sanitary sewer.
2. Limits on average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions against discharge of said pollutants.
3. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the user's wastewater discharge.
4. Limits on average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and/or equalization.
5. Requirements for installation and maintenance of monitoring and sampling facilities and equipment.
6. Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, the number, types and standards for tests and a reporting schedule. Monitoring shall be provided by the user at its expense, performed by a state-certified laboratory; provided, that a user's laboratory, if available, may conduct monitoring upon approval of the District.
7. Requirement for notification of the District of the discharge of any new pollutants or any changes in facility processes or in the volume or character of wastewater constituents being discharged into the District's treatment works.
8. Requirement for the installation of pretreatment technological equipment or devices, pollution control, or construction of appropriate containment devices to reduce, eliminate, or prevent the discharge of pollutants into the District's treatment works.

9. Requirement for submittal of design and construction plans and specifications of any existing or proposed wastewater pretreatment facility.
10. Prohibition against bypass of the user's wastewater pretreatment system, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury or severe property damage.
11. Requirement for notifying the District of any planned alteration of a proposed or existing wastewater pretreatment system.
12. Prohibition against dilution as a partial or complete substitute for adequate treatment to achieve compliance with the user's wastewater discharge permit.
13. Provision for access by District personnel to the user's premises at all reasonable times to conduct sampling and/or inspection of any and all processes which may contribute to the user's wastewater discharge, including the actual wastewater discharge.
14. Requirement for the development and implementation of a spill prevention and control plan, a copy of which shall be filed with the District.
15. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the user's pretreatment facilities.
16. Requirements for notifying the District of planned alterations of the user's facility processes, which could result in an alteration of the process discharge or the potential for an accidental spill or slug discharge.
17. Requirements for providing the District with operation and maintenance records for the user's wastewater pretreatment system, including relevant periodic updates.
18. Requirements for submission of technical reports, progress reports or discharge reports.
19. Compliance schedules or requirements pertaining thereto.
20. Requirement for specifying the user's responsible officer for permit compliance and for signatory purposes.
21. The unit charge or schedule of user charges and fees pertaining to the user's use of the District's treatment works.
22. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's treatment works.
23. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, including those which become effective during the term of the permit.
24. Such other requirements or conditions that are deemed appropriate by the District to ensure compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.260 Wastewater discharge permit modification.

The District may modify a wastewater discharge permit for good cause, including, but not limited to:

- A. Incorporation of any new or revised categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
- B. Addressing significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance.
- C. A change in the District's treatment works that requires either a temporary or permanent reduction or elimination of an authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the District's treatment works, personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- G. Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR Section 403.13.
- H. Correction of typographical or other errors.
- I. Change in ownership or the operator of the facility subject to the permit.

The terms and conditions of the wastewater discharge permit may be subject to modification or revision by the District during the term of the permit based upon amendments or revisions to limitations or requirements of these regulations or applicable state of California or federal regulations. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.270 Wastewater discharge permit transfers prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation and premises. A wastewater discharge permit or any interest therein shall not be assigned, leased, sold or otherwise transferred to a new owner or user, or relied upon for different premises, or for a new, different or revised operation. Notwithstanding the invalidity of a purported assignment, lease, sale, or other transfer of a wastewater discharge permit, or the purported reliance upon such permit for a different premises or for a new, different or revised operation, nothing in this chapter shall be construed to prohibit the applicability or enforcement of the terms and conditions of such permit or of the provisions of this chapter with respect to a purported assignee, lessee, purchaser, or other transferee, or with respect to a different premises or new, different or revised operation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.280 Wastewater discharge permit revocation.

A wastewater discharge permit may be revoked for the following causes:

- A. Failure factually and completely to report the wastewater constituents and characteristics of a discharge.

- B. Failure to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal to provide the District reasonable access to the user's premises for inspection or monitoring.
- D. Violations of the permit requirements or conditions.
- E. Nonpayment of fees and charges.
- F. Failure to provide prior notification to the District of changed conditions pursuant to DSRSDC 5.20.340, Reports of changed conditions.
- G. Misrepresentation of any material fact, or failure to fully disclose all relevant facts, in the wastewater discharge permit application.
- H. Falsifying self-monitoring reports, records or other documents and/or knowingly giving or providing a false statement.
- I. Tampering with monitoring equipment.
- J. Failure to meet effluent limitations.
- K. Failure to meet compliance schedules.
- L. Failure to complete a wastewater survey or the wastewater discharge permit application.
- M. Violation of any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or any condition or term of the wastewater discharge permit or any provision of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.290 Wastewater discharge permit reissuance.

The District will endeavor to notify the user/permittee of a wastewater discharge permit of the expiration of the term of its permit not less than two months prior to the date of expiration. Notwithstanding the expiration of the term of a permit, it shall remain in full force and effect pending renewal or reissuance thereof. A permit may be reissued; provided, that:

- A. The user has submitted a complete permit application at least 30 days prior to the expiration date of its existing permit.
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

The applicability of a reporting requirement to a given industrial user, the contents of the report and the time for filing the report are governed by Title 40, Code of Federal Regulations, Section 403.12, and amendments thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.300 Baseline monitoring reports.

Existing categorical industrial users currently discharging or scheduled to discharge to the District's treatment works whose operations become subject to a categorical pretreatment standard shall submit a report to the District that contains the information listed in subsection (B) of this section, Environmental Permits, within 180 days after the effective date of such standard or within 180 of the

final administrative decision regarding a category determination under 40 CFR Section 403.6(a)(4), whichever is later. At least 90 days prior to commencement of their discharge, all new categorical industrial users, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit such report to the District as part of their application for a wastewater discharge permit (see DSRSDC 5.20.190, Wastewater discharge permits – Existing connections, through DSRSDC 5.20.210, Wastewater discharge permit application). The owner or operator of a new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards, estimates of its anticipated flow volume and quantity of pollutants.

The aforesaid users shall submit the following information:

- A. Identifying Information. The name and address of the user's facility, including the name of the operator and owner of the premises that is the site of the facility.
- B. Environmental Permits. A list of any environmental control permits and hazardous substance release response (spill) plans held by or for the facility.
- C. Description of Operations. A description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user at its facility. The description shall include a schematic process diagram that indicates points of discharge to the District's treatment works from the industrial processes subject to regulation, times of discharge, plumbing and mechanical plans.
- D. Flow Measurement. The measured average daily and maximum daily wastewater flows, in gallons per day, including any seasonal variation, discharged to the District's treatment works from the industrial process streams subject to regulation and such other streams, as necessary, to provide for use of the combined waste stream formula specified in 40 CFR Section 403.6(e).
- E. Measurement of Pollutants.
 - 1. The categorical pretreatment standards applicable to each industrial process subject to regulation.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement or by the District, of pollutants in the discharge from each industrial process subject to regulation. Additionally, instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Samples shall be representative of daily operations and shall be analyzed in accordance with procedures specified in DSRSDC 5.20.380, Analytical requirements.
 - 3. Sampling shall be performed in accordance with procedures specified in DSRSDC 5.20.390, Sample collection.
- F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the applicable pretreatment standards or pretreatment standards or requirements.

G. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, the schedule by which the user shall provide such additional pretreatment and/or O&M within the shortest reasonable time. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or standard or requirement. A compliance schedule pursuant to this section shall conform to the requirements of DSRSDC 5.20.310, Compliance schedule progress reports.

H. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.310 Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by DSRSDC 5.20.300(G), Compliance Schedule:

A. The schedule shall contain progress dates for the commencement and completion of major events for the construction and operation of additional facilities for pretreatment including, but not limited to, retention of engineering services, completion of preliminary and final plans and drawings, execution of a contract for construction of major pretreatment components, commencement and completion of construction, and commencement of pretreatment operations;

B. No time increment referenced in subsection (A) of this section shall exceed nine months;

C. The user shall submit a progress report to the District no later than 14 days following each scheduled progress date and the commencement date of pretreatment operations including, as a minimum, the user's status of compliance with the schedule, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the approved schedule; and

D. In no event shall the period between successive progress reports exceed nine months. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.320 Reports on compliance deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, national pretreatment standards or standards or requirements or, in the case of a new source, within 90 days following commencement of discharge of wastewater into the District's treatment works, a user subject to such pretreatment standards shall submit to the District a report containing the information described in DSRSDC 5.20.300(D), Flow Measurement, through DSRSDC 5.20.300(F), Certification. For users whose discharge is subject to equivalent mass or concentration limits established in accordance with the procedures contained in 40 CFR Section 403.6(c), the report shall include a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.330 Periodic compliance reports.

A. All significant industrial users that are not monitored by the District shall, at a frequency determined by the District, but in no case less than semiannually, submit a report describing the nature and concentration of pollutants in its discharge subject to categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, together with the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be operated efficiently and accurately, and maintained in a clean condition and in good working order at all times; provided, that failure to do so shall not be grounds for a user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the District, the results of such monitoring, using the procedures prescribed in DSRSDC 5.20.380, Analytical requirements, and DSRSDC 5.20.390, Sample collection, shall be included in the report. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.340 Reports of changed conditions.

A. Each user shall notify the District of any planned significant changes to its operations or system that might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

B. The District may require the user to submit such information as the District may deem necessary to evaluate the changed condition, including the submittal of a wastewater discharge permit application pursuant to DSRSDC 5.20.210, Wastewater discharge permit application.

C. The District may issue a wastewater discharge permit pursuant to DSRSDC 5.20.260, Wastewater discharge permit modification, or modify an existing wastewater discharge permit pursuant to DSRSDC 5.20.290, Wastewater discharge permit reissuance, in response to changed conditions or anticipated changed conditions. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.350 Reports of potential problems.

A. All users shall immediately telephone the District in the case of any discharge that may have an adverse effect upon the District's treatment works. Such discharges shall include, but not be limited to, accidental discharges, discharges of a nonroutine or episodic nature, noncustomary batch discharges, or any slug load. The notification shall include the business name, contact person and telephone number of the user, the location and time of the discharge, the type of waste or wastewater discharged, including hazardous properties, concentration and volume of the discharge, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall submit a detailed written report to the District describing the cause(s) of the discharge and the measures taken or to be taken by the user to prevent similar future occurrences. The notification and report made pursuant to subsections (A) and (B) of this section shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's treatment works, damages to or destruction of natural resources, or any other damage to person or property; nor shall such notification or report release the

user from liability for violation of the requirements of the user's wastewater discharge permit, this chapter, the Act or other applicable law or regulation.

C. A notice shall be permanently posted on the user's bulletin board or in or on some other prominent place advising employees who to call in the event of a discharge described in subsection (A) of this section. Employers shall ensure that all employees responsible for operations or activities that result in discharges, or that may result in a discharge described in subsection (A) of this section, are advised of the emergency notification procedure. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.360 Reports from unpermitted users.

The District may require any user not subject to the requirements for a wastewater discharge permit to provide appropriate reports to the District regarding the user's operations and discharge in furtherance of the purposes of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.370 Violation – Repeat sampling and reporting.

If the results of analysis of the wastewater of a user indicate that a violation of the user's permit has occurred, or that a violation of any provision of this chapter, the Act or any applicable federal or state of California law or regulation has occurred, the user shall:

- A. Inform the District of the violation within 24 hours after becoming aware of the violation; and
- B. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days from the date the user first became aware of the violation.

If the District performs the sampling or monitoring, the District will notify the user of the violation and repeat the sampling. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.380 Analytical requirements.

All pollutant analyses, including sampling techniques, submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques specified in 40 CFR Part 136, or amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by the EPA or the state of California. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.390 Sample collection.

- A. All users required to perform compliance sampling shall collect wastewater samples using flow proportional composite collection techniques, except for those samples described in subsection (B) of this section. If flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that either of those techniques will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

C. Users may request modifications to the above sample collection protocols for their particular facility. It shall be the user's responsibility to demonstrate to the satisfaction of the District that any proposed modifications will comply with 40 CFR Part 403, and that all samples will be representative of the discharge. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.400 Reports deemed submitted upon receipt.

Written reports shall be deemed to have been submitted on the date received by the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.410 Record retention.

Consistent with 40 CFR 403.12 (o), aAll records relating to compliance with categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements shall be made available to representatives of the EPA, state of California and the District authorized by those entities to receive or inspect such records. Such records shall include for all samples;

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The date(s) analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical methods used; and
- (v) The results of such analyses.

Such reports shall be retained for a minimum of three years from the date thereof; provided, that records pertaining to, or prepared for, any investigation or enforcement action shall be retained for a minimum of three years from the date that such investigation or enforcement action has concluded as evidenced by a final decision (including exhaustion of administrative appeals) of the agency or entity that conducted the investigation or enforcement action or by final decision of a court of competent jurisdiction (including final appellate review). Notwithstanding the foregoing, the General Manager may require retention of certain records specified by him or her for a longer period. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.420 Right of entry – Inspection and sampling.

The District and its officers, employees and agents are hereby authorized, at its or their discretion, to inspect the facilities of any user to ascertain whether the user's operations and activities comply with the requirements of this chapter and/or of the user's wastewater discharge permit including, without limitation, compliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements. Users and persons occupying or in possession of premises where wastewater is generated or discharged, or where hazardous substances or wastes are present, shall allow the District or its representatives access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, analysis, records examination and copying, or the performance of any other of their duties. The District or its authorized representatives, individually or accompanied by representatives of such other public agencies as the District deems appropriate, are hereby authorized to assemble or install on the user's premises such devices and equipment that are necessary or appropriate to conduct sampling, inspection, compliance monitoring and/or metering operations. If a user has security measures that require identification and approval before entry onto its

premises, the user shall provide appropriate authorization for District representatives and other persons authorized by the District to enter the premises without delay for the above-described purposes. The user shall inform the District of its safety procedures and requirements, provide instruction regarding such matters, and, where appropriate, provide personal protective clothing or equipment. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.430 Inspection/search warrants.

Pursuant to state of California law, the District may obtain inspection and search warrants to enforce the provisions of this chapter, categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, permits issued pursuant to this chapter, the Act and federal and state of California regulations implementive thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.440 Confidential information.

Information and data obtained from or pursuant to reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from the District's inspection and sampling activities of or pertaining to a user shall be, and are, public records unless a user specifically requests confidentiality in writing and demonstrates to the satisfaction of the District that such information is entitled to exemption from disclosure under the California Public Records Act (California Government Code Section 6250 et seq.). The General Manager shall make the final determination regarding such exemption. Nothing in the preceding two sentences shall be construed to prevent the District from proceeding under DSRSDC 1.40.090, Alternative procedures, and, notwithstanding the foregoing, wastewater constituents and characteristics will not be recognized as confidential information.

The portions of such information that are determined to be exempt from disclosure to the public shall be made available upon request to other governmental agencies for uses related to this chapter, the District's NPDES permit, or for purposes otherwise within the law enforcement jurisdiction of such agencies, including administrative and judicial proceedings in pursuance thereof.

Information and/or data that user believes to be proprietary and exempt from disclosure, may, upon request of the user and at the discretion of the District, be made available to the District for its review at the user's facility in lieu of transmittal or delivery thereof to the District's offices. A user bears the burden of demonstrating to the District that such information is proprietary, that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this chapter.

Such information and/or data thus determined to be exempt from disclosure shall not be transmitted or released to any person or entity, except the Environmental Protection Agency, the State of California Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, or other governmental agencies acting within their law enforcement jurisdiction unless 15 days' advance notice of the intended transmittal or release is given to afford the customer a reasonable opportunity to obtain a protective order or unless the District elects to proceed in accordance with the procedures in DSRSDC 1.40.090, Alternative procedures. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.450 Publication of users in significant noncompliance.

Pursuant to the federal pretreatment regulations (40 CFR Section 403.8(f)(2)(viii)) the District shall comply with the public participation requirements of 40 CFR Part 25. Therefore, the District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the District's service area, the name of any industrial/commercial user determined to be in significant noncompliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements at any time during the prior 12 months. Instances of significant noncompliance are user violations which meet one or more of the following criteria:

A. Violations of Wastewater Discharge Limits.

1. Chronic Violations. Chronic violations are defined as those in which 66 percent or more of all of the measurements for the same pollutant parameter exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) during a six-month period.

2. Technical Review Criteria (TRC) Violations. TRC violations are defined as those in which 33 percent or more of all of the measurements for the same pollutant parameter equal or exceed the product of numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) multiplied by the applicable TRC factor during a six-month period. The TRC factors are 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH.

3. Any other violation(s) of a pretreatment standard or requirement as defined by 40 CFR Section 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) which the District determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or which has endangered the health or safety of District personnel or the public.

4. Any discharge of pollutant(s) that has caused imminent danger to human health, safety or welfare or to the environment, or that has resulted in the exercise of the District's emergency authority to halt or prevent such a discharge.

B. Violation of Compliance Milestones. Failure to meet, within 90 days after the compliance date, compliance schedule milestones contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

C. Failure to Provide Reports. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 45 days from the date the reports are, or related information is, due.

D. Failure to Report Accurately. Failure to report accurately and promptly any noncompliance.

E. Other Violations. Any other violation or group of violations, which may include a violation of best management practices, which the District concludes will adversely affect the operation or implementation of the District's pretreatment program or the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.460 Notice of violation.

A. Contents. When the District Engineer/Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant

to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the District Engineer Wastewater Treatment Plant Legally Responsible Official may serve the user with a written notice of violation. The notice of violation shall state: (1) a reference (citation) number; (2) the name, address and telephone number of the user; (3) the location of the violation; (4) the nature of the violation and the particular provisions of this chapter, order, permit, permit term(s) or condition(s), standard or standards or requirement(s) which have been, or are being, violated; (5) that the user shall submit, within 30 calendar days from service of the notice of violation, a plan of corrective measures that have been implemented to prevent the violation from recurring, which plan shall be subject to the approval of the District Engineer Wastewater Treatment Plant Legally Responsible Official; and (6) such other information that the District Engineer Wastewater Treatment Plant Legally Responsible Official deems necessary.

The District Engineer Wastewater Treatment Plant Legally Responsible Official, in writing, may extend the time for performance of any act required in the notice of violation.

Submission of a plan of corrective measures taken shall not relieve or release the user from liability or responsibility for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Service of Notice of Violation. The notice of violation shall be served personally or by certified or registered mail, addressed to the user, permit applicant, permittee or other responsible person or party, at the address on file with the District or otherwise obtained by the District. Service by certified or registered mail shall be deemed completed five days after deposit with the United States Postal Service. Failure to receive a notice of violation shall not invalidate any action taken by the District in pursuance thereof. Proof of service of the notice shall be retained in the files of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.470 Order to show cause.

In lieu of serving a notice of violation under DSRSDC 5.20.460, Notice of violation, the District Engineer Wastewater Treatment Plant Legally Responsible Official may serve an order to show cause why enforcement action should not be taken against any user that has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. The order to show cause shall specify (A) the time, date and place of a hearing to be held before a hearing officer, at which hearing the user shall show cause why a proposed enforcement action should not be taken, (B) the violation(s) against which enforcement is proposed to be taken, (C) the proposed enforcement action, (D) a brief statement of the factual basis for the proposed enforcement action, and (E) a demand that the user show cause why the proposed enforcement action should not be taken. The hearing shall not be held less than 30 days from the date of service of the order to show cause. Service of the order to show cause shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation.

The hearing on an order to show cause shall be held before a hearing officer appointed by the General Manager. The District Engineer Wastewater Treatment Plant Legally Responsible Official shall be the

moving party and shall present evidence in support of the order. The user may respond by presenting evidence opposing the order. Thereafter, the District Engineer Wastewater Treatment Plant Legally Responsible Official may present evidence in rebuttal of the user's evidence. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence by the hearing officer. The hearing officer shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the user. The hearing officer shall render his or her decision in writing within 30 days from the conclusion of the hearing. Service of the decision shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.480 Compliance orders.

When the District Engineer Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the District Engineer Wastewater Treatment Plant Legally Responsible Official may issue an order directing the user to comply with the stated provision(s) within a specified time. If the user does not comply within the time allowed, the District may discontinue sanitary sewer service to the user's facilities unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated by the user. Compliance orders may include other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the treatment works. A compliance order may not extend deadlines established for compliance with a categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Compliance with a compliance order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation(s) stated in the compliance order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.490 Cease and desist orders.

When the District Engineer Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, or that the user's prior violations are likely to recur, the District Engineer Wastewater Treatment Plant Legally Responsible Official may issue an order to cease and desist all such violations and directing the user to:

- A. Comply immediately with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly prevent a continuing or threatened violation, including ceasing the user's operations and/or terminating discharge into the treatment works.

Compliance with a cease and desist order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation or violations stated in the cease and desist order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.500 Consent orders.

The General Manager, upon the recommendation of the District Engineer Wastewater Treatment Plant Legally Responsible Official, may enter into consent orders, assurances of voluntary compliance, or similar agreements with any user not in compliance with any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or whose prior violations the District Engineer Wastewater Treatment Plant Legally Responsible Official determines are likely to recur. Such agreements shall include specific action to be taken by the user to correct the noncompliance or anticipated noncompliance within a specified time. Such agreements shall have the same force and effect as orders issued pursuant to DSRSDC 5.20.480, Compliance orders, and DSRSDC 5.20.490, Cease and desist orders. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.510 Appeals.

A. Appeal to General Manager. An appeal to the General Manager may be taken from (1) a notice of violation, compliance order or cease and desist order, (2) any other enforcement action by the District pursuant to this chapter, or (3) an interpretation of a provision of this chapter or a permit issued pursuant to this chapter, except a decision on an order to show cause. Appeals from a notice of violation, compliance order or cease and desist order shall be initiated by filing a notice of appeal with the District Secretary within 10 days from service of the notice or order, respectively. Appeals from any other enforcement action shall be initiated by filing a notice of appeal with the District Secretary within 10 days from the enforcement action if no written notice thereof has been given, or within 10 days from the date written notice of the enforcement action was given. Appeals from an interpretation of a provision of this chapter or of a permit shall be initiated by filing a notice of appeal with the District Secretary within 10 days from written confirmation by the District of the interpretation. The General Manager shall not have jurisdiction to hear an appeal for which a notice of appeal has not been timely filed.

The notice of appeal shall specify the action, decision or interpretation that is being appealed, the date thereof, and shall specify each ground of the appeal and provide a mailing address for service of notices and other information pertaining to the appeal, if different from the address used for service pursuant to DSRSDC 5.20.460(B), Service of Notice of Violation, or any of DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders. Upon receipt of a notice of appeal, the District Secretary shall set the date for hearing the appeal, which shall not be more than 60 days from the date the notice of appeal was filed. The District Secretary shall give the appellant written notice of the date, time and place of the hearing on the appeal by certified or registered mail not less than 15 days before the hearing on the appeal and shall provide copies of the notice to the General Manager, the District Engineer Wastewater Treatment Plant Legally Responsible Official and to the person whose action, decision or interpretation is being appealed. The District Engineer Wastewater Treatment Plant Legally Responsible Official shall be a party to all appeals to the General Manager.

Unless the General Manager determines in his or her discretion to adopt a different procedure, the order of presentation for a public hearing shall be as follows. The hearing shall commence with a presentation by the District EngineerWastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed. Thereafter, the appellant shall make his or her presentation. Thereafter, the District EngineerWastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed may, at the discretion of the General Manager, make a further presentation. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence at the discretion of the General Manager. The General Manager shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the appellant. The General Manager shall serve his or her written decision, including any findings that the General Manager may make, within 30 days from the conclusion of the hearing. Nothing in the preceding sentence shall be construed to require the making of any findings except as may be required by applicable substantive law governing the notice of violation, compliance order or cease and desist order, as the case may be. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to the preceding paragraph, with copies to the District EngineerWastewater Treatment Plant Legally Responsible Official and to the person whose decision, action or interpretation had been appealed.

B. Review by Board. Review by the Board of a decision of the General Manager or the decision of a hearing officer on an order to show cause may be initiated by filing a written notice of appeal with the District Secretary pursuant to DSRSDC 1.80.050(C), Notice of Appeal to Board – Time for Filing. The Board shall not have jurisdiction to review a decision for which a request for review has not been timely filed.

The District Secretary shall, pursuant to DSRSDC 1.80.050(D), Notice of Hearing Before Board, serve the aggrieved person, either personally or by United States mail, written notice of the time and date of the Board meeting at which the appeal will be considered.

The Board will act on the appeal pursuant to DSRSDC 1.80.050(E), Action on Appeal to Board. The Board shall serve its written decision, including findings, within 30 days from the conclusion of the review. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to DSRSDC 5.20.510(A), Appeal to General Manager, with copies to the General Manager, District EngineerWastewater Treatment Plant Legally Responsible Official and the person whose action, decision or interpretation was initially appealed to the General Manager or who initiated the order to show cause, as applicable. The decision of the Board shall be final.

C. Exclusion. The provisions of this section do not apply to proceedings for civil liability and civil penalties under California Government Code Section 54740 et seq., authorization for which is provided in DSRSDC 5.20.520, Civil liability, administrative complaint, penalties and costs. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.520 Civil liability, administrative complaint, penalties and costs.

A. Civil Liability and Administrative Complaints. The provisions of this chapter establish requirements for pretreatment of industrial waste and prevention of the entry of industrial waste into the treatment works pursuant to California Government Code Section 54739. When the District Engineer/Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, upon the recommendation of the General Manager, the Board may authorize the filing of a petition in the superior court for enforcement of civil liability pursuant to California Government Code Section 54740 or the General Manager may issue an administrative complaint pursuant to California Government Code Section 54740.5.

B. Civil Liability Amount. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be civilly liable in a sum of not to exceed \$25,000 a day for each violation pursuant to California Government Code Section 54740.

C. Administrative Complaint Civil Penalty Amounts. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be liable for a civil penalty imposed pursuant to an administrative complaint issued in accordance with California Government Code Section 54740.5 as follows:

1. In an amount which shall not exceed \$2,000 for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed \$3,000 for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed \$5,000 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
4. In an amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any civil penalties imposed under this section and California Government Code Section 54740.5 which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

D. Administrative Complaint Moneys.

1. All moneys collected pursuant to an administrative complaint shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the District's treatment works or for other mitigation measures.

2. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing on the complaint and requested a copy.

3. The District may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.

4. No penalties shall be recoverable pursuant to an administrative complaint for any violation for which civil liability is recovered under California Government Code Section 54740.

E. Costs, Expenses and Damages. In addition to civil and criminal liabilities and civil penalties, any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement shall also be liable for any and all costs, expenses and damages incurred or suffered by the District as a result of such violation. Failure to pay such costs, expenses and damages within 30 days from the date of billing therefor, or within such other time as may be specified by the District, shall constitute a separate violation of this chapter.

F. Cumulative, Nonlimiting Effect. The provisions of this section shall not be deemed a limitation upon the provisions of California Government Code Section 54725 et seq. Enforcement pursuant to this section and said California Government Code provisions shall be in addition to all other enforcement provisions authorized under this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.530 Emergency suspensions.

A. The District may immediately suspend a user's discharge, after giving notice to the user by any means reasonably available, to stop an actual or threatened discharge which the District determines is likely to cause an interference or pass-through or otherwise threatens to interfere with the operation of the treatment works or other District operations, or which constitutes an imminent or substantial threat to the health, safety or welfare of persons or endangers the environment or property (hereinafter, "emergency condition").

B. Any user notified of a suspension of its discharge shall immediately cease discharging or eliminate the pollutant or other cause for the suspension. If a user fails to comply immediately with the suspension order, the District may take such steps as it deems necessary, including immediate severance of the connection of the user's facilities to the treatment works, in order to prevent or minimize the emergency condition. The District may allow the user to resume its discharge when the user has demonstrated to the satisfaction of the District that the emergency condition has been eliminated or reduced to a level determined acceptable by the [District Engineer Wastewater Treatment Plant Legally Responsible Official](#), unless termination proceedings under DSRSDC 5.20.540, Termination of discharge, are initiated against the user.

C. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement that includes the causes of the harmful contribution and the measures taken to prevent any future occurrence. The written statement shall be submitted to the District five days prior to the date of any show cause or termination hearing under DSRSDC 5.20.470, Order to show cause, or DSRSDC 5.20.540, Termination of discharge, respectively; provided, that no hearing shall be required for any action taken by the District in response to an emergency condition under this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.540 Termination of discharge.

In addition to the causes specified in DSRSDC 5.20.280, Wastewater discharge permit revocation, discharge to the treatment works from a user's facilities may be terminated for the following:

- A. Violation of wastewater discharge permit conditions.
- B. Failure to report accurately the wastewater constituents and characteristics of a discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- D. Refusal of reasonable access to a user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the pretreatment standards contained in DSRSDC 5.20.040, Prohibited discharge standards, through DSRSDC 5.20.070, State and federal requirements and standards.
- F. Failure to notify the District immediately of accidental discharges and/or to take appropriate corrective measures to prevent a recurrence thereof.
- G. Failure to submit periodic compliance reports in a timely manner.
- H. Failure to pay fees and charges or penalties established pursuant to this chapter or other District ordinance or resolution.

Proceedings for termination of service under this section shall be initiated by issuance of an order to show cause pursuant to DSRSDC 5.20.470, Order to show cause. Termination of service under this section is in addition to, and cumulative with, all other remedies of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.550 Legal and equitable remedies.

The Board may authorize commencement of an action for damages and/or for equitable relief including, without limitation, injunctive relief, for violation, or enforcement, of the provisions of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.560 Violation a misdemeanor.

A. A user or any other person who violates any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any

categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each day a violation occurs or continues constitutes a separate offense.

B. A user or any other person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each act of falsification, tampering, or knowingly rendering inaccurate any monitoring device shall constitute a separate offense. The foregoing provisions are not a limitation upon prosecution for violation of laws pertaining to perjury or false claims. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.570 Remedies nonexclusive.

The remedies provided in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies that may accrue to the District. [Ord. 298, 2003; Ord. 327, 2010.] The Wastewater Treatment Plant Legally Responsible Official may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's "Pretreatment Program Administrative Manual" (sometimes called "Enforcement Response Plan"). However, the Wastewater Treatment Plant Legally Responsible Official may take other action against any User when the circumstances warrant. Further, the Wastewater Treatment Plant Legally Responsible Official is empowered to take more than one enforcement action against any noncompliant User.

5.20.580 Performance bonds.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to post a performance bond in form approved by counsel for the District guaranteeing to the District compliance with the provisions of this chapter, orders issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, categorical pretreatment standards, national pretreatment standards, or pretreatment standards or requirements as a condition for issuance or reissuance of a wastewater discharge permit, the principal amount of which shall be the estimated damages or liquidated damages that would be suffered by the District for failure of such compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.590 Liability insurance.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to obtain and maintain in effect during the term or remaining term of its wastewater discharge permit general or public liability insurance in an amount or amounts deemed by the District to be sufficient to insure against damages to persons or property for a violation of any provision of this

chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.600 Water service termination.

The District may terminate water service to the property of a user from which a discharge has occurred that has resulted in a violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Water service shall be reinstated at the user's expense upon a determination by the ~~District Engineer~~Wastewater Treatment Plant Legally Responsible Official that adequate measures or means have been taken by the user to prevent recurrence of such violation or of any other such violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.610 Public nuisance.

A violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District. A user or any other person causing such public nuisance shall be subject to the provisions of the Dublin San Ramon Services District Code governing such nuisances including, without limitation, reimbursement to the District for any costs incurred in abating or remediating said nuisance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.620 Paramount provisions.

In the event of a conflict between the provisions and terms of this chapter and the provisions and terms of any other chapter of the Dublin San Ramon Services District Code or ordinance or resolution, the provisions and terms of this chapter shall prevail. [Ord. 298, 2003; Ord. 327, 2010.]

The District Code is current through Ordinance 345, passed May 21, 2019. Users should contact the District Secretary for ordinances passed subsequent to the ordinance cited above.

The District Secretary's Office has the official version of the Dublin San Ramon Services District Code. A copy of the District Code is available for public inspection at the temporary location of the District Office, at the DSRSD Field Operations Facility, located at 7035 Commerce Circle, Pleasanton. For further information, please call (925) 828-0515.

Code Publishing Company

Seattle, Washington

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING CHAPTER 5.20 OF THE DISTRICT CODE TO REVISE PROVISIONS THAT GOVERN WASTEWATER DISCHARGE REGULATIONS

WHEREAS, District Code Chapter 5.20, Wastewater Discharge and Pretreatment Regulations, was established to comply with Title 40 of the Code of Federal Regulations Part 403; and

WHEREAS, on June 20 and 21, 2017, a compliance audit was conducted by California Environmental Protection Agency representatives as part of the typical National Pollutant Discharge Elimination System (NPDES) permit renewal process; and

WHEREAS, the compliance audit resulted in a directive to revise wastewater discharge and pretreatment sections in the District Code to align with the Code of Federal Regulations; and

WHEREAS, District staff also recommends administrative changes to address the District's current business practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Chapter 5.20 of the District Code entitled "Wastewater Discharge and Pretreatment Regulations" is hereby repealed and replaced by the new Chapter 5.20 entitled "Wastewater Discharge and Pretreatment Regulations" in the form in which it appears in Exhibit "1." Notwithstanding the preceding sentence, wherever a provision of the new Chapter 5.20 is substantially the same as the previous version of Chapter 5.20, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. The General Manager, or the person or persons to whom such task may from time to time be delegated, is further authorized and directed to make further non-substantive administrative changes, as approved by District General Counsel, to Chapter 5.20, as respectively set forth in Exhibit "1" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

3. This Ordinance shall become effective thirty (30) days after its adoption.

Ord. No. _____

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 17th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Edward R. Duarte, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 5.20

WASTEWATER DISCHARGE AND PRETREATMENT REGULATIONS

Sections:

- 5.20.010 Purpose and policy.
- 5.20.020 Abbreviations.
- 5.20.030 Definitions.
- 5.20.040 Prohibited discharge standards.
- 5.20.050 National Categorical Pretreatment Standards.
- 5.20.060 Local limits.
- 5.20.070 State and federal requirements and standards.
- 5.20.080 District's right of revision.
- 5.20.090 Dilution prohibition.
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- 5.20.610 Public nuisance.
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- 5.20.010 Purpose and policy.

This chapter sets forth uniform requirements for users of the District's wastewater treatment facility and collection system and enables the District to comply with all applicable state of California and federal laws, including the Clean Water Act (33 United States Code Sections 1251 et seq.; "the Act") and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the District's wastewater collection system which would cause interference with the system, the District's treatment works, or other District operations.
- B. Prevent the introduction of pollutants into the District's wastewater collection system which cannot sufficiently be treated and pass through the District's treatment works or which will have a deleterious effect on the District's treatment works, or which otherwise are incompatible with the District's treatment operations.
- C. Protect both the District's treatment works personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public.
- D. Promote recycling of wastewater effluent and sludge from the District's wastewater treatment works.
- E. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District's pretreatment program and/or its treatment works.
- F. Enable the District to comply with its National Pollutant Discharge Elimination System permit (NPDES) conditions, sludge use and disposal requirements, and any other applicable federal or state of California laws.
- G. Prevent the introduction of wastes into the system which may affect the District's ability to dispose of its grit, sludge or other residuals.

H. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety arising from the collection, treatment and disposal of wastes through the District's treatment works.

This chapter shall apply to all users discharging to the District's wastewater treatment works. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the District's pretreatment program. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.020 Abbreviations.

The following abbreviations used in this chapter shall have the meanings respectively ascribed thereto:

BOD – biochemical oxygen demand.

BTEX – benzene, toluene, ethyl benzene and xylenes.

CCR – State of California Code of Regulations.

CFR – Code of Federal Regulations.

COD – chemical oxygen demand.

EPA – United States Environmental Protection Agency.

GPD – gallons per day.

LEL – lower explosive limit.

mg/L – milligrams per liter.

MGD – million gallons per day.

NPDES – National Pollutant Discharge Elimination System.

PCBs – polychlorinated biphenyl compounds.

RCRA – Resource Conservation and Recovery Act of 1976 (42 USC Section 6901 et seq.).

SIC – Standard Industrial Classification.

TICH – total identifiable chlorinated hydrocarbons.

TTO – total toxic organics.

TPH – total petroleum hydrocarbons, both gasoline and diesel.

TSS – total suspended solids.

USC – United States Code. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.030 Definitions.

Unless it is apparent from the context that another meaning is intended, the following words and terms used in this chapter shall have the meanings respectively ascribed thereto; provided, that the definitions specified in Chapter 5.10 DSRSDC, Wastewater Facilities Use Regulation and Protective Measures, also pertain to this chapter except to the extent of any conflict, in which case the definitions in this chapter shall govern.

“Act” or “the Act” or “PL 92-500” refers to the Federal Water Pollution Control Act Amendments of 1972, as amended (33 USC Section 1251 et seq.), commonly referred to as the Clean Water Act (the Act).

“Authorized representative of the user” means any official described in DSRSDC 5.20.220, Signatory and certification requirement.

“Best available technology” means the best control and treatment measures that are available and economically achievable.

“Best Management Practices or BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Categorical industrial user” means any industrial user who is subject to categorical pretreatment standards, as provided in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Categorical pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 USC Section 1317) that applies to a specific category of users, and which appears in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Collection system” means the District’s pipelines, pump stations, manholes and other related facilities which transport wastewater to the District’s treatment works.

“Commercial user” means any nonresidential user, including a business activity that is not otherwise classified as an industrial user, and that introduces wastewater that is determined by the Wastewater Treatment Plant Legally Responsible Official to consist primarily of sewage into the District’s wastewater facilities.

“Discharger” means any person, firm, association, corporation, governmental agency or other entity who or which disposes of wastewater into a sanitary sewer system that is connected to, or part of, the District’s treatment works.

“Domestic wastewater” means that portion of wastewater attributed to normal residential discharges derived from ordinary living processes of human beings and not wastes generated and/or discharged from commercial, institutional, or industrial activities.

“Existing source” means any source of wastewater discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if a standard is thereafter promulgated in accordance with Section 307 of the Act.

“Flow” means the volume of wastewater measured during a period of time (e.g., gallons per minute, MGD, etc.).

“Garbage” means solid wastes from the preparation, cooking and dispensing of food; from the handling, storage and sale of produce; and paper and plastic wastes.

“Grab sample” means a sample of wastewater which is taken over a period of time not exceeding 15 minutes without regard to the flow of the waste stream.

“Hydrolysate” means the resultant liquid from the hydrolysis of human or animal remains.

“Hydrolysis” means the process by which the body of a deceased person or animal is chemically reduced to its essential organic components and bone fragments in a hydrolysis chamber.

“Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

“Industrial user” means any user whose operations generate and/or produce discharges of industrial wastes and wastewater derived from any production, manufacturing, processing, institutional, commercial, agricultural, or other activity or operation, and whose activity or operations are identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as said manual now exists or is hereafter amended or supplemented.

“Industrial wastewater zero-discharge permit” means a wastewater discharge permit issued to a user that does not discharge any processed industrial wastewater, but stores and uses chemicals or other pollutants in such manner that they have the potential of entering a sanitary sewer.

“Instantaneous maximum allowable discharge limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected by or for the District, irrespective of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which by itself or in conjunction with another discharge or other discharges inhibits or disrupts the District’s treatment facilities, its treatment processes or operations, or its sludge processes, including sludge use or disposal, that causes a violation of any condition or requirement of the District’s NPDES permit or that adversely affects the quality of processed sludge thereby preventing disposal thereof by land application or other recycling means.

“Intermediate industrial user” means an industrial user who is not a significant industrial user but whose operations produce, or are likely to produce, priority pollutant(s) or pollutant(s) that are otherwise prohibited or pollutant(s) that are restricted by the District, including and without limitation, DSRSDC 5.20.060, Local limits.

“ISO 11143” means the International Organization for Standardization’s standard for amalgam separators.

“Limited discharge permit” means a wastewater discharge permit that authorizes an industrial user to discharge wastewater into a sanitary sewer for no longer than nine months; including, but not limited to, any discharge from construction-related activities.

“Mechanical garbage grinder” means a mechanical device for pulverizing quantities of garbage.

“Medical wastes” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“National pretreatment standard” or “pretreatment standard” or “standard” means pollutant discharge limits in any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. The term includes prohibited discharge limits established pursuant to 40 CFR Section 403.5.

“New source” means any building, structure, facility or installation (collectively in this definition, “facility”) from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act and which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

1. The facility is constructed at a site at which no other source is located; or
2. The facility completely replaces the process or production equipment that generates the discharge of pollutants at an existing source; or
3. The production or wastewater-generating processes associated with the facility are substantially independent of an existing source at the same site. In determining whether such sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

Modification of a facility on a site at which an existing source is located that does not meet the criteria of subsection (1) or (2) of this definition, but that otherwise alters, replaces, or adds to existing processes or production equipment does not constitute a new source.

Construction of a new source under this definition is deemed to have commenced if the owner or operator thereof has either:

- a. Commenced, as part of a continuous on-site construction program: (i) any placement, assembly, or installation of facilities or equipment; (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- b. Entered into an agreement or other binding obligation to purchase facilities or equipment which is intended to be used in the operation of the new source within a reasonably foreseeable time period. Options to purchase, or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute an agreement or other binding obligation under this definition.

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“NPDES permit” or “the District’s NPDES permit” means the National Pollutant Discharge Elimination System permit issued to the District pursuant to the Act and regulations promulgated thereunder.

“Oil and grease” means any material or like matter that is soluble in freon or any solvent that is approved for oil and grease analysis under 40 CFR Section 136 classification method 413.1.

“PAHs (polynuclear aromatic hydrocarbon compounds)” means those compounds analyzed by EPA Method 610 listed below:

Acenaphthene

Benzo(a)pyrene

Fluoranthene

Acenaphthylene

Benzo(b)fluoranthene

Fluorene

Anthracene

Benzo(ghi)perylene

Naphthalene

Benzo(a)anthracene

Benzo(k)fluoranthene

Pyrene

Dibenzo(a,h)anthracene

Chrysene

Phenanthrene

Indeno(1,2,3-cd)pyrene

“Pass-through” means a discharge which, by itself or in conjunction with other discharge(s), exits the District’s treatment facilities at a concentration or quantity that causes a violation of any condition or requirement of the District’s NPDES permit (including an increase in the magnitude or duration of violation).

“PCBs (polychlorinated biphenyl compounds)” means those compounds analyzed by EPA method 608 listed below:

PCB-1016

PCB-1248

PCB-1221

PCB-1254

PCB-1232

PCB-1260

PCB-1242

“pH” means the negative logarithm of the concentration of active hydrogen ions, expressed in moles per liter of solution.

“Pollutant” means dredged soil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the treatment works. This reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means except by diluting the concentration of the pollutants, unless the dilution is permitted by an applicable pretreatment standard.

“Pretreatment standard(s)” or “pretreatment requirement(s)” means any substantive or procedural requirement governing a user’s activities or operations that is related to pretreatment, other than a national pretreatment standard, categorical pretreatment standard or pretreatment standard.

“Priority pollutant” means any toxic pollutant designated as such in 40 CFR Section 401.15, including amendments thereto.

“Septage tank waste” means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, recreational vehicles (“RVs”), and septic tanks.

“Significant industrial user” means a significant industrial user defined in 40 CFR Section 403.3(v) as:

1. Any categorical industrial user; or
2. Any other industrial user that:
 - a. Discharges 25,000 gallons or more per day of process wastewater to the District’s treatment works (excluding sanitary, noncontact cooling and boiler blow-down water);
 - b. Contributes a process waste stream which comprises five percent or more of the average dry weather hydraulic or organic capacity of the District’s treatment plant; or

c. Is designated as such by the District based on a finding that the industrial user's activities or operations have a reasonable potential for adversely affecting the operation of the District's treatment works or for violating any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement (in accordance with 40 CFR Section 403.8(f)(6)).

"Significant noncompliance" means noncompliance of an industrial user with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements that constitutes one or more of the criteria defined in DSRSDC 5.20.450, Publication of users in significant noncompliance.

"Slug load" or "slug" means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge.

"Standard Industrial Classification code" or "SIC code" means a classification established under the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"TICH (total identifiable chlorinated hydrocarbons)" means those organochlorine pesticides analyzed by EPA method 608 listed below:

α -BHC

4,4'-DDD

Endosulfan I

Endrin Aldehyde

β -BHC

4,4'-DDE

Endosulfan II

Heptachlor

δ -BHC

4,4'-DDT

Endosulfan Sulfate

Heptachlor Epoxide

γ -BHC

Dieldrin

Endrin

Toxaphene

Chlordane

“Treatment facility” means that portion of the treatment works that is designed to provide treatment of wastewater.

“TTO (total toxic organics)” means the summation of all quantifiable values greater than 0.01 milligrams per liter of the organic toxic pollutants included in 40 CFR Part 433.11 listed in Appendix 1 to Chapter 5.

“Waste hauler discharge permit” means the wastewater discharge permit which gives authorization to a waste or septage hauler to discharge domestic wastes, chemical toilet wastes or other permissible wastewater into a designated discharge point in the District’s treatment works.

“Wastewater discharge permit” means a permit that authorizes a user to discharge nondomestic wastewater into a sanitary sewer; provided, that wastewater discharge permit includes industrial wastewater discharge permit, pollution prevention wastewater discharge permit, or industrial wastewater zero-discharge permit (hereinafter defined), except that the latter does not authorize a discharge.

“Water softener” means a unit installed to remove minerals (hardness) from potable water. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.040 Prohibited discharge standards.

A. General Prohibitions. A user shall not introduce into the District’s treatment works any pollutant or combination of pollutants which causes or will cause pass-through or interference. These general prohibitions apply to every user of the District’s treatment works irrespective of whether the user is subject to national pretreatment standards, categorical pretreatment standards, pretreatment standards or requirements, or any other federal, state of California or any District requirement.

B. Specific Prohibitions. A user shall not introduce into the District’s treatment works any waste or waste stream that has the following characteristics or substances:

1. Pollutants which alone or by reaction with other pollutants have the potential to create a fire hazard or explosion hazard in the District’s treatment works, or to be injurious to human health and safety or to the operations of the District’s treatment works. In no case shall a user discharge a waste or waste stream that has a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR Section 261.21. Additionally, in no case shall a user discharge a waste or waste stream that exceeds 10 percent of the LEL of an approved gas detector meter. The materials which may be prohibited hereunder based upon their potential to cause a fire or explosion hazard include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substance that constitutes a fire or explosion hazard.

2. Wastewater which will cause corrosive structural damage to the District’s treatment works and collection system; provided, that in no case shall a user discharge wastewater with pH less than 6.0 or greater than 11.0.

3. Solid or viscous substances in amounts which will cause or threaten to cause obstruction to the flow in a sanitary sewer or cause or threaten to cause pass-through or interference including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, woods, paunch manure, garbage with particles greater than 1/2 inch in any dimensions, animal guts or tissues, bones, hair, hides or flesh, entrails or whole blood.
4. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) discharged to a sanitary sewer at a flow rate and/or pollutant concentration alone or by interaction with other pollutants which will cause interference.
5. Wastewater having a temperature greater than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment facility to exceed 104 degrees Fahrenheit (40 degrees centigrade).
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the District's treatment facility and collection system in a quantity that may cause acute worker health and safety hazards.
8. Any trucked or hauled septic tank wastes, holding tank wastes or chemical toilet wastes, unless a permit has been issued to the waste hauler by the District in accordance with the regulations specified in DSRSDC 5.20.160, Hauled wastewater.
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which either alone, or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry of personnel into sewers for maintenance or repair.
10. Any waste or wastewater which imparts color that cannot be removed by the District's treatment facility, including, without limitation, dye wastes and vegetable tanning solutions, consequently causing a violation of the District's NPDES permit.
11. Any wastewater containing any radioactive wastes or isotopes exceeding any limits specified in 17 CCR Section 30287 or 10 CFR Section 20, whichever is more stringent.
12. Any storm water, ground water, rainwater, street drainage, subsurface drainage, yard drainage, except pursuant to a specific permit issued by the District; provided, further, that no person shall construct or install any drain or other connection which will allow such discharges into a sanitary sewer. The District may approve such discharges only upon a determination by the District that no reasonable alternative is available, or that such water constitutes a pollution hazard if not discharged to the sanitary sewer.
13. Any restaurant grease.
14. Any sludge, screening, or other residues from the pretreatment of industrial wastes.

15. Any medical wastes, such as isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
16. Any detergents, surface active agents, or other substances which may cause excessive foaming in the District's treatment works.
17. Any substance, waste, wastewater or constituent thereof as may be specifically prohibited or prohibited by concentration levels specified in DSRSDC 5.20.060, Local limits.
18. Any waste defined as hazardous in federal and/or state statutes.
19. Any substance, waste, wastewater or constituent thereof which may by itself or in combination with other discharges cause the District to violate any permit condition related to effluent toxicity, or otherwise cause or contribute to the potential release of toxic substances from the District's treatment facility or collection system into the environment in toxic amounts.
20. Any wastewater containing perchloroethylene.
21. Any wastewater having a BOD greater than 400 mg/L, except pursuant to a contract with the District providing for corresponding processing, treatment and, if applicable, treatment facility expansion costs.
22. Any waters or wastes that have emulsifiers or any other compounds that would allow oils, grease and fats to enter a sanitary sewer in excess of the local limits for oil and grease specified in DSRSDC 5.20.060, Local limits.
23. Any wastewater containing hazardous pollutants in sufficient quantity, either alone or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the state, or to exceed the limitations of a categorical pretreatment standard, national pretreatment standard or a pretreatment standard or requirement.
24. Pollutants, substances, or wastewater prohibited by this chapter shall not be processed or stored in such a manner that they could be discharged to a sanitary sewer.
25. Any wastewater containing mercury such as from the removal and/or placement of dental amalgam fillings.
26. All prescription and nonprescription (over the counter) pharmaceutical drugs or medications.
27. No person shall discharge hydrolysate, wastes, or wastewater resulting from hydrolysis either directly or indirectly to the sewer system.

C. Discharge Location Prohibition. A user shall not discharge any wastewater directly into a manhole or other opening in the District's collection system, other than through sanitary sewer laterals or other sanitary sewer connections approved by the District, except pursuant to a permit issued by the District for such discharge. Such permit shall only be issued if the discharge is otherwise in compliance with the provisions of this chapter and no other discharge alternative is reasonably available as determined by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

D. Development of Limits. The District will develop and effectively enforce local limits to restrict discharge prohibitions. The District will provide notice of limits through issuance of permits, through District Code, and as requested. The District may develop Best Management Practices (BMPs) to implement discharge prohibitions.

5.20.050 National Categorical Pretreatment Standards.

The National Categorical Pretreatment Standards, set forth in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as said standards may from time to time be amended, supplemented, superseded, and new categorical pretreatment standards promulgated, are incorporated herein by this reference. The General Manager shall notify all affected users of the applicable reporting requirements specified in DSRSDC 5.20.300, Baseline monitoring reports, through DSRSDC 5.20.330, Periodic compliance reports. However, if the standards otherwise imposed under this chapter are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.060 Local limits.

No person shall discharge, or cause to be discharged, any wastewater containing the pollutants listed below in excess of the concentrations listed.

Pollutant

Discharge Limit (mg/L)

Arsenic

0.50

Cadmium

1.00

Total chromium

1.00

Copper

1.00

Lead

2.00

Mercury

0.010

Nickel

1.50

Selenium

1.30

Silver

1.50

Zinc

4.00

Cyanide

0.50

Phenols

20.00

PCBs

0.01

T.I.C.H.

0.02

TTO

5.00

PAH

6.50

Oil and grease (animal and vegetable)

200

Oil and grease (hydrocarbon)

150

Total dissolved solids

1000

Total sulfides

2.0

BTEX

1.00

TPH (gas and diesel)

15.0

[Ord. 298, 2003; Ord. 327, 2010.]

5.20.070 State and federal requirements and standards.

If either state or federal limitations, standards and requirements applicable to discharges to the District's treatment works are more stringent than the limitations, requirements, and standards set forth in this chapter, the most stringent limitation, standard or requirement shall apply. Modifications of federal or state limitations, standards and requirements which are more stringent than the limitations, standards and requirements set forth in this chapter and that are promulgated subsequent to the adoption of the ordinance or resolution enacting this chapter shall be applied to discharges to the District's treatment works at such time and in such manner as is specified in DSRSDC 5.20.260, Wastewater discharge permit modification. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.080 District's right of revision.

The District retains the right to establish more stringent limitations, standards or requirements for discharges to the District's treatment works to achieve the objectives of this chapter. No user shall acquire any vested or other right to a particular limitation, standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.090 Dilution prohibition.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The District may impose mass limitations on the discharges of users who use dilution to meet applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, or in other cases when the imposition of mass limitations is necessary to achieve the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.100 Bypass.

A. For the purpose of this section the following definitions apply:

1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production.

B. Bypass is prohibited, and a violation of this chapter, unless all of the following criteria are met:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This criterion is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under subsections (D) & (E) of this section.
- C. The District may approve an anticipated bypass after considering its adverse effects if the District determines that it will meet the three conditions listed in subsection (B)(1) of this section.
- D. If a user knows in advance of the need for a bypass, the user shall submit written notice thereof to the District at least 10 days before the date of the anticipated bypass, if reasonably possible.
- E. A user shall provide oral notice to the District of an unanticipated bypass that exceeds any applicable national pretreatment standard or categorical pretreatment standard or any applicable pretreatment standard or requirement within 24 hours of time of the user's knowledge of the bypass. Refer to the user permit for contact phone number(s). Written notice shall also be given to the District within five days from the time of the user's knowledge of the bypass. The written notice shall include: (1) a description of the bypass and its cause; (2) the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the occurrence of the bypass.
- F. A user may allow a bypass to occur that does not violate any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, but only for essential maintenance of the user's pretreatment facilities to assure efficient operation thereof. Such bypasses are not subject to the provision of subsection (B) of this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.110 Affirmative defense to prohibited discharge violations.

A user shall have an affirmative defense to an alleged violation of the general prohibitions of DSRSDC 5.20.040(A), General Prohibitions, or any specific prohibition of DSRSDC 5.20.040(B), Specific Prohibitions, that would cause a pass-through or an interference upon proof that the user did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause a pass-through or an interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- B. No local limit exists, but the discharge was not substantially different in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit and with applicable sludge use or disposal requirements. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.120 Discharge from self-regulating water softeners.

Waste discharged into a sanitary sewer from the regeneration of a residential water softener of any kind or description is prohibited, except that from a water softener that conforms to the requirements of Health and Safety Code Section 116785. [Ord. 298, 2003; Ord. 327, 2010; Ord. 344, 2018.]

5.20.130 Pretreatment facilities.

Users shall provide wastewater pretreatment as necessary to comply with this chapter and shall comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, local limits, and the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge

standards, within the time limitations specified by the EPA, the state of California, or the District, whichever limitation is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans and specifications describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are installed or constructed. Approval of plans and specifications does not constitute an assurance of pretreatment performance. Plans and specifications shall be prepared by a registered professional engineer. Neither the District's review of such plans, specifications and operating procedures, nor approval thereof, shall relieve or release the user from the responsibility of modifying or replacing such facilities as necessary to produce a discharge acceptable to the District in compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.140 Additional pretreatment measures.

- A. The District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sanitary sewers, re-locate and/or consolidate points of discharge, separate nonindustrial waste streams from industrial waste streams, and impose such other conditions, including without limitation the installation of pretreatment facilities in addition to those previously provided in accordance with DSRSDC 5.20.130, Pretreatment facilities, as may be determined by the District's General Manager to be necessary to protect the treatment works and to prevent exceedances of discharge limits, or otherwise to assure the user's compliance with the requirements of this chapter.
- B. The District may require users discharging into the District's treatment facility to install and maintain, on their property and at their expense, a suitable storage and flow-control facility that ensures equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Appropriate grease, oil, and sand interceptors shall be installed by a user when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; provided, that such interceptors shall not be required for residential users. All interceptors shall be accessible for cleaning. Interceptors shall be inspected, cleaned, and repaired routinely by the user and at the user's expense.
- D. Chemicals or treatments intended to prevent local clogging or to prolong grease trap or interceptor service (e.g., bacteria, enzymes, additives, agents, degreasers, solvents, bioremediation, dosing systems, emulsifiers [including hot water], and slow-dissolve blocks) are strictly prohibited.
- E. The District may require users whose discharge has the potential to include flammable substances to install and maintain an approved combustible gas detection meter at the user's expense.
- F. All users shall give written notice to the District, the EPA Regional Waste Management Division Director and state of California hazardous waste authorities of any discharge to the District's treatment works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or as otherwise defined by state of California statute or regulation.

Such notification shall include the identity of the hazardous waste by chemical constituency or other designation that readily describes the waste as a hazardous waste, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the District's treatment works, the notification shall

also contain the following information: (1) the hazardous waste constituents contained in the waste; (2) an estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimate of the mass constituents in the waste stream expected to be discharged during the following 12 months.

All notifications of hazardous waste discharge must take place no later than 180 days after the discharge commences, consistent with 40 CFR 403.12 (p) (1).

G. All owners and operators of dental vacuum systems, except as set forth in this section, shall install an ISO 11143 certified amalgam separator device for each dental vacuum system on or before December 1, 2011. All dental offices that come into operation on or after November 10, 2009, shall include an installed ISO 11143 certified amalgam separator device capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a noncertified separator will be accepted; provided, that smaller units of the same technology from the same manufacturer are ISO-certified. For facilities that have installed amalgam separators on or before November 10, 2009, that are not ISO-certified, the non-ISO-certified system may remain in place; provided, that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the General Manager for approval.

The following types of dental practices are exempt from this section; provided, that the District receive written assurance that removal or placement of amalgam fillings occurs at the facility no more than three days per year:

1. Orthodontics;
2. Periodontics;
3. Oral and maxillofacial surgery;
4. Radiology; oral pathology or oral medicine;
5. Endodontics and prosthodontics.

For users who or which are discharging into the treatment works as of the date the ordinance adding this chapter to the Dublin San Ramon Services District Code becomes effective, the foregoing notice shall be given within 30 days of said effective date; provided, that such notice shall be given sooner if a similar such notice is so required by federal regulations. Users who commence discharging after said effective date shall include such notice in their application for a discharge permit.

In providing the notice under this section, the user shall certify that the user has a program in operation to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practicable.

Nothing contained in this section modifies the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge standards. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.150 Spill prevention and control plans.

All significant industrial users shall submit a spill prevention and control plan. The District may require other users, as the District deems necessary, to submit for approval and implement such a plan. The spill prevention and control plan shall be updated biennially. The spill prevention and control plan shall contain, as a minimum, the following elements:

- A. A description of discharge practices, including non-routine batch discharges;
- B. A description of stored chemicals;
- C. The procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under DSRSDC 5.20.040, Prohibited discharge standards, with procedures for follow-up written notification within five days; and
- D. If required by the District, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, construction of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.160 Hauled wastewater.

No septic tank, holding tank, cesspool or chemical toilet shall connect directly to the District's wastewater collection system. Such wastes shall be discharged only during the District's regular business hours and only at a designated discharge point at the District's treatment works pursuant to a waste hauler discharge permit. Only wastes which are compatible with the operation of the District's treatment works shall be disposed at said site. Wastes that contain any hazardous waste, as defined by federal or state of California statutes and regulations, whichever is most stringent, or any wastes which are prohibited under DSRSDC 5.20.040, Prohibited discharge standards, or any other regulation enacted by the District shall not be discharged to the District's treatment works.

A. Insurance and Indemnification. Waste hauler discharge permittees shall hold harmless, indemnify and defend the District, its Board of Directors, other boards, commissions, committees, officers, employees and agents (collectively "indemnitees") from and against all claims for liability, losses, damages, expenses, costs (including, without limitation, all costs and fees, whether for attorneys, experts or others, incurred in anticipation of, or during, administrative proceedings, arbitration, mediation, or litigation) of every nature, kind and description, which may be brought against or suffered or sustained by indemnitees, caused in whole or in part by the negligence, intentional tortious acts or omissions, or willful misconduct of the waste hauler, its officers, employees or agents, in its operations under its waste hauler permit. Waste hauler discharge permittees shall provide, and maintain at all times during the term of its waste hauler permit, liability insurance conforming to requirements adopted by Board policies or determined by the General Manager to be commensurate with the risks, the evaluation of which considers, at a minimum, the financial ratings of the companies providing the insurance, the coverages provided and exclusions therefrom, monetary limits and deductibles, and additional insured endorsements. Waste hauler discharge permittees shall either provide all indemnitees with a full and complete defense against each and every claim, or shall provide a cash deposit or a surety bond acceptable to the District in the amount of 150 percent of the amount claimed, or \$50,000, whichever is more.

B. Registration and Public Health License. The waste hauler shall provide proof of registration with the Alameda County and/or Contra Costa County health departments, and possession of a public health license from said department(s).

C. Discharge Restrictions. Septage and chemical toilet wastes are permitted to be discharged by a licensed waste hauler. Grease from restaurant grease traps and/or grease interceptors shall only be discharged by District authorized waste haulers under a separate Fats, Oil and Grease (FOG) discharge permit.

D. Hours of Discharge. Discharge of septage waste at the District's treatment works shall be allowed daily between 6:00 a.m. and 10:00 p.m. unless the General Manager grants specific authorization to the waste hauler to discharge at other times.

E. Reporting Requirements.

1. Septage Load Manifest. The operator of the waste-hauling vehicle shall accurately document each load of septage waste discharged at the District's treatment works by completing a septage load manifest that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage discharge at the District's treatment works.
- c. The identification number of the sample bottle used to take the septage sample.
- d. The total capacity, in gallons, of the vehicle's waste holding tank.
- e. The name and complete address of each source contributing to the septage load.
- f. The date the load was obtained at the source.
- g. The gallons pumped from each source.
- h. The signature of the operator of the waste hauling vehicle.

2. Septage Hauler's Log. The operator of the waste hauling vehicle shall accurately log in each load of septage waste discharged at the District's treatment works by completing a septage hauler's log that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage load discharge at the District's treatment works.
- c. The time that the operator of the waste hauling vehicle arrives at and departs from the District's treatment works.
- d. The identification number of the sample bottle used to take the septage sample.
- e. The total capacity, in gallons, of the vehicle's waste holding tank.
- f. The signature of the operator of the waste hauling vehicle. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.170 Wastewater analysis.

Upon request of the District, a user shall submit information regarding the nature and characteristics of its wastewater within 45 days of the request. The District may prepare a form for this purpose and may periodically require users to update such information. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.180 Wastewater discharge permit requirements.

A. Every significant industrial user or intermediate industrial user proposing to connect its facilities to the District's treatment works or proposing to discharge wastewater to the District's treatment works shall obtain an industrial wastewater discharge permit prior to the proposed connection or discharge. All significant industrial users or intermediate industrial users connected to, or discharging wastewater into, the District's treatment works on or before the effective date of the ordinance enacting this chapter shall obtain an industrial wastewater discharge permit within 90 days from said effective date. If a user's wastewater discharge, including one whose discharge is such that it is not classified as a significant industrial user or an intermediate industrial user, poses potential risk to the District's wastewater system as determined by the General Manager, the user shall obtain an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit prior to connecting or discharging into the sanitary sewer system. The user shall be subject to source control monitoring as determined by the District.

B. It shall be unlawful to discharge wastewater into a sanitary sewer, the treatment works or the treatment facility except pursuant to an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit issued in accordance with the provisions of this chapter.

C. A violation of the terms and conditions of an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be deemed a violation of this chapter enforceable and punishable pursuant to the provisions of DSRSDC 5.20.460, Notice of violation, through DSRSDC 5.20.610, Public nuisance, inclusive. Possession of an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, or with any other requirements of federal, state of California and local law. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.190 Wastewater discharge permits – Existing connections.

Any user required by this chapter to obtain a wastewater discharge permit that was discharging wastewater into the District's treatment works prior to November 10, 2009, and proposes to continue such discharge shall, within 30 days after said date, apply to the District for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit in accordance with DSRSDC 5.20.210, Wastewater discharge permit application, and shall not cause or allow discharges to the District's treatment works to continue after 90 days from said effective date except pursuant to a wastewater discharge permit issued by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.200 Wastewater discharge permits – New connections.

Every user that is required to obtain a wastewater discharge permit and that proposes to begin or recommence discharging into the District's treatment works shall obtain such permit prior to the commencement or commencement of such discharge. An application for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be filed in accordance

with DSRSDC 5.20.210, Wastewater discharge permit application, at least 90 days prior to the date upon which any discharge will begin or recommence. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.210 Wastewater discharge permit application.

Users applying for a wastewater discharge permit, either an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit, shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees.

A. Users classified as listed below shall obtain a pollution prevention wastewater discharge permit, unless exempted by the General Manager.

1. Dry cleaners;
2. Dental facilities;
3. Other dischargers determined by the General Manager to require special regulations or source control.

Users applying for a pollution prevention wastewater discharge permit shall complete and submit the appropriate application. The format of the application is specific to the type of business.

B. Users applying for an industrial wastewater discharge permit shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees. The application shall include the following information (in units and terms appropriate for evaluation) pertaining to the premises from which the discharge is proposed to emanate:

1. All information required by DSRSDC 5.20.300, Baseline monitoring reports.
2. A description of the activities, operations, plant processes, facilities and materials carried out or present on the applicant's premises, including a list of raw materials and chemicals used or stored on or at the premises which, in the original or processed form, are proposed to be, or either intentionally or accidentally could be, discharged to the District's treatment works.
3. The number and job descriptions of the persons employed at, or in connection with, the activities and operations conducted at or on the premises and the proposed or actual hours of operation.
4. The description, by type, amount, process or processes, of each product manufactured or fabricated at the premises and the rate of production for each.
5. The type and amount (average and maximum per day) of raw materials processed.
6. Site plans, floor plans, mechanical and plumbing plans, and structural details showing all sanitary sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
7. The time of day and duration of all process discharges, treated and untreated, related to the products manufactured or fabricated at the premises or otherwise related to the activities or operations conducted at or on the premises.

8. The average daily and 15-minute peak wastewater flow rates generated at the premises, including daily, monthly and seasonal variations, if any. Flow rates shall be provided for each regulated wastewater stream.
9. The measured average daily and maximum daily volume of wastewater discharged to a sanitary sewer from the premises.
10. Wastewater constituents and characteristics including, but not limited to, those specified in DSRSDC 5.20.040, Prohibited discharge standards.
11. A list of any environmental control permits issued to or for the facility.
12. The type(s) and quantity or quantities of hazardous substances stored or placed on the premises with a description of the method(s) of storage and/or containment device(s) for each such substance; provided, that such substances are present in quantities sufficient to be deleterious to the operations of the treatment works or harmful to the environment if released.
13. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
14. Such other information that is deemed necessary by the District to evaluate the application. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.220 Signatory and certification requirement.

All wastewater discharge permit applications and user reports shall be signed by an authorized representative of the user and include a certification statement in the then-current form required by the Clean Water Act and the regulations promulgated thereunder. In case there is doubt about which certification statement is applicable, the following certification statement shall be used until it is superseded by amendments to the regulations promulgated under the Clean Water Act unless the District determines otherwise:

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

The authorized representative may be any of the following:

- A. If the user is a corporation:
 1. The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second

quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

C. If the user is a federal, state of California, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

D. The individuals holding the positions described in subsections (A) through (C) of this section may designate another authorized representative by name or position who has the responsibility for overall operation of the facility from which the discharge originates, or has overall responsibility for environmental matters for the user; provided, that such authorization shall be submitted to the District in writing. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.230 Wastewater discharge permit decisions.

The District shall evaluate the information and data furnished by the user and such additional information and data as the District may require to complete the application. The District shall complete its evaluation of the application within 60 days of receipt of a completed application. The District may grant the application and issue a wastewater discharge permit subject to the requirements, terms and conditions of this chapter and such other terms and conditions as the District deems appropriate, or the District may deny the application. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.240 Wastewater discharge permit term.

Wastewater discharge permits shall be issued for a specified term, not to exceed three years. A permit may be issued for a term less than one year or for a specified expiration date. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.250 Wastewater discharge permit contents/conditions.

Wastewater discharge permits shall include such terms and conditions that are deemed reasonably necessary by the District to prevent pass-through or interference or otherwise to protect against damage to the District's treatment works, to provide for worker health and safety, to facilitate sludge management and disposal and to protect the quality of the receiving waters of the treatment works' effluent.

A. Wastewater discharge permits shall include:

1. The term of the permit, which in no event shall exceed three years.
2. A prohibition against assignment or other transfers of the permit or any interest therein.
3. Effluent limits based on applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state of California, or local law.

5. A statement of applicable civil and criminal penalties for violation of categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements or other terms and conditions of the permit and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable federal, state of California or local law.

6. Requirements to control discharges of slug loads or slugs, if determined by the District to be necessary.

B. Wastewater discharge permits shall be subject expressly to the provisions of this chapter, the Act, all applicable state of California, federal and local regulations and payment of the District's applicable fees and charges. Wastewater discharge permits shall be enforced uniformly by the District in accordance with this chapter and applicable federal and state regulations. Permits may include, without limitation, the following:

1. Requirements for separation of industrial wastewater from domestic wastewater prior to discharge to a sanitary sewer.

2. Limits on average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions against discharge of said pollutants.

3. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the user's wastewater discharge.

4. Limits on average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and/or equalization.

5. Requirements for installation and maintenance of monitoring and sampling facilities and equipment.

6. Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, the number, types and standards for tests and a reporting schedule. Monitoring shall be provided by the user at its expense, performed by a state-certified laboratory; provided, that a user's laboratory, if available, may conduct monitoring upon approval of the District.

7. Requirement for notification of the District of the discharge of any new pollutants or any changes in facility processes or in the volume or character of wastewater constituents being discharged into the District's treatment works.

8. Requirement for the installation of pretreatment technological equipment or devices, pollution control, or construction of appropriate containment devices to reduce, eliminate, or prevent the discharge of pollutants into the District's treatment works.

9. Requirement for submittal of design and construction plans and specifications of any existing or proposed wastewater pretreatment facility.

10. Prohibition against bypass of the user's wastewater pretreatment system, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury or severe property damage.

11. Requirement for notifying the District of any planned alteration of a proposed or existing wastewater pretreatment system.

12. Prohibition against dilution as a partial or complete substitute for adequate treatment to achieve compliance with the user's wastewater discharge permit.
13. Provision for access by District personnel to the user's premises at all reasonable times to conduct sampling and/or inspection of any and all processes which may contribute to the user's wastewater discharge, including the actual wastewater discharge.
14. Requirement for the development and implementation of a spill prevention and control plan, a copy of which shall be filed with the District.
15. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the user's pretreatment facilities.
16. Requirements for notifying the District of planned alterations of the user's facility processes, which could result in an alteration of the process discharge or the potential for an accidental spill or slug discharge.
17. Requirements for providing the District with operation and maintenance records for the user's wastewater pretreatment system, including relevant periodic updates.
18. Requirements for submission of technical reports, progress reports or discharge reports.
19. Compliance schedules or requirements pertaining thereto.
20. Requirement for specifying the user's responsible officer for permit compliance and for signatory purposes.
21. The unit charge or schedule of user charges and fees pertaining to the user's use of the District's treatment works.
22. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's treatment works.
23. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, including those which become effective during the term of the permit.
24. Such other requirements or conditions that are deemed appropriate by the District to ensure compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.260 Wastewater discharge permit modification.

The District may modify a wastewater discharge permit for good cause, including, but not limited to:

- A. Incorporation of any new or revised categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
- B. Addressing significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance.

- C. A change in the District's treatment works that requires either a temporary or permanent reduction or elimination of an authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the District's treatment works, personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- G. Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR Section 403.13.
- H. Correction of typographical or other errors.
- I. Change in ownership or the operator of the facility subject to the permit.

The terms and conditions of the wastewater discharge permit may be subject to modification or revision by the District during the term of the permit based upon amendments or revisions to limitations or requirements of these regulations or applicable state of California or federal regulations. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.270 Wastewater discharge permit transfers prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation and premises. A wastewater discharge permit or any interest therein shall not be assigned, leased, sold or otherwise transferred to a new owner or user, or relied upon for different premises, or for a new, different or revised operation. Notwithstanding the invalidity of a purported assignment, lease, sale, or other transfer of a wastewater discharge permit, or the purported reliance upon such permit for a different premises or for a new, different or revised operation, nothing in this chapter shall be construed to prohibit the applicability or enforcement of the terms and conditions of such permit or of the provisions of this chapter with respect to a purported assignee, lessee, purchaser, or other transferee, or with respect to a different premises or new, different or revised operation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.280 Wastewater discharge permit revocation.

A wastewater discharge permit may be revoked for the following causes:

- A. Failure factually and completely to report the wastewater constituents and characteristics of a discharge.
- B. Failure to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal to provide the District reasonable access to the user's premises for inspection or monitoring.
- D. Violations of the permit requirements or conditions.
- E. Nonpayment of fees and charges.

- F. Failure to provide prior notification to the District of changed conditions pursuant to DSRSDC 5.20.340, Reports of changed conditions.
- G. Misrepresentation of any material fact, or failure to fully disclose all relevant facts, in the wastewater discharge permit application.
- H. Falsifying self-monitoring reports, records or other documents and/or knowingly giving or providing a false statement.
- I. Tampering with monitoring equipment.
- J. Failure to meet effluent limitations.
- K. Failure to meet compliance schedules.
- L. Failure to complete a wastewater survey or the wastewater discharge permit application.
- M. Violation of any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or any condition or term of the wastewater discharge permit or any provision of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.290 Wastewater discharge permit reissuance.

The District will endeavor to notify the user/permittee of a wastewater discharge permit of the expiration of the term of its permit not less than two months prior to the date of expiration. Notwithstanding the expiration of the term of a permit, it shall remain in full force and effect pending renewal or reissuance thereof. A permit may be reissued; provided, that:

- A. The user has submitted a complete permit application at least 30 days prior to the expiration date of its existing permit.
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

The applicability of a reporting requirement to a given industrial user, the contents of the report and the time for filing the report are governed by Title 40, Code of Federal Regulations, Section 403.12, and amendments thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.300 Baseline monitoring reports.

Existing categorical industrial users currently discharging or scheduled to discharge to the District's treatment works whose operations become subject to a categorical pretreatment standard shall submit a report to the District that contains the information listed in subsection (B) of this section, Environmental Permits, within 180 days after the effective date of such standard or within 180 of the final administrative decision regarding a category determination under 40 CFR Section 403.6(a)(4), whichever is later. At least 90 days prior to commencement of their discharge, all new categorical industrial users, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit such report to the District as part of their application for a wastewater discharge permit (see DSRSDC 5.20.190, Wastewater discharge permits – Existing connections, through DSRSDC 5.20.210, Wastewater discharge permit application). The owner or

operator of a new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards, estimates of its anticipated flow volume and quantity of pollutants.

The aforesaid users shall submit the following information:

- A. Identifying Information. The name and address of the user's facility, including the name of the operator and owner of the premises that is the site of the facility.
- B. Environmental Permits. A list of any environmental control permits and hazardous substance release response (spill) plans held by or for the facility.
- C. Description of Operations. A description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user at its facility. The description shall include a schematic process diagram that indicates points of discharge to the District's treatment works from the industrial processes subject to regulation, times of discharge, plumbing and mechanical plans.
- D. Flow Measurement. The measured average daily and maximum daily wastewater flows, in gallons per day, including any seasonal variation, discharged to the District's treatment works from the industrial process streams subject to regulation and such other streams, as necessary, to provide for use of the combined waste stream formula specified in 40 CFR Section 403.6(e).
- E. Measurement of Pollutants.
 - 1. The categorical pretreatment standards applicable to each industrial process subject to regulation.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement or by the District, of pollutants in the discharge from each industrial process subject to regulation. Additionally, instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Samples shall be representative of daily operations and shall be analyzed in accordance with procedures specified in DSRSDC 5.20.380, Analytical requirements.
 - 3. Sampling shall be performed in accordance with procedures specified in DSRSDC 5.20.390, Sample collection.
- F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the applicable pretreatment standards or pretreatment standards or requirements.
- G. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, the schedule by which the user shall provide such additional pretreatment and/or O&M within the shortest reasonable time. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or standard or requirement. A compliance schedule pursuant to this section shall conform to the requirements of DSRSDC 5.20.310, Compliance schedule progress reports.

H. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.310 Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by DSRSDC 5.20.300(G), Compliance Schedule:

A. The schedule shall contain progress dates for the commencement and completion of major events for the construction and operation of additional facilities for pretreatment including, but not limited to, retention of engineering services, completion of preliminary and final plans and drawings, execution of a contract for construction of major pretreatment components, commencement and completion of construction, and commencement of pretreatment operations;

B. No time increment referenced in subsection (A) of this section shall exceed nine months;

C. The user shall submit a progress report to the District no later than 14 days following each scheduled progress date and the commencement date of pretreatment operations including, as a minimum, the user's status of compliance with the schedule, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the approved schedule; and

D. In no event shall the period between successive progress reports exceed nine months. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.320 Reports on compliance deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, national pretreatment standards or standards or requirements or, in the case of a new source, within 90 days following commencement of discharge of wastewater into the District's treatment works, a user subject to such pretreatment standards shall submit to the District a report containing the information described in DSRSDC 5.20.300(D), Flow Measurement, through DSRSDC 5.20.300(F), Certification. For users whose discharge is subject to equivalent mass or concentration limits established in accordance with the procedures contained in 40 CFR Section 403.6(c), the report shall include a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.330 Periodic compliance reports.

A. All significant industrial users that are not monitored by the District shall, at a frequency determined by the District, but in no case less than semiannually, submit a report describing the nature and concentration of pollutants in its discharge subject to categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, together with the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be operated efficiently and accurately, and maintained in a clean condition and in good working order at all times; provided, that failure to do so shall not be grounds for a user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the District, the results of such monitoring, using the procedures prescribed in DSRSDC 5.20.380, Analytical requirements, and DSRSDC 5.20.390, Sample collection, shall be included in the report. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.340 Reports of changed conditions.

A. Each user shall notify the District of any planned significant changes to its operations or system that might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

B. The District may require the user to submit such information as the District may deem necessary to evaluate the changed condition, including the submittal of a wastewater discharge permit application pursuant to DSRSDC 5.20.210, Wastewater discharge permit application.

C. The District may issue a wastewater discharge permit pursuant to DSRSDC 5.20.260, Wastewater discharge permit modification, or modify an existing wastewater discharge permit pursuant to DSRSDC 5.20.290, Wastewater discharge permit reissuance, in response to changed conditions or anticipated changed conditions. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.350 Reports of potential problems.

A. All users shall immediately telephone the District in the case of any discharge that may have an adverse effect upon the District's treatment works. Such discharges shall include, but not be limited to, accidental discharges, discharges of a nonroutine or episodic nature, noncustomary batch discharges, or any slug load. The notification shall include the business name, contact person and telephone number of the user, the location and time of the discharge, the type of waste or wastewater discharged, including hazardous properties, concentration and volume of the discharge, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall submit a detailed written report to the District describing the cause(s) of the discharge and the measures taken or to be taken by the user to prevent similar future occurrences. The notification and report made pursuant to subsections (A) and (B) of this section shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's treatment works, damages to or destruction of natural resources, or any other damage to person or property; nor shall such notification or report release the user from liability for violation of the requirements of the user's wastewater discharge permit, this chapter, the Act or other applicable law or regulation.

C. A notice shall be permanently posted on the user's bulletin board or in or on some other prominent place advising employees who to call in the event of a discharge described in subsection (A) of this section. Employers shall ensure that all employees responsible for operations or activities that result in discharges, or that may result in a discharge described in subsection (A) of this section, are advised of the emergency notification procedure. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.360 Reports from unpermitted users.

The District may require any user not subject to the requirements for a wastewater discharge permit to provide appropriate reports to the District regarding the user's operations and discharge in furtherance of the purposes of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.370 Violation – Repeat sampling and reporting.

If the results of analysis of the wastewater of a user indicate that a violation of the user's permit has occurred, or that a violation of any provision of this chapter, the Act or any applicable federal or state of California law or regulation has occurred, the user shall:

- A. Inform the District of the violation within 24 hours after becoming aware of the violation; and
- B. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days from the date the user first became aware of the violation.

If the District performs the sampling or monitoring, the District will notify the user of the violation and repeat the sampling. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.380 Analytical requirements.

All pollutant analyses, including sampling techniques, submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques specified in 40 CFR Part 136, or amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by the EPA or the state of California. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.390 Sample collection.

- A. All users required to perform compliance sampling shall collect wastewater samples using flow proportional composite collection techniques, except for those samples described in subsection (B) of this section. If flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that either of those techniques will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
- C. Users may request modifications to the above sample collection protocols for their particular facility. It shall be the user's responsibility to demonstrate to the satisfaction of the District that any proposed modifications will comply with 40 CFR Part 403, and that all samples will be representative of the discharge. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.400 Reports deemed submitted upon receipt.

Written reports shall be deemed to have been submitted on the date received by the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.410 Record retention.

Consistent with 40 CFR 403.12 (o), all records relating to compliance with categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements shall be made available to representatives of the EPA, state of California and the District authorized by those entities to receive or inspect such records. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The date(s) analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical methods used; and
- (v) The results of such analyses.

Such reports shall be retained for a minimum of three years from the date thereof; provided, that records pertaining to, or prepared for, any investigation or enforcement action shall be retained for a minimum of three years from the date that such investigation or enforcement action has concluded as evidenced by a final decision (including exhaustion of administrative appeals) of the agency or entity that conducted the investigation or enforcement action or by final decision of a court of competent jurisdiction (including final appellate review). Notwithstanding the foregoing, the General Manager may require retention of certain records specified by him or her for a longer period. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.420 Right of entry – Inspection and sampling.

The District and its officers, employees and agents are hereby authorized, at its or their discretion, to inspect the facilities of any user to ascertain whether the user's operations and activities comply with the requirements of this chapter and/or of the user's wastewater discharge permit including, without limitation, compliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements. Users and persons occupying or in possession of premises where wastewater is generated or discharged, or where hazardous substances or wastes are present, shall allow the District or its representatives access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, analysis, records examination and copying, or the performance of any other of their duties. The District or its authorized representatives, individually or accompanied by representatives of such other public agencies as the District deems appropriate, are hereby authorized to assemble or install on the user's premises such devices and equipment that are necessary or appropriate to conduct sampling, inspection, compliance monitoring and/or metering operations. If a user has security measures that require identification and approval before entry onto its premises, the user shall provide appropriate authorization for District representatives and other persons authorized by the District to enter the premises without delay for the above-described purposes. The user shall inform the District of its safety procedures and requirements, provide instruction regarding such matters, and, where appropriate, provide personal protective clothing or equipment. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.430 Inspection/search warrants.

Pursuant to state of California law, the District may obtain inspection and search warrants to enforce the provisions of this chapter, categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, permits issued pursuant to this chapter, the Act and federal and state of California regulations implementive thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.440 Confidential information.

Information and data obtained from or pursuant to reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from the District's inspection and sampling activities of or pertaining to a user shall be, and are, public records unless a user specifically requests confidentiality in writing and demonstrates to the satisfaction of the District that such information is entitled to exemption from disclosure under the California Public Records Act (California Government Code Section 6250 et seq.). The General Manager shall make the final determination regarding such exemption. Nothing in the preceding two sentences shall be construed to prevent the District from proceeding under DSRSDC 1.40.090, Alternative procedures, and, notwithstanding the foregoing, wastewater constituents and characteristics will not be recognized as confidential information.

The portions of such information that are determined to be exempt from disclosure to the public shall be made available upon request to other governmental agencies for uses related to this chapter, the District's NPDES permit, or for purposes otherwise within the law enforcement jurisdiction of such agencies, including administrative and judicial proceedings in pursuance thereof.

Information and/or data that user believes to be proprietary and exempt from disclosure, may, upon request of the user and at the discretion of the District, be made available to the District for its review at the user's facility in lieu of transmittal or delivery thereof to the District's offices. A user bears the burden of demonstrating to the District that such information is proprietary, that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this chapter.

Such information and/or data thus determined to be exempt from disclosure shall not be transmitted or released to any person or entity, except the Environmental Protection Agency, the State of California Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, or other governmental agencies acting within their law enforcement jurisdiction unless 15 days' advance notice of the intended transmittal or release is given to afford the customer a reasonable opportunity to obtain a protective order or unless the District elects to proceed in accordance with the procedures in DSRSDC 1.40.090, Alternative procedures. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.450 Publication of users in significant noncompliance.

Pursuant to the federal pretreatment regulations (40 CFR Section 403.8(f)(2)(viii)) the District shall comply with the public participation requirements of 40 CFR Part 25. Therefore, the District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the District's service area, the name of any industrial/commercial user determined to be in significant noncompliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements at any time during the prior 12 months. Instances of significant noncompliance are user violations which meet one or more of the following criteria:

A. Violations of Wastewater Discharge Limits.

1. Chronic Violations. Chronic violations are defined as those in which 66 percent or more of all of the measurements for the same pollutant parameter exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) during a six-month period.

2. Technical Review Criteria (TRC) Violations. TRC violations are defined as those in which 33 percent or more of all of the measurements for the same pollutant parameter equal or exceed the product of numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) multiplied by the applicable TRC factor during a six-month period. The TRC factors are 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH.

3. Any other violation(s) of a pretreatment standard or requirement as defined by 40 CFR Section 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) which the District determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or which has endangered the health or safety of District personnel or the public.

4. Any discharge of pollutant(s) that has caused imminent danger to human health, safety or welfare or to the environment, or that has resulted in the exercise of the District's emergency authority to halt or prevent such a discharge.

B. Violation of Compliance Milestones. Failure to meet, within 90 days after the compliance date, compliance schedule milestones contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

C. Failure to Provide Reports. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 45 days from the date the reports are, or related information is, due.

D. Failure to Report Accurately. Failure to report accurately and promptly any noncompliance.

E. Other Violations. Any other violation or group of violations, which may include a violation of best management practices, which the District concludes will adversely affect the operation or implementation of the District's pretreatment program or the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.460 Notice of violation.

A. Contents. When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the Wastewater Treatment Plant Legally Responsible Official may serve the user with a written notice of violation. The notice of violation shall state: (1) a reference (citation) number; (2) the name, address and telephone number of the user; (3) the location of the violation; (4) the nature of the violation and the particular provisions of this chapter, order, permit, permit term(s) or condition(s), standard or standards or requirement(s) which have been, or are being, violated; (5) that the user shall submit, within 30 calendar days from service of the notice of violation, a plan of corrective measures that have been

implemented to prevent the violation from recurring, which plan shall be subject to the approval of the Wastewater Treatment Plant Legally Responsible Official; and (6) such other information that the Wastewater Treatment Plant Legally Responsible Official deems necessary.

The Wastewater Treatment Plant Legally Responsible Official, in writing, may extend the time for performance of any act required in the notice of violation.

Submission of a plan of corrective measures taken shall not relieve or release the user from liability or responsibility for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Service of Notice of Violation. The notice of violation shall be served personally or by certified or registered mail, addressed to the user, permit applicant, permittee or other responsible person or party, at the address on file with the District or otherwise obtained by the District. Service by certified or registered mail shall be deemed completed five days after deposit with the United States Postal Service. Failure to receive a notice of violation shall not invalidate any action taken by the District in pursuance thereof. Proof of service of the notice shall be retained in the files of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.470 Order to show cause.

In lieu of serving a notice of violation under DSRSDC 5.20.460, Notice of violation, the Wastewater Treatment Plant Legally Responsible Official may serve an order to show cause why enforcement action should not be taken against any user that has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. The order to show cause shall specify (A) the time, date and place of a hearing to be held before a hearing officer, at which hearing the user shall show cause why a proposed enforcement action should not be taken, (B) the violation(s) against which enforcement is proposed to be taken, (C) the proposed enforcement action, (D) a brief statement of the factual basis for the proposed enforcement action, and (E) a demand that the user show cause why the proposed enforcement action should not be taken. The hearing shall not be held less than 30 days from the date of service of the order to show cause. Service of the order to show cause shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation.

The hearing on an order to show cause shall be held before a hearing officer appointed by the General Manager. The Wastewater Treatment Plant Legally Responsible Official shall be the moving party and shall present evidence in support of the order. The user may respond by presenting evidence opposing the order. Thereafter, the Wastewater Treatment Plant Legally Responsible Official may present evidence in rebuttal of the user's evidence. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence by the hearing officer. The hearing officer shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the user. The hearing officer shall render his or her decision in writing within 30 days from the conclusion of the hearing. Service of the decision shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.480 Compliance orders.

When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the Wastewater Treatment Plant Legally Responsible Official may issue an order directing the user to comply with the stated provision(s) within a specified time. If the user does not comply within the time allowed, the District may discontinue sanitary sewer service to the user's facilities unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated by the user. Compliance orders may include other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the treatment works. A compliance order may not extend deadlines established for compliance with a categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Compliance with a compliance order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation(s) stated in the compliance order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.490 Cease and desist orders.

When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, or that the user's prior violations are likely to recur, the Wastewater Treatment Plant Legally Responsible Official may issue an order to cease and desist all such violations and directing the user to:

- A. Comply immediately with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly prevent a continuing or threatened violation, including ceasing the user's operations and/or terminating discharge into the treatment works.

Compliance with a cease and desist order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation or violations stated in the cease and desist order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.500 Consent orders.

The General Manager, upon the recommendation of the Wastewater Treatment Plant Legally Responsible Official, may enter into consent orders, assurances of voluntary compliance, or similar agreements with any user not in compliance with any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or whose prior violations the Wastewater Treatment Plant Legally Responsible Official determines are likely to recur. Such agreements shall include specific action to be taken by the user to correct the noncompliance or anticipated noncompliance within a specified time. Such agreements shall

have the same force and effect as orders issued pursuant to DSRSDC 5.20.480, Compliance orders, and DSRSDC 5.20.490, Cease and desist orders. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.510 Appeals.

A. Appeal to General Manager. An appeal to the General Manager may be taken from (1) a notice of violation, compliance order or cease and desist order, (2) any other enforcement action by the District pursuant to this chapter, or (3) an interpretation of a provision of this chapter or a permit issued pursuant to this chapter, except a decision on an order to show cause. Appeals from a notice of violation, compliance order or cease and desist order shall be initiated by filing a notice of appeal with the District Secretary within 10 days from service of the notice or order, respectively. Appeals from any other enforcement action shall be initiated by filing a notice of appeal with the District Secretary within 10 days from the enforcement action if no written notice thereof has been given, or within 10 days from the date written notice of the enforcement action was given. Appeals from an interpretation of a provision of this chapter or of a permit shall be initiated by filing a notice of appeal with the District Secretary within 10 days from written confirmation by the District of the interpretation. The General Manager shall not have jurisdiction to hear an appeal for which a notice of appeal has not been timely filed.

The notice of appeal shall specify the action, decision or interpretation that is being appealed, the date thereof, and shall specify each ground of the appeal and provide a mailing address for service of notices and other information pertaining to the appeal, if different from the address used for service pursuant to DSRSDC 5.20.460(B), Service of Notice of Violation, or any of DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders. Upon receipt of a notice of appeal, the District Secretary shall set the date for hearing the appeal, which shall not be more than 60 days from the date the notice of appeal was filed. The District Secretary shall give the appellant written notice of the date, time and place of the hearing on the appeal by certified or registered mail not less than 15 days before the hearing on the appeal and shall provide copies of the notice to the General Manager, the Wastewater Treatment Plant Legally Responsible Official and to the person whose action, decision or interpretation is being appealed. The Wastewater Treatment Plant Legally Responsible Official shall be a party to all appeals to the General Manager.

Unless the General Manager determines in his or her discretion to adopt a different procedure, the order of presentation for a public hearing shall be as follows. The hearing shall commence with a presentation by the Wastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed. Thereafter, the appellant shall make his or her presentation. Thereafter, the Wastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed may, at the discretion of the General Manager, make a further presentation. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence at the discretion of the General Manager. The General Manager shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the appellant. The General Manager shall serve his or her written decision, including any findings that the General Manager may make, within 30 days from the conclusion of the hearing. Nothing in the preceding sentence shall be construed to require the making of any findings except as may be required by applicable substantive law

governing the notice of violation, compliance order or cease and desist order, as the case may be. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to the preceding paragraph, with copies to the Wastewater Treatment Plant Legally Responsible Official and to the person whose decision, action or interpretation had been appealed.

B. Review by Board. Review by the Board of a decision of the General Manager or the decision of a hearing officer on an order to show cause may be initiated by filing a written notice of appeal with the District Secretary pursuant to DSRSDC 1.80.050(C), Notice of Appeal to Board – Time for Filing. The Board shall not have jurisdiction to review a decision for which a request for review has not been timely filed.

The District Secretary shall, pursuant to DSRSDC 1.80.050(D), Notice of Hearing Before Board, serve the aggrieved person, either personally or by United States mail, written notice of the time and date of the Board meeting at which the appeal will be considered.

The Board will act on the appeal pursuant to DSRSDC 1.80.050(E), Action on Appeal to Board. The Board shall serve its written decision, including findings, within 30 days from the conclusion of the review. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to DSRSDC 5.20.510(A), Appeal to General Manager, with copies to the General Manager, Wastewater Treatment Plant Legally Responsible Official and the person whose action, decision or interpretation was initially appealed to the General Manager or who initiated the order to show cause, as applicable. The decision of the Board shall be final.

C. Exclusion. The provisions of this section do not apply to proceedings for civil liability and civil penalties under California Government Code Section 54740 et seq., authorization for which is provided in DSRSDC 5.20.520, Civil liability, administrative complaint, penalties and costs. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.520 Civil liability, administrative complaint, penalties and costs.

A. Civil Liability and Administrative Complaints. The provisions of this chapter establish requirements for pretreatment of industrial waste and prevention of the entry of industrial waste into the treatment works pursuant to California Government Code Section 54739. When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, upon the recommendation of the General Manager, the Board may authorize the filing of a petition in the superior court for enforcement of civil liability pursuant to California Government Code Section 54740 or the General Manager may issue an administrative complaint pursuant to California Government Code Section 54740.5.

B. Civil Liability Amount. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be civilly liable in a sum of not to exceed \$25,000 a day for each violation pursuant to California Government Code Section 54740.

C. Administrative Complaint Civil Penalty Amounts. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be liable for a civil penalty imposed pursuant to an administrative complaint issued in accordance with California Government Code Section 54740.5 as follows:

1. In an amount which shall not exceed \$2,000 for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed \$3,000 for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed \$5,000 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
4. In an amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any civil penalties imposed under this section and California Government Code Section 54740.5 which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

D. Administrative Complaint Moneys.

1. All moneys collected pursuant to an administrative complaint shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the District's treatment works or for other mitigation measures.
2. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing on the complaint and requested a copy.
3. The District may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.

4. No penalties shall be recoverable pursuant to an administrative complaint for any violation for which civil liability is recovered under California Government Code Section 54740.

E. Costs, Expenses and Damages. In addition to civil and criminal liabilities and civil penalties, any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement shall also be liable for any and all costs, expenses and damages incurred or suffered by the District as a result of such violation. Failure to pay such costs, expenses and damages within 30 days from the date of billing therefor, or within such other time as may be specified by the District, shall constitute a separate violation of this chapter.

F. Cumulative, Nonlimiting Effect. The provisions of this section shall not be deemed a limitation upon the provisions of California Government Code Section 54725 et seq. Enforcement pursuant to this section and said California Government Code provisions shall be in addition to all other enforcement provisions authorized under this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.530 Emergency suspensions.

A. The District may immediately suspend a user's discharge, after giving notice to the user by any means reasonably available, to stop an actual or threatened discharge which the District determines is likely to cause an interference or pass-through or otherwise threatens to interfere with the operation of the treatment works or other District operations, or which constitutes an imminent or substantial threat to the health, safety or welfare of persons or endangers the environment or property (hereinafter, "emergency condition").

B. Any user notified of a suspension of its discharge shall immediately cease discharging or eliminate the pollutant or other cause for the suspension. If a user fails to comply immediately with the suspension order, the District may take such steps as it deems necessary, including immediate severance of the connection of the user's facilities to the treatment works, in order to prevent or minimize the emergency condition. The District may allow the user to resume its discharge when the user has demonstrated to the satisfaction of the District that the emergency condition has been eliminated or reduced to a level determined acceptable by the Wastewater Treatment Plant Legally Responsible Official, unless termination proceedings under DSRSDC 5.20.540, Termination of discharge, are initiated against the user.

C. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement that includes the causes of the harmful contribution and the measures taken to prevent any future occurrence. The written statement shall be submitted to the District five days prior to the date of any show cause or termination hearing under DSRSDC 5.20.470, Order to show cause, or DSRSDC 5.20.540, Termination of discharge, respectively; provided, that no hearing shall be required for any action taken by the District in response to an emergency condition under this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.540 Termination of discharge.

In addition to the causes specified in DSRSDC 5.20.280, Wastewater discharge permit revocation, discharge to the treatment works from a user's facilities may be terminated for the following:

- A. Violation of wastewater discharge permit conditions.
- B. Failure to report accurately the wastewater constituents and characteristics of a discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- D. Refusal of reasonable access to a user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the pretreatment standards contained in DSRSDC 5.20.040, Prohibited discharge standards, through DSRSDC 5.20.070, State and federal requirements and standards.
- F. Failure to notify the District immediately of accidental discharges and/or to take appropriate corrective measures to prevent a recurrence thereof.
- G. Failure to submit periodic compliance reports in a timely manner.
- H. Failure to pay fees and charges or penalties established pursuant to this chapter or other District ordinance or resolution.

Proceedings for termination of service under this section shall be initiated by issuance of an order to show cause pursuant to DSRSDC 5.20.470, Order to show cause. Termination of service under this section is in addition to, and cumulative with, all other remedies of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.550 Legal and equitable remedies.

The Board may authorize commencement of an action for damages and/or for equitable relief including, without limitation, injunctive relief, for violation, or enforcement, of the provisions of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.560 Violation a misdemeanor.

- A. A user or any other person who violates any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each day a violation occurs or continues constitutes a separate offense.
- B. A user or any other person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each act of falsification, tampering, or knowingly rendering inaccurate any monitoring device shall constitute a separate offense.

The foregoing provisions are not a limitation upon prosecution for violation of laws pertaining to perjury or false claims. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.570 Remedies nonexclusive.

The remedies provided in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies that may accrue to the District. [Ord. 298, 2003; Ord. 327, 2010.] The Wastewater Treatment Plant Legally Responsible Official may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's "Pretreatment Program Administrative Manual" (sometimes called "Enforcement Response Plan"). However, the Wastewater Treatment Plant Legally Responsible Official may take other action against any User when the circumstances warrant. Further, the Wastewater Treatment Plant Legally Responsible Official is empowered to take more than one enforcement action against any noncompliant User.

5.20.580 Performance bonds.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to post a performance bond in form approved by counsel for the District guaranteeing to the District compliance with the provisions of this chapter, orders issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, categorical pretreatment standards, national pretreatment standards, or pretreatment standards or requirements as a condition for issuance or reissuance of a wastewater discharge permit, the principal amount of which shall be the estimated damages or liquidated damages that would be suffered by the District for failure of such compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.590 Liability insurance.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to obtain and maintain in effect during the term or remaining term of its wastewater discharge permit general or public liability insurance in an amount or amounts deemed by the District to be sufficient to insure against damages to persons or property for a violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.600 Water service termination.

The District may terminate water service to the property of a user from which a discharge has occurred that has resulted in a violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Water service shall be reinstated at the user's expense upon a determination by the Wastewater Treatment Plant Legally Responsible Official that adequate measures or means have been taken by the

user to prevent recurrence of such violation or of any other such violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.610 Public nuisance.

A violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District. A user or any other person causing such public nuisance shall be subject to the provisions of the Dublin San Ramon Services District Code governing such nuisances including, without limitation, reimbursement to the District for any costs incurred in abating or remediating said nuisance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.620 Paramount provisions.

In the event of a conflict between the provisions and terms of this chapter and the provisions and terms of any other chapter of the Dublin San Ramon Services District Code or ordinance or resolution, the provisions and terms of this chapter shall prevail. [Ord. 298, 2003; Ord. 327, 2010.]

The District Code is current through Ordinance 345, passed May 21, 2019. Users should contact the District Secretary for ordinances passed subsequent to the ordinance cited above.

The District Secretary's Office has the official version of the Dublin San Ramon Services District Code. A copy of the District Code is available for public inspection at the temporary location of the District Office, at the DSRSD Field Operations Facility, located at 7035 Commerce Circle, Pleasanton. For further information, please call (925) 828-0515.

Code Publishing Company

Seattle, Washington



TITLE: Accept Regular and Recurring Report: Warrant List and Provide Direction

RECOMMENDATION:

Staff recommends the Board of Directors accept, by Motion, the regular and recurring report: Warrant List and provide direction.

DISCUSSION:

To maximize openness and transparency, and to allow the Board to be informed about key aspects of District business, the Board directed that various regular and recurring reports be presented for Board acceptance at regular intervals. This item is routinely presented to the Board at the second meeting of each calendar month.

The report presented this month for acceptance is noted below and submitted as part of Attachment 1:

Ref A: Warrant List

For the period of 10/8/2020 to 11/4/2020, 263 accounts payable checks were issued totaling \$6,108,245.01. Notable payments this period include \$1.56 million Zone 7 treated water service, \$1.03 million remittance of Zone 7 water connection fees, and \$521,153 progress payment for the Primary Sedimentation Expansion/Improvements Project (CIP 17-P004).

In an effort to reduce the size of agenda packets, staff is recommending placing future warrant lists on the District website (<https://www.dsrsd.com/about-us/library/financial-information>) on a rolling 12-month basis and eliminating the list in the regular and recurring reports in the Board agenda packets. Under California Special District law, the Board must “keep a record” of its actions, including “financial transactions.” There is no corollary to the warrant approval requirements. However, in the interest of transparency, staff proposes to include this list with the financial information on the website. The warrant list for the November 17 Board meeting is currently on the District website for illustrative purposes. General Counsel has reviewed the staff’s recommendation and has indicated that it is allowable.

Originating Department: Administrative Services	Contact: H. Chen	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: \$0	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Summary of Regular and Recurring Reports	
		119 of 151

SUMMARY OF REGULAR AND RECURRING REPORTS

Ref.	Description	Frequency	Authority	Last Acceptance	Acceptance at this Meeting?	Next Acceptance
A	Warrant List	Monthly	Board Direction	October 2020	Yes	Proposal to post monthly on the website
B	Treasurer's Report	Quarterly	CA Government Code 53646	October 2020		January 2021
C	Quarterly Financial Reports ¹	Quarterly	Board Direction	May 2020	Yes - See separate agenda item	February 2021
D	Outstanding Receivables Report	Annually – Fiscal Year	District Code 1.50.050	September 2020		August 2021
E	Employee and Director Reimbursements greater than \$100 ²	Annually – Fiscal Year	CA Government Code 53065.5	September 2020		August 2021
F	Utility Billing Adjustments ³	Annually – Fiscal Year	Utility Billing Adjustment Policy	Total FYE20 credits below \$25,000		August 2021
G	Annual Rate Stabilization Fund Transfer Calculation	Annually – After Audit	Financial Reserves Policy	December 2019		December 2020
H	"No Net Change" Operating Budget Adjustments	As they occur but not more frequently than monthly	Board Direction Budget Accountability Policy (See table below)	November 2017		Before end of month after occurrence
I	Capital Outlay Budget Adjustments			June 2020		
J	Capital Project Budget Adjustments			April 2019		
K	Unexpected Asset Replacements			June 2019		

For the fiscal year ending 2021, the totals for these reports are as follows:

Category	YTD	This Meeting	Total
Capital Outlay Budget Adjustments	\$503,500	\$0	\$503,500
Capital Project Budget Adjustments	\$0	\$0	\$0
Unexpected Asset Replacements	\$23,000	\$0	\$23,000

¹ Financial reporting changed from monthly to quarterly reporting. Attached as separate agenda item for this meeting.

² Reimbursements also reported monthly in the Warrant List (Item A).

³ Per Utility Billing Adjustments policy, a report will be presented to the Board if total credits in any fiscal year exceed \$25,000.

apCkHistDesc

Check History Description Listing

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Printed on: 10/30/2020 1:13PM

Dublin San Ramon Services District

From: 10/8/2020 To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
10/08/2020	105562	00031 ALLIED FLUID PRODUCTS CORP	LAWWMA: GASKETS FOR PUMPS	1,577.58	
			PIPE SPOOL FOR PS4B	642.47	
			REPLT HOSE FOR GBT	255.16	
			LAWWMA: GASKETS FOR 600HP PUMPS	215.39	2,690.60
10/08/2020	105563	01013 BARRETT BUSINESS SERVICES	P. MULLEN: WE 09/13/20	1,629.20	
			K. YAN W/E 09/13/20	1,097.25	
			C. FANTIN W/E 09/13/20	1,097.25	
			E. VILLAMOR W/E 09/13/20	1,097.25	
			O. WARNER W/E 09/13/20	1,097.25	
			W. SHEWFELT WEEK ENDING 9/13/20, 32 HRS	1,064.00	
			C. NUNEZ WEEK ENDING 9/13/20, 32 HRS	1,064.00	
			L. OLIVIERI: WE 09/13/20	955.78	
			A. WATSON WEEK ENDING 9/13/20, 24 HRS	798.00	
			B. YENOKIDA: W/E 09/13/20	734.16	
			A. GEHMLICH: WE 09/13/2020	486.40	11,120.54
10/08/2020	105564	04691 INC. EQUIFAX INFORMATION SV	REGULATORY RECOVERY FEE/SECURITY MONITOR	626.69	
			REGULATORY RECOVERY FEE/SECURITY MONITOR	431.73	1,058.42
10/08/2020	105565	00319 ACCT # 217838-001 FISHER SCIE	POT THIOCYANATE POT HXCNO	150.16	
			KCN	81.59	
			K HEXACYNOFERRIC	37.23	268.98
10/08/2020	105566	00937 GRAINGER, INC.	REPLT CONTACTORS FOR BLDG A CHILLER 2	348.86	
			BAITS & EXPANSION WEDGE ANCHORS FOR FACI	316.54	665.40
10/08/2020	105567	04424 GRAYBAR ELECTRIC COMPANY	ELE PARTS TO CONNECT BLDG T MILL MACHINE	73.38	73.38
10/08/2020	105568	00386 HDR ENGINEERING INC.	20-W015 T.O. 1 8/2/20 - 8/2920	14,100.04	14,100.04
10/08/2020	105569	03853 ICMA	ICMA 457 DEFERRED COMPENSATION: PAYMENT	54,242.59	54,242.59

Check History Description Listing

Dublin San Ramon Services District

From: 10/8/2020 To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
10/08/2020	105570	00473 KEMIRA WATER SOLUTIONS INC	WWTP: 46839.999 LB FERROUS CHLORIDE DEL	6,837.07	6,837.07
10/08/2020	105571	00843 THE COVELLO GROUP INC	16-R018 T.O. 5 7/24/20 TO 8/20/20	5,522.50	5,522.50
10/08/2020	105572	05026 UNIVAR SOLUTIONS USA INC.	DERWA: SOD HYPO 12.5% 4499.820 GAL	3,314.78	3,314.78
10/08/2020	105573	05814 YORKE ENGINEERING, LLC	16-A005 AIR QUALITY SUPPORT AUGUST 2020	1,193.00	1,193.00
10/08/2020	105574	07554 AIRGAS USA, LLC	LABORATORY INSTRUMENT GAS AND CYLINDER R	432.99	432.99
10/08/2020	105575	01076 ALSCO INC	WEEKLY TOWEL & MAT SERVICE @ FOF - SEP 2 WEEKLY TOWEL & MAT SERVICE - SEP 2020	717.63 526.40	1,244.03
10/08/2020	105576	01954 ANDERSON'S UNIFORMS	UNIFORM ITEMS FOR E. GUTIERREZ	502.28	502.28
10/08/2020	105577	09428 APEX COMPANIES, LLC	VIRTUAL EVAL AND REPORT S. OLSON AND S. VIRTUAL HO ERGO EVAL FOR LORI MARTIN 2 H	542.50 310.00	852.50
10/08/2020	105578	09492 APPLEONE	J. ARSTINGSTALL: WE 9/13/20 V. GONZALES: WE 09/13/20 K. LOVE: WE 09/13/20	1,178.00 992.00 468.88	2,638.88
10/08/2020	105579	01085 CALPERS LONG-TERM CARE PR	LONG-TERM CARE: PAYMENT	68.12	68.12
10/08/2020	105580	01167 CITY OF DUBLIN	19-W004 INSPECTION FEE DEPOSIT FOR DUBLI	5,000.00	5,000.00
10/08/2020	105581	00157 CITY OF PLEASANTON	WWTP JULY AUG 07/09/2020-09/04/2020 METE WWTP DERWA JULY/AUG WATER BILL 07/01/202	246.49 195.08	441.57
10/08/2020	105582	09158 CLAREMONT EAP	EE ASSISTANCE: OCTOBER 2020 CHARGES	393.25	393.25
10/08/2020	105583	04820 COASTAL IGNITION & CONTROL	CO-GEN: SPARK PLUGS	130.61	130.61
10/08/2020	105584	09425 COLLABORATIVE STRATEGIES	LEADERSHIP TRAINING DIV 51 53 55 SUPERVI	3,223.00	3,223.00
10/08/2020	105585	00202 CREATIVE SUPPORTS INC.	DELIVERY/INSTALLATION BIRDSSELL/QUIRK/NGY	1,956.40	1,956.40
10/08/2020	105586	01156 CWEA	S. OLSON - CWEA ASSOC MEMBERSHIP AND SFB	192.00	192.00
10/08/2020	105587	01877 D.W. NICHOLSON CORP	16-A005- PP#6 FOR 08/19/20-09/18/20	161,465.80	161,465.80

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
10/08/2020	105588	00237 EBMUD MAIL REMITTANCE DER	DERWA BILLING - AUG 2020	211,246.14	211,246.14
10/08/2020	105589	00241 DGS OFS SVC REVOLVING FUNI	NATURAL GAS SERVICE @WWTP - AUG 2020	35,250.54	35,250.54
10/08/2020	105590	05495 EWING IRRIGATION & LANDSCAI	SUPPLIES FOR DROUGHT GARDEN PROJECT	121.75	
			SUPPLIES FOR DROUGHT GARDEN PROJECT	83.89	
			SUPPLIES FOR DROUGHT GARDEN PROJECT	82.96	
			SUPPLIES FOR DROUGHT GARDEN PROJECT	34.42	
			SUPPLIES FOR DROUGHT GARDEN PROJECT	28.32	351.34
10/08/2020	105591	02656 FASTENAL COMPANY	PARTS FOR CAMP PARKS METER RETROFIT	91.87	91.87
10/08/2020	105592	00314 FEDEX	BILL LOHMAN SHIPPED TO FIORE IND ELEC SV	23.70	
			RUSSELL BAKER SHIPPED TO HORIZON	14.37	38.07
10/08/2020	105593	09574 FERGUSON WATERWORKS	GRIT PIPING LINK SEALS	943.99	943.99
10/08/2020	105594	05630 FOOTHILL LOCKSMITHS INC.	PROGRAM UNIT #124 KEY	87.35	87.35
10/08/2020	105595	03900 GARTON TRACTOR INC	FSL HARVEST 2020 TRACTOR RENTAL: 9/18/20	6,364.63	6,364.63
10/08/2020	105596	00368 HACH COMPANY	SPEC COLOR STD KIT, FLUORIDE	220.69	220.69
10/08/2020	105597	00376 HARRINGTON INDUSTRIAL PLAS	PVC PARTS FOR STOCK	190.88	
			HYPO TRUE UNION BALL VALVES	183.13	374.01
10/08/2020	105598	07652 HUNT & SONS, INC.	(707GAL) REG UNLEADED GAS 87 OCTANE	1,844.28	1,844.28
10/08/2020	105599	09814 IEH	CLASS A BIOSOLIDS ANALYSES FSL #4 COMPOS	275.00	275.00
10/08/2020	105600	02718 OF NO. CALIFORNIA JENSEN INS	DERWA: REPLT FLOW METER FOR THE BALLASTE	2,275.25	2,275.25
10/08/2020	105601	00468 CORP KAMAN INDUSTRIAL TECH	V-BELTS FOR STOCK	125.72	125.72
10/08/2020	105602	00536 MC MASTER-CARR SUPPLY CO.	DERWA: SS STEEL FOR PSR1 WELL LATCHES	245.73	
			SS HARDWARE FOR 9 SERIES REBUILD	210.85	456.58
10/08/2020	105603	04231 MSC INDUSTRIAL SUPPLY CO	DERWA: ACTIFLOW HARDWARE	14.20	14.20
10/08/2020	105604	08356 PACE SUPPLY	LF 825Y RED PRESS BACKFLOW (QTY. 3)	2,962.14	

Check History Description Listing

Dublin San Ramon Services District

From: 10/8/2020 To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			LF 825Y RED PRESS BACKFLOW (QTY. 2)	1,974.76	
			PARTS FOR WAREHOUSE RESTOCK	692.37	
			LONG SLEEVE, 8 IN, 12 IN L, DUCTILE IRON	455.41	
			MANHOLE HOOK, ADJUSTABLE GATE VALVE WREN	326.37	
			TWINE, ACID BRUSH (5), PENCIL DEBURRING	94.14	
			CREDIT FOR RETURNED MERCHANDISE, ORIG IN	-5,886.00	619.19
10/08/2020	105605	09098 PATRIOT PEST MANAGEMENT	PEST CONTROL: MONTHLY SERVICE @ WWTP - S	491.00	
			PEST CONTROL: MONTHLY SERVICE @ FOF SEP	145.00	636.00
10/08/2020	105606	00620 PG&E	LAVWMA PS FEEDER B - SEP 2020	37,681.85	
			DISTRICT OFFICE GAS SERVICE - SEP 2020	664.30	
			RESERVOIR R200 ELECTRIC - SEP 2020	42.90	
			ALAMO TRUNK SEWER ELECTRIC - SEP 2020	17.45	
			DO UTILITY BLDG GAS SERVICE - SEP 2020	15.43	
			JOHNSON DRIVE STREETScape ELECTRIC - SEP	13.47	38,435.40
10/08/2020	105607	04211 PLATT ELECTRIC SUPPLY	REPLT FUSES FOR BLDG A CHILLER 2	470.17	
			ELE SUPPLIES FOR SHOP STOCK	435.20	
			ELE SUPPLIES FOR SHOP STOCK	109.25	
			BREAKER FOR BLDG Q (FLEET SHOP)	36.77	1,051.39
10/08/2020	105608	07412 PURETEC INDUSTRIAL WATER	DI WATER TANKS RENTAL 9/1-11/30	145.87	145.87
10/08/2020	105609	04105 R & B COMPANY	8 SOCKET COMBO WRENCH SET WITH BAG	633.65	
			REPAIR KIT FOR WATER SOFTENERS BACKFLOW	95.87	729.52
10/08/2020	105610	00058 READYREFRESH	LAB BOTTLED WATER SERVICE - SEP 2020	69.45	69.45
10/08/2020	105611	00058 READYREFRESH	BOTTLED WATER SERVICE @ FOF - SEP 2020	10.91	10.91
10/08/2020	105612	02316 RECORDS CONTROL SERVICES	LAVWMA: RECORDS IMPROVEMENT PROJECT - SE	4,688.00	4,688.00
10/08/2020	105613	07172 ROUX ASSOCIATES INC.	T.O. 1 8/15/20 - 9/18/20 FOF/LAVWMA ENVI	1,001.70	1,001.70
10/08/2020	105614	00756 SECURITY ETC.	DO FIRE SYSTEM QTRLY MONITORING	252.00	

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			FOF FIRE SYSTEM QTRLY MONITORING	165.00	
			BLDG A FIRE SYSTEM QTRLY MONITORING	165.00	
			BLDG R FIRE SYSTEM QTRLY MONITORING	165.00	
			FOF BURG SYSTEM QTRLY MONITORING	78.00	825.00
10/08/2020	105615	02444 DEPT LA 1368 STAPLES ADVANT	PEETS HSE BLND/MJR COFFEE	454.14	454.14
10/08/2020	105616	00825 SWRCB - ATTN: ACCT OFFICE	TRAN SINZEE GR3 CERT NO. 41491 RENEWAL	110.00	110.00
10/08/2020	105617	05498 TRI VALLEY AUTO GLASS	REPLT WINDSHIELD FOR UNIT #126	714.74	714.74
10/08/2020	105618	01470 TRI-VALLEY HOSE	FOF WAREHOUSE PARTS RESTOCK	1,508.90	1,508.90
10/08/2020	105619	08360 TRUE BLUE AUTOMATION SERVI	SERVICE VISIT FOR INFLUENT VFD'S	3,850.00	3,850.00
10/08/2020	105620	01222 IRS UNITED STATES TREASURY	GARNISHMENT - IRS: PAYMENT	420.50	420.50
10/08/2020	105621	00556 UNITED WAY OF THE BAY AREA	UNITED WAY: PAYMENT	115.38	115.38
10/08/2020	105622	00912 OCC SERVICES VALLEY CARE H	DOT PHYSICAL - S. ROBERSON	100.00	
			TELEPHONE CALL (9/4/20) - A. CASTRO	50.00	150.00
10/08/2020	105623	00920 VASCO ROAD LANDFILL	9/22 THRU 9/30 SW-GRIT-SEWER/BAG SCRAN	559.16	559.16
10/08/2020	105624	05486 WECO INDUSTRIES	NOZZLES, ROOT SAW, REPLACEMENT BLADES	8,934.35	8,934.35
10/08/2020	105625	02884 WEST VALLEY CONSTRUCTION	LAWWMA: NORTH OF BASIN 2 ROAD REPAIR @ P	7,769.73	7,769.73
10/08/2020	105626	03536 U S BANK/ CORP PMT SYSTEMS	TRAINING	2,680.00	
			NMURPHY: CERTIFIED CTRL SYSTEMS TECHNICI	2,380.00	
			QTY (10) DELL P2419H 24" MONITORS FOR IT	2,084.67	
			TOOLS/SUPPLIES FOR ESCAPE	1,310.01	
			DROUGHT GARDEN - BLACK LAVA 3/8 X 1/2 #8	1,203.94	
			DERWA - LIMIT SWITCHES FOR WEDECO MODULE	857.38	
			SUPPLIES RESTOCK	761.81	
			CHARGERS FOR FLEET VEHICLES	733.95	
			STRAINER, HOSE, PUMP STICK CORDLESS WATE	721.14	

Check History Description Listing

Dublin San Ramon Services District

From: 10/8/2020 To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			SUN HATS FOR SAFETY STOCK	651.19	
			PUMP STICK HOSE (5), PUMP STICK CASE (4)	611.63	
			A/C FOR EC TRAILER	593.88	
			SECURITY CARD READERS FOR FOD DOORS	570.04	
			BLEVINS - WATEREUSE VIRTUAL SYMPOSIUM 20	548.00	
			.34 OZ HAND SANITIZER SPRAY PENS W/ DSRS	529.86	
			PS 300B LOWER REPAIR	464.31	
			STAINLESS PROJECTS PLUMBING	446.77	
			QTY (30) USB-C TO HDMI CABLES FOR IT STO	416.47	
			MATERIAL FOR WALL IN NEW TRAILER OFFICE	360.87	
			MULTIPLE NEW EMPLOYEES - POLO SHIRTS	341.87	
			BATTERY CHARGERS (QTY. 2)	325.57	
			TRUCK #55 JUMP START KIT	322.54	
			ONLINE JOB POSTING FOR EHS PROGRAM ADMIN	300.00	
			ASCE MEMBERSHIP RENEWAL R. PORTUGAL	300.00	
			PORTABLE TOILET RENTAL (09/15/20-10/12/2	299.00	
			ONLINE JOB ADVERTISEMENT - CUSTOMER SERV	290.00	
			SAFETY SHOES FOR J. GENTRY	289.00	
			SECURITY CARD ONLY READERS FOR FOD DOORS	288.88	
			WORK BOOTS FOR LINO LANTIN	284.06	
			T. JOHNSON CWEA MEMBERSHIP & CSM CERT RE	283.00	
			OFFICE SUPPLIES	282.51	
			BUILDING A - RESTROOM	280.04	
			DSRSD LOGO TRADEMARK REGISTRATION RENEWA	250.00	
			SAFETY SHOES FOR J. PARRA	250.00	
			SAFETY SHOES FOR D. PETTINICHIO	250.00	
			CONSUMABLE PART FOR RBUILDING/REPAIRING	235.56	
			WATER DISTRIBUTION OPERATOR TRAINING HAN	232.00	
			JIGSAW TO REPLACE MISSING STOP TOOL	231.58	

Check History Description Listing

Dublin San Ramon Services District

From: 10/8/2020 To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			COGAN TURBO HOSE	222.87	
			MEMBERSHIP RENEWAL FOR V. CHIU	220.00	
			DROUGHT GARDEN - TOPSOIL	210.31	
			NEW REDBACK BOOTS	206.48	
			ONLINE JOB POSTING FOR EHS PROGRAM ADMIN	200.00	
			SINZEE TRAN - SAFETY SHOES	196.60	
			QTY (1) APPLE AIR PODS FOR RYAN PENDERGR	194.84	
			E. GUTIERREZ CWEA MEMBERSHIP RENEWAL 202	192.00	
			CWEA MEMBER RENEWAL	192.00	
			JQUIRK: MEMBERSHIP RENEWAL, EXP 08/31/20	192.00	
			ONLINE JOB ADVERTISEMENT - CUSTOMER SERV	175.00	
			BLDG A - LOCKER ROOM	166.23	
			#82 AND FLEET	165.96	
			BUILDING A - BATHROOM	165.22	
			TRANSFER SWITCH FOR WWTP FUEL PUMP	151.45	
			ONLINE JOB POSTING FOR EHS PROGRAM ADMIN	150.00	
			LUBE OIL PUMP FOR CLEAN OIL	145.05	
			FOOD GRADE MINERAL OIL, 1 GALLON (QTY. 5	144.12	
			PROFESSIONAL MEMBERSHIP ISA MEMBERSHIP R	130.00	
			ADAPTERS, TOOLS FOR TRUCK 112	129.19	
			FUEL FOR TRUCK 110	125.00	
			FUEL FOR TRUCK 109	125.00	
			FUEL FOR TRUCK 109	125.00	
			FUEL FOR TRUCK 110	118.43	
			PE LICENSE RENEWAL RUDY PORTUGAL	116.00	
			PE RENEWAL JASON CHING	116.00	
			AMAZON - CS - WEBCAM K RICHARDS C HERRER	114.70	
			MEMBERSHIP RENEWAL FOR V. CHIU THROUGH 0	110.00	
			30-PACK AA BATTERIES, NECK GAITER (QTY 4	106.94	

Check History Description Listing

Dublin San Ramon Services District

From: 10/8/2020

To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			RENEWAL FEE S. QUINLAN	106.00	
			FUEL FOR TRUCK 110	104.42	
			SUBSCRIPTION-EAST BAY TIMES 52 WEEKS	102.73	
			LAVWMA SUPPLIES	102.50	
			PIPELINE MARKER FLAGS FOR USA'S	101.26	
			RENEW ELECTRICIAN III CERTIFICATION	101.00	
			15 METER FIBER OPIC CABLES FOR SCADA	97.71	
			FUEL FOR TRUCK 71	92.05	
			SOCKET SET, BERNZOMATIC 14.1 OZ	85.05	
			FUEL FOR TRUCK 71	84.42	
			DYMO LABEL TAPE 1" BLK ON YLW (QTY. 2)	83.56	
			BLDG A - LOCKER ROOM	81.96	
			T. LEONARDO - WEBINAR, INTRO TO INSTRUME	80.00	
			2 METER FIBER OPTIC PATCH CABLES FOR SCA	79.40	
			SYMPATHY FLOWERS - L. MARTIN	78.58	
			FUEL FOR TRUCK 112	77.50	
			FACE SHIELDS (QTY. 15)	76.40	
			OFFICE SUPPLIES FOR HR 9 18 20	75.59	
			STRAIGHT HOSE BLUE REF#026020203817 RECE	74.29	
			ERGO VERTICAL WIRELESS MOUSE AND MONITOR	72.06	
			OFFICE SUPPLIES	71.46	
			BELT FOR KUBOTA HARVEST TRACTOR	71.36	
			KEYS #70 #109	70.63	
			OFFICE SUPPLIES - NOTEPADS, PENS, BATTE	67.55	
			FUEL FOR TRUCK 112	66.00	
			SURGE PROTECTOR/EXTENSION CORD	65.53	
			1 METER FIBER OPTIC CABLES FOR SCADA	59.20	
			G-D REP KIT	58.15	
			KNIT POLY ROLLER (QTY. 5), 5 GAL BUCKET,	57.32	

Check History Description Listing

Dublin San Ramon Services District

From: 10/8/2020

To: 11/4/2020

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			BLDG A AND BLDG J	56.47	
			FUEL FOR TRUCK 112	56.00	
			AMAZON - CS - WEBCAM C CASHA	54.61	
			AMAZON - CS - WEBCAM K PRUITT	54.61	
			FUEL FOR TRUCK 112	54.50	
			TOOLS	53.96	
			FUEL FOR VEHICLE 130	53.09	
			ERGO WRIST REST AND ERGO WIRELESS PC MOU	51.86	
			CERTIFICATION PREP WATER MATH. ALL GRAD	50.00	
			CERTIFICATION PREP WATER MATH	50.00	
			TIRE PLUS KIT FOR GOLF CARTS FLEET SHOP	49.11	
			PIPE WRENCH FOR FIXING SAFETY SHOWER	47.16	
			TAPE MEASURE, VELCRO TAPE	46.92	
			TIDE PODS	45.82	
			FUEL FOR TRUCK 71	45.80	
			FUEL FOR TRUCK 130	45.77	
			ERGO EQUIPMENT - S. MANN	45.71	
			BUILDING A RESTROOM	43.20	
			QTY (1) MICROSOFT SURFACE ADAPTER MINI D	42.60	
			HITCH STEP	41.50	
			ADAPTER PLUG FOR WWTP FUEL PUMP BCKUP GE	39.32	
			FUEL FOR TRUCK 130	37.13	
			SUPPLIES FOR AUBREY	35.70	
			ERGO WRIST REST FOR MOUSE AND WRIST REST	35.53	
			2021 CALENDAR PLANNER	34.40	
			PRO SUBSCRIPTION (SEPTEMBER 2020)	33.00	
			OUTLET STRIP, EXTENSION CABLE	32.75	
			OFFICE SUPPLIES	32.50	
			TERRY TOWELS, 60 PACK	32.22	

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			FUEL FOR TRUCK 112	30.50	
			ALPHA LABELS "A" FOR EE PERSONNEL FOLDE	30.47	
			HAND CLEANER, DASH DUSTER, SPOT MIRROR,	28.36	
			ERGO WIRELESS PC MOUSE	27.84	
			AA BATTERIES, TORNADO EXTENDED U HOOK	24.53	
			LAVWMA PROJECT - TEMPORARY NO PARKING	22.99	
			R545 NETWORK COUPLERS FOR SCADA	20.75	
			WHEEL CLEANER, CAR WASH	20.18	
			KEYS #93	17.70	
			LAVWM SUPPLIES	17.35	
			OFFICE SUPPLIES - EARBUD FOR A. JOHNSON	17.27	
			SPARE KEYS FOR ELECTRICAL CABINET	13.12	
			FUEL FOR FOD POWER OUTAGE	12.47	
			C ATWOOD - POSTAGE TO SEND HARDCOPIES TO	11.00	
			C ATWOOD - CELEBRATION CARDS	10.79	
			CGB'S FOR LIMIT SWITCHES ON WEDECO MODUL	10.48	
			CORD ADAPTER FOR PORTABLE A/C UNIT -220V	9.82	
			CAR WASH FOR TRUCK 130	8.99	
			BOLTS FOR LAB SAFETY	7.21	
			POLICE REPORT & PHOTOS - LIABILITY CLAIM	5.90	
			ICE FOR FOD	5.88	
			SCISSORS (QTY. 1)	5.45	
			APPLE STORAGE CLOUD CHARGES	0.99	
			CREDIT FOR BACKORDERED ITEMS - NOTEBOOKS	-25.32	
			RETURN--WRONG QUANTITY BILLED STRAIGHT H	-74.29	31,773.27
10/09/2020	2196	00494 PERS	RETIREMENT: PAYMENT	111,421.08	111,421.08
10/09/2020	2197	05511 DISBURSEMENT UNIT CALIFORN	CHILD SUPPORT GARNISHMENT: PAYMENT	612.92	612.92
10/10/2020	999998	01111 CALPERS	OCTOBER 2020 - ER CODE 0740 (PERS)	242,942.71	

Check History Description Listing

Dublin San Ramon Services District

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			OCTOBER 2020 - ER CODE 7316 (NON-PERS)	2,244.44	245,187.15
10/13/2020	92257955	00558 IRS - PAYROLL TAXES	FEDERAL WITHHOLDING TAXES: PAYMENT	152,777.58	152,777.58
10/13/2020	2107915552	00559 EDD - PAYROLL	CALIFORNIA STATE TAXES: PAYMENT	33,465.02	33,465.02
10/14/2020	10142020	03718 HR SIMPLIFIED	IRS 125 09/23/20 - 10/07/20 POS/DCA/FSA	3,652.81	3,652.81
10/15/2020	105627	03460 ACCO ENGINEERED SYSTEMS II	DERWA: BLDG U HVAC COMPRESSOR OIL LEAK C DERWA: BLDG R HVAC THERMOSTAT REPAIR	845.75 791.00	1,636.75
10/15/2020	105628	00031 ALLIED FLUID PRODUCTS CORP	LAWWMA: GASKETS FOR INSPECTION DERWA: GASKETS FOR BF SAND CYCLONES	814.80 109.96	924.76
10/15/2020	105629	01013 BARRETT BUSINESS SERVICES	P. MULLEN: WE 09/20/20 L. OLIVIERI: WE 09/20/20 O. WARNER W/E 9-20-20 K. YAN W/E 09/20/20 C. FANTIN W/E 09/20/20 W. SHEWFELT WEEK ENDING 9/20/20, 36.5 HR A. WATSON WEEK ENDING 9/20/20, 31 HRS E. VILLAMOR W/E 9-20-20 O. WARNER W/E 09/27/20 C. NUNEZ WEEK ENDING 9/20/20, 20 HRS B. YENOKIDA W/E 9-20-20 S. MONTAGUE: W/E 08/30/20	1,755.65 1,476.03 1,463.00 1,463.00 1,463.00 1,213.62 1,030.75 731.50 681.62 665.00 244.72 156.00	12,343.89
10/15/2020	105630	06176 BAY VALVE SERVICE & ENG'G LL	REPLT ACTUATOR FOR WWTP (SPARE)	8,266.53	8,266.53
10/15/2020	105631	07954 BENEFIT COORDINATORS CORP	10/20 - EE LIFE & DISABILITY INSURANCE P	11,920.56	11,920.56
10/15/2020	105632	00319 ACCT # 217838-001 FISHER SCIE	SOD BOROHYDRIDE	91.20	91.20
10/15/2020	105633	00937 GRAINGER, INC.	DERWA: REPLT PUMP FOR MF UVT TUBING CONNECTOR FOR REFRIGERATED SAMPLE	378.60 8.19	386.79

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Date	Check #	Vendor	Description	Amount Paid	Check Total
10/15/2020	105634	06791 HYLAND SOFTWARE, INC.	PROFESSIONAL SERVICES - HYLAND SOFTWARE	2,137.50	2,137.50
10/15/2020	105635	01242 INFOSEND, INC	STATEMENTS MAILED/EPB SERVICE/ADRESS CHA	3,497.06	
			STATEMENTS MAILED/EPB SERVICE/ADRESS CHA	3,375.07	
			STATEMENTS MAILED/EPB SERVICE/ADRESS CHA	2,230.25	9,102.38
10/15/2020	105636	08811 ISLE INC	ONE-YEAR TAG MEMBERSHIP (10/01/2020 - 09	7,000.00	7,000.00
10/15/2020	105637	09294 TONY LEONARDO	T LEONARDO REIMB TRAVEL EXPENSES CERTIFI	683.25	683.25
10/15/2020	105638	01403 PRAXAIR DISTRIBUTION INC 186	AR CYLINDER RENTAL	91.18	91.18
10/15/2020	105639	00843 THE COVELLO GROUP INC	17-P004 T.O. 1 7/24/20 TO 8/20/20	63,779.23	63,779.23
10/15/2020	105640	00957 WEST YOST & ASSOCIATES	16-P028 T.O. 8/8/20 TO 9/4/20	2,448.00	2,448.00
10/15/2020	105641	03597 ALAMEDA CTY ENVIRONMENTAL	HMBP/CUPA FEE RESERVOIR 3B	834.00	
			HMBP/CUPA FEE RESERVOIR 1A	834.00	1,668.00
10/15/2020	105642	01954 ANDERSON'S UNIFORMS	250 ZIPPERED COSMETIC POUCHES W/DSRD LO	708.76	708.76
10/15/2020	105643	09492 APPLEONE	V. GONZALES: WE 09/20/20	1,240.00	
			J. ARSTINGSTALL: WE 09/20/20	1,178.00	
			K. LOVE: WE 09/20/20	724.63	3,142.63
10/15/2020	105644	00622 AT&T	MANAGED INTERNET SERVICES 09/01/2020-09	1,310.41	
			C3 - TELE SVCS 08/13/2020-09/12/2020	444.27	
			AT&T VIOP SERVICE CC 09/01/2020-09/30/20	102.21	
			AT&T VIOP SERVICE DO 09/01/2020-09/30/20	101.79	1,958.68
10/15/2020	105645	08663 AWARDS NETWORK	EMPLOYEE SERVICE AWARD - J SIMMERSON R C	273.14	273.14
10/15/2020	105646	08807 BEECHER ENGINEERING, INC.	17-P004 T.O. 2 8/25/20 THRU 9/24/20	2,600.00	2,600.00
10/15/2020	105647	02576 BLACK & VEATCH CORPORATIOI	16-P028 T.O. 2 BILLING THRU 9/4/20	13,462.16	13,462.16
10/15/2020	105648	09748 BROKEN TRACTOR LLC	REPLT LOADER BUCKET ASSY FOR UNIT #503E	5,566.45	5,566.45
10/15/2020	105649	05997 BURLINGTON SAFETY LAB	RETEST ELE SAFETY GLOVES FOR ELECTRICIAN	245.73	245.73

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Date	Check #	Vendor	Description	Amount Paid	Check Total
10/15/2020	105650	09815 THOMAS CHAN	REFUND FOR ACTIVE ACCOUNT 7354 STAGECOA	435.26	435.26
10/15/2020	105651	09432 CITY AUTO SUPPLY	BRAKE PARTS FOR UNIT #93 & STOCK	620.05	620.05
10/15/2020	105652	00014 GSA COUNTY OF ALAMEDA	FUELING - FOD/INSP/SFRS FOR AUGUST 2020	2,725.32	2,725.32
10/15/2020	105653	01877 D.W. NICHOLSON CORP	REROUTING OF GENERATOR CONDUITS AT BUILD	4,699.00	4,699.00
10/15/2020	105654	02656 FASTENAL COMPANY	DISPOSABLE GLOVES FOR OPERATORS, 2 CASES	1,601.09	
			PARTS FOR CAMP PARKS METER RETROFIT	783.58	
			BOLTS & NUTS FOR CAMP PARKS METER RETROF	509.79	
			BLDG S PPE VENDING MACHINE RESTOCK - SEP	195.93	
			FOF PPE VENDING MACHINE RESTOCK - SEP 20	177.67	
			BLDG A PPE VENDING MACHINE RESTOCK	107.24	3,375.30
10/15/2020	105655	07015 GARNEY PACIFIC, INC.	16-R018-PP#1 FOR 01/21/20-09/30/20	271,958.56	271,958.56
10/15/2020	105656	00352 GOLDEN STATE FLOW MEASURI	SENSUS E REG SR11 5/8" & 1"	11,799.00	
			CASE# 0865976 520 M SP 3-WIRE TRADED IN	6,240.36	
			1 1/2 - 2" CHAMBER ASSY	586.41	18,625.77
10/15/2020	105657	00376 HARRINGTON INDUSTRIAL PLAS	LAWWMA: PRESSURE VALVES FOR SAMPLE STATI	364.18	364.18
10/15/2020	105658	00417 IDEXX DISTRIBUTION, INC	COLILERT COMPARATOR	19.32	19.32
10/15/2020	105659	06074 INSIGHT PUBLIC SECTOR	CISCO MAINTENANCE RENEWAL - 2020-2021	27,128.49	27,128.49
10/15/2020	105660	02803 INTELLITIME SYSTEMS CORP	ANNUAL SUPPORT 10/01/2020 - 09/30/2021	1,600.00	1,600.00
10/15/2020	105661	06061 JACKSON LEWIS LLP	GENERAL LEGAL FEES (08/20)	962.00	962.00
10/15/2020	105662	09512 JACOBS ENGINEERING GROUP	15-P018 T.O. 1 1/22/20 THROUGH 6/26/20	5,787.12	5,787.12
10/15/2020	105663	08559 MICHAEL BAKER INT'L. INC.	17-W003 T.O. 1 8/3/20 - 8/30/20	3,115.25	3,115.25
10/15/2020	105664	09797 MOHAWK RESOURCES LTD	TIRE CHANGER WITH WHEEL LIFT KIT FOR FLE	13,321.86	13,321.86
10/15/2020	105665	04231 MSC INDUSTRIAL SUPPLY CO	DISINFECTANT SPRAYER	1,091.41	
			DERWA: PLUMBING PARTS FOR SAND PUMPS	177.31	

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			DERWA: PLUMBING PARTS FOR SAND PUMPS	143.75	1,412.47
10/15/2020	105666	04796 NAPA AUTO PARTS	AUTO PARTS FOR UNIT #130 LIGHTING	16.67	
			OIL FILTERS FOR UNIT #410G	13.42	
			OIL SEAL FOR UNIT #516E	12.21	42.30
10/15/2020	105667	00584 NBS GOVT FINANCE GROUP	DV WATERSTANDBY CHARGE DISTRICT FY 2020/	13,910.00	13,910.00
10/15/2020	105668	09552 NEXXSOL	ADOBE CS LICENSES FOR PI	637.00	637.00
10/15/2020	105669	02109 ONE HOUR DELIVERY SERVICE,	16-W012 NOTICE OF EXEMPTION	137.00	137.00
10/15/2020	105670	08356 PACE SUPPLY	PARTS WAREHOUSE RESTOCK	723.06	
			FLASHLIGHT FOR TRUCK 29, GLANDS (2), MEC	508.59	
			POLYWRAP PURPLE	263.65	
			10 GA BLUE COATED TRACER WIRE, 500 FT	222.87	
			BALL VALVES, BUSHINGS	41.24	1,759.41
10/15/2020	105671	09725 PAYMENTUS GROUP, INC.	TRANSACTION FEES FOR AUGUST 2020	6,189.97	
			TRANSACTION FEES FOR JULY 2020	6,036.26	12,226.23
10/15/2020	105672	00620 PG&E	PUMP STATION R200A ELECTRIC - SEP 2020	6,924.10	6,924.10
10/15/2020	105673	04211 PLATT ELECTRIC SUPPLY	NEMA 4X DISCONNECT FOR REPLT F2210 AIR H	682.27	
			ELE SHOP SUPPLIES	480.75	1,163.02
10/15/2020	105674	04105 R & B COMPANY	GASKETS, BOTLS	1,135.64	1,135.64
10/15/2020	105675	09735 REDTAIL CONSULTING	T.O. 1 CEQA AND PERMITTING JULY - AUG 20	3,769.10	3,769.10
10/15/2020	105676	02444 DEPT LA 1368 STAPLES ADVANT.	CLOROX DSNFCT WIPE 75CT, QTY 4	20.71	20.71
10/15/2020	105677	00903 UNITED RENTALS, INC.	SCISSOR LIFT RENTAL FOR BLDG T LED LIGHT	533.57	533.57
10/15/2020	105678	08561 VERIZON CONNECT	FY21 BPO DIV53: FLEET GPS TRACKING SYSTE	1,097.97	1,097.97
10/15/2020	105679	00924 VERIZON WIRELESS	CELL PHN SVC AND EQUPTMNT CHARGES 09/04/	5,086.98	5,086.98
10/15/2020	105680	00933 VWR INTERNATIONAL, INC.	GLOVES AND SULRIC ACID 0.02N	284.62	

Bank code: apbank

Date	Check #	Vendor	Description	Amount Paid	Check Total
			NEUTRALIZER	232.22	
			500ML GRAD CYLINDER	116.44	
			CHLORINE STD	65.71	
			10 UHM COND STD	38.70	
			CONDUCTIVITY STD	34.63	
			5ML CUPS	18.49	790.81
10/15/2020	105681	02884 WEST VALLEY CONSTRUCTION	ON-CALL REPAIR @ BOLLINGER CANYON & S WE	18,207.85	
			ON-CALL REPAIR @ 6536 PIONEER LANE, WATE	13,885.92	
			ON-CALL REPAIR @ ALLANMERE CT/ALLANMERE	13,692.68	
			ON-CALL REPAIR @ 4360 PANORAMA DRIVE, HY	9,968.53	55,754.98
10/15/2020	105682	00987 ATTN: ACCOUNTING ZONE 7 WA	SEPTEMBER CONNECTION FEES	1,034,229.60	1,034,229.60
10/15/2020	790001176	01676 BANK OF AMERICA	BANK ACCOUNT ANALYSIS - SEPTEMBER 2020	2,157.80	2,157.80
10/22/2020	105683	00031 ALLIED FLUID PRODUCTS CORP	REPLT HOSE FOR BLOWER BLDG 4W CONNECTION	411.67	411.67
10/22/2020	105684	09040 ANDERSON PACIFIC ENGINEERI	17-P004 - PP#18 FOR 09/01/20-09/30/20	521,152.81	521,152.81
10/22/2020	105685	01013 BARRETT BUSINESS SERVICES	P. MULLEN: WE 09/27/20	1,785.91	
			K. YAN W/E 9/27/20	1,729.00	
			C. FANTIN W/E 9/27/20	1,712.38	
			W. SHEWFELT WEEK ENDING 9/27/20, 40 HRS	1,330.00	
			A. WATSON WEEK ENDING 9/27/20, 38.5 HRS	1,280.12	
			L. OLIVIERI: WE 09/27/20	1,106.79	
			E. VILLAMOR W/E 9/27/2020	1,097.25	
			W. SHEWFELT: WE 10/04/20 (FINAL INVOICE)	332.50	10,373.95
10/22/2020	105686	00937 GRAINGER, INC.	REPLT FLASH LIGHTS FOR WORK TRUCK USE	184.33	
			HEAT GUN, SOLDER & SUPPLIES FOR RADIO TE	177.29	361.62
10/22/2020	105687	03853 ICMA	ICMA 457 DEFERRED COMPENSATION: PAYMENT	48,392.59	48,392.59
10/22/2020	105688	00439 IUOE LOCAL 39	LOCAL 39 UNION DUES: PAYMENT	5,056.69	5,056.69

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10/22/2020	105689	00485 KOFF & ASSOCIATES INC.	COMPENSATION STUDY	16,900.00	16,900.00
10/22/2020	105690	04594 MCCAMPBELL ANALYTICAL INC	SUB LAB - CHEMICAL ANALYSES	160.80	160.80
10/22/2020	105691	02470 SHRED-IT USA LLC	SHREDDING SERVICE - SVC DATE 9/23/2020	130.42	130.42
10/22/2020	105692	07392 SINZEE TRAN	TRAN SINZEE CERTIFICATE REIMBURSEMENT 2	120.00	120.00
10/22/2020	105693	06643 WEIR TECHNICAL SERVICES	MANAGEMENT SERVICES - SEPT. 2020	10,166.62	10,166.62
10/22/2020	105694	00019 A-1 ENTERPRISES	LAVWMA WEEKLY STREET SWEEPING - SEP 2020	400.00	400.00
10/22/2020	105695	00009 ACWA	ACWA - 2021 ANNUAL AGENCY DUES	31,145.00	31,145.00
10/22/2020	105696	02158 AMADOR VALLEY INDUSTRIES	DO GARBAGE SVC - FOR SEPTEMBER 2020	915.59	915.59
10/22/2020	105697	09492 APPLEONE	D. POPE: WE 09/27/20	1,350.00	
			V. GONZALES: WE 09/27/20	1,240.00	
			J. ARSTINGSTALL: WE 09/27/20	1,178.00	
			K. LOVE: WE 09/27/20	718.94	4,486.94
10/22/2020	105698	04076 C/O EBMUD BACWA	BACWA: ASSOCIATION/AFFILIATION CONTRIBU	17,531.28	17,531.28
10/22/2020	105699	00091 & JUDSON BOLD, POLISNER, MA	MONTHLY LEGAL SERVICES - SEPT 2020	16,572.00	16,572.00
10/22/2020	105700	05997 BURLINGTON SAFETY LAB	REPLT ELECTRICAL GLOVES	468.81	468.81
10/22/2020	105701	01085 CALPERS LONG-TERM CARE PR	LONG-TERM CARE: PAYMENT	68.12	68.12
10/22/2020	105702	00118 CALTEST ANALYTICAL LAB	EFF FOR MERCURY	184.30	184.30
10/22/2020	105703	04574 CALTROL, INC.	DERWA: MF VALVE REPAIR KITS (PARTIAL DEL	575.65	575.65
10/22/2020	105704	00136 CDW GOVERNMENT INC.	NETAPP 1YR MAINTENANCE RENEWAL 10/01/20-	5,854.76	5,854.76
10/22/2020	105705	08447 CHEMTRADE CHEMICALS US LL	DERWA: 4004.908 GAL ALUM SULFATE	3,923.83	
			DERWA: 3990.535 GAL AUM SULFATE	3,909.73	
			DERWA: 3933.039 GAL ALUM SULFATE	3,853.41	11,686.97
10/22/2020	105706	09432 CITY AUTO SUPPLY	SEALS FOR UNIT #93	31.70	31.70

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10/22/2020	105707	09297 COMPUTER COURAGE INC.	LAWWMA WEBSITE UPGRADE - SEPT 2020	5,086.80	5,086.80
10/22/2020	105708	00014 GSA COUNTY OF ALAMEDA	FUELING - FOD/INSP/SFRS FOR SEPTEMBER 20	2,459.17	2,459.17
10/22/2020	105709	00202 CREATIVE SUPPORTS INC.	PARAMOUNT CROSS-PERFORMANCE SEATING FOR	434.59	434.59
10/22/2020	105710	01877 D.W. NICHOLSON CORP	16-A005- PP#7 FOR 09/19/20-09/30/20	51,267.07	
			PROJECT #12 AND #13 ADDITIONAL HOURS	13,020.00	64,287.07
10/22/2020	105711	00222 DATCO SERVICES CORP.	OCT/NOV/DEC 2020 - MONTHLY CHARGES	555.75	555.75
10/22/2020	105712	02656 FASTENAL COMPANY	BLDG S VENDING MACHINE PPE RESTOCK	274.13	
			FOF VENDING MACHINE PPE RESTOCK	41.76	315.89
10/22/2020	105713	06732 HIRERIGHT, INC.	EMPLOYMENT BACKGROUND SCREENING	184.20	
			EMPLOYMENT BACKGROUND SCREENINGS	169.48	353.68
10/22/2020	105714	07848 JARVIS, FAY & GIBSON, LLP	GENERAL COUNSEL SVCS - SEPT. 2020	13,191.50	13,191.50
10/22/2020	105715	00474 KEN GRADY CO. INC.	MEMBRANE CAPS FOR ATI CHLORINE ANALYZER	559.32	559.32
10/22/2020	105716	06641 MANAGEMENT PARTNERS, INC.	ERP SYSTEM CONVERSION 2019 - AUG 2020	465.00	465.00
10/22/2020	105717	00536 MC MASTER-CARR SUPPLY CO.	BENCH FOR SHOP (RETURNED REF CREDIT INV	1,019.43	
			BENCH FOR SHOP	1,018.90	
			RETURN: BENCH FOR SHOP FROM ORIGINAL INV	-1,019.43	1,018.90
10/22/2020	105718	00560 MOBILE MODULAR MANAGEMEN	ENVIRONMENTAL COMPLIANCE TRAILER	2,143.49	2,143.49
10/22/2020	105719	04231 MSC INDUSTRIAL SUPPLY CO	PAINTS & CHEMICALS FOR SHOP	670.18	
			AIR COUPLINGS FOR STOCK; PUMP ALIGNMENT	491.76	1,161.94
10/22/2020	105720	04796 NAPA AUTO PARTS	BRAKE PARTS FOR UNIT #100	222.89	
			FLEET SHOP SUPPLIES	21.61	244.50
10/22/2020	105721	02109 ONE HOUR DELIVERY SERVICE,	19-A005 NOTICE OF COMPLETION	82.00	82.00
10/22/2020	105722	08356 PACE SUPPLY	10 GA BLUE COATED TRACER WIRE, 500FT	222.87	
			NIPPLE BRASS	93.23	316.10

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10/22/2020	105723	00620 PG&E	PUMP STATION R200B ELECTRIC - OCT 2020	6,834.69	
			RESERVOIR R100 DERWA TANK 1 - OCT 2020	44.92	6,879.61
10/22/2020	105724	04211 PLATT ELECTRIC SUPPLY	CABLE FOR ENVIRONMENTAL COMPLIANCE TRAIL	1,691.74	
			CABLE FOR COVID TRAILER TEMP POWER FEED	1,691.74	
			TRANSFORMER FOR BLDG T NEW POWER TOOL LO	1,530.91	
			SAFETY SWITCH FOR INFLUENT ROOM REPLT AI	674.54	
			ELE MATLS FOR ENVIRONMENTAL COMPLIANCE T	373.98	
			DERWA: 1/2" CGBS FOR WEDECO	315.52	
			ELE SUPPLIES FOR SHOP STOCK	114.32	
			ELE SUPPLIES FOR SHOP STOCK	37.22	
			CORD END FOR A/C EXTENSION CORD	13.24	
			CREDIT FROM ORIGINAL INV #0T09606 09/16/	-270.68	6,172.53
10/22/2020	105725	01195 POWERSTRIDE BATTERY CO., IN	BATTERIES FOR GOLF CART UNIT 113G & STOC	934.47	
			AUTO BATTERIES FOR UNIT #66 & STOCK	200.59	1,135.06
10/22/2020	105726	09023 QUENCH USA, INC.	FILTERED WATER SERVICE (DISTRICT OFFICE)	163.88	
			WATER FILTRATION SERVICE (BLDG A & BLDG	131.10	294.98
10/22/2020	105727	09806 RAVAGO CHEMICALS NORTH AM	LAWWMA CAPTOR CALCIUM THIOSULFATE	13,028.06	13,028.06
10/22/2020	105728	00737 SAM CLAR OFFICE FURNITURE I	19-A005 10% BALANCE FOR SIGNAGE	2,652.89	2,652.89
10/22/2020	105729	02015 SHERWIN-WILLIAMS CO	PAINTS FOR BLDG A BATHROOMS	31.37	31.37
10/22/2020	105730	08010 SLOAN SAKAI YEUNG & WONG L	LABOR RELATED LEGAL FEES (09/20)	2,588.78	2,588.78
10/22/2020	105731	02444 DEPT LA 1368 STAPLES ADVANT	STPLS PAD 5SQ GRAPH 6PK	13.91	13.91
10/22/2020	105732	00800 STATE BOARD OF EQUALIZATIOI	2020 3RD QRT USE TAX RETURN (1Q FY 2021)	1,689.00	1,689.00
10/22/2020	105733	05781 THERMO ELECTRON NORTH AM	ICP-MS SERVICE CONTRACT 10/2020 - 10/202	14,977.00	14,977.00
10/22/2020	105734	01806 U.S. BANK EQUIPMENT FINANCE	COPIER LEASE LAB/CUST SVC/EXEC - 10/01/2	1,680.26	1,680.26
10/22/2020	105735	01222 IRS UNITED STATES TREASURY	GARNISHMENT - IRS: PAYMENT	420.50	420.50

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10/22/2020	105736	00556 UNITED WAY OF THE BAY AREA	UNITED WAY: PAYMENT	115.38	115.38
10/22/2020	105737	06004 VANGUARD CLEANING SYSTEM	OCT 2020: WWTP - MONTHLY JANITORIAL SERV OCT 2020: FOF - MONTHLY JANITORIAL SERVI OCT 2020: LAVWMA - MONTHLY JANITORIAL SE	3,295.00 1,895.00 795.00	5,985.00
10/22/2020	105738	00933 VWR INTERNATIONAL, INC.	ISA+AMMONIA BODY+50ML CENT TUBES COD TNT HR COD TNT LR	327.79 276.01 138.00	741.80
10/22/2020	105739	04061 WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES	2,715.24	2,715.24
10/22/2020	105740	00987 ATTN: ACCOUNTING ZONE 7 WA	AUG 2020: TREATED WATER SERVICE	1,558,123.48	1,558,123.48
10/23/2020	13079906	00591 QUADIENT, INC.	POSTAGE ADVANCE 10 23 2020	500.00	500.00
10/26/2020	2203	05511 DISBURSEMENT UNIT CALIFORN	CHILD SUPPORT GARNISHMENT: PAYMENT	521.53	521.53
10/26/2020	1001691340	00494 PERS	RETIREMENT: PAYMENT	110,538.73	110,538.73
10/27/2020	95596738	00558 IRS - PAYROLL TAXES	FEDERAL WITHHOLDING TAXES: PAYMENT	148,598.78	148,598.78
10/27/2020	498010400	00559 EDD - PAYROLL	CALIFORNIA STATE TAXES: PAYMENT	33,065.74	33,065.74
10/29/2020	105741	00031 ALLIED FLUID PRODUCTS CORP	LAVWMA: GASKETS FOR EXPORT PIPELINE & ST LAVWMA: GASKETS FOR EXPORT PIPELINE & ST	231.11 153.92	385.03
10/29/2020	105742	01013 BARRETT BUSINESS SERVICES	J. BEGLEY W/E 10/04/2020 C. FANTIN W/E 10/04/2020 K. YAN W/E 10/04/2020 P. MULLEN: WE 10/4/20 L. OLIVIERI: WE 10/4/20 A. WATSON WEEK ENDING 10/04/20, 40 HRS E. VILLAMOR W/E 10/04/20	1,828.75 1,828.75 1,828.75 1,821.60 1,389.06 1,330.00 731.50	10,758.41
10/29/2020	105743	00099 BUCKLES-SMITH ELECTRIC CO	13-S004 ALLEN BRADLEY VFD'S	116,262.76	116,262.76
10/29/2020	105744	03614 CAROLLO ENGINEERS INC.	16-R014 T.O. OC-21 9/1/20 TO 9/30/20	13,543.68	13,543.68

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10/29/2020	105745	00231 DELTA DIABLO SANITATION DIST	REFUND CK#34448 (NOT DSRSD CHECK)	100.00	100.00
10/29/2020	105746	00937 GRAINGER, INC.	AIR FILTERS	392.73	
			PORTABLE LABEL MAKER FOR KEVIN CURTIS	206.80	
			REPLT LEAK DETECTOR FOR DIV54 FIELD USE	199.99	799.52
10/29/2020	105747	00386 HDR ENGINEERING INC.	20-W015 T.O. 1 8/30/20 TO 9/26/20	17,621.13	17,621.13
10/29/2020	105748	03853 ICMA	ICMA 457 DEFERRED COMPENSATION: PAYMENT	40.00	40.00
10/29/2020	105749	00473 KEMIRA WATER SOLUTIONS INC	WWTP: 44339.999 LB FERROUS CHLORIDE 13.3	6,515.67	6,515.67
10/29/2020	105750	04722 STEPHAN KOZANDA	KOZANDA, STEPHAN CERTIFICATE REIMBURSEME	250.00	250.00
10/29/2020	105751	09730 POWER INDUSTRIAL MACHINE	PRE-AERATION SPARE OMEGA BLOWER REPAIR	6,280.00	6,280.00
10/29/2020	105752	04243 VIRGILITO SEVILLA	SEVILLA, V. CERTIFICATE REIMBURSEMENT	250.00	250.00
10/29/2020	105753	05127 VISION SERVICE PLAN - CA (VSF	NOVEMBER 2020 - VISION	3,068.35	3,068.35
10/29/2020	105754	00957 WEST YOST & ASSOCIATES	07-3203 T.O. OC-18 9/5/20 - 10/9/20	1,157.50	1,157.50
10/29/2020	105755	02702 4712 ALLIED / AMS	CEILING TILE FOR BLDG A	438.48	438.48
10/29/2020	105756	00007 AA FIRE SYSTEMS, INC.	FIRE SPRINKLER QUARTERLY INSPECTION - JU	225.00	
			FIRE SPRINKLER QUARTERLY INSPECTION - JU	225.00	450.00
10/29/2020	105757	03872 ACSDA	MEMBERSHIP DUES 07/01/2019 - 06/30/2021	200.00	200.00
10/29/2020	105758	07554 AIRGAS USA, LLC	CYLINDER RENTAL	961.86	
			CYLINDER RENTAL	951.10	1,912.96
10/29/2020	105759	09492 APPLEONE	D. POPE: WE 10/04/20	1,350.00	
			V. GONZALES: WE 10/04/20	1,240.00	
			J. ARSTINGSTALL: WE 10/04/20	1,178.00	
			K. LOVE: WE 10/04/20	682.00	4,450.00
10/29/2020	105760	00622 AT&T	C3 - TELE SVCS 09/13/2020-10/12/2020	451.47	451.47
10/29/2020	105761	09573 BIG SKY ENTERPRISES	NON-FRIABLE WASTE REMOVAL 10/05/20	674.05	674.05

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10/29/2020	105762	00096 BROWN & CALDWELL	BROWN & CALDWELL SEPT 2020 PROGRESS REPO	10,016.00	10,016.00
10/29/2020	105763	01289 BURLINGAME ENGINEERS INC	HYPO PUMPS KITS FOR DERWA & WWTP	1,629.99	1,629.99
10/29/2020	105764	08447 CHEMTRADE CHEMICALS US LL	DERWA: 3974.364 GAL ALUM SULFATE	3,893.90	3,893.90
10/29/2020	105765	09432 CITY AUTO SUPPLY	ROTORS FOR UNIT #62 OIL FILTERS FOR STOCK	152.51 43.00	195.51
10/29/2020	105766	01167 CITY OF DUBLIN	LANDSCAPE MAINTENANCE FOR DSRSD - MAY 20 LANDSCAPE MAINTENANCE FOR DSRSD - APR 20	11,164.09 6,454.83	17,618.92
10/29/2020	105767	00237 EBMUD MAIL REMITTANCE DER\	DERWA - SEPT. 2020	19,999.24	19,999.24
10/29/2020	105768	08562 DTN ENGINEERS, INC.	LAVWMA: PUMP STATION MCC PROJECT UPGRADE	20,370.00	20,370.00
10/29/2020	105769	00314 FEDEX	TESTO SERIAL 60324617 TO DON WOLF & ASSO	25.69	25.69
10/29/2020	105770	09794 FIORE INDUSTRIAL ELECTRICAL	ELECTRONIC COMPONENTS TO REBUILD INFLUEN	3,231.94	3,231.94
10/29/2020	105771	00368 HACH COMPANY	CHEMKEY, QTY 4	449.57	449.57
10/29/2020	105772	00382 HAVE AIR WILL TRAVEL, INC.	SERVICE CALL FOR UNIT #110	240.00	240.00
10/29/2020	105773	00252 COUNTY OF ALAMEDA HENRY C	2020-21 UNSECURED PROP TAX PARCEL#941-28	170.16	170.16
10/29/2020	105774	07207 HILL BROTHERS CHEMICAL COM	91.3 GAL AQUEOUS AMMONIA FOR PAX DISINFE	275.33	275.33
10/29/2020	105775	00394 HILTI, INC.	ANCHORS FOR STOCK & BOLLARD PROJECT	638.72	638.72
10/29/2020	105776	07017 HYDROSCIENCE ENGINEERS, IN	LAVWMA: CAPACITY AND PIPELINE EVALUATION 20-W024 T.O. 2 SERVICES THROUGH 10/4/20	12,540.25 722.50	13,262.75
10/29/2020	105777	00417 IDEXX DISTRIBUTION, INC	ENTEROLERT AND COMPARATOR	1,889.61	1,889.61
10/29/2020	105778	09321 EDLYN JON	REFUND 2712 HIGHLAND MEADOWS CT	166.22	166.22
10/29/2020	105779	00468 CORP KAMAN INDUSTRIAL TECH	BELTS FOR BLDG S AHU, COUPLING FOR TWAS	358.48	358.48
10/29/2020	105780	01801 KENNEDY/JENKS CONSULTANTS	18-W003 T.O. 1 PRO SVCS THROUGH 9/25/20	7,830.90	7,830.90
10/29/2020	105781	03958 LIVERMORE AUTO GROUP	LAMP ASSY FOR UNIT #88 3RD BRAKE LIGHT	70.85	70.85

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10/29/2020	105782	04231 MSC INDUSTRIAL SUPPLY CO	EARMUFS FOR ILOPEZ & AVIEIRA SHOP SUPPLIES	66.42 33.43	99.85
10/29/2020	105783	04796 NAPA AUTO PARTS	2.5 DEV, BRAKLEEN & BRAKE FLUID FOR STOC SQUEEGEES FOR FLEET SHOP OIL FILTERS FOR UNIT #77 OIL FILTER & GLADHAND FOR UNIT #114 EXCHANGE: OIL FILTER FOR UNIT #77 (RETUR	160.38 80.56 52.29 10.77 -5.20	298.80
10/29/2020	105784	00595 NEWARK ELECTRONICS	DERWA: FANS FOR MF/UV MODULE CABINETS	447.49	447.49
10/29/2020	105785	08356 PACE SUPPLY	TELESCOPING BASIN WRENCH LONG JAW RIDGID 36" MANHOLE HOOK 2-PIECE BALL VALVE (QTY 2), FITTING BRUS	91.64 32.86 30.15	154.65
10/29/2020	105786	02467 PETERSON POWER SYSTEMS IN	OIL FILTERS FOR COGEN	880.30	880.30
10/29/2020	105787	00620 PG&E	WWTP ELECTRICITY - SEP 2020 DISTRICT OFFICE ELECTRIC - SEP 2020 FSL AERATORS; LAB HVAC; FLEET - SEP 2020 DEPARTING LOAD NON-BYPASSABLE CHARGES - DO UTILITY BLDG ELECTRIC - SEP 2020 RESERVOIR 200B ELECTRIC - OCT 2020	67,009.56 6,218.86 1,321.29 647.99 165.13 29.84	75,392.67
10/29/2020	105788	04211 PLATT ELECTRIC SUPPLY	ELE PARTS FOR BLDG T POWER TOOL PANEL REPLT ELE PARTS FOR DS BREAKERS REPLT CTRL RELAY FOR SCUM SKIMMER #4 BUC LAWWMA: GROUNDING CONNECTORS FOR VIBRATI DERWA: K.O. SEALS FOR NEW HYPO PUMP INST	1,111.67 776.95 399.94 110.49 103.20	2,502.25
10/29/2020	105789	00663 PLEASANTON GARBAGE SVC IN	WEEKLY GARBAGE & GRIT BOXES @ WWTP - SEP TRASH DUMP FOR DSRSD OWNED 20YD BIN WEEKLY GARBAGE SERVICE @ FOF - SEP 2020	4,620.18 658.26 598.15	5,876.59

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10/29/2020	105790	09023 QUENCH USA, INC.	WATER FILTRATION SERVICE (FOF, BLDG T, B	196.65	196.65
10/29/2020	105791	09291 RAYMOND HANDLING CONCEPT	REACH TRUCK OPERATOR SAFETY TRAINING 10/	1,750.00	1,750.00
10/29/2020	105792	00058 READYREFRESH	LAVWMA BOTTLED WATER SERVICE - OCT 2020	9.28	9.28
10/29/2020	105793	09735 REDTAIL CONSULTING	T.O. 1 CEQA AND PERMITTING SEPTEMBER 202	378.00	378.00
10/29/2020	105794	00708 RESTEK CORP - % FULTON BAN	LEAK DETECTOR AND STANDARDS	1,335.58	1,335.58
10/29/2020	105795	02905 ROBERT A BOTHMAN INC	RTND MTR# 78228008	1,886.61	1,886.61
10/29/2020	105796	05841 SABAH INTERNATIONAL, INC.	FOR FIRE ALARM INSTALL IN BLDG A MEN'S L	5,900.00	5,900.00
10/29/2020	105797	08339 SAN FRANCISCO ELEVATOR INC	EALS ELEVATOR REPAIR WORK 9/25/20	420.00	
			FOF ELEVATOR REPAIR WORK 8/26/20	210.00	630.00
10/29/2020	105798	06661 SCELZI ENTERPRISES, INC.	TOOL BOX FOR UNIT #113	2,445.93	2,445.93
10/29/2020	105799	02125 SEEVER & SONS TIRE	2 FRONT TIRES FOR UNIT #110	1,657.11	1,657.11
10/29/2020	105800	02015 SHERWIN-WILLIAMS CO	PAINTS FOR BLDG A LOCKER ROOM	31.37	31.37
10/29/2020	105801	02444 DEPT LA 1368 STAPLES ADVANT	COFFEE CREAMER FOR BLDG A & BLDG S	115.62	
			DISINFECTANT SPRAY LINEN, QTY 8	65.46	
			SUGAR PACKETS FOR FOF	9.78	190.86
10/29/2020	105802	00829 T & T VALVE & INSTRUMENTS IN	LAVWMA: REPLT CHECK VALVE FOR PUMP 9	9,002.22	9,002.22
10/29/2020	105803	05824 TJC AND ASSOCIATES, INC.	16-W012 T.O. 4 SERVICES THROUGH 8/29/20	35,038.50	
			18-W004 T.O. 5 PRO SVCS THROUGH 9/26/20	2,939.00	37,977.50
10/29/2020	105804	08937 NGA NA TSUI	REFUND FOR 7904 REGIONAL CMN	42.52	42.52
10/29/2020	105805	00903 UNITED RENTALS, INC.	JACK HAMMER RENTAL FOR CHLORINE CONTACT	260.02	260.02
10/29/2020	105806	00933 VWR INTERNATIONAL, INC.	G60	15.40	15.40
10/29/2020	105807	00946 WATEREUSE ASSOCIATION	MEMBERSHIP FEES/INVOICE#D40668	5,885.00	5,885.00
10/29/2020	105808	02884 WEST VALLEY CONSTRUCTION	18-W021 CONVERT EXISTING RW HYDRANTS AT	99,680.00	

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			LAVWMA MANHOLE LID REPLACEMENT	4,525.55	104,205.55
10/29/2020	105809	03508 XYLEM WATER SOLUTIONS USA	DERWA: LAMP CABLE ASSEMBLIES FOR SPARE W	12,746.39	12,746.39
10/29/2020	105810	09261 ZHIXIA YOU	REFUND FOR 8164 CARDIFF DR	105.61	105.61
11/03/2020	70295604	00558 IRS - PAYROLL TAXES	FEDERAL WITHHOLDING TAXES: PAYMENT	453.11	453.11
11/03/2020	573870880	00559 EDD - PAYROLL	CALIFORNIA STATE TAXES: PAYMENT	10.00	10.00
263 checks in this report				Total Checks:	6,108,245.01



TITLE: Receive Report on Recycled Water Funding and Provide Direction

RECOMMENDATION:

Staff recommends that Board of Directors receive a report on recycled water funding and direct staff to proceed with Option #2 to include recycled water expansion and improvement capital costs in the Water Capacity Reserve Fee Program consistent with long-standing District policy.

DISCUSSION:

In 1995, the Dublin San Ramon Services District (DSRSD) and the East Bay Municipal Utility District (EBMUD) formed the DSRSD-EBMUD Recycled Water Authority (DERWA), a Joint Powers Authority (JPA) to provide recycled water service to its customers. As a member agency, the District’s recycled water costs are its share of DERWA operating and capital costs and are categorized as “Contributions to JPA” as reflected in the table below:

Fund	Account	Cost	FYE 2020 Actual
600 – Operations	Contributions to JPA	DERWA Operations & Maintenance	\$2,310,657.97
610 – Replacement	Contributions to JPA	DERWA Capital Projects – Replacement and Renewal	\$9,248.84
620 – Expansion	Contributions to JPA	DERWA Capital Projects – Expansion	\$818,951.49
620 – Expansion	Contributions to JPA	DERWA State Loans	\$810,086.52

Historically, the District followed a “growth pays for growth” methodology where expansion related costs would be entirely funded by the development driving growth in the service area. This methodology has applied to both potable and recycled water capital-related costs in the District’s Water Expansion (Fund 620). DERWA Operations & Maintenance (O&M) and capital replacement and renewal costs have been historically funded through water rates from the Water Operations (Fund 600).

At the February 5, 2019 Board of Directors (BOD) meeting, as part of policy discussions on development of water rates, the Board directed staff to develop all water rates on a cost of service basis to be consistent with the San Juan Capistrano legal decision on water rates. Staff proceeded to calculate recycled water rates on a cost of service basis instead of a set formula tied to Zone 7 Water Agency wholesale water costs and, as a contingency measure, defined cost of service as all direct recycled water costs (both O&M and capital) in development of those rates. As a result, proposed recycled water rates were intended to recover all DERWA costs listed above and were adopted after a Proposition 218 public hearing at the June 18, 2019 BOD meeting.

Staff is currently developing updated water capacity reserve fees, which includes a true-up of expansion costs. In retrospect, staff believes that the more appropriate way to pay for the DERWA expansion costs (capital and state loans) is to continue the District’s philosophy that “growth pays for growth” and reflect those costs as part of the water capacity reserve fees. Now is the appropriate time to “true up” this policy decision, which will be incorporated into the new water capacity reserve fee study.

There are two policy options with respect to recycled water rates and water capacity reserve fees:

Option #1 – Continue to fund 620 DERWA expansion costs through recycled water rates – Current recycled water rates will be maintained, and a recycled water credit will be included in the development of water capacity reserve

Originating Department: Administrative Services	Contact: H. Chen	Legal Review: Not Required
Financial Review: Yes	Cost and Funding Source: \$0	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	145 of 151	

fees. This option deviates from prior practice of “growth pays for growth” but keeps all recycled water costs (operations, replacement, and expansion) in the recycled water rates, or

Option #2 – Fund 620 DERWA expansion costs (capital and state loans) through water capacity reserve fees (staff recommendation) – This option returns to prior practice of “growth pays for growth” and splits direct recycled water costs between recycled water rates and water capacity reserve fees. As a result, recycled water rates will likely decrease, and no recycled water credit will be applied in development of water capacity reserve fees. A recycled water rate supplement study will be conducted, which will adjust recycled water rates to exclude Fund 620 DERWA costs.

Staff recommends continuing with long-standing District policy by reflecting recycled water expansion and improvement costs to new development through the water capacity reserve fees, which will be updated in early 2021. This will require a corresponding adjustment of recycled water rates, which would be evaluated with a 2021 Recycled Water Rate Update Study to the 2019 Water Rate Study.



TITLE: Discussion and Direction on Water Enterprise Finances

RECOMMENDATION:

Staff recommends the Board of Directors receive a presentation on the finances of the Water Enterprise and provide direction.

SUMMARY:

The Board had previously requested information on the financial impact arising from the COVID-19 pandemic on the District’s various enterprises. The District’s revenues to the Water Enterprise are above projected levels with revenues from residential accounts more than offsetting any reductions from commercial accounts due to the pandemic. Water Enterprise costs continue to be at or below budgeted levels. The updated 10-Year Financial Planning Model projects combined Water Enterprise Fund and Water Rate Stabilization Fund reserves to be above Board policy target levels through fiscal year ending (FYE) 2024 and above policy minimum levels for the 10-year forecast period. Under conditions of a financial “stress test” applied over the next three years, reserve levels will fall below policy target levels, but remain above the policy minimum levels for the 10-year forecast period.

BACKGROUND:

At the July 7, 2020 Board meeting, the Board requested a detailed review of the District’s reserves and cash flow during a period of potential financial stress arising from the COVID-19 pandemic. On August 4, the Board received a report to the Regional Wastewater Enterprise that reviewed the results of the 10-Year Financial Planning Model under normal and financial stressed conditions. A “stress test” demonstrated that the reserve levels for the Regional Wastewater Enterprise Fund and the Regional Wastewater Rate Stabilization Fund would fall below the minimum levels established by the District’s Financial Reserves policy within five to six years in the absence of any corrective action or assumption changes. However, it was noted that there were a number of practical and reasonable strategies that could be undertaken to keep the Regional Funds above minimum reserve levels, and improve funding to target levels within the planning horizon of the 10-Year Financial Planning Model. The August 4 report also reviewed the District’s Financial Reserves Policy in detail, and reviewed a menu of typical strategies to restore and sustain financial balance during periods of economic crisis.

Table 1 provides a summary of reserve levels for the Water Operating Fund and the Water Rate Stabilization Fund:

Table 1: Minimum, Target, and Maximum Reserve Levels

	Operating Fund	Rate Stabilization Fund
Minimum Reserve	2 months of budgeted operating expenses	2 months of budgeted operating expenses
Target Reserve	4 months of budgeted operating expenses	4 months of budgeted operating expenses
Maximum Reserve	6 months of budgeted operating expenses	Operating Reserve and Rate Stabilization Reserve combined equal to 12 months of budgeted operating expenses

Originating Department: Office of the General Manager	Contact: D. McIntyre	Legal Review: Not Required
Financial Review: Yes	Cost and Funding Source: \$ 0	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	147 of 151	

DISCUSSION:

Water Enterprise 10-Year Financial Model

On April 16, 2019, as part of the 2020-2025 Water Rate Study, staff presented a new 10-Year Financial Planning Model for the Water Enterprise. The model indicated that throughout the 10-year planning horizon that the Water Enterprise (Fund 600) and Water Rate Stabilization (Fund 605) reserve levels would remain above target levels. Staff has updated the model using preliminary FYE 2021 starting working capital.

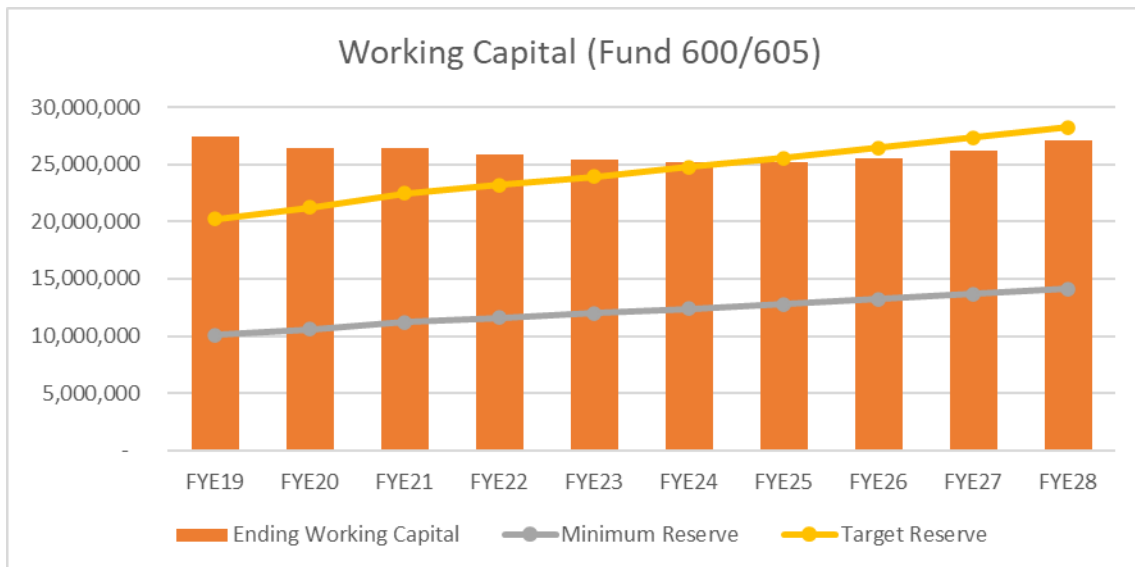
At the start of FYE 2021, DSRSD’s Water Enterprise Funds (the combined Water Operations (Fund 600) and Water Rate Stabilization (Fund 605)) have an estimated working capital of \$26.4 million, or 9.93 months of reserves, which is above policy reserve target (8.00 months), but below policy reserve maximum (12.00 months).

The updated 10-Year Financial Planning Model makes the following assumptions:

- Full staffing throughout the 10-Year model horizon (no vacant positions and no new positions)
- Full spending of the operating budget over 10 years
- Full funding of the District’s conservative Asset Management Program over a 20-year period, with a contribution of \$5.14 million in FYE 2021 and increasing to \$5.49 million per year thereafter
- Accelerated funding of the District’s CalPERS Unfunded Actuarial Liability
- No cost savings recognized from technological advances, information system enhancements, or streamlining of administrative processes
- Future rate increases limited to no more than general inflation (assumed to be 3% for the Bay Area based on long-term average), which is an uncommon assumption for many Bay Area utility agencies (A number of DSRSD’s sister agencies are experiencing 5% to 9% annual increases to address deferred facility upgrades and long-term liabilities.)

For illustrative simplicity, the 10-Year Financial Planning Model combined the Operating Reserve and the Rate Stabilization Reserve into a single chart. Actual balances for each of these two reserves vary from year to year and are reviewed each year by the Board of Directors. The model shows the combined minimum reserve and target reserve for the Operations Fund and the Rate Stabilization Fund, and shows the estimated ending working capital for the Water Enterprise over a 10-year period.

Figure 1: Water Enterprise Updated 10-Year Financial Planning Model



As can be seen from this updated version of the 10-Year Financial Planning Model, the working capital exceeds the policy reserve target level through FYE 2024 and remains slightly below target level for the remainder of the 10-Year forecast period. This model will be further refined and presented as part of the FYE 2022 and FYE 2023 operating budget in early 2021. The 2021 “second generation” of the 10-Year Financial Planning Model will reflect the following refinements:

- Adjust the assumption for labor costs to reflect a 5% position vacancy rate and other cost savings factors. The model currently assumes that all positions will be filled at the highest level (journey level) throughout the period of the plan. As a practical matter, there will be vacancies, reorganizations, and the opportunity for personnel cost savings throughout the term of the 10-Year Financial Planning Model. Moreover, the 10-Year Financial Planning Model assumes no cost savings as the impacts of pension reform mandated by California’s 2013 Public Employees’ Pension Reform Act (PEPRA) begin to have a cost control impact on future pension costs.
- Refine the Asset Management Program over the next few years through more effective integration of operating and replacement strategies. This could reduce the need for replacement transfers in later years.

Economic Impacts of COVID-19 Crisis on the Water Enterprise and “Stress Test” on 10-Year Financial Planning Model

The COVID-19 crisis will have unknown effects on the regional economy. Even prior to the COVID-19 pandemic, the District was experiencing a slowdown of new development activity, which will slow the growth in the District’s customer base, and likely will only worsen as the crisis continues. This will have the effect of reducing revenue growth, which will adversely affect Water Enterprise fund working capital balances throughout the 10-Year Financial Planning Model. Moreover, staff anticipates reductions in commercial revenues due to both temporary and permanent business closings. There may also be some delays in the payments of utility bills, with some ratepayers ultimately defaulting on payment. Fortunately, as of mid-October, no signs that systematic widespread delay in payments of water bills has materialized. Staff have noticed a decline in water sold to commercial customers in Dublin. In contrast, water sales for residential customers in Dublin and the Dougherty Valley region of San Ramon are exceeding expectations. The net effect of these two trends is that the District is selling more water than anticipated in the budget, and total water revenues are exceeding the budget. Staff will continue to closely monitor the situation and report to the Board any changes in status.

Stress Test

Given the lack of precedent, it is difficult to estimate the impact of the COVID-19 pandemic on the economy and development. At the July 7 Board meeting, staff presented “stress tests” on the District’s six capital funds to assess the potential impact of an economic crisis on those funds. At the August 4 Board meeting, staff presented a stress test on the Regional Wastewater Operations (Fund 300) and the Regional Wastewater Rate Stabilization (Fund 305). To determine the sensitivity of the Water Enterprise Operations (Fund 600) and the Water Rate Stabilization (Fund 605) to an economic crisis, staff developed a similar “stress test” for these funds which examines the effects of economic slowdown over the balance of the 10-Year Financial Planning Model.

As with the earlier stress test on the capital funds and the Regional Enterprise Fund, this Water Enterprise stress test assumes that only 25% of the new development growth anticipated in the latest adopted operating budget and 10-Year Capital Improvement Plan occurs over the next three years. This has the effect of reducing the growth of the District’s customer base, which reduces anticipated rate revenue. For comparison, in the Great Recession from 2008 to 2010, the District experienced only 30% of the projected level of growth.

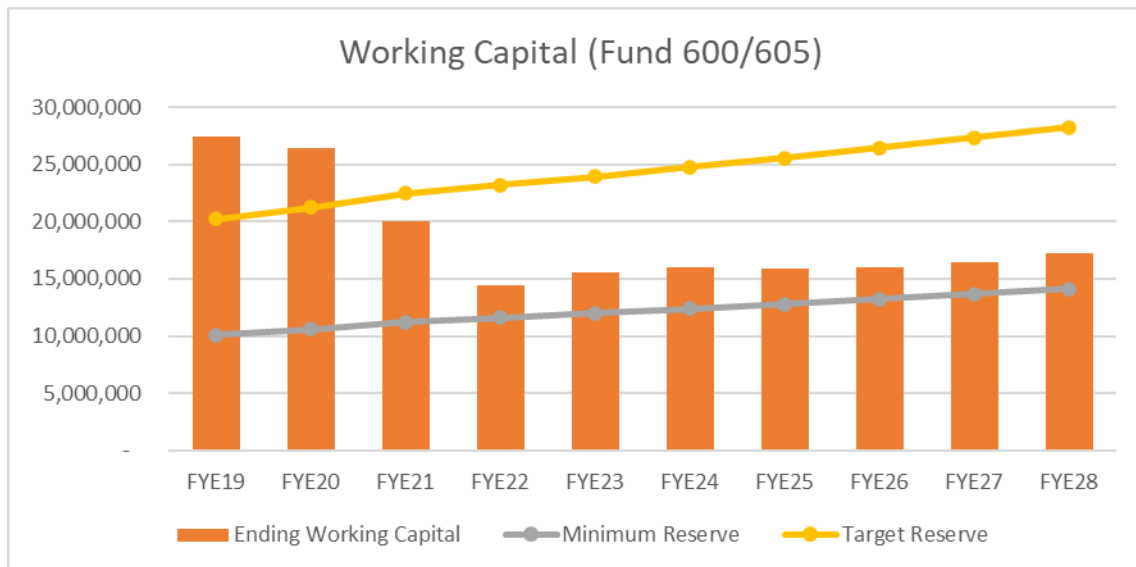
This stress test assumes that development that does not occur in FYE 2021, FYE 2022, and FYE 2023 will materialize in the subsequent six years. This assumption increases the structural annual imbalance that accumulates over time. As the results of this assumption demonstrate, the District is reliant upon development to provide additional resources to help mitigate the effect of Asset Management Program costs for the District’s water infrastructure.

Additionally, the stress test assumes that commercial revenue will be reduced by 25% initially, and ramping down to a reduction of 5% over a four-year period (FYE 2020 – FYE 2023), and that there will be late payments (of one to two years) on some revenues from commercial development. Residential development may also be somewhat sensitive to a prolonged economic downturn. A delay of 10% of payments over two years is assumed. Additionally, a 10% reduction in water sales and/or default on water bills is assumed for two years for residences in Dublin and Dougherty Valley. The

combined effect of slowdown in development, and these payment deferrals, defaults, and account closures are estimated to have a fiscal impact of \$11.07 million over two years, but does not create an ongoing structural problem as the economy is assumed to recover in subsequent years.

The effects of these stress test assumptions have been added to the existing 10-Year Financial Planning Model, and are reflected in Figure 2:

Figure 2: Water Enterprise COVID-19 Stress Test (10-Year Financial Planning Model)



As can be seen, this stress test will lead to combined reserve levels dropping below target reserve levels in the short term, but remaining well above minimum reserve levels later in the 10-Year Financial Planning Model planning horizon.

Water Fund Overview

The Water Enterprise is formed to fund and operate the potable and recycled water storage and distribution systems, as well as the DERWA (DSRSD-EBMUD Recycled Water Authority) Recycled Water Treatment Plant under a maintenance operating contract with DERWA. The District is required to follow a number of water permit requirements for both the potable water system and the recycled water system. Failure to continuously operate the potable and recycled water facilities in accordance with all the numerous provisions of the permit triggers financial penalties and other sanctions.

The Water Enterprise bears the costs of capital replacements and indirect expenses fairly allocated to the Enterprise. Under the provisions of the District’s Rate Policies and Guidelines policy, the District reviews the need for operating and capital costs at least once every five years and prepares a cost of service study to recommend future rates to fund operations and capital. Under state law, the District is prohibited from imposing rates that exceed the cost of providing service.

Following is a table summarizing major expenditures and transfers for the Water Enterprise (Fund 600) planned in FYE 2021 (Table 2). A number of the major expenditures are non-discretionary because the District is required by contract or by provisions of the Regional Water Quality Control Board’s permits to make the necessary expenditures. For example, the District must operate the DERWA facilities per the DERWA operations agreement.

Table 2: Water Enterprise Budget Expenditure Summary

Budget Expenditure Category	Amount Budgeted	Discretionary Expenditure?
Wholesale Water Purchase from Zone 7 Water Agency	\$16,466,711	Non-discretionary
Direct Personnel Costs	\$7,221,877	Limited portion discretionary
Indirect Administrative Costs	\$2,676,942	Limited portion discretionary
Contracts (including DERWA Operations Agreement)	\$4,651,467	Non-discretionary
Unfunded Actuarial Liability	\$589,674	Non-discretionary
Electrical and chemicals	\$948,400	Non-discretionary
Materials & Other	\$1,073,074	Limited portion discretionary
Interfund Loan Repayment	\$675,000	Non-discretionary
Replacement Allocation to Capital Replacement Fund (Fund 610)	\$5,144,688	Discretionary
TOTALS:	\$39,447,833	

As can be inferred from Table 2, over \$20,000,000 of expenditures are mandated by contract or by permit, representing approximately 50% of total costs and transfers. It is also interesting to note that total labor costs (direct and indirect) represent less than one-third of overall costs and transfers, which is typical in the water industry.

The balance of Water Enterprise expenditures is theoretically discretionary or partially discretionary for the District. However, as a practical matter, maintaining Operations Department staffing is critical to operate and properly operate the potable water, DERWA, and recycled water distribution facilities.

It is worth noting that the vast bulk of Water Enterprise costs are fixed costs. Although total water demands might vary slightly from year to year, a predetermined level of effort is needed to operate and maintain the facilities, make payroll, collect charges, and complete rehabilitation projects.

Next Steps/Opportunities for Board to Review Finances/Process Going Forward

Staff will bring back a full report on the District’s Local Wastewater program in February, including the impacts of an economic stress test.

Per the Board’s direction at the July 7 Board meeting, staff will be providing periodic information on the District’s revenues including:

- Monthly reports on capacity reserve fee revenues collected (as compared to budget)
- Monthly reports on enterprise revenue collected through direct billing

The Board will have further opportunities to review the District’s progress in implementing its approved operating budget and in addressing any economic challenges that materialize. Tentatively, the following Board agenda items are planned over the next 6 to 12 months:

- Detailed review of FYE 2021 First Quarter revenues/expenditures – December 1, 2020
- Detailed review of FYE 2021 Second Quarter revenues/expenditures – February 16, 2021
- Strategic Plan Workshop – February/March 2021
- Detailed review of FYE 2021 Third Quarter revenues/expenditures – May 18, 2021
- FYE 2022-2023 Operating Budget and 10-Year Capital Improvement Program (CIP) presentation – May 18, 2021
- Board study sessions on District finances – As needed