

SECTION 5: ENFORCEMEN

Section 5.01 Harmful Discharge:

- A.** The District may, upon order of the General Manager, suspend the wastewater service or revoke a FOG WDP when such suspension or revocation is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or which causes obstruction to the collection system or causes the District to violate any condition of its permits or Federal and/or State regulations.
- B.** Any FSE/Permittee notified of a suspension of the wastewater treatment service and/or revocation of a FOG WDP shall immediately stop or eliminate all nonconforming discharges to the public sewer. In the event of a failure of the FSE/Permittee to comply with the suspension order, the General Manager may take any and all such steps as he deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the collection system. The District may reinstate the FOG WDP and/or the wastewater service upon proof of the elimination of the nonconforming discharge. A detailed written statement submitted by the FSE/Permittee describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the General Manager within fifteen (15) days of the date of occurrence of the discharge.

Section 5.02 Determination of Non-compliance with FOG WDP Conditions:

- A.** Sampling and inspection procedures
 - 1.** Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the discretion of the General Manager.
 - 2.** Noncompliance with FOG WDP discharge conditions, or any discharge provisions of this Ordinance may be determined by an inspection of the grease control device, grease interceptor and associated manifest and documentation, or analysis of a grab or composite sample of the effluent of an FSE.
 - 3.** Any sample taken from a sample point, as determined representative by the District, is considered representative of the discharge to the public sewer.
- B.** Notice of Non-compliance/Notice of Violation

1. Any Permittee found to be in violation of this Ordinance and/or the FOG WDP terms and conditions may be issued a Warning of Non-Compliance in which there will be a specified time period to correct the violation.
2. If the violation is not corrected within the specified time period the Permittee will be issued a Notice of Violation, with a specified time period to correct the violation.
3. If the violation is not corrected within the time period specified in the Notice of Violation, the Permittee shall be deemed to be in noncompliance.

C. Noncompliance Fee:

1. Any Permittee deemed by the General Manager to be in noncompliance with the terms and conditions specified in the FOG WDP or with any provision of this Ordinance may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to section 5.4. Noncompliance fees shall be in the amount determined by the General Manager.

Section 5.03 Compliance Schedule:

Upon determination that a permittee is in noncompliance with the terms and conditions specified in the FOG WDP or any provision of this Ordinance, or needs to construct and/or acquire and install a grease control device or grease interceptor, the District may require the permittee to enter into a compliance schedule on terms and conditions specified by the General Manager.

- A. The compliance schedule may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Ordinance.
- B. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule during its term, the General Manager may issue an order suspending or revoking the FOG WDP pursuant to section 5.3 of this Ordinance.

Section 5.04 FOG WDP Suspension and/or Revocation:

- A.** The General Manager may suspend and/or revoke any FOG WDP when the District determines that a Permittee:
1. Fails to comply with the terms and conditions of a compliance schedule order.
 2. Knowingly provides a false statement, representation, record, report, or other document to the General Manager.
 3. Refuses to provide records, reports, plans, or other documents required by the General Manager to determine FOG WDP terms or conditions, discharge compliance or compliance with this Ordinance.
 4. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method.
 5. Refuses reasonable access to the FSE for the purpose of inspection and monitoring.
 6. Fails to make timely payment of all amounts owed to the District for all costs, charges and fees required or imposed under this Ordinance.
 7. Causes obstruction, sewer blockages or SSOs in the public sewer.
 8. Violates grease interceptor or grease trap maintenance requirements, any condition or limit of its FOG WDP or any provision of this Ordinance.
 9. Fails to report significant changes in operations, or wastewater constituents and characteristics.

Section 5.05 Violation—Penalty:

- A.** Any violation of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance is unlawful.
- B.** Any user, discharger and/or permittee in violation of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance, may be ordered by the General Manager to cease and desist operations until the violation is corrected. Continuance of operations after notice to cease and desist has been furnished to the User, Discharger and/or Permittee shall be unlawful. Each day in which any such violation shall continue shall be deemed a separate offense.
- C.** The violation of any of the provisions of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance, or the doing of any act prohibited or the failure or omission to do any act required by this Ordinance,

or the orders, rules, and regulations and permits issued under this Ordinance, is a public nuisance and may be enjoined by the District.

- D.** If any violation of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance, causes damage to the District's wastewater system, the District may seek to recover civil damages from the User, Discharger, Owner and/or Permittee causing such damage.
- E. Civil Penalties:**
- 1.** Pursuant to the authority of California Government Code Sections 54739 – 54740, any person who violates any provision of this Ordinance shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Ordinance shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occurs. Pursuant to California Government Code Sections 54740.5 and 54740.6, the District may impose administrative fines up to the greater of \$5000 per day or \$10 per gallon for discharge violations. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained within.
- F. Criminal Penalties:**
- 1.** Any person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000, or imprisonment for not more than thirty (30) days, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.
- G.** The remedies and provisions of this section are cumulative, and are in addition to any other remedy or provision of law.