

ORDINANCE NO. 51

ORDER OF THE GOVERNING BOARD OF THE GOLETA SANITARY DISTRICT
ADOPTING AN ORDINANCE AND GENERAL REGULATION AMENDING ORDINANCE
NO. 44 REGULATING THE USE OF THE SEWERAGE SYSTEM OF THE GOLETA
SANITARY DISTRICT.

WHEREAS, due to unique chemical characteristics,
perchloroethylene and its derivatives have the ability to escape
from sewer lines and present a serious risk of soil and
groundwater contamination; and

WHEREAS, to reduce the potential for contamination caused by
perchloroethylene and its derivatives, the Goleta Sanitary
District (the "District") deems it to be in the best interests of
the District and the community to adopt a "zero discharge"
limitation for such chemicals; and

WHEREAS, the District further deems it to be in the best
interests of the District and the community to amend certain
enforcement provisions of the District's Ordinance No. 44 to
reflect recent amendments to the law.

NOW, THEREFORE, the Governing Board of the Goleta Sanitary
District does hereby adopt the following Ordinance and General
Regulation:

1. AMENDMENT OF ORDINANCE NO. 44

Ordinance No. 44, which was adopted by the District on April
15, 1991, is hereby amended as follows:

A. Solvents and Chemicals.

Section 4.02.16 is hereby added to read as follows:

"Section 4.02.16 PCE and Related Chemicals
and Solvents. Perchloroethylene and its
derivatives and like compounds (collectively,
"PCE") including, but not limited to, chemicals

and/or solvents used in the dry cleaning process, by automobile and mechanical repair facilities and other industries, where such chemicals and/or solvents contain PCE. PCE shall be subject to a "zero discharge" limitation as set forth in a separate ordinance of the District establishing local limits for wastewater discharge."

B. Civil Penalties.

Section 8.04 is hereby deleted in its entirety and the following is substituted therefor:

"(a) Pursuant to the authority of California Government Code Sections 54739 and 54740 and the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who discharges pollutants, except in compliance with waste discharge requirements, or who violates any Administrative Order, prohibition, waste discharge requirement, effluent standard, water quality related effluent standard, federal standard or performance, pretreatment or toxicity standard or requirement, or who refuses to comply with the requirements adopted to control the disposal of pollutants into wells, or who fails to comply with the conditions of their permit, compliance schedule or any standard, condition or requirement set forth in this Ordinance, shall be subject to a civil penalty not to exceed Twenty-Five Thousand Dollars (\$25,000) for each day such discharge, violation, refusal or failure to comply occurs. The District shall petition the Superior Court to impose, access and recover any such civil penalty.

(b) In lieu of seeking civil penalties pursuant to Section 8.04(a) above, the District may instead impose, assess and recover penalties by issuing an administrative complaint and by thereafter following the procedures prescribed by California Government Code Section 54740.5. No administrative civil penalties shall be recoverable under this Section 8.04(b) for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740."

C. Hearing.

Section 8.11 is hereby deleted in its entirety and the following is substituted therefor:

"Section 8.11 Hearing. Prior to seeking a civil penalty under Section 8.04(a), terminating service under Section 8.06, correcting a violation under Section 8.07, seeking a temporary restraining order or injunction under Section 8.08, taking action to abate a public nuisance under Section 8.09 or referring a violation for criminal prosecution under Section 8.05 or Section 8.09, the Governing Board of the District shall conduct a hearing to consider the proposed action. The person or persons affected by the proposed action shall be given at least ten (10) days notice of the hearing and shall be given the opportunity to provide evidence and testimony relating to the matter. Such affected person or persons shall also be notified of the decision made by the Governing Board and such decision shall be final. Notwithstanding the foregoing, unless otherwise required by law, neither a hearing nor prior notice to affected persons shall be required in cases where immediate action must be taken to prevent injury to persons or serious damage to property as a result of a violation hereunder. In the event the District seeks to impose an administrative civil penalty pursuant to Section 8.04(b), the District shall comply with the hearing and other procedures prescribed by California Government Code Section 54740.5."

2. CONTINUED EFFECT

Except as specifically amended herein, all of the terms and provisions of Ordinance No. 44 shall continue in full force and effect.

3. SEVERABLE PROVISIONS

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would

have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

4. PUBLICATION

The Secretary of the District is hereby directed to cause this Ordinance to be published once in the Santa Barbara News Press, a newspaper of general circulation in the District.


PASSED AND ADOPTED this 20 day of May, 1996, by the following vote of the Goleta Sanitary District Governing Board:

AYES: Majoewsky, Carter and Trantow


NOES:

ABSENT: Emerson and Fox

GOLETA SANITARY DISTRICT

By: 
Steven T. Majoewsky, President
of the Governing Board

Countersigned:

By: 
Sina H. Callaway, Secretary of
the Governing Board