

**MALAGA COUNTY WATER DISTRICT
INDUSTRIAL WASTEWATER CONTROL PROGRAM
ENFORCEMENT RESPONSE PLAN
(Revised February 25, 2014)**

I. PURPOSE AND SCOPE.

The purpose and scope of this Plan is to describe and outline enforcement response procedures used to enforce and accomplish the goals of the Malaga County Water District's Wastewater Control Program and the Malaga Sewer Use Ordinance. Specific objectives include, but are not limited to, the following:

- A. Identify the Malaga County Water District's Enforcement Authority.
- B. Identify appropriate personnel who may initiate various enforcement actions.
- C. Define the range of enforcement actions which may be taken to promote compliance.
- D. Provide a fair and equitable means of enforcing the Malaga Code.
- E. Promote consistent and timely use of enforcement actions.
- F. Establish a means of tracking compliance once enforcement has been initiated.

II. DEFINITIONS.

Unless otherwise defined, all words and phrases used herein shall have the same meaning as those words and phrases as defined in the Malaga Code.

"Act" or "Clean Water Act" shall mean the "Federal Water Pollution Control Act.

"Authorized or Duly Authorized Representative of the User" means:

- A. If the User is a corporation:
 - 1. The President, Secretary, Treasurer, or 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 operating facilities, provided the Manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Individual Wastewater Discharge Permit, or other Permit

requirements; and where 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, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

D. The individuals described in paragraphs A through C above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters of the company, and the written authorization is submitted to the District.

"Best Management Practices (BMPs)" as defined by 40 CFR 403.3 as it may be amended, shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution. The term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Board" shall mean the Board of Directors of the Malaga County Water District.

"Bypass" means the intentional diversion of wastewater around a pretreatment system or any part thereof.

"Categorical Industrial User or CIU" shall mean an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

"Categorical Pretreatment Standard" or "Categorical Standard" shall mean any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act that apply to a specific category of Users and appear in 40 CFR Chapter 1, subchapter N, parts 405-471.

"CFR" shall mean the Code of Federal Regulations.

"Citation" or "Administrative Citation" shall mean a Civil Citation issued pursuant to this Code stating that there has been a violation of one or more provisions of the Malaga Code and setting the amount of the administrative penalty to be paid by the Responsible Party.

"Compatible Pollutant" shall mean BOD, suspended solids, pH (within the range of 6.0-9.0) and fecal coliform bacteria, and such additional Pollutants as are now or may be in the future specified and controlled in this District's California Regional Water Quality

Control Board waste Discharge permit for its wastewater facilities where said facilities have been designed and used to reduce or remove such Pollutants.

"Computable Pollutant" means a Pollutant for which enough concentrations on data is available to calculate or document a change in loading.

"Dilution" is an increase in use of processed water, or any other use of water, as a partial or complete substitute for adequate treatment and an attempt to achieve compliance with any pretreatment standard or other requirement.

"Discharge" shall mean to pump, to place, to deposit, to permit, or to cause to flow or to be transported by a flow, including the introduction of pollutants into the POTW from any non-domestic source.

"District" shall mean the Malaga County Water District located in the County of Fresno, State of California.

"District Engineer" or "Engineer" shall mean the Engineer appointed by and acting for the Board and shall be a Registered Professional of the State of California.

"District Inspector" or "Inspector" shall mean the Inspector acting for the Board and may be a Member of the Board, the District Engineer, an Inspector appointed by the Board, or person otherwise authorized to by agency having jurisdiction to inspection District's POTW.

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency or other duly authorized official of said agency.

"Equivalent SFR Unit" or "ESU" shall mean any Discharge of wastewaters, expressed in fractions or multiples of the prevailing quantities of daily emissions of gallonage, pounds of BOD and pounds of SS for the average single family residence ("SFR") as stated in the Master Schedule of Fees, Charges, Penalties and Recovered Costs, or as it may be amended."

"ERP" shall mean enforcement response plan.

"General Manager" or "Manager" means the person holding the position or acting in the capacity of General Manager of the District who shall administer and enforce the rules and regulations of the District.

"Governing Board" or "Board" shall mean the five person Board of Directors constituted under the County Water District Act (Water Code Sections 30000 et seq.) empowered as a group acting in public meetings to legislate in all matters related to the District's jurisdiction as established by the laws of the State of California.

"Hearing Officer" means any person, persons or entity appointed by the Board of Directors or any District official designated by the Board of Directors, by resolution to preside over the Administrative Hearings provided for by this Chapter.

"Individual Wastewater Discharge Permit" means an Individual Wastewater Discharge Permit issued pursuant to Title 3 of this Code.

"Industrial User" or "User" means a source of Indirect Discharge.

"Local Limit" shall mean specific Discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

"Manager" shall mean the General Manager, or his or her designee, of the District or the Manager's designated representative(s) acting within the scope of the policy directives of the Governing Board of the District.

"Master Schedule of Fees, Charges, Penalties and Recovered Costs" means the Master Schedule of Fees, Charges, Penalties and Recovered Costs as established and amended, from time to time, by resolution of the Board of Directors of the Malaga County Water District. The Master Schedule of Fees, Charges, Penalties and Recovered Costs may also be referred to herein as the "Master Schedule of Fees" or "Schedule of Fees."

"New Source" shall mean:

1. Any Building, structure, facility or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of the proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The Building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The Building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants of an Existing Source; or
 - c. The production or wastewater generation process is of the Building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

2. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new Building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous on site construction program (i) any placement, assembly, or installation facilities or equipment; or (ii) significant site preparation work including clearing, excavating, or removal of existing Buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

"Nuisance" shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal as set forth in this Malaga Code or as determined by the Board.

"Official" or "Enforcement Officer" or "Public Officer" shall mean the General Manager, or his or her designee, or any other individual or body appointed or designated by the Board of Directors or the General Manager, or his or her designee, to enforce violations of the Malaga County Water District Ordinance Code.

"Ordinance" or "Code" shall mean any provision of the Malaga County Water District Ordinance Code (also referred to as the "Malaga Code").

"Permit" shall mean any written authorization required pursuant to this Code or any other rule, regulation or ordinance of the District for the installation of any Sewer Facilities connected to the Sewerage System.

"Person" shall mean any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state and local governmental entities.

"Pollution" or "Pollutants" shall mean an alteration of the quality of the Waters of the State by Waste to a degree which adversely affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include Contamination. Pollutants constitute the elements causing the adverse effect.

"Pretreatment" shall mean application of physical, chemical, or biological processes to reduce the amount of Pollutants in or alter the nature of the Pollutant properties in a Wastewater prior to discharging such wastewater into the wastewater facilities.

"Pretreatment Program" shall mean the Pretreatment Program of the District as set forth in Section 3.05.020 shall mean a Pretreatment Program of the District as set forth in Section 3.05.020 of the Malaga Code.

"Pretreatment Requirement" shall mean any substantive or procedural requirement related to Pretreatment, in addition to any/all requirements of the Act or any other National or State Pretreatment Standard, imposed on a User.

"Pretreatment Standard (or National Pretreatment Standard)" as defined by 40 CFR 403.3, or as it may be amended, shall mean any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive Discharge limits established pursuant to 40CFR 403.5.

"Responsible Party" means any person who is responsible for violating the provisions of the Malaga County Water District Code as described in this Chapter.

"Significant Industrial User" or "SIU" shall mean:

1. An Industrial User subject to Categorical Pretreatment Standards; or
2. An Industrial User that:
 - a. Discharges an average of twenty five thousand (25,000) gpd or more of processed wastewater to the POTW (excluding sanitary, non contact cooling and boiler Blowdown Wastewater);
 - b. contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

"Slug Discharge" or "Slug Load" shall mean any Discharge at a flow rate of concentration, which could cause a violation of the prohibited Discharge standards in

Title 3 of this Ordinance including, but not limited to, Sections 3.05.030 or 3.05.040. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through or any other way of violating the POTW's regulations, Local Limits or Permit conditions.

"User" shall mean any Person who Discharges, causes, or permits the Discharge of Wastewater into the District's Wastewater Facilities. User includes a source of Indirect Discharge.

"Wastewater" shall mean Waste and water, whether treated or untreated, Discharged into or permitted to enter a Community Sewer.

"Wastewater Treatment Facilities" or "WTF" or "Malaga Wastewater Treatment Facilities" or "MWTF" shall mean any devices, facilities, structures, equipment, or works owned, operated or maintained by the District for the purpose of the collection, transmission, storage, treatment, recycling, reclamation and disposal of industrial and domestic Waste, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including, but not limited to, intercepting Sewers, outfall Sewers, Sewage collection systems, pumping, power, and other equipment, and their appurtenances: extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

III. ENFORCEMENT AUTHORITY.

Title 3 of the Malaga Code is the Malaga County Water District Sewer Use Ordinance or SUO. Section 10 of Chapter 8 of Title 3 of the Malaga Code provides that in addition to all other enforcement procedures provided in the Malaga Code, the District shall develop and implement an ERP. Chapter 7 of Title 1 of the Malaga Code provides that any person violating any provision of the Malaga Code or applicable state or other code may be subject to penalties, including, but not limited to, administrative penalties. Chapter 7 of Title 1 further provides that District personnel shall have the right to enter and inspect the property of any person within the jurisdiction of the District for possible violations of the Malaga Code and/or to review and/or copy any records required to be kept under the provisions of the Malaga Code, to inspect any monitoring equipment or Pretreatment Facility or Discharge-producing process, or to sample any Discharge of wastewater to the POTW.

The persons primarily responsible for the implementation of the ERP include, but are not limited to, the following: General Manager, District Engineer, District Code Enforcement Officer, General Counsel, and any other person designated by the Board

or General Manager (hereinafter also referred to individually and collectively as "Enforcement Officer(s)").

IV. INFORMAL ENFORCEMENT PROCEDURES.

Informal enforcement actions are appropriate where, as determined by the District, the objectives of the ERP may be accomplished without formal enforcement actions. In general, the District will respond to an initial IU violation with an informal enforcement action as follows:

A. Inspection/Observation Notice. The District may issue an Inspection/Observation Notice when one (1) or more of the following conditions have been observed:

1. Access to property/facility denied;
2. Evidence of equipment tampering;
3. Pretreatment System Bypass;
4. Process or sample point Dilution;
5. Unauthorized alteration of any part of the Pretreatment System;
6. Failure to submit all required self-monitoring reports/results;
7. Any other condition which is in violation of the Malaga Code, an Individual Wastewater Discharge Permit, or any other Permit or order issued under the Malaga Code or any other law or regulation or any Pretreatment Standard or requirement.

The person issuing the inspection/observation notice shall document, in the notice, the date when the observation/inspection was made/performed; the facts, circumstances, and evidence supporting the observation; state the actions necessary by the IU to correct and/or abate the condition and the date upon which such corrective action must be performed/completed.

B. Notice of Violation. A Notice of Violation is a written notice, issued by the General Manager or the Board which identifies a violation or violations and orders the IU to abate the violation(s) and any other actions required by the IU, and a date by which the IU must abate the violation(s) or complete the actions required by the Notice of Violation.

C. Conference With IU. A conference may be scheduled with an IU as part of a notice of violation, compliance schedule, compliance order, or in response to one (1) or more of the following:

1. Failure to report a Discharge, spill, or Slug Discharge in violation of permitted conditions; or
2. Failure to submit all self-monitoring results/reports; or
3. Discovery of an unauthorized Discharge; or
4. Two (2) or more reporting violations within two (2) consecutive calendar quarters; or
5. The IU's monitoring or compliance history warrants an informal meeting to discuss and establish the cause(s) of violations and the actions necessary to prevent future violations.

D. Compliance Schedules. In the event that subsequent to the issuance of reissuance of a Permit, new federal, state or local regulations or standards are adopted such that the Permit or reissue Permit is amended and an IU cannot maintain compliance with existing practices or technology, the District may require the IU to install additional Pretreatment equipment and/or adopt Best Management Practices to comply with the new standards. In this event, the IU will be required to submit a Pretreatment plan proposal, subject to District approval, as part of its Permit/Permit Reissue Application. The Pretreatment proposal shall include a description of the equipment and/or procedures or practices including, but not limited to, an interim program, a schedule for equipment purchase, installation, or testing, a flow process diagram or schedule, and a final implementation plan. If approved, the IU shall be required to submit progress reports on the proposals implementation including, but not limited to, whether or not the IU complied with the scheduled process and if so, on what date, and if not, the date on which the IU expects to comply with the scheduled increment of progress, the reason for delay, and the steps being taken by the IU to adhere to the established compliance schedule.

Nothing in this section will prevent the District from issuing a notice of violation for failing to comply with a compliance order, cancel or revoke the compliance order, or take any other action necessary to gain compliance if the IU fails to adhere to the compliance schedule.

V. FORMAL ENFORCEMENT PROCEDURES.

A. Administrative Citations. Pursuant to Chapter 7 of Title 1 of the Malaga Code, the District may issue administrative citations to enforce any provision of the Malaga Code, or any Permit, order issued pursuant to the Malaga Code or any other statute or regulation adopted by reference by the Malaga Code. The issuance of administrative citations shall be governed by Chapter 9 of Title 1 of the Malaga Code.

B. Compliance Order. A compliance order may be issued to any IU that is in violation of the Malaga Code, or any Permit, order, or regulation which the District has the authority to enforce. A compliance order should be issued after it is determined that an IU is in significant non-compliance. A compliance order may be issued by the General Manager, or his or her designee, the Board, or the District Engineer. The compliance order should contain, but is not limited to, the facts and circumstances supporting the finding of a violation(s), the actions necessary by the IU to correct or abate the violation(s) and the date or dates upon which any actions must be completed or response must be provided. Unless there is good cause found by the Enforcement Officer issuing the compliance order, a compliance order should contain the following compliance schedule:

1. Response by the IU to any inaccuracies of fact in the findings of violation within 15 days from the issuance of the compliance order;
2. The IU shall submit a preliminary engineering plan outlining the steps necessary to comply with permitted limits within 45 days after the issuance of a compliance order;
3. The IU either take all necessary corrective action to achieve compliance or cease Discharge of industrial wastewater into the District's sewerage system within 90 days after the issuance of a compliance order.

C. Administrative Complaint. Pursuant to Chapter 9 of Title 1 of the Malaga Code, the District may issue an administrative complaint pursuant to "54725, et seq., of the Government Code, or any other applicable statute or regulation.

D. Show-Cause Hearing. Pursuant to Chapter 7 of Title 1 of the Malaga Code, the District may order a user who has violated, or continues to violate, any provision of the Malaga Code, an Individual Wastewater Discharge Permit, or any other order issued under the Malaga Code, or any other Pretreatment Standard or Requirement to appear before the Board of Directors, or the Board of Directors' designee, to show cause why enforcement action should not be taken. The notice of a show-cause hearing shall be given to the IU and specify the time and place for the hearing. Such notice shall be served personally or by United States registered mail or certified mail (return receipt requested) at least twenty (20) days prior to the hearing pursuant to Chapter 7, Title 1 of the Malaga Code.

E. Cease and Desist Order. The District may issue an order requiring the user to cease and desist any violation and to immediately comply with all requirements and take such remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.

F. Permit Revocation or Suspension. Pursuant to Section 060 of Chapter 6 of Title 3 of the Malaga Code (3.06.060), the General Manager, or his or her designee, or the

District Engineer may immediately revoke or suspend an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the District of significant changes to the Wastewater prior to changed Discharge;
2. Failure to provide prior notification to the District of changed conditions pursuant to this Code;
3. Misrepresentation or failure to fully disclose all relevant facts in the Individual Wastewater Discharge Permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the District timely access to the facility premises and records;
7. Failure to meet affluent limitations;
8. Failure to pay fines;
9. Failure to pay Sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a Wastewater survey or the Individual Wastewater Discharge Permit application;
12. Transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or requirement, or any terms of the Individual Wastewater Discharge Permit or this Code.

In the event of revocation or suspension of an Individual Wastewater Discharge Permit, the District shall attempt to notify the User or the Users Authorized Representative prior to the suspension/revocation, however, failure to do so shall not affect the validity of any order suspending or revoking any Permit.

G. Water Supply Severance. Pursuant to Chapter 7 of Title 1 of the Malaga Code, the District may order that the water service to the IU be severed. Water service will only be reconnected to the IU, at the IU's expense, after the IU has satisfactorily demonstrated to the District its ability to comply with any and all applicable Discharge limits.

H. Injunctive Relief. Pursuant to Chapter 7 of Title 1 of the Malaga Code, the District may petition the Superior Court of California, County of Fresno, or any other court having jurisdiction, through the District's attorney, for the issuance of a temporary or permanent injunction, as applicable, which restrains or compels the specific performance of the Individual Wastewater Discharge Permit, order or other requirement imposed by the District, or any other law or regulation applicable to the IU.

I. Civil Penalties. Pursuant to Chapter 7 of Title 1 of the Malaga Code, the District may seek civil penalties against any IU who has violated, or continues to violate, any provision of the Malaga Code, any Individual Wastewater Discharge Permit, or other Permit or order issued pursuant to the Malaga Code or any other statute or regulation or any other Pretreatment Standard or Requirement. The IU may be liable to the District for a civil penalty of not less than One Thousand Dollars (\$1,000.00) per day per violation. Each day a violation exists shall constitute a separate violation and in the case of a monthly or long-term average violation of a Discharge limit, penalties shall accrue for each day during the period of the violation. In addition to the civil penalty, the District may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the costs of any actual damages incurred by the District.

VI. IMPLEMENTATION.

A. Choosing Enforcement Action. The order of enforcement actions set forth in the ERP, both formal and informal, provide a guideline for using escalating enforcement actions to achieve the goals of the District's wastewater management program. However, the enforcement officer should consider all relevant information available to determine the most appropriate enforcement action available to gain compliance with the District's wastewater control program, the District's sewer ordinance, and individual wastewater discharge permit, or any other permit, order or regulation.

When determining the appropriate enforcement action, the Enforcement Officer may consider the following:

1. Magnitude of the Violation.

a. Isolated Non-Compliance. Generally, an isolated incident of non-compliance that does not threaten public health or the environment, damage public or private property, or threaten the integrity of the District's Wastewater Control Program can be met with an informal enforcement procedure response.

b. Significant Non-Compliance. Any violation, even an isolated violation, should be met with formal enforcement procedures which include an order that requires a return to compliance by a specified deadline.

2. Duration of the Violation. Any violation, regardless of severity, which continues over a prolonged period of time should subject the IU to escalated enforcement actions. When considering enforcement actions, the District's response should prevent extended periods of non-compliance from reoccurring. The Enforcement Officer should consider issuing a Compliance Schedule or a Compliance Order for chronic, minor violations. If the IU fails to comply with said orders, the District should escalate enforcement actions such as issuing Administrative Citation(s), with penalties, to gain compliance.

3. Effect on the Receiving Water. Any violation that results in the passing through of pollutants through the POTW and entering the receiving stream resulting in environmental harm should be met with a severe enforcement response. At a minimum, such response should include a Compliance Order and an Administrative Citation or Complaint assessing a fine against the IU.

4. Effect on the POTW. Any violation which negatively impacts the POTW including, but not limited to, resulting in significant increases in treatment costs, interference or harm with POTW personnel, equipment, processes, operations, or causing sludge contamination resulting in increased disposal costs should be met with a significant response. Said response should include a Compliance Order and an Administrative Citation or Administrative Complaint assessing a fine against the IU.

5. Compliance History of the User. Where one or more enforcement procedures are available to the District, the District may consider the compliance history of the User in determining whether to use a more or less severe enforcement procedure. For example, where a User has a pattern of reoccurring violation (even of different program requirements), this may indicate that either the User's treatment system is inadequate or the User has taken a casual approach to operating and maintaining its treatment or Pretreatment System. Because this indicates to the District a likelihood of future significant violations, the District should choose a more severe enforcement procedure to gain compliance. Conversely, where a User has a history of good compliance, the District may choose to use a less severe enforcement procedure.

6. Good Faith of User. The IU's good faith in correcting non-compliance may be used as a factor in determining which enforcement procedure the District may invoke. Good faith may be defined as the IU's honest intention to remedy its non-compliance coupled with actions which give support to this intention. Generally, a User's demonstrative willingness to comply should predispose the District to select a less severe enforcement procedure. However, good faith does not eliminate the District's necessity for implementing an appropriate enforcement action.

B. Cost Recovery. For all enforcement procedures, the District should recover its enforcement costs, which include, but are not limited to, inspection costs, sampling

costs, testing costs, administrative costs, staff time, engineering costs, and legal costs. The costs of enforcement shall be determined by the General Manager, or his or her designee, and billed to the IU, owner, or responsible party. If the IU, owner or responsible party desires to contest the amount of the charges imposed, the IU, owner or responsible party may submit a written request for an appeal to the General Manager, or his or her designee, within thirty (30) days after the date the charge was billed to the IU, owner or responsible party.

C. Non-exclusive. The enforcement actions described in this Enforcement Response Plan, shall be non-exclusive and cumulative and shall not prohibit the District from enforcing any provision of the Malaga Code or any other statute, order, permit or regulation the District has the authority to enforce by any other method available at law.