

**BEFORE THE DISTRICT BOARD OF THE FORT BRAGG MUNICIPAL IMPROVEMENT  
DISTRICT NO. 1**

**AN ORDINANCE REPEALING AND  
REPLACING CHAPTERS 14.08 – 14.40  
OF TITLE 14 (WATER AND SEWERS) OF  
THE FORT BRAGG MUNICIPAL CODE**

**ORDINANCE NO. 911-2015**

**WHEREAS**, the Fort Bragg Municipal Improvement District (“District”) contracted with Freshwater Environmental Services to update the Sewer Use Ordinance and Enforcement Response Plan and provide National Pollutant Discharge Elimination System (NPDES) Compliance Support to satisfy specific requirements of the Source Control Provisions; and

**WHEREAS**, the District currently seeks to update its regulations implementing the Source Control Program within the Improvement District boundaries; and

**WHEREAS**, the District Board has determined that industrial and commercial dischargers of high strength waste and/or stored chemicals into the collection system are a threat to the operation of the wastewater facility, the public, employees, and to the beneficial reuse of the waterways of the State; and

**WHEREAS**, the District Board wishes to establish rules and regulation implementing the Wastewater Source Control Program within the District boundaries.

**NOW, THEREFORE, the District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby ordain as follows:**

**Section 1. Legislative Findings.** The District Board hereby finds as follows:

1. The District’s Source Control Program was developed in accordance with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403).
2. The District’s NPDES permit requires implementation of necessary legal authorities to monitor and enforce source control standards, restrict discharges of toxic materials to the collection system and inspect facilities connected to the system.
3. The objectives of the Sanitary Code are:
  - a. To prevent the introduction of pollutants into the Waste Water Treatment Facility (WWTF) that will interfere with the operation of the WWTF; or which may pass through the WWTF inadequately treated, into receiving waters or otherwise be incompatible with the WWTF;
  - b. To ensure that the quality of the WWTF bio-solids is maintained at a level which allows use and disposal in compliance with applicable statutes and regulations;

- c. To protect WWTF personnel who may be affected by wastewater and bio-solids in the course of their employment and to protect the general public;
  - d. To improve the opportunity to recycle and reclaim wastewater and bio-solids from the WWTF; and
  - e. To enable the District to comply with its NPDES permit conditions, bio-solids use and disposal requirements, and any other federal or state laws to which the WWTF is subject.
4. The adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) as this ordinance is not a "project" under CEQA; in accordance with Section 15378b2, general policy and procedure making is not a "project" under CEQA. This ordinance establishes policies and procedures for the Municipal Service District.

**Section 2.** Based on the foregoing, the District Board hereby repeals Chapters 14.08 through 14.40 of Title 14 (Water and Sewers) and replaces it in its entirety with the attached new Chapters 14.08 through 14.40.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The District Board of Fort Bragg Municipal Improvement District No. 1 hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 4. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the District Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the District Board members voting for and against its passage.

The foregoing Ordinance was introduced by Board member \_\_\_\_\_ at a regular meeting of the District Board of the Fort Bragg Municipal Improvement District No. 1 held on August 10, 2015, and adopted at a regular meeting of the District Board of the Fort Bragg Municipal Improvement District No. 1 held on \_\_\_\_\_, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

**Dave Turner, Chair**

**ATTEST:**

---

**June Lemos**  
**Acting District Clerk**

**PUBLISH:** \_\_\_\_\_, 2015 and \_\_\_\_\_, 2015 (by summary).  
**EFFECTIVE DATE:** \_\_\_\_\_, 2015.

## CHAPTER 14.08: SANITARY CODE — GENERAL PROVISIONS

### Section

- 14.08.010 Title
- 14.08.020 Purpose
- 14.08.030 Rules and regulations
- 14.08.040 Violation unlawful
- 14.08.050 Relief on application
- 14.08.060 Relief on own motion
- 14.08.065 District Board compensation
- 14.08.070 Permits — fees

#### **§ 14.08.010 TITLE.**

Chapters 14.08 through 14.40 shall be known as the “Fort Bragg Municipal Improvement District No. 1 Sanitary Code” (“Sanitary Code”).

#### **§ 14.08.020 PURPOSE.**

The Sanitary Code is intended to provide rules and regulations for the use and construction of Sanitary Sewer Works installed, altered, or repaired within the District.

The Sanitary Code sets forth uniform requirements for Users of the Sanitary Sewer Works and Wastewater Treatment Facility (WWTF) for the District. The Sanitary Code shall apply to all Persons discharging into the Sanitary Sewer Works and the WWTF. It provides for the setting of User charges and fees for the equitable distribution of costs to all Users. Revenues derived from the application of the provisions of the Sanitary Code shall be used to defray the District's cost of operating and maintaining an adequate Sanitary Sewer Works and to provide sufficient funds for capital outlay, bond service costs, capital improvements depreciation, and source control. This chapter also enables the District to comply with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403).

*Objectives.* The objectives of the Sanitary Code are:

- A. To prevent the introduction of pollutants into the WWTF that will interfere with the operation of the WWTF; or which may Pass Through the WWTF inadequately treated, into receiving waters or otherwise be incompatible with the WWTF;
- B. To ensure that the quality of the WWTF Biosolids is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- C. To protect WWTF personnel who may be affected by Wastewater and Biosolids in the course of their employment and to protect the general public;
- D. To improve the opportunity to recycle and reclaim treated Wastewater and Biosolids from the WWTF; and
- E. To enable the District to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, Biosolids use and disposal requirements, and any other federal or state laws to which the WWTF is subject.

#### **§ 14.08.030 RULES AND REGULATIONS.**

The rules and regulations in the Sanitary Code respecting Sanitary Sewer Works construction and disposal of Wastewater and connection to the Sanitary Sewer Works of the District are adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

#### **§ 14.08.040 VIOLATION UNLAWFUL.**

It is unlawful for any Person to connect to, construct, install or provide, maintain and use any other means of Wastewater disposal from any Building in the District except by connection to a Public Sewer in the manner as provided in the Sanitary Code.

**§ 14.08.050 RELIEF ON APPLICATION.**

When any Person, by reason of special circumstances, is of the opinion that any provision of the Sanitary Code is unjust or inequitable as applied to his or her premises, he or she may make written application to the Board, stating the special circumstances, citing the provision complained of and requesting suspension or modification of that provision as applied to his or her premises. If the application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to the premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

**§ 14.08.060 RELIEF ON OWN MOTION.**

The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premises and may, by resolution, order the suspension or modification for the premises during the period of the special circumstances, or any part thereof.

**§ 14.08.065 DISTRICT BOARD COMPENSATION.**

Pursuant to Cal. Health and Safety Code § 4733, the District Board may fix the amount of compensation per meeting to be paid each member of the Board for services for the meeting attended by the member. The compensation shall not exceed \$100 for each meeting of the District Board attended by the member or for each day's service rendered as a member by request of the Board, not exceeding a total of six (6) days in any calendar month, together with any expenses incident thereto.

**§ 14.08.070 PERMITS — FEES.**

No Sanitary Sewer Works, private or public shall be installed, altered, or repaired within the District until a Permit for the work has been obtained from the District and all fees paid in accordance with the requirements of Chapter 14.24.

## CHAPTER 14.12: SANITARY CODE — DEFINITIONS

### Section

#### 14.12.010 Definitions

##### § 14.12.010 DEFINITIONS.

For the purpose of the Sanitary Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT or THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

**APPLICANT.** The Person making application for a Permit for a Sewer or plumbing installation and shall be the owner of premises to be served by the Sewer for which a Permit is requested or his or her authorized agent.

**AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.**

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 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 General 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 for the company, and the written authorization is submitted to the District.

**BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in the Sanitary Code. BMPs 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.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of the Wastewater under standard laboratory conditions in five (5) days at 20° C, expressed in milligrams per liter (mg/L).

**BIOSOLIDS.** Treated residual solids from Wastewater treatment.

**BOARD.** The governing board of the Fort Bragg Municipal Improvement District No. 1.

**BUILDING.** Any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

**CATEGORICAL INDUSTRIAL USER.** An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with sections 307(b)

and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**CATEGORICAL WASTEWATER.** Technology-based limitations on pollutant discharges to publicly owned treatment works (POTWs) promulgated by EPA in accordance with Section 307 of the Clean Water Act that apply to specified process Wastewaters of particular industrial categories [see 40 CFR 403.6 and 40 CFR Parts 405- 471].

**COMMERCIAL PROPERTIES.** Includes, but is not necessarily limited to, retail and wholesale businesses, hotels, motels, auto courts, theaters, professional services, cleaning establishments, restaurants, banks and similar establishments.

**COMPOSITE SAMPLE.** A Composite Sample is composed of individual grab samples collected at periodic intervals, at least every hour, during the operating hours of the facility over a 24-hour period.

**CONSENT ORDER.** A final, binding judicial decree or judgment memorializing a voluntary agreement between parties to a suit in return for withdrawal of a criminal charge or an end to a civil litigation. In a typical consent decree, the defendant has already ceased or agrees to cease the conduct alleged by the plaintiff to be illegal and consents to a court injunction barring the conduct in the future

**CONTRACTOR.** An individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the Permit.

**DAILY MAXIMUM LIMIT.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in units of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**DISTRICT.** The Fort Bragg Municipal Improvement District No. 1, Mendocino County, California.

**DISTRICT MANAGER.** The person or persons appointed by the Board to administer and enforce the rules and regulations of the District or his or her designee.

**DOMESTIC WASTEWATER.** The Wastewater derived principally from dwellings, business Buildings, institutions and the like.

**EXISTING SOURCE.** Any source of discharge that is not a **NEW SOURCE**.

**FATS, OILS AND GREASES (FOG).** Any organic compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

**FOOD SERVICE ESTABLISHMENTS.** Those establishments primarily engaged in activities of preparing, serving, or otherwise making food available for consumption by the public. These establishments include, but are not limited to, restaurants, commercial kitchens, caterers, hotels, schools, hospitals, prisons, correctional facilities, and care institutions. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

**GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of product, except for FOG.

**GENERAL PERMIT.** A Permit issued by the District to control Significant Industrial User (SIU) discharges to the Wastewater Treatment Facility (WWTF) if the type of operations of various Users are the same or substantially similar, the discharges are the same, the effluent limitations are the same, require the same or similar monitoring, and in the opinion of the District Manager, are more appropriately controlled under a General Permit than under Individual Wastewater Discharge Permits.

**GRAB SAMPLE.** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

**GREASE INTERCEPTORS.** A structure or device designed for the purpose of removing and preventing FOG from entering the Sanitary Sewer Works. These devices are often below-ground units in outside areas and are built as two (2) or three (3) chamber baffled tanks.

**GREASE TRAP.** A device for separating and retaining waterborne greases and grease complexes prior to the Wastewater exiting the trap and entering the Sanitary Sewer Works. Such traps are typically compact under-the-sink units that are near food preparation areas.

**INDIVIDUAL WASTEWATER DISCHARGE PERMIT.** A Permit issued by the District to control individual SIU discharges to the WWTF.

**INDUSTRIAL PROPERTIES.** Includes, but is not necessarily limited to, manufacturing, canning, food processing and similar types of business.

**INDUSTRIAL USER (IU).** A source of indirect discharge. An indirect discharge is the introduction of pollutants from a non-domestic source into a publicly owned Sanitary Sewer Works. Indirect dischargers can be commercial or industrial facilities whose wastes enter local Sewers.

**INDUSTRIAL WASTEWATER.** Wastewater not otherwise defined as Domestic Wastewater, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing facilities.

**INTERFERENCE.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWTF, its treatment processes or operations, or its Biosolids processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permit or of the prevention of Biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state Biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood products, blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**MINIMUM DESIGN CAPACITY.** The design features of a Grease Interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden Wastewaters discharged to the public Sanitary Sewer Works.

**MULTIPLE-FAMILY RESIDENTIAL.** Those properties on which exists a structure or structures housing more than one (1) family unit and having one (1) or more Sewer Lateral connections.

**NEW SOURCE.**

A. 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 proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Pretreatment Standards are thereafter promulgated in accordance with that section, provided that:

1. The Building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The Building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
3. The production or Wastewater generating processes of the Building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these 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, should be considered.

B. 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 paragraph A, subsection 2 or 3 above but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program.
  - a) any placement, assembly, or installation of facilities or equipment; or
  - b) 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
2. 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 contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**PASS THROUGH.** A discharge which exits the WWTF into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERMIT.** Any written authorization required pursuant to this or any other regulation of the District for the installation of, connection to, or use of any Sanitary Sewer Works.



**PERSON.** 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, or local governmental entities.

**PLUMBING SYSTEM.** All plumbing fixtures and traps for soil waste and special waste, vent pipes and all Sewer pipes within a Building and extending to the private Sewer Lateral connection three (3) feet outside the Building wall.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**PRETREATMENT STANDARDS.** Pretreatment Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

**PUBLIC PROPERTIES.** Includes, but is not necessarily limited to, schools, hospitals, churches, meeting halls and similar structures.

**SANITARY SEWER WORKS.** All facilities for collecting, pumping, storing, treating, recycling, reclaiming, and disposing of Wastewater or industrial wastes of a liquid nature, and any conveyances which convey Wastewater to a treatment plant. Such facilities do not intentionally admit storm, surface, or ground waters.

**SANITARY SEWER WORKS, PRIVATE.** A Sanitary Sewer Works serving an independent Wastewater User not connected to a Public Sewer.

**SEPTIC TANK SERVICES.** Businesses of a commercial nature engaged in pumping and cleaning septic tanks.

**SEWER.** A pipe or conduit for carrying Wastewater.

**SEWER, LATERAL.** A Sewer serving a User between a Building and a Sewer Main. The private portion of a Sewer Lateral lies within private property, private easement, or other similar right. The public portion of a Sewer Lateral lies within a public right of way, public easement, or other similar right.

**SEWER, MAIN.** A Public Sewer designed to accommodate one (1) or more Lateral Sewer.

**SEWER, PUBLIC.** A Sewer lying within a street and which is controlled by or under the jurisdiction of the District.

**SIGNIFICANT INDUSTRIAL USER (SIU).** Except as provided in paragraphs (C) and (D) of this section, a Significant Industrial User is:

A. An Industrial User subject to Categorical Pretreatment Standards; or

B. An Industrial User that:

1. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process Wastewater to the WWTF (excluding sanitary, noncontact cooling, and boiler blowdown Wastewater); or

2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWTF; or

3. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the WWTF's operation or for violating any Pretreatment Standard or requirement.

C. The District may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gpd of total Categorical Wastewater (excluding sanitary, non-contact cooling, and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

2. The Industrial User annually submits the certification statement required in § 14.18.120(B) [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

3. The Industrial User never discharges any untreated concentrated Wastewater.

D. Upon a finding that a User meeting the criteria in Subsection (B) of this part has no reasonable potential for adversely affecting the WWTF's operation or for violating any Pretreatment Standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

**SINGLE-FAMILY RESIDENTIAL.** Properties on which exist a single unit having only one (1) Sewer Lateral connection.

**SINGLE-FAMILY UNIT.** Refers to the place of residence for a single family. Property improved for multi-family purposes shall constitute the number of units that the facilities thereon provide, in number, facilities for Single-Family Units. When such improvements are for other than residential purposes, the number of units shall be determined by dividing the total number of persons regularly using or occupying said premises by three (3). When the property is unimproved, a single

lot shall be deemed to have four (4) lots to the acre, unless the Board, in its discretion, specially fixes some other number of lots therefore.

**SLUG LOAD OR SLUG DISCHARGE.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Chapter 14.16 of this Code. 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 in any other way violate the WWTF's regulations, local limits or NPDES permit conditions.

**STORM DRAIN.** A system of pipes which carries storm and surface or ground waters and drainage, but excludes Wastewater and polluted industrial wastes.

**USER.** Any Person, including those located outside the jurisdictional limits of the District, who contributes, causes or permits the contribution or discharge of Wastewater into Sanitary Sewer Works within the District's boundaries, including Persons who contribute such Wastewater from mobile sources, such as those who discharge hauled Wastewater.

**WASTEWATER.** A combination of water-carried wastes from residences, business Buildings, institutions, and industrial establishments. This excludes storm water and groundwater discharges

**WASTEWATER TREATMENT FACILITY (WWTF).** Any arrangement of devices and structures used for treating Wastewater. A public WWTF is also known as a Public Owned Treatment Works (POTW).

## CHAPTER 14.16: SANITARY CODE — USE OF PUBLIC SEWERS

### Section

- 14.16.010 Disposal of wastes
- 14.16.020 Treatment of wastes required
- 14.16.030 Unlawful disposal
- 14.16.040 Occupancy prohibited
- 14.16.050 Sewer required
- 14.16.060 *[Reserved]*
- 14.16.070 Drainage into Sanitary Sewer Works prohibited
- 14.16.080 Use of Storm Drains required
- 14.16.090 Types of wastes prohibited
- 14.16.095 Interceptors required
- 14.16.100 Fats, oils, and grease (FOG) control
- 14.16.120 Preliminary treatment of wastes
- 14.16.130 Maintenance of pretreatment facilities
- 14.16.140 Control manholes
- 14.16.150 Measurements and tests
- 14.16.160 Special agreements
- 14.16.170 Swimming pools

### § 14.16.010 DISPOSAL OF WASTES.

It is unlawful for any Person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District or in any area under the jurisdiction of the District, any human or animal excrement, Garbage, or other objectionable waste.

### § 14.16.020 TREATMENT OF WASTES REQUIRED.

It is unlawful to discharge to any stream or watercourse any Wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of the Sanitary Code.

**§ 14.16.030 UNLAWFUL DISPOSAL.**

Except as provided in the Sanitary Code, it is unlawful to construct any new privy, vault, septic tank, cesspool, seepage pit, or other facility intended or used for the disposal of Wastewater within the District.

**§ 14.16.040 OCCUPANCY PROHIBITED.**

No Building, industrial facility, or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District.

**§ 14.16.050 SEWER REQUIRED.**

The owner of any Building situated within the District using a disposal system other than the public Sanitary Sewer Works of the District, who has his or her present facility declared to be a public nuisance by the appropriate County or State Health Officer, shall be required at his or her expense to connect the Building directly with the proper Public Sewer in accordance with the provisions of the Sanitary Code within 30 days after date of official notice to do so; provided and provided further, that the Public Sewer is within 200 feet of the nearest point of the subject Building.

**§ 14.16.060 [RESERVED].**

**§ 14.16.070 DRAINAGE INTO SANITARY SEWER WORKS PROHIBITED.**

A. No leaders from roofs and no surface drains for rainwater shall be connected to any Sanitary Sewer Works. No surface or storm water, seepage, cooling water, or unpolluted industrial process waters shall be permitted to enter any Sanitary Sewer Works by any device or method whatsoever.

B. “Unpolluted water” means any water within the following limits of quality:

pH	6.0 minimum, 8.5 maximum
Biochemical oxygen demand	5 milligrams per liter, maximum
Dissolved matter	1,000 milligrams per liter, maximum
Suspended matter	5 milligrams per liter, maximum
Settleable matter	0.1 milliliters per liter per hour, maximum
Grease or oil <sup>1</sup>	10 milligrams per liter, maximum

**NOTES TO TABLE:**

<sup>1</sup> - Any known discharge of oil or grease shall be monitored a minimum twice a year by the discharger with the results forwarded to the City.

**§ 14.16.080 USE OF STORM DRAINS REQUIRED.**

Storm water and all other unpolluted drainage shall be discharged to Storm Drains, or to a natural outlet approved by the District Manager.

**§ 14.16.090 TYPES OF WASTES PROHIBITED.**

No User shall introduce or cause to be introduced into the WWTF any pollutant or Wastewater which causes Pass Through or Interference. This general prohibition applies to all Users of the WWTF whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Source Control Requirements.

A. Except as hereinafter provided, no Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewer:

1. Pollutants which cause a fire or explosion hazard in the WWTF, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
2. Solid or viscous pollutants or other substances/materials in amounts which will cause obstruction to the flow in the Sanitary Sewer Works resulting in Interference or injury to the treatment works;
3. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Pass Through or Interference with the WWTF;
4. Any liquid or vapor having a temperature higher than 150°F; or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the WWTF to exceed 104 ° F (40 ° C);
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
6. Trucked or hauled substances/materials, except at discharge points designated by the District in accordance with § 14.40.090 of the Sanitary Code;
7. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
8. Medical Wastes, except as specifically authorized by the District in an Individual Wastewater Discharge Permit;
9. Any water or waste which may contain more than one hundred (100) parts per million (100 mg/L) of FOG;
10. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
11. Any waste or Wastewater with more than one hundred (100) mg/L Total Petroleum Hydrocarbons (TPH) as diesel, motor oil, or hydraulic oil;
12. Any Garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than two (2) inch in any dimension;
13. Any waters or wastes having a pH lower than 6.0 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sanitary Sewer Works;
14. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the WWTF or any waste that would be a hazardous waste under 40 CFR Part 261;
15. Any waters or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the WWTF;
16. Any noxious or malodorous gas or substance capable of creating a public nuisance;
17. Any septic tank sludge;
18. Any water or wastes containing radioactivity, or radioactive isotope, of the half-life or concentration as may exceed limits set by the District Manager in compliance with state or federal regulations;
19. Any waters containing algaecides, fungicides, antibiotics, insecticides, strong oxidizing agents, or strong reducing agents;
20. Any waters containing mercury or mercury compounds; and/or
21. The following is a partial list of toxic substances and their maximum concentration allowable for admission to a Public Sewer system:

<i>Toxicant</i>	<i>Maximum Allowable Concentration Milligrams per Liter (mg/L)</i>
Alcohols	100
Aluminum	0.2
Arsenic and arsenicals	1.0
Barium	5.0
Beryllium	0.1
Boron	10.0

<i>Toxicant</i>	<i>Maximum Allowable Concentration Milligrams per Liter (mg/L)</i>
Bromine, iodine, chlorine (total)	50.0
Cadmium	0.1
Chromium and chromium salts (as chromium)	0.5
Copper and copper salts (as copper)	0.1
Creosols and creosotes	1.0
Cyanides and nitriles	0.2
Fluoride	1.5
Formaldehydes	1.0
Iron	1.0
Lead	0.2
Manganese	0.2
Nickel	0.2
Organic solvents	1.0
Phenol and phenol derivatives	0.5
Selenium	2.0
Silver and silver compounds (as silver)	0.01
Zinc compounds (as zinc)	0.2

B. The maximum allowable concentration of toxic or potentially toxic materials not listed above will be determined by the District Manager on an individual basis.

C. In no event shall any industrial waste discharged to the Public Sewers have a 96-hour median tolerance limit (TLM), as determined by the Routine Fish Bioassay Method, of less than 25%.

D. The above limits apply at the point where the Wastewater is discharged to the Sanitary Sewer Works and apply to instantaneous maximum concentrations. All concentrations for metallic substances are for total metals unless indicated otherwise. The District Manager may impose mass limitations in addition to the concentration-based limitations above.

E. Pollutants, substances, or Wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWTF.

F. *Right of Revision.* The District reserves the right to establish, by ordinance or in Individual Wastewater Discharge Permits or in General Permits, more stringent Standards or Requirements on discharges to the WWTF consistent with the purpose of the Sanitary Code.

G. *BMPs.* The District Manager may develop BMPs, by policy or in Individual Wastewater Discharge Permits, or General Permits, to implement local limits and the requirements of the Sanitary Code.

No User shall ever 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 unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

*Analytical Requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed by an Environmental Laboratory Accreditation Program (ELAP) certified laboratory in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District Manager or other parties approved by EPA.

#### **§ 14.16.095 INTERCEPTORS REQUIRED.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the District Manager, pursuant to the Uniform Plumbing Code, Chapter 10, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for Buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the District and shall be so located as to be readily and easily accessible for cleaning and inspection.

All such grease, oil and sand interceptors shall be maintained by the owner, at their expense, in continuous efficient operation at all times.

#### **§ 14.16.100 FATS, OILS, AND GREASE (FOG) CONTROL.**

In an effort to curb sanitary sewer overflows (SSOs) caused by grease accumulation in its Sewer Mains, the District requires any nonresidential facility connected to the Sanitary Sewer Works involved in the preparation or serving of foods will be subject to the conditions of this section.

A. *Scope and purpose.* This section will aid in the prevention of blockages and obstructions from contributions and accumulation of FOG into the Sanitary Sewer Works from industrial or commercial establishments, particularly food preparation and serving facilities.

B. *Food Service Establishment Requirements.* All Food Service Establishments discharging Wastewater into District Sanitary Sewer Works are subject to the following requirements:

1. *Grease interceptor requirements.* All Food Service Establishments are required to install, operate, and maintain an approved type and adequately sized Grease Interceptor necessary to maintain compliance with the objectives of this section. All Grease Interceptors must meet the requirements of the Uniform Plumbing Code.

2. *Time of Compliance.* All Food Service Establishments described in this section are required to install a sand and/or Grease Interceptor or Grease Trap within the sixty (60) day period after the first occurrence of any of the following events:

- a. Transfer of ownership in the commercial business;
- b. Transfer of title of real property in which the commercial business exists;
- c. A change of use of the Building;
- d. The issuance of any Building Permit for the construction, reconstruction or related work to be performed on the premises costing more than \$5,000;
- e. The backup or discharge of raw sewage on or from the premises due to grease build up in the Sewer Lateral; or within
- f. Ninety (90) days after receiving written notice from the District Manager of the necessity for installation of such facilities pursuant to Uniform Plumbing Code Chapter 10.

3. All such facilities must obtain approval from the District Manager for Grease Interceptor sizing prior to issuance of a Building Permit. All Grease Interceptors shall be easily accessible for cleaning and inspection. Existing facilities applying for a Building Permit, as required to complete planned modifications, will be required to comply with the Grease Interceptor requirements. These facilities must obtain approval from the District Manager for Grease Interceptor sizing prior to issuance of a Building Permit.

4. *Variance from Grease Interceptor requirements.* Grease interceptors required under this section shall be installed unless the District Manager authorizes the installation of an indoor Grease Trap or other alternative pretreatment technology and determines that the installation of a Grease Interceptor would not be feasible. The Food Service Establishment bears the burden of demonstrating that the installation of a Grease Interceptor is not feasible. The District Manager may authorize the installation of an indoor Grease Trap where the installation of a Grease Interceptor is not feasible due to space constraints or other considerations. If an establishment believes the installation of a Grease Interceptor

is infeasible, because of documented space constraints, the request for an alternative grease removal device shall contain the following information:

- a. Location of Sewer Main and easements in relation to available exterior space; and
- b. General information about existing plumbing at the site.

C. *Wastewater discharge limitations.* No User shall allow Wastewater discharge concentrations of FOG from subject Grease Interceptor, Grease Trap or alternative pretreatment technology to exceed 100 mg/L, as defined by method EPA test method 1664.

D. *Grease Interceptor requirements.*

1. Grease Interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code.

2. Grease Interceptors shall be constructed in accordance with designs approved by the District Manager and shall have a minimum of two (2) compartments with fittings designed for grease retention.

3. Grease Interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The Grease Interceptor may not be installed in any part of the Building where food is handled. Location of the Grease Interceptor must meet the approval of the District Manager.

4. All Grease Interceptors shall be serviced and emptied of accumulated waste contents as required in order to maintain Minimum Design Capacity or effective volume. These devices should be inspected at least monthly by the User. Users who are required to maintain a Grease Interceptor shall:

- a. Provide for a minimum hydraulic retention time in accordance with the Uniform Plumbing Code;
- b. Remove any accumulated grease cap and sludge pocket as required. Grease Interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, and the like, which could settle into this pocket and thereby reduce the effective volume of the device.

5. The User shall maintain a written record of inspection and maintenance for three (3) years. All the records will be made available for on-site inspection by representatives of the District during all operating hours.

6. Sanitary wastes are not allowed to be connected to a Sewer intended for Grease Interceptor service.

7. Access manholes, with a minimum diameter of twenty-four (24) inches, shall be provided over each Grease Interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow and infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and Wastewater sampling activities.

8. Users that are required to have a Grease Interceptor may be required to connect fixtures or drains that have a reasonable potential to allow fats, oils, and grease to be discharged to the Sanitary Sewer Works to an appropriately sized Grease Interceptor.

9. Users with Garbage grinders must discharge the Garbage grinder to a Grease Interceptor with a minimum capacity of 1,000 gallons or remove the Garbage grinder.

10. Users with dishwashers must discharge the dishwasher directly to the Sanitary Sewer Works or to a Grease Interceptor with a minimum capacity of 750 gallons.

11. Accumulated grease and sediment must be removed as required. At a minimum gravity Grease Interceptors and Grease Traps must be cleaned when the combined depth of sediment and grease equals or exceeds 25% of the total depth of the sediment, water, and grease. For multiple chambered interceptors the measurements of sediment and grease are to be performed in the final interceptor chamber prior to discharge. All other Grease Interceptors must be maintained in accordance with the manufacturer's specifications.

12. Grease Interceptors must be kept free of non-food waste including, but not limited to grit, rocks, gravel, sand, eating utensils, cigarettes, trash, towels, and rags.

13. The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction to a Grease Interceptor is specifically prohibited.

14. If the District Manager determines that a Grease Interceptor is not being adequately cleaned or maintained, a correction notice may be issued requiring the deficiency be corrected within seven working days. Maintenance programs including BMP's and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.

15. District may develop and implement a Fats, Oils, and Grease Policy.

E. *Grease Trap requirements.*

1. Upon approval by the District Manager, a Grease Trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in Food Service Establishments

where grease may be introduced into the drainage of the Sanitary Sewer Works in quantities that could affect line stoppage or hinder Wastewater treatment or Wastewater disposal.

2. Grease traps sizing and installation shall conform to the Uniform Plumbing Code.
3. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No collected grease shall be introduced into any drainage piping, or Public or private Sewer.
4. Wastewater in excess of 140°F/60°C shall not be discharged into a Grease Trap.

F. *Inspections.* All Grease Interceptors, Grease Traps, or other designated means for limiting discharges of FOG into the Sanitary Sewer Works, shall be subject to unannounced annual inspections conducted by District staff.

G. *Responsibility of Tenants.* Where an owner of property lets premises to any other Person as a tenant, if either the owner or the tenant is an Industrial User, either or both may be held responsible for compliance with the provisions of this section. This provision is enforceable against the either or both the owner, tenant or both, without regard to any contractual arrangements as between the owner and tenant.

H. *Food Service Establishment Storm Water Discharge Permit Requirements.* All permitted Food Service Establishments located within the City of Fort Bragg are subject to the following requirements by being located within the State Water Resources Control Board's MS4 permit boundaries: FOG cannot be disposed of directly or indirectly into the City's Storm Drain network because runoff collecting into Storm Drains flows freely without treatment into waters of the state (rivers, streams, estuaries, wetlands, Pacific Ocean) which are habitat to aquatic communities sensitive to these substances. FOG should not enter the Wastewater stream because as they chill and solidify they clog Wastewater lines causing backups and the inline plugging in the Sewer requiring significant maintenance to resolve. The District's storm water permit prohibits the discharge of oil and grease into storm waters. Grease from Grease Traps and Grease Interceptors must be recycled or otherwise properly disposed of. Grease accumulating on floors or non-slip mats must be cleaned in a manner that does not runoff to street gutters because street gutters are connected to Storm Drains which convey anything inside them directly to sensitive aquatic communities.

#### **§ 14.16.120 PRELIMINARY TREATMENT OF WASTES.**

A. The admission into the Sewers of any waters or wastes having:

1. A five-day Biochemical Oxygen Demand (BOD) greater than 300 mg/L;
2. Containing more than 350 mg/L of total suspended solids;
3. Containing any quantity of substances having the characteristics described in § 14.16.090; or
4. Having an average daily flow greater than 2% of the average daily Wastewater flow of the District, shall be subject to the review and approval of the District Manager.

B. Where necessary in the opinion of the District Manager, the owner shall provide, at his or her expense, the preliminary treatment as may be necessary to:

1. Reduce the Biochemical Oxygen Demand to 300 mg/L and the suspended solids to 350 mg/L; or
2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 14.16.090; or
3. Control the quantities and rates of discharge of the waters or wastes.

C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District Manager and of the State of California Regional Water Quality Control Board and no construction of the facilities shall be commenced until the approvals are obtained in writing.

#### **§ 14.16.130 MAINTENANCE OF PRETREATMENT FACILITIES.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

#### **§ 14.16.140 CONTROL MANHOLES.**

When required by the District Manager, the owner of any property served by the Sewer Lateral carrying industrial wastes shall install a suitable control manhole in the Sewer Lateral to facilitate observation, sampling, and measurement of wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

#### **§ 14.16.150 MEASUREMENTS AND TESTS.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with a currently approved edition of Standard Methods for the Examination of Water and



Wastewater, and shall be determined at the control manhole provided for in § 14.16.140, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Sewer Lateral is connected.

**§ 14.16.160 SPECIAL AGREEMENTS.**

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern and subject to the terms and conditions as might be required by District.

**§ 14.16.170 SWIMMING POOLS.**

It is unlawful for any Person to discharge the contents of a swimming pool into a Sewer except in the manner specified in this section. The size of pipe carrying discharge water shall not be larger than two (2) inches and shall not be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed 100 gallons per minute. Each swimming pool discharging to a Sewer shall be equipped with an approved separator to preclude any possibility of a backflow of Wastewater into the swimming pool or piping system.

## **CHAPTER 14.17: SANITARY CODE — INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT**

### Section

- 14.17.010 Individual Wastewater Discharge Permit and General Permit requirement
- 14.17.020 Permit application contents
- 14.17.030 Application signatories and certifications
- 14.17.040 Permit issuance process
- 14.17.050 Wastewater discharge permitting — General Permit
- 14.17.060 Individual Wastewater Discharge Permit and General Permit contents
- 14.17.070 Permit modification
- 14.17.080 Individual Wastewater Discharge Permit and General Permit revocation
- 14.17.090 Individual Wastewater Discharge Permit and General Permit reissuance
- 14.17.100 Individual Wastewater Discharge Permit and General Permit duration
- 14.17.110 Individual Wastewater Discharge Permit and General Permit transfer
- 14.17.120 Monitoring facilities
- 14.17.130 Inspection and sampling
- 14.17.140 Confidential information
- 14.17.150 Publication of Industrial Users in significant noncompliance permit modification

### **§ 14.17.010 INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REQUIREMENT.**

No Significant Industrial User (SIU) shall discharge Wastewater into the Sanitary Sewer Works without first obtaining an Individual Wastewater Discharge Permit or a General Permit from the District Manager, except that a SIU that has filed a timely application pursuant to § 14.17.010(A) may continue to discharge for the time period specified therein.

The District Manager may require other Users to obtain Individual Wastewater Discharge Permits or General Permits as necessary to carry out the purposes of the Sanitary Code.

Any violation of the terms and conditions of an Individual Wastewater Discharge Permit or a General Permit shall be deemed a violation of the Sanitary Code and subject the Wastewater Discharge Permittee to the sanctions set out in Chapter 14.36 and § 14.17.150 of the Sanitary Code. Obtaining an Individual Wastewater Discharge Permit or a General Permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law.

A zero discharge Permit may be issued to Industrial Users (IU) generating process Wastewaters who would normally be subject to either Chapters 14.17 or 14.18 of the Sanitary Code or subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subpart N but are not discharging said wastestream(s) to the system. Zero discharge Permit holders are subject to all applicable regulations under local, state, or federal laws. Pursuant to Chapter 14.16 of the Sanitary Code, a statement of zero discharge must be submitted to the District annually.

A. *Individual Wastewater Discharge and General Permitting: Existing Connections.* Any User required to obtain an Individual Wastewater Discharge Permit or a General Permit who was discharging Wastewater into the Sanitary Sewer Works prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within forty five (45) days after said date, apply to the District Manager for an Individual Wastewater Discharge Permit or a General Permit in accordance with § 14.17.020, and shall not cause or allow discharges to the Sanitary Sewer Works to continue after ninety (90) days of the effective date of this ordinance except in accordance with an Individual Wastewater Discharge Permit or a General Permit issued by the District Manager.

B. *Individual Wastewater Discharge and General Permitting: New Connections.* Any User required to obtain an Individual Wastewater Discharge Permit or a General Permit who proposes to begin or recommence discharging into the Sanitary Sewer Works must obtain such Permit prior to the beginning or recommencing of such discharge. An application for this Individual Wastewater Discharge Permit or General Permit, in accordance with § 14.17.020, must be filed at least forty five (45) days prior to the date upon which any discharge will begin or recommence.

### **§ 14.17.020 PERMIT APPLICATION CONTENTS.**

Applicants for an Individual or General Wastewater Discharge Permit shall complete an application, in the form prescribed by the District. The Applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- A. The name and address of the facility, including the name of the operator and owner, and the standard industrial classifications (SIC) code;
- B. Volume of Wastewater to be discharged;
- C. Wastewater constituents and characteristics including but not limited to those mentioned in Chapter 14.16 as determined by a laboratory approved by the District;
- D. Time and duration of discharge;
- E. Average and thirty (30) minute peak Wastewater flow rates, including daily, monthly and seasonal variations, if any;
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all drains, Sewers, and appurtenances by size, location and elevation;
- G. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the Sanitary Sewer Works from the regulated processes and types of materials which are or could be discharged;
- H. Number and type of employees, and hours of work;
- I. Any other information as may be deemed by the District to be necessary to evaluate the Permit application.
- J. *Environmental Permits.* A list of any environmental control permits held by or for the facility.
- K. *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the Sanitary Sewer Works from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in (40 CFR 403.6(e)).
- L. *Measurement of Pollutants.*
  - 1. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District Manager, of regulated pollutants in the discharge from each regulated process.
  - 3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - 4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 14.16.090(D) of the Sanitary Code. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District Manager or the applicable Standards to determine compliance with the Standard.
  - 5. Sampling must be performed in accordance with procedures set out in § 14.18.130 of the Sanitary Code.

#### **§ 14.17.030 APPLICATION SIGNATORIES AND CERTIFICATIONS.**

- A. All Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in § 14.18.120(A)
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the District Manager prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User (defined in § 14.12.010 Significant Industrial User) by the District Manager must annually submit the signed certification statement in § 14.18.120(B) [Note: See 40 CFR 403.3(v)(2)].

#### **§ 14.17.040 PERMIT ISSUANCE PROCESS.**

The District Manager will evaluate the data furnished by the User in § 14.17.020 and may require additional information. Within forty five (45) days of receipt of a complete Permit application, including additional information requested, the District Manager determines whether or not to issue an Individual Wastewater Discharge Permit or a General Permit. If no determination is made within the time period, the application will be deemed denied. The District Manager may deny any application for an Individual Wastewater Discharge Permit or a General Permit.

#### **§ 14.17.050 WASTEWATER DISCHARGE PERMITTING — GENERAL PERMIT.**

- A. At the discretion of the District Manager, the District may use General Permits to control SIU discharges to the Sanitary Sewer Works if the following conditions are met. All facilities to be covered by a General Permit must:
  - 1. Involve the same or substantially similar types of operations;
  - 2. Discharge the same types of wastes;

3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the District Manager, are more appropriately controlled under a General Permit than under Individual Wastewater Discharge Permits.

B. To be covered by the General Permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, and the location for monitoring all wastes covered by the General Permit.

C. The District Manager will retain a copy of the General Permit, documentation to support the Sanitary Sewer Works determination that a specific SIU meets the criteria in § 14.17.060(A)(1) through (5) and applicable state regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the General Permit. [Note: See 40 CFR 403.8(f)(1)(iii)(A)(1) through (5).]

D. The District Manager may not control an SIU through a General Permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula in 40 CFR 403.6(e) or Net/Gross calculations in 40 CFR 403.15]

#### **§ 14.17.060 INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT CONTENTS.**

An Individual Wastewater Discharge Permit or a General Permit shall include such conditions as are deemed reasonably necessary by the District Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the WWTF's effluent, protect worker health and safety, facilitate Biosolids management and disposal, and protect against damage to the Sanitary Sewer Works.

A. Individual Wastewater Discharge Permits and General Permits must contain:

1. A statement that indicates the Wastewater Discharge Permit issuance date, expiration date and effective date;
2. A statement that the Wastewater Discharge Permit is nontransferable in accordance with § 14.17.110 of the Sanitary Code;
3. Effluent limits, including BMPs, based on applicable Pretreatment Standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
6. Requirements to control Slug Discharge, if determined by the District to be necessary.

B. Individual Wastewater Discharge Permits and General Permits may contain:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the Sanitary Sewer Works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the Sanitary Sewer Works;
5. The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the Sanitary Sewer Works;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the Individual Wastewater Discharge Permit or the General Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those which become effective during the term of the Individual Wastewater Discharge Permit or the General Permit; and
8. Other conditions as deemed appropriate by the District Manager to ensure compliance with the Sanitary Code, and state and federal laws, local rules,

#### **§ 14.17.070 PERMIT MODIFICATION.**

A. The District Manager may modify an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the Individual Wastewater Discharge Permit issuance;
3. A change in the Sanitary Sewer Works that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the District's Sanitary Sewer Works, District personnel, or the receiving waters;
5. Violation of any terms or conditions of the Individual Wastewater Discharge Permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13; or
8. To correct typographical or other errors in the Individual Wastewater Discharge Permit.

B. The District Manager may modify a General Permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
2. A change in the Sanitary Sewer Works that requires either a temporary or permanent reduction or elimination of the authorized discharge;
3. To correct typographical or other errors in the Individual Wastewater Discharge Permit.

#### **§ 14.17.080 INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REVOCATION.**

The District Manager may revoke an Individual Wastewater Discharge Permit or coverage under a General Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District Manager of significant changes to the Wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the District Manager of changed conditions pursuant to § 14.18.060 of this Code;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District Manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay Wastewater charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
- L. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or the General Permit or this ordinance.

Individual Wastewater Discharge Permits or coverage under General Permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual Wastewater Discharge Permits or General Permits issued to a User are void upon the issuance of a new individual Wastewater Discharge Permit or a General Permit to that User.

#### **§ 14.17.090 INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REISSUANCE.**

A User with an expiring Individual Wastewater Discharge Permit or General Permit shall apply for Individual Wastewater Discharge Permit or General Permit reissuance by submitting a complete Permit application, in accordance with § 14.17.020 of the Sanitary Code, a minimum of forty-five (45) days prior to the expiration of the User's existing Individual Wastewater Discharge Permit or General Permit.

#### **§ 14.17.100 INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT DURATION.**

Individual Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Permit may be issued for a period less than a year or may be stated to expire on a specific date. Each Individual Wastewater Discharge Permit or a General Permit will indicate a specific date upon which it will expire. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit as limitations or requirements as identified in Chapter 14.16 are modified and changed. The User shall be informed of any proposed changes in his or her Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Any User proposing a new discharge into the system or a substantial

change in the volume or character of pollutants that are being discharged into the system shall notify the District at least forty-five (45) days prior to the proposed change or connection.

**§ 14.17.110 INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT TRANSFER.**

Individual Wastewater Discharge Permits are issued to a specific User for a specific operation. Individual Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation.

**§ 14.17.120 MONITORING FACILITIES.**

Users who propose to discharge, or who in the judgment of the District could discharge now or in the future, Wastewater with constituents and characteristics different from that produced by a domestic premises may be required to install a monitoring facility. When more than one User can discharge into a common Sewer Lateral, the District may require installation of a separate monitoring facility for each User. Also when, in the judgment of the District, there is a significant difference in Wastewater constituents and characteristics produced by different operations of a single User, the District may require that separate monitoring facilities be installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the User's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of Wastewaters produced by a User. If sampling or metering equipment is also required by the District, it shall be provided, installed and operated at the User's expense. The monitoring facility will normally be required to be located on the User's premises outside of the Building. The District may, however, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the User's fence, there shall be accommodations to allow safe and immediate access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the User.

When constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable local agency construction standards and specifications.

When, in the judgment of the District, an existing User requires a monitoring facility, the User will be so notified in writing. Construction must be completed within ninety (90) days following written notification unless a time extension is otherwise granted by the District.

All industries discharging into a Public Sewer shall perform such monitoring of their discharges as the District and/or other duly authorized employees of the District may reasonably require. This may include installation, use, and maintenance of monitoring equipment, with the appropriate documentation of such activities. Monitoring documentation shall be made available upon request by the District and to other Agencies having jurisdiction over discharges to the receiving waters.

**§ 14.17.130 INSPECTION AND SAMPLING.**

The District may inspect the facilities of any User to ascertain whether the purpose of the Sanitary Code is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater is created or discharged shall allow the District ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

**§ 14.17.140 CONFIDENTIAL INFORMATION.**

All information and data on a User obtained from reports, questionnaires, Permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the User specifically requests and is able to demonstrate, to the satisfaction of the District, that the release of such information would divulge information, processes or methods which would be detrimental to the User's competitive position.

When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential

shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the User.

**§ 14.17.150 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE PERMIT MODIFICATION.**

The District Manager may publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District, a list of the SIUs which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all SIUs (or any other Industrial User that violates paragraphs C, D or H of this section) and shall mean:

A. Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement multiplied by the applicable criteria (1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Chapter 14.16 (daily maximum, long-term average, Instantaneous Limit, or narrative standard) that the District Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of Sanitary Sewer Works personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or the environment, or has resulted in the District Manager's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Wastewater Discharge Permit or a General Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of BMPs, which the District Manager determines will adversely affect the operation or implementation of the local pretreatment program.

## CHAPTER 14.18: SANITARY CODE - WASTEWATER REPORTS

### Section

- 14.18.010 Discharge reports
- 14.18.020 Baseline monitoring reports
- 14.18.030 Compliance schedule progress reports
- 14.18.040 Reports on compliance with categorical pretreatment standard deadline
- 14.18.050 Periodic compliance reports
- 14.18.060 Reports of changed conditions
- 14.18.070 Reports of potential problems
- 14.18.080 Notice of violation - repeat sampling and reporting
- 14.18.090 Notification of the discharge of hazardous waste
- 14.18.100 Other reporting requirements
- 14.18.110 Recordkeeping
- 14.18.120 Certification statements
- 14.18.130 Sample collection

### **§ 14.18.010 DISCHARGE REPORTS.**

The District may require that any Person discharging or proposing to discharge Wastewater into the District's Sanitary Sewer Works file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including Wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to discharge reports, the District may require information in the form of Wastewater Discharge Permit applications, self-monitoring reports and other reports contained in §§ 14.18.020 through 14.18.100.

### **§ 14.18.020 BASELINE MONITORING REPORTS.**

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the District Sanitary Sewer Works shall submit to the District Manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District Manager a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

1. All information required in §§ 14.17.020(A), (G), (K) and (L).

2. Measurement of pollutants.

a. The User shall provide the information required in § 14.17.020(M)(1) through (5).

b. The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment the User may be required to measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the District;

d. Sampling and analysis shall be performed in accordance with §§ 14.16.090(D) and 14.18.130;

e. The District Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provide information sufficient to determine the need for industrial pretreatment measures;

f. The baseline report shall indicate the time, method, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the Sanitary Sewer Works.



C. *Compliance Certification.* A statement, reviewed by the User's Authorized Representative as defined in § 14.12.010 indicating whether Pretreatment Standards 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 Pretreatment Standards and Requirements.

D. *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in § 14.18.030 of the Sanitary Code.

E. *Signature and Report Certification.* All baseline monitoring reports must be certified in accordance with § 14.18.120(A) and signed by an Authorized Representative as defined in § 14.12.010.

#### **§ 14.18.030 COMPLIANCE SCHEDULE PROGRESS REPORTS.**

The following conditions shall apply to the compliance schedule required by § 14.18.020(D) of the Sanitary Code:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months unless specified otherwise;

C. The User shall submit a progress report to the District Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the District Manager.

**§ 14.18.040 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the Sanitary Sewer Works, any User subject to such Pretreatment Standards and Requirements shall submit to the District Manager a report containing the information described in §§ 14.17.020(L) and (M), and 14.18.020(B)(2). All compliance reports must be signed and certified in accordance with § 14.18.120(A). All sampling will be done in conformance with § 14.18.130.

**§ 14.18.050 PERIODIC COMPLIANCE REPORTS.**

A. Any SIU subject to a Pretreatment Standard must, at a frequency determined by the District Manager, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the District Manager or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with § 14.18.120(A).

B. All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

**§ 14.18.060 REPORTS OF CHANGED CONDITIONS.**

Each User must notify the District Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least forty-five (45) days before the change.

A. The District Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under § 14.17.020 of this Code.

B. The District Manager may issue an Individual Wastewater Discharge Permit or a General Permit under § 14.17.090 or modify an existing Individual Wastewater Discharge Permit or a General Permit under § 14.17.070 of the Sanitary Code in response to changed conditions or anticipated changed conditions.

**§ 14.18.070 REPORTS OF POTENTIAL PROBLEMS.**

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the Sanitary Sewer Works, the User shall immediately telephone and notify the District Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the District Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the Sanitary Sewer Works, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to the Sanitary Code.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. SIUs are required to notify the District Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

**§ 14.18.080 NOTICE OF VIOLATION - REPEAT SAMPLING AND REPORTING.**

If sampling performed by a User indicates a violation, the User must notify the District Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

#### **§ 14.18.090 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.**

Any User who accidentally discharges hazardous waste shall notify the District, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the Sanitary Sewer Works of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Discharge of hazardous waste is prohibited under § 14.16.090(A)(15) of the Sanitary Code.

#### **§ 14.18.100 OTHER REPORTING REQUIREMENTS.**

A. All periodic compliance reports must be signed and certified in accordance with § 14.18.120(A).

B. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District Manager, using the procedures prescribed in § 14.18.130, the results of this monitoring shall be included in the report.

#### **§ 14.18.110 RECORDKEEPING**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the Sanitary Code, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under § 14.16.090(G). Records shall include the date, exact place, method, and time of sampling, and the name of the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District Manager.

#### **§ 14.18.120 CERTIFICATION STATEMENTS.**

A. *Certification of Permit Applications, User Reports.* The following certification statement is required to be signed and submitted by Users submitting Permit applications in accordance with § 14.17.030; Users submitting baseline monitoring reports under § 14.18.020(E) [Note: See 40 CFR 403.12 (I)]; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under § 14.18.040 [Note: See 40 CFR 403.12(d)]; and Users submitting periodic compliance reports required by § 14.18.050. The following certification statement must be signed by an Authorized Representative as defined in § 14.12.010. All periodic compliance reports must be signed and certified in accordance with this section.

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.

B. *Annual Certification for Non-Significant Categorical Industrial Users.* A facility determined to be a Non-Significant Categorical Industrial User (defined in § 14.12.010 Significant Industrial User) by the District Manager pursuant § 14.17.030(C) [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements of Authorized or Duly Authorized Representative (defined in § 14.12.010) [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by the District Manager.

Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

1. The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 14.12.010 Significant Industrial User; [Note: See 40 CFR 403.3(v)(2)]
2. The facility complied with all applicable Pretreatment Standards during this reporting period; and
3. The facility never discharged more than one hundred (100) gallons of total Categorical Wastewater on any given day during this reporting period. This compliance certification is based on the following information.

---

---

**§ 14.18.130 SAMPLE COLLECTION.**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Subsection B and C below, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District Manager. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and ninety- (90-) day compliance reports required in §§ 14.18.020 and 14.18.040 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District Manager may authorize a lower minimum. For the reports required by § 14.18.050 [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

## **CHAPTER 14.20: SANITARY CODE — PRIVATE WASTEWATER DISPOSAL**

### **Section**

- 14.20.010 Sewer not available
- 14.20.020 Permit required
- 14.20.030 Inspection required
- 14.20.040 Design requirements
- 14.20.050 Abandonment of facilities
- 14.20.060 Cost of maintenance by owner
- 14.20.070 Additional requirements

#### **§ 14.20.010 SEWER NOT AVAILABLE.**

Where a Public Sewer is not available under the provisions of § 14.16.050, the Sewer Lateral serving a building shall be connected to a Private Sanitary Sewer Works complying with the provisions of the Sanitary Code.

#### **§ 14.20.020 PERMIT REQUIRED.**

Before commencement of construction of a Private Sanitary Sewer Works, the owner shall first obtain a written Permit signed by the District Manager. The application for the Permit shall be made on a form furnished by the District, which the Applicant shall supplement by any plans, specifications and other information as are deemed necessary by the District Manager. A Permit and inspection fee shall be paid to the District at the time application is filed in accordance with the provisions of Chapter 14.24.

#### **§ 14.20.030 INSPECTION REQUIRED.**

A Permit for a private Sanitary Sewer Works shall not become effective until the installation is completed to the satisfaction of the District Manager. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the Applicant for the Permit shall notify the District Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours, Saturdays, Sundays, and holidays excluded, of the receipt of the notice by the District Manager.

#### **§ 14.20.040 DESIGN REQUIREMENTS.**

The type, capacities, locations, and layout of a Private Sanitary Sewer Works shall comply with all recommendations and regulations of the California Department of Public Health and the regulations of the Mendocino County Department of Environmental Health. No septic tank, cesspool, or Private Sanitary Sewer Works shall be permitted to discharge to any Public Sewer or any stream or watercourse.

#### **§ 14.20.050 ABANDONMENT OF FACILITIES.**

At such time as a Public Sewer becomes available to a property served by a Private Sanitary Sewer Works, and connection is required as provided in § 14.16.050, a direct connection shall be made to the Public Sewer in compliance with the Sanitary Code and rules and regulations of the District. Any septic tank, cesspools, or similar Private Sanitary Sewer Works shall be abandoned as determined by the District Manager.

#### **§ 14.20.060 COST OF MAINTENANCE BY OWNER.**

The owner shall operate and maintain the Private Sanitary Sewer Works in in proper working order and in compliance with all applicable codes and regulations at all times, and at no expense to the District.

#### **§ 14.20.070 ADDITIONAL REQUIREMENTS.**

No statement contained in the Sanitary Code shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule, or regulation or by the Health Officer of the county.

## **CHAPTER 14.24: SANITARY CODE — PERMITS AND FEES**

### **Section**

- 14.24.010 Permit required
- 14.24.020 Application for Permit
- 14.24.030 Compliance with Permit
- 14.24.040 Agreement
- 14.24.050 Fees — annexation charges
- 14.24.060 Capital improvement and installation fees
- 14.24.110 Sewer use charges
- 14.24.120 Sewer billing — delinquent account — service shutoff for nonpayment — penalty charge
- 14.24.122 Applicants — credit establishment — requirements
- 14.24.124 Applications — credit establishment — cash deposit
- 14.24.126 Process for handling of unpaid bills
- 14.24.130 Flow of Wastewater
- 14.24.150 Septic tank dump fees
- 14.24.160 Monthly sewer use fees
- 14.24.170 Extension of service
- 14.24.190 Fees — Permit and inspection
- 14.24.200 Bond — Public Sewer construction
- 14.24.210 Disposition of fees
- 14.24.220 All work to be inspected
- 14.24.230 Notification for inspection
- 14.24.240 Condemned work
- 14.24.250 All costs paid by owner
- 14.24.290 Street excavation Permit
- 14.24.300 Liability
- 14.24.310 Time limit on permits
- 14.24.320 Annexation — buy-in fee — payment required
- 14.24.330 Annexation — buy-in fee — amount
- 14.24.340 Annexation — buy-in fee — additional to other sewer fees
- 14.24.350 Annexation — buy-in fee — calculation
- 14.24.360 Annexation — no guarantee to property owner of sewer service
- 14.24.370 Pretreatment charges and fees

### **§ 14.24.010 PERMIT REQUIRED.**

No unauthorized Person shall uncover, make any connection with, or opening into, use, alter, or disturb any Public Sewer or appurtenance or perform any work on any Sewer Lateral without first obtaining a written Permit from the District.

### **§ 14.24.020 APPLICATION FOR PERMIT.**

A. Any Person legally entitled to apply for and receive a Permit shall make the application on forms provided by the District for that purpose. He or she shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The District Manager may require plans, specifications, or drawings and such other information as he or she may deem necessary.

B. If the District Manager determines that the plans, specifications, drawings, descriptions, or information furnished by the Applicant is in compliance with the ordinances, rules, and regulations of the District, he or she shall issue the Permit applied for upon payment of the required fees as hereinafter fixed.

**§ 14.24.030 COMPLIANCE WITH PERMIT.**

After approval of the application, evidenced by the issuance of a Permit, no change to the activities authorized by said Permit shall be made to the Sanitary Sewer Works except with written permission from the District Manager.

**§ 14.24.040 AGREEMENT.**

The Applicant's signature on an application for any Permit shall constitute an agreement to comply with all of the provisions, terms, and requirements of this chapter and the Sanitary Code and other ordinances, rules, and regulations of the District, and with the corrections or modifications as may be made or permitted by the District, if any. The agreement shall be binding upon the Applicant and may be altered only by the District upon the written request for the alteration from the Applicant.

**§ 14.24.050 FEES — ANNEXATION CHARGES.**

The owner or owners of lands within areas to be annexed to the District shall pay to the District, prior to the final hearing on the proposed annexation, an amount to be fixed by the District Board which shall equal the engineering, legal, and publication costs and all other charges which may be incurred by the District in preparing and examining the maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

**§ 14.24.060 CAPITAL IMPROVEMENT AND INSTALLATION FEES.**

A. *Generally.* The owner or owners of lands within the service area of the District shall pay to the District, prior to the issuance of a Permit to connect any portion of the property to the Sanitary Sewer Works of the District, a capacity charge. The purpose of the capacity charge is to assure that there will be sufficient funding for improvements to the District Sanitary Sewer Works necessitated by increased flows of Wastewater resulting from new connections to the District Sanitary Sewer Works.

B. *Capacity charges.*

1. Capacity charges collected shall be used for facilities in existence at the time a charge is imposed or for new facilities to be constructed in the future that are of benefit to the Person being charged.

2. Capacity charges shall be established and fixed by resolution of the District Board.

C. *Connection fees.*

1. In addition to the capacity charges established by this section, connection fees shall be paid to the District by the owner or owners of the affected property prior to the issuance of a Permit to connect any portion of a property to the Sanitary Sewer Works. The purpose of the connection fee is to recover the cost to the District of providing a Public Lateral stub-out from an existing Sewer.

2. Connection fees shall be established and fixed by resolution of the District Board.

**§ 14.24.110 SEWER USE CHARGES.**

A. *Generally.* The Board of Directors of the District find that the operation and maintenance cost for the District for which sewer use fees are utilized, are not discriminatory or excessive and are directly related to actual cost of providing sewer service by the District. Any Person(s), business, or other entity receiving sewer service from the District shall pay a sewer use rate as established and fixed from time to time by resolution of the District Board at any duly noticed regular meeting of the District Board.

B. *Strength factor.*

1. Strength factors are based upon the levels of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) that a User discharges into the District's Sanitary Sewer Works. Sewer use fees for a given commercial User are determined from the strength factor.

C. *Use of fees.* Revenues collected from sewer use fees shall not be used for capital expansion, but may be used for operation and maintenance costs including:

1. Expenses for salaries, supplies, and materials associated with the operation and maintenance of the collection, treatment, and management functions of the Wastewater system;
2. Equipment repair and replacement;
3. Upgrading of existing facilities to improve efficiency and/or the quality of Wastewater treatment;
4. Replacement of existing structures and facilities due to wear and tear, including the establishment of a depreciation reserve fund; and
5. Payment of debt service.

**§ 14.24.120 SEWER BILLING — DELINQUENT ACCOUNT — SERVICE SHUTOFF FOR NONPAYMENT — PENALTY CHARGE.**

Pursuant to the authority of Cal. Government Code § 54348, any amount owed for sewer service that is not paid within twenty (20) days from the billing date shall be deemed late and shall be subject to a late payment penalty equal to five percent (5%) of the past due amount. Before a late payment penalty is imposed on a late payment, the District shall comply with the procedural requirements of §§ 14.04.030 through 14.04.034 of Chapter 14.04 of this Code, relating to delinquent water bills. With respect to all accounts thereafter with a balance of \$5.00 or more, the late payment penalty of five percent (5%) of the past due amount will be automatically added. In addition to the five percent (5%) late payment penalty set forth herein, all delinquent principal and penalties shall bear interest at the rate of one-half percent (1/2%) per month, until paid.

**§ 14.24.122 APPLICANTS — CREDIT ESTABLISHMENT — REQUIREMENTS.**

Each Applicant for sewer service will be required to satisfactorily establish credit. Credit will be deemed established as follows:

A. If the Applicant is the legal owner of the property to be served and there are no delinquent taxes, assessments, or liens outstanding against the property;

B. If the Applicant makes a cash deposit in the amount specified in § 14.24.124;

C. If the Applicant furnishes a sufficient guarantee executed by a corporate or individual surety acceptable to the Director of Finance to secure payment;

D. If the Applicant has previously paid all sewer bills for sewer service previously supplied by the District to Applicant; and

E. If the Applicant has sufficient established credit references which, in the opinion of the Director of Finance, warrant establishment of sewer service without cash deposit or guarantee.



**§ 14.24.124 APPLICATIONS — CREDIT ESTABLISHMENT — CASH DEPOSIT.**

A. The amount of the cash deposit set forth in § 14.24.122 to establish credit for sewer service for residential accounts shall be no more than three (3) times the estimated average monthly bill. The amount of cash deposit for commercial accounts shall be at the discretion of the Director of Finance.

B. Upon discontinuance of sewer service, the District will refund the cash sewer deposit in excess of any unpaid amount owed the District. Credit must be reestablished under the following conditions:

1. In the event sewer is shut off;
2. Where more than two (2) notices of delinquency are sent to a customer within a one-year period, unless the notice is set erroneously or the amounts alleged to be due from the consumer in the notice are determined not to be due to the District; and
3. In the event a consumer of an owner occupied residence or business pays all sewer bills owed to the District within a two-year period, any cash deposit held by the District shall be refunded.

**§ 14.24.126 PROCESS FOR HANDLING OF UNPAID BILLS.**

A. All unpaid, remaining balances for delinquent bills for sewer service shall be referred to a collection agency after closing the account and applying any security deposit on file with the City.

B. In the event the collection agency is unsuccessful in collection of the sewer bill, the bill for service shall be a lien on the property served with the sewer and shall be collected and enforced in the same manner that unpaid City taxes on the property are collected and enforced.

**§ 14.24.130 FLOW OF WASTEWATER.**

Unless separately metered, Wastewater flow to the Sanitary Sewer Works shall be no greater than 65% of the water supplied by the City of Fort Bragg Water Department metered into the commercial or industrial or public property. The properties may upon application to and with the approval of the District Manager, and at the expense of the property owner, install and maintain in a satisfactory condition a flow measuring device for the purpose of determining actual quantities of Wastewater discharged into the Sanitary Sewer Works. Wastewater flow to the Sanitary Sewer Works may also be determined by applying a different percentage rate to the metered freshwater when it can be shown that a significant quantity of water is lost in the commercial or industrial process or by irrigation. The applied percentage rate must be approved in writing by the District Manager. Where no freshwater meter exists, the District Manager shall establish the quantity of Wastewater flow to the Sanitary Sewer Works.

**§ 14.24.150 SEPTIC TANK DUMP FEES.**

Haulers of septic tank and chemical toilet waste shall pay to the District a fee for each load or part thereof of septic tank wastes unloaded at the WWTF in an amount as established from time to time by resolution of the District Board and in accordance with § 14.40.090.

**§ 14.24.160 MONTHLY SEWER USE FEES.**

Monthly sewer use fees shall be paid to the District beginning ninety (90) days after the connection fee is paid or at the time actual connection to the sewer system is established, whichever is earlier.

**§ 14.24.170 EXTENSION OF SERVICE.**

Service shall be extended only to those lots or parcels of land within the District, or which are within an area to be annexed to the District.

**§ 14.24.190 FEES — PERMIT AND INSPECTION.**

Permit and inspection fees are established and amended from time to time by resolution of the District Board.

**§ 14.24.200 BOND — PUBLIC SEWER CONSTRUCTION.**

Prior to the issuance of a Permit for Public Sewer construction the Applicant shall furnish to the District a faithful performance bond or cash in the amount of the total estimated cost of the work. The bond is to be secured by a surety or sureties satisfactory to the District. The cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the Permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

**§ 14.24.210 DISPOSITION OF FEES.**

All fees collected on behalf of the District shall be deposited with the proper authority provided for by the District to receive the funds.

**§ 14.24.220 ALL WORK TO BE INSPECTED.**

All Sanitary Sewer Works construction shall be inspected by an inspector acting for the District to ensure compliance with all requirements of the District. No underground Sanitary Sewer Works shall be covered at any point until it has been inspected and passed for acceptance. No Sanitary Sewer Works shall be connected to the District's Public Sewer until the work covered by the Permit has been completed, inspected, tested and approved by the District Manager. If the test(s) prove satisfactory and the Permitted Sanitary Sewer Works are in good working order, the inspector shall issue a certificate of satisfactory completion.

**§ 14.24.230 NOTIFICATION FOR INSPECTION.**

It shall be the duty of the Person doing the work authorized by Permit to notify the office of the District Manager in writing that the work is ready for inspection. The notification shall be given not less than 24 hours before the work is to be inspected. It shall be the duty of the Person doing the work to make sure that the work will stand the tests required by the District, before giving the above notification.

**§ 14.24.240 REJECTED WORK.**

When any work has been inspected, the work condemned rejected and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of the owner, to repair or restore the Sanitary Sewer Works as authorized by the Permit in accordance with the ordinances, rules, and regulations of the District.

**§ 14.24.250 ALL COSTS PAID BY OWNER.**

All costs and expenses incidental to the installation and connection of any Sanitary Sewer for which a Permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

**§ 14.24.290 STREET EXCAVATION PERMIT.**

A separate Permit must be secured from the City or County by owners or Contractors intending to excavate in a public street for the purpose of installing Sanitary Sewer Works or making connections to a Public Sewer.

**§ 14.24.300 LIABILITY.**

The District and its officers, agents, and employees shall not be answerable for any liability or injury or death to any Person or damage to any property arising during or growing out of the performance of any work by any such Applicant. The Applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees, and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his or her work or any failure which may develop therein.

**§ 14.24.310 TIME LIMIT ON PERMITS.**

If work under a Permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one (1) year, the Permit shall thereupon become void and no further work shall be done until a new Permit shall have been secured. A new fee shall be paid upon issuance of the new Permit.

**§ 14.24.320 ANNEXATION — BUY-IN FEE — PAYMENT REQUIRED.**

- A. In addition to the annexation charges set forth in § 14.24.050, the following buy-in fee shall be paid by each property owner of land within areas to be annexed to the District.
- B. This fee shall be paid to the District over a three-year period in equal annual installments.
- C. If annexation to the District is not completed, any fee paid shall be returned to the property owner.

**§ 14.24.330 ANNEXATION — BUY-IN FEE — AMOUNT.**

The annexation buy-in fee shall be an amount equal to what the property owner would have paid for that portion of taxes to the County Tax Collector attributable to the District had the land which is the subject of the annexation been within the boundaries of the District from its formation. This sum shall be calculated at the tax rate and assessed value of the land existing for each year from the formation of the District to the date of actual annexation to the District. That portion of the buy-in fee pertaining to the year of annexation shall be prorated, if applicable, based upon the date of completion of annexation proceedings to the District.

**§ 14.24.340 ANNEXATION — BUY-IN FEE — ADDITIONAL TO OTHER SEWER FEES.**

The fee established by §§ 14.24.320 and 14.24.330 is in addition to any other sewer fee or charge established by ordinance or resolution.

**§ 14.24.350 ANNEXATION — BUY-IN FEE — CALCULATION.**

The buy-in fee established by §§ 14.04.320 and 14.24.330 (subject to adjustment based on the date of completion of annexation proceedings) shall be calculated by the Director of Finance and provided to Applicants for annexation to the District within thirty (30) days of filing of an annexation application with the District Clerk.

**§ 14.24.360 ANNEXATION — NO GUARANTEE TO PROPERTY OWNER OF SEWER SERVICE.**

Annexation to the District does not guarantee the property owners of the annexed lands that the District has the capability of immediately serving the Wastewater demands of the annexed area.

**§ 14.24.370 PRETREATMENT CHARGES AND FEES**

The District may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District's source control program which may include:

- A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection collecting and analyzing an Industrial User's discharge, and reviewing monitoring reports submitted by the Users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the District may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by Chapters 14.16, 14.17, and 14.18 and are separate from all other fees, fines, and penalties chargeable by the District.

## **CHAPTER 14.28: SANITARY CODE —LATERAL SEWERS, AND CONNECTIONS**

### **Section**

- 14.28.010 Permit required
- 14.28.020 Construction requirements
- 14.28.030 Minimum size and slope
- 14.28.040 Separate Sewer Laterals
- 14.28.050 Old Sewer Laterals
- 14.28.060 Cleanouts
- 14.28.070 Sewer too low
- 14.28.080 Connection to Public Sewer
- 14.28.090 Protection of excavation
- 14.28.100 Maintenance of Lateral Sewers
- 14.28.110 Testing of Sewer Laterals in general
- 14.28.115 Testing of Lateral Sewers after mainline improvements

### **§ 14.28.010 PERMIT REQUIRED.**

In accordance with Chapter 14.24, no Person shall construct a, Lateral Sewer, or make a connection with any Public Sewer without first obtaining a written Permit from the District and paying all fees and connection charges as required therein.

### **§ 14.28.020 CONSTRUCTION REQUIREMENTS.**

Construction of Lateral Sewers shall be in accordance with the requirements of the County of Mendocino and the requirements of the District. In case of conflict, the more stringent shall apply.

### **§ 14.28.030 MINIMUM SIZE AND SLOPE.**

The minimum size of a Sewer Lateral shall be 4-inch diameter. The minimum slope of a Sewer Lateral shall be 2 feet per 100 feet ( 2% slope). Exceptions will be reviewed and approved at the discretion of the District Manager.

### **§ 14.28.040 SEPARATE SEWER LATERALS.**

No two (2) adjacent Buildings fronting on the same street shall be permitted joint use of the same Sewer Lateral. Every Building or industrial facility must be separately connected to an adjacent Public Sewer if such Sewer lies within the distance as described in §14.16.050.. However, one (1) or more Buildings located on property belonging to the same owner may be served with the same Side Sewer during the period of such ownership. Upon the subsequent subdivision of the lot the portion, resulting parcels not connected with the Public Sewer shall be separately connected with a Sewer Lateral to the Public Sewer, and it shall be unlawful for the owner thereof to continue to use or maintain the indirect connection.

### **§ 14.28.050 OLD SEWER LATERALS.**

Old Sewer Laterals may be used to connect new Buildings to a Public Sewer only when they are found, upon examination and testing by the District Manager, to meet all requirements of the District.

### **§ 14.28.060 CLEANOUTS.**

Cleanouts in Sewer Laterals shall be provided in accordance with the rules, regulations, and ordinances of the District. All cleanouts shall be maintained watertight.

**§ 14.28.070 SEWER TOO LOW.**

In all Buildings in which any Sewer is too low to permit gravity flow to the Public Sewer, the Building's Wastewater shall be lifted by artificial means approved by the District Manager and discharged to the public Sanitary Sewer Works. Such artificial means shall be owned, operated, maintained and expense borne by the owner.

**§ 14.28.080 CONNECTION TO PUBLIC SEWER.**

The connection of a Sewer Lateral serving a Building to public portion of the Sewer Lateral shall be made at the property line where there is an existing public portion of a Sewer Lateral. Where no public portion Sewer Lateral exists, the Sewer Lateral serving the Building shall be extended to the Public Sewer. All connections to the public portion of a Sewer Lateral or a Public Sewer shall be done in accordance with the District's standards and as approved by the District Manager. Any damage to the Public Sewer shall be repaired at the cost of the Applicant to the satisfaction of the District Manager.

**§ 14.28.090 PROTECTION OF EXCAVATION.**

All excavations for a Sewer Lateral installation shall be adequately guarded with barricades, lights, covered, or otherwise managed so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the county or any other Person having jurisdiction.

**§ 14.28.100 MAINTENANCE LATERAL SEWERS.**

A. The maintenance of all Lateral Sewers located within the public street, alley, or other public right-of-way is the responsibility of the District.

B. Excepting the first occurrence of a blockage or failure of the Lateral Sewer located within the public street, alley, or other public right-of-way occurring in any calendar year, caused by:

1. An accumulation of fats, oils, and greases;
2. An accumulation of fish processing residues or packaging materials; or
3. Damage caused by the owner, occupant, or their agents (e.g. plumbers) of the property served.

The cost of line blockage clearing or failure repair shall be the responsibility of the owner of the property served.

**§ 14.28.110 TESTING OF SEWER LATERALS IN GENERAL.**

All Lateral Sewers shall be tested for leakage by method(s) approved by the District Manager. Fittings, plugs, water, and labor for testing shall be furnished by the Person testing the Sewer. All private property portions of sewer laterals showing leakage or damage shall be repaired or replaced at the property owner's expense and shall be done at the direction and to the satisfaction of the District Manager.

**§ 14.28.115 TESTING OF LATERAL SEWERS AT TIME OF SEWER MAIN IMPROVEMENT.**

A. *Sewer Main improvements.*

During sewer main improvements, the sewer later(s) served by the main shall be tested for infiltration. All necessary repairs or replacements to prevent infiltration shall be made. The property owner in whose property the private portion of any failed lateral lies shall be responsible for the costs and for conforming to the requirements of this Title. Such work shall be completed within 180 days being notice of lateral failure.

B. *Testing.* Testing will be completed by the City through a cleanout on the property owner's property. If there is not a suitable cleanout, the City will install a cleanout in the public right of way or appropriate easement. Signs of infiltration may include: roots appearing in the lateral, cracks, gaps, or separations in the pipe or pipe joints. If repairs to the private property portion of the lateral are required, the City will provide a copy of the inspection video on DVD or other documentation as appropriate.

C. *Failure of Test.* Should the private portion of a sewer lateral fail a test, the lateral shall be either repaired or replaced, and then re-tested. A plumbing permit will be required to perform the necessary repairs or replacement. Testing and repairs/replacement shall continue on the lateral no longer leaks.

D. *Exceptions.* This section shall not apply to:

1. Buildings where the District Manager determines that testing and repair or replacement of Sewer Lateral(s) has been performed to District standards within the last three (3) years.
2. Buildings where the District Manager determines that new Sewer construction has been inspected and passed within the last three (3) years. This determination shall be made by a test performed by District staff. Except for standard Permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to paragraph D below.

## **CHAPTER 14.32: SANITARY CODE — PUBLIC SEWER CONSTRUCTION**

### **Section**

- 14.32.010 Permit required
- 14.32.020 Plans, profiles, and specifications required
- 14.32.030 Subdivisions
- 14.32.040 Easements or rights-of-way
- 14.32.050 Persons authorized to perform work
- 14.32.060 Grade stakes
- 14.32.070 Compliance with local regulations
- 14.32.080 Protection of excavation
- 14.32.090 Design and construction standards
- 14.32.100 Completion of Sanitary Sewer Works required

### **§ 14.32.010 PERMIT REQUIRED.**

In accordance with Chapter 14.24, no Person shall construct, extend, or connect to any Public Sewer without first obtaining a written Permit from the District and paying all fees and connection charges and furnishing bonds as required therein. This section shall not be construed to apply to Contractors constructing Sewers and appurtenances under contracts awarded and entered into by the District.

### **§ 14.32.020 PLANS, PROFILES, AND SPECIFICATIONS REQUIRED.**

The application for a Permit for public Sanitary Sewer Works construction shall be accompanied by complete plans, profiles, and specifications, complying with all applicable ordinances, rules, and regulations of the District, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The District Manager may waive the requirement for these documents to be prepared by a registered civil engineer if the work involves only a sewer lateral and is minor in nature. The application together with the plan, profiles and specifications shall be examined by the District Manager who shall, within twenty (20) working days, approve them as filed or require them to be modified as necessary for proper installation. When the District Manager is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, the Permit shall be issued after payment of all connection charges, fees, and furnishing bonds as required by the District. The Permit shall prescribe the terms and conditions as the District finds necessary in the public interest.

### **§ 14.32.030 SUBDIVISIONS.**

The requirements of §§ 14.32.010 and 14.32.020 shall be fully complied with before any final subdivision map shall be approved by the Board. In lieu of completion prior to Final Map recordation, such Sanitary Sewer Works may be bonded for as provided for by the State Subdivision Map Act. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights-of-way in which Public Sewers are to be constructed.

### **§ 14.32.040 EASEMENTS OR RIGHTS-OF-WAY.**

In the event that an easement, right-of-way, or other property interest suitable to the District is required for the installation of the Public Sewer or the making of connections, the Applicant shall procure and have accepted by the Board a proper easement, right-of-way, or other property interest sufficient in law to allow the installation and maintenance of the required facilities.

**§ 14.32.050 PERSONS AUTHORIZED TO PERFORM WORK.**

Generally, properly licensed Contractors shall be required to perform the work of Public Sewer construction within the District. The District Manager may waive the requirement for a licensed contractor if the work involves only a sewer lateral and is minor in nature. All terms and conditions of the Permit issued by the District to the Applicant shall be binding on the Contractor or Permit holder. The requirements of this section shall apply to Sewer Laterals installed concurrently with Public Sewer construction.

**§ 14.32.080 PROTECTION OF EXCAVATION.**

All excavations for Public Sewer installation shall comply with §14.28.090.

**§ 14.32.090 DESIGN AND CONSTRUCTION STANDARDS.**

Design and construction of Sanitary Sewer Works within the District shall be in accordance with the standard specifications and standard plans for Sanitary Sewer Works construction adopted by the District, copies of which are on file in the District office. The District Manager may permit modifications or may require higher standards where unusual conditions are encountered. "As-built" drawings showing the actual location of all improvements shall be filed with the District before final acceptance of the work.

**§ 14.32.100 COMPLETION OF SANITARY SEWER WORKS REQUIRED.**

Before any acceptance of any Sanitary Sewer Works by the District and prior to the admission of any Wastewater into the system, the Sanitary Sewer Works shall be tested and shall be complete and in full compliance with all requirements of the specifications for Sanitary Sewer Works and to the satisfaction of the District Manager.



## CHAPTER 14.36: SANITARY CODE — ENFORCEMENT

### Section

- 14.36.010 Administrative enforcement remedies
- 14.36.015 Judicial enforcement remedies
- 14.36.020 Supplemental enforcement action
- 14.36.025 Remedies non-exclusive
- 14.36.030 Affirmative defenses to discharge violations
- 14.36.040 Public nuisance when
- 14.36.050 Means of enforcement only
- 14.36.060 Penalty

### § 14.36.010 ADMINISTRATIVE ENFORCEMENT REMEDIES.

A. *Notification of violation.* Whenever the District Manager finds that any Person has violated or is violating the Sanitary Code, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment requirement, the District Manager may serve upon said Person a written notice of violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Person to the District Manager. Submission of this plan in no way relieves the Person of liability 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. *Consent Orders.* The District Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Person responsible for noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 14.36.010(D) and (E) of the Sanitary Code and shall be judicially enforceable.

C. *Show Cause Hearing.* The District Manager may order a Person who has violated, or continues to violate, any provision of the Sanitary Code, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the Person as defined in § 14.12.010 and required by § 14.17.030(A). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Person.

D. *Compliance Orders.* When the District finds that a Person has violated or continues to violate the Sanitary Code, Wastewater Discharge Permits or order issued hereunder, or any other Pretreatment Standard or Requirement, an order may be issued to the Person responsible for the discharge directing that the Person come into compliance within thirty (30) days. If the Person does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a Federal Pretreatment Standard or Requirement, nor does a compliance order release the Person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the Person.

E. *Cease and desist orders.*

1. When the District Manager finds that a Person is violating the Sanitary Code, the Person's Wastewater Discharge Permit, any order issued hereunder, or any other Pretreatment Standard or Requirement, or that the Person's past

violations are likely to recur, the District Manager may issue an order to the Person directing it them to cease and desist all such violations and directing the Person to:

- a. Immediately comply with all requirements;
- b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

2. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the Person.

F. *Administrative fine.*

1. Notwithstanding any other section of the Sanitary Code, any Person that is found to have violated any provision of the Sanitary Code, their Wastewater Discharge Permit, and orders issued hereunder, or any other Pretreatment Standard or Requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

2. Assessments may be added to the Person's next scheduled sewer service charge and the District Manager shall have such other collection remedies as may be available for other service charges and fees.

3. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of one-half percent (1/2%) per month. A lien against the individual Person's property will be sought for unpaid charges, fines, and penalties.

4. Persons desiring to dispute such fines must file a written request for the District Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the District Manager shall convene a hearing on the matter within thirty (30) days of receiving the request from the Industrial User. In the event the Person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the Industrial User. The District may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

5. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the Person.

G. *Emergency suspensions.*

1. The District Manager may immediately suspend a Person's discharge (after informal notice to the Person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of Persons or the environment. The District Manager may also immediately suspend a Person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the Sanitary Sewer Works, or which presents or may present an endangerment to the environment.

a. Any Person notified of a suspension of their discharge shall immediately stop or eliminate their contribution. In the event of a Person's failure to immediately comply voluntarily with the suspension order, the District Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWTF, its receiving stream, or endangerment to any individuals. The District Manager shall allow the Person to recommence its discharge when the Person has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the Person.

b. A Person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the District Manager, prior to the date of any show cause or termination hearing as set forth in this chapter.

2. Nothing in § 14.36.010(E) shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. *Termination of discharge.*

1. In addition to those provisions in § 14.17.080, any Person that violates the following conditions of the Sanitary Code, Wastewater Discharge Permits, or orders issued hereunder, is subject to discharge termination.

- a. Violation of Wastewater Discharge Permit conditions;
- b. Failure to accurately report the Wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to discharge;
- d. Refusal of reasonable access to the Person's premises for the purpose of inspection, monitoring, or sampling; and
- e. Violation of the Pretreatment Standards in § 14.16.090.

2. Such Person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, under § 14.36.010(C) of this section, as to why the proposed action should not be taken.

#### **§ 14.36.015 JUDICIAL ENFORCEMENT REMEDIES.**

A. *Injunctive relief.* Whenever a User has violated a Pretreatment Standard or Requirement or continues to violate the provisions of the Sanitary Code, Wastewater Discharge Permits or orders issued hereunder, or any other pretreatment requirement, the District may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

B. *Civil penalties.*

1. Any Person who has violated or continues to violate the Sanitary Code, any order, or Wastewater Discharge Permit hereunder, or any other Pretreatment Standard or Requirement may be liable to the District for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.

2. The District may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

3. When a discharge of wastes causes an obstruction, damage, or other impairment to the WWTF, the District may assess a charge against the Person for the cost of the work required to clean or repair the WWTF and add such charge to the Person's service charge.

4. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a Person.

#### **§ 14.36.020 SUPPLEMENTAL ENFORCEMENT ACTION.**

A. *Water supply severance.* Whenever a Person has violated or continues to violate the provisions of the Sanitary Code, Wastewater Discharge Permits, or orders issued hereunder, water service to the Person may be severed. Service will only recommence, at the Person's expense, after it has satisfactorily demonstrated its ability to comply.

B. *Public nuisances.* Any violation of the Sanitary Code, Wastewater Discharge Permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the District Manager. Any Person(s) creating a public nuisance shall be subject to the provisions of applicable state and District codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the District of any costs incurred in removing, abating or remedying said nuisance.

#### **§ 14.36.025 REMEDIES NON-EXCLUSIVE.**

The provisions in §§ 14.17.150 and 14.36.010 through 14.36.020 are not exclusive remedies. The District reserves the right to take any, all or any combination of these actions against a non-compliant User. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant User. These actions may be taken concurrently.

#### **§ 14.36.030 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.**

A. *Upset.*

1. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for non-compliance with Categorical Pretreatment Standards if the requirements of § 14.36.030(A)(3) are met.

3. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the Industrial User can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c. The Industrial User has submitted the following information to the Sanitary Sewer Works and WWTF operators within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

i. A description of the indirect discharge and cause of noncompliance.

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

5. Industrial Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

6. The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the WWTF is reduced, lost, or fails.

**B. Bypass.**

1. For the purposes of this section, bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

2. Severe property damage means substantial physical damage to property, damage to the WWTF which causes it to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of § 14.36.030(B)(4) and (5).

**4. Bypass Notifications**

a. If a User knows in advance of the need for a bypass, it shall submit prior notice to the District Manager, at least ten (10) days before the date of the bypass, if possible.

b. A User shall submit oral notice to the District Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; 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 steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

**5. Bypass**

a. Bypass is prohibited, and the District Manager may take an enforcement action against a User for a bypass, unless: 1) 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 condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and 3) the User submitted notices as required under § 4.36.030(B)(4).

b. The District may approve an anticipated bypass, after considering its adverse effects, if the District Manager determines that it will meet the three conditions listed in § 4.36.030(B)(5)(a).

**§ 14.36.040 PUBLIC NUISANCE WHEN.**

Continued habitation of any Building or continued operation of any industrial facility in violation of the provisions of the Sanitary Code or any other ordinance, rule, or regulation of the District is declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the Building or industrial facility during the period of the violation.

**§ 14.36.050 MEANS OF ENFORCEMENT ONLY.**

The District declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinance, rules, and regulations, and not as a penalty.

**§ 14.36.060 PENALTY.**

A. Any Person that willfully or negligently violates any provision of the Sanitary Code, any orders, or Wastewater Discharge Permits issued hereunder, or any other pretreatment requirement shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Chapter 1.12. Every day any violation of the Sanitary Code continues is a separate offense.

B. Any Person that willfully or negligently introduces any substance into the WWTF which causes personal injury or property damage shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in Chapter 1.12. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law. Every day any violation of the Sanitary Code continues is a separate offense.

C. Any Person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to the Sanitary Code, Wastewater Discharge Permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Sanitary Code shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Chapter 1.12. Every day any violation of the Sanitary Code continues is a separate offense.

## CHAPTER 14.38: CONDOMINIUM UTILITY CHARGES

### Section

- 14.38.010 Definition
- 14.38.020 Intent
- 14.38.030 Water meters
- 14.38.040 Sewer permits and fees connections

#### § 14.38.010 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CONDOMINIUM.** A Building or series of Buildings divided into separate ownership units as defined by Cal. Civil Code § 783.

#### § 14.38.020 INTENT.

The intent of this chapter is to clearly express that Condominium units, as defined by Cal. Civil Code § 783, shall be treated as separate ownership units for purposes of Title 14 of this Code.

#### § 14.38.030 WATER METERS.

In accordance with § 14.04.170 of this Code, each Condominium unit shall be separately metered for water.

#### § 14.38.040 SEWER PERMITS AND FEES.

The sewer permit requirements and fees set forth in Chapter 14.24 of this Code shall be applicable to each Condominium unit.

## CHAPTER 14.40: DUMPING OF SEPTAGE

### Section

- 14.40.010 Definitions
- 14.40.020 Wastewater collection system — unlawful entry
- 14.40.030 Wastewater collection system — unlawful discharge
- 14.40.040 Wastewater collection system — portable waste facility disposal
- 14.40.050 Unlawful dumping — outside boundary source — District treatment plant
- 14.40.060 Unlawful dumping — outside boundary source — septic tanks, cesspools, and the like
- 14.40.070 Refusal of dumping privileges
- 14.40.080 Authority for sanctions for violation
- 14.40.090 Hauled Wastewater

**Editor's note:**

*Prior ordinance history: Ord. 544.*

**§ 14.40.010 DEFINITIONS.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**SEPTAGE.** Wastewater, liquid or solid, waste or chemical, debris, Garbage, effluent, or contaminated or putrid material, whether liquid or solid.

**§ 14.40.020 WASTEWATER COLLECTION SYSTEM — UNLAWFUL ENTRY.**

It is declared to be unlawful for any Person, other than District, City employees, or duly authorized/permitted Contractor in the official performance of their duties, to open or cause to be opened any manhole, cover or other device which would allow entry of any Persons, equipment, or materials (including liquid) into the District Wastewater collection system.

**§ 14.40.030 WASTEWATER COLLECTION SYSTEM — UNLAWFUL DISCHARGE.**

A. It is declared to be unlawful for any Person, firm, corporation, partnership, or organization to discharge or cause to be discharged into the District Wastewater collection system through any device allowing entry any waste, liquid or solid, waste or chemical, debris, Garbage, effluent, Septage, or contaminated or putrid material, whether liquid or solid, except as allowed for in § 14.40.090.

B. It is unlawful to discharge into the Sanitary Sewer Works any waste as described above from any holding vessel (tank) mounted on or about any vehicle or trailer into any point in the District Wastewater collection system other than at:

1. A permanent disposal site (R-V dump station) approved by the District in accordance with § 14.40.090; and/or
2. Other sites as designated with prior approval of the District Manager in accordance with § 14.40.090.

**§ 14.40.040 WASTEWATER COLLECTION SYSTEM — PORTABLE WASTE FACILITY DISPOSAL.**

A. It is declared to be unlawful for any Person, firm, corporation, or partnership to discharge or cause to be discharged into the District collection system by means of direct disposal or through any R-V dump station any material from any portable waste facility or facilities such as:

1. Portable outhouses;
2. Any collection facility designed and used as a sanitation facility for public use; and/or
3. Any such facility that is of commercial nature, i.e., rented, leased, sold, or by other means gain a profit of any nature to Persons or Persons responsible for their existence.

B. Any waste from the facilities shall be considered as Septage.

**§ 14.40.050 UNLAWFUL DUMPING — OUTSIDE BOUNDARY SOURCE — DISTRICT TREATMENT PLANT.**

It is declared to be unlawful for any Person to dump Septage originating from a source outside the boundaries of the District into the District's WWTF unless the dumpage is specifically allowed by minute order, resolution or ordinance of the Board and in accordance with § 14.40.090.

**§ 14.40.060 UNLAWFUL DUMPING — OUTSIDE BOUNDARY SOURCE — SEPTIC TANKS, CESSPOOLS, AND THE LIKE.**

It is declared to be unlawful for any Person to dump Septage originating from a source outside the boundaries of the District into any septic tank, cesspool, Wastewater disposal unit, or on-site Wastewater disposal system as defined by Cal. Health and Safety Code § 6952 within the boundaries of the District; excepting only the dumpage as is allowed by the Board directly into the District's WWTF pursuant to minute order, resolution, or order of the Board as set forth in § 14.40.090.

**§ 14.40.070 REFUSAL OF DUMPING PRIVILEGES.**

The District Manager shall have the authority to refuse dumping privileges to any Person if he or she has reasonable cause to believe that the Septage proposed to be dumped into the District's WWTF originated from a source outside the District's boundaries and is not a load specifically authorized by the Board. The District Manager may require any Person requesting to dump Septage into District facilities to execute a statement, under oath, to verify the origin of the load proposed to be dumped.

**§ 14.40.080 AUTHORITY FOR SANCTIONS FOR VIOLATION.**

The District declares that this chapter is required for the protection of the public health and not as a penalty. The District declares that the Sanitary District Act of 1923 (Cal. Health and Safety Code §§ 6400 *et seq.*) provides the authority for sanctions for violation of District regulations or ordinances.

**§ 14.40.090 HAULED WASTEWATER.**

A. Septage may be introduced into the Sanitary Sewer Works only at locations designated by the District Manager, and at such times as are established by the District Manager. Such waste shall not violate § 14.16.090 of the Sanitary Code or any other requirements established by the District. The District Manager may require Septage haulers to obtain Individual Wastewater Discharge Permits or General Permits.

B. District Manager may require haulers of industrial waste to obtain Individual Wastewater Discharge Permits or General Permits. District Manager may require generators of hauled industrial waste to obtain Individual Wastewater Discharge Permits or General Permits. District Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of the Sanitary Code.

C. Industrial waste haulers may discharge loads only at locations designated by the District Manager. No load may be discharged without prior consent from the District Manager. District Manager may collect samples of each hauled load to ensure compliance with applicable Standards. District Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, Permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are Resource Conservation and Recovery Act (RCRA) hazardous wastes.