

CHAPTER 13. - WASTEWATER CONTROL

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Article 1. - General

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Sec. 6-13.101. - Short title.

This chapter shall be known as the Pacifica Wastewater Control Ordinance.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.102. - Purpose.

Wastewater disposal facilities have been constructed for the treatment and disposal of wastewater and industrial wastes originating within the City. The purpose of this chapter is to control wastewater to provide the maximum public benefit of the wastewater disposal facilities of the City.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.103. - Definitions.

For the purposes of this chapter, unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

(a) "Best management practices" (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 16-13.202. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(b) "Business classification code" (BCC) shall mean a classification of dischargers based on the

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1987 Standard Industrial Classification Manual, Office of Management and Budget of the United States of America.

(c) "Bypass" shall mean the intentional diversion of wastestreams from any portion of a discharger's treatment facility.

(d) "Categorical industrial user" (CIU) shall mean a discharger subject to a categorical pretreatment standard or categorical standard.

(e) "Categorical pretreatment standards" shall mean any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) and that apply to a specific category of industrial user and which appear in Title 40 of the Code of Federal Regulations (40 CFR) Chapter I, Subchapter N, Parts 405-471.

(f) "Chemical oxygen demand, filtered" shall mean the amount of chemical oxygen demand passing through a glass filter as measured in conformance with the City's approved method. Chemical oxygen demand is the measure of the oxygen equivalent of the organic matter of a sample that is susceptible to oxidation by a strong chemical oxidant.

(g) "City" shall mean the City of Pacifica, California.

(h) "City Manager" shall mean the City Manager of the City of Pacifica, California, or his or her designated representative.

(i) "Community sewer system" shall mean the pipes and conduits for carrying wastewater owned and operated by the City that receive wastewater from the side sewer of a discharger.

(j) "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

(k) "Director" shall mean the Director of the City's Sanitary Sewer Collection Division, or his or her designated representative.

(l) "Discharger" shall mean any person who discharges or causes the discharge of wastewater to a community sewer system.

(m) "Domestic" refers to wastewater originating from residential properties. The term "non-domestic" refers to wastewater originating from non-residential properties.

(n) "Federal Act, Clean Water Act, or Act" shall mean the Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency.

(o) "General pretreatment regulations" shall mean any regulations promulgated by EPA in accordance with Sections 307(b) and (c), and 402(b)(8) of the Act (33 U.S.C. 1317) for the implementation, administration and enforcement of pretreatment standards.

(p) "Indirect discharge" or "discharge" shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

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- (q) "Industrial user" (IU) shall mean a source of indirect discharge.
- (r) "Industrial waste" includes any nondomestic liquid or semisolid wastes from any producing, manufacturing, or processing operation of whatever nature.
- (s) "Interference" shall mean a discharge which, alone or in conjunction with discharges from other sources, both:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (t) "Major categorical industrial user" (major CIU) shall mean a categorical industrial user that discharges more than five thousand (5,000) gallons per day of total categorical wastewater.
- (u) "Minor categorical industrial user" (minor CIU) shall mean a categorical industrial user that discharges between one hundred (100) and five thousand (5,000) gallons per day of total categorical wastewater.
- (v) "National Pretreatment Standard, pretreatment standard, or standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
- (w) "New source" shall mean 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 which will be applicable to such source if such standards are thereafter promulgated, 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 plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (x) "Non-significant categorical industrial user" (NSCIU) shall mean a categorical industrial user that never discharges more than one hundred (100) gallons per day of total categorical wastewater and:

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(1) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(2) Submits the certification statement required in 40 CFR 403.12(q); and

(3) Never discharges any untreated concentrated wastewater.

(y) "Nuisance" shall mean a discharge of wastewater in violation of City regulations or orders, or which is or could be harmful to or unreasonably affect the wastewater disposal facilities of the City, or which impairs or unreasonably affects the operation and maintenance of such facilities, or which violates quantity, quality, or flow standards adopted by the City, and all wastewater discharges which unreasonably affect the quality of the City's treatment plant effluent in such a manner that receiving water quality requirements established by law cannot be met by the City.

(z) "Order" means a mechanism to control the contribution to the POTW by each discharger to ensure compliance with applicable pretreatment standards and requirements and other wastewater discharge requirements. Includes, but is not limited to, wastewater discharge permits, pollution prevention permits, cease and desist orders, administrative or other orders.

(aa) "Pass-through" shall mean a discharge which exits the POTW into waters of the State 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(bb) "Person" shall mean any individual, partnership, firm, association, corporation, or public agency, including the State of California and the United States of America.

(cc) "Pollution" shall mean an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses.

(dd) "Premises" shall mean a parcel of real property, or portion thereof, including any improvements thereon, which is determined by the City to be a single unit for purposes of receiving, using, and paying for wastewater disposal service. In making this determination, the City shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of side sewers, and whether the unit is being used for a single activity and, if not, what is the principal activity for wastewater disposal services, but in any case the City determination shall be final.

(ee) "Pretreatment requirement" shall mean any substantive or procedural pretreatment requirement other than a National pretreatment standard.

(ff) "Process water" shall mean any water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of, any raw material, intermediate product, finished product, byproduct, or waste product.

(gg) "Publicly-owned treatment works" (POTW) shall mean any devices and systems used by the City in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

(hh) "Receiving water quality requirements" shall mean requirements for City's treatment plant effluent established by law or by State or Federal regulatory agencies for the protection of receiving

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water quality. "Requirements" shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

(ii) "Representative data" shall mean data obtained through analysis of representative samples using approved analytical methods and procedures.

(jj) "Representative sample" shall mean samples of discharges that are obtained using approved sampling methods, that are representative of the quantity and quality of the discharge, and the conditions occurring during the time the discharge was sampled or measured.

(kk) "Severe property damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and 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.

(ll) "Sewage" shall mean the water-borne wastes derived from human habitation and use of buildings for residential, business, commercial, institutional, and industrial purposes.

(mm) "Side sewer" shall mean a sewer conveying the wastewater of a discharger from a residence, building, or other structure to a community sewer, including direct connections to a community sewer where permitted by the public agency.

(nn) "Significant industrial user" [shall mean]:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

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

b. Contributes a process wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, determine that such user should not be considered a significant industrial user.

(oo) "Significant noncompliance" shall mean a significant industrial user (or any IU which violates paragraphs (3), (4), or (8) below) is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as

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defined by 40 CFR 403.3(1).

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period are equal to or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

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

(5) Failure to meet, within ninety (90) days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

(6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(pp) "Slug load or slug discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article 2 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the City's regulations, local limits or permit conditions.

(qq) "Suspended solids" shall mean the concentration of nonfilterable residue dried at 103° to 105° C on a filter in conformance with the City's approved method.

(rr) "User" shall mean any person who discharges, causes, or permits the discharge of wastewater into a community sewer. Same as "discharger".

(ss) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

(tt) "Wastewater" shall mean all sewage, industrial, and other wastes and waters, whether treated or untreated, discharged into or permitted to enter a community sewer system. As used in this chapter, unless the context specifically indicates otherwise, "wastewater" shall mean sewage, industrial, and other wastes discharged to a community sewer by any person.

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(uu) "Wastewater disposal purposes" shall mean the acquisition, construction, enlargement, operation, and maintenance of wastewater treatment works, pumping plants, outfall sewers, and appurtenances by a special district.

(vv) "Wastewater disposal facilities" or "City facilities" includes wastewater treatment works, pumping plants, outfall sewers, and appurtenances constructed, operated, and maintained by the City for wastewater disposal purposes.

(ww) "Wastewater strength" shall mean the quality of wastewater discharged as measured by its elements, including constituents and characteristics.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.104. - Unusual conditions.

Notwithstanding any provision of this chapter to the contrary, City and any discharger may enter into an agreement where unusual conditions compel special terms and conditions and charges for the treatment and disposal of the wastewater by the City. However, this section does not authorize the waiver of Federal or State standards or requirements.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.105. - Wastewater disposal charges.

All dischargers shall pay wastewater disposal charges as provided for in Chapter 6 of this Title.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Article 2. - Regulation of Wastewater Discharges

[Sec. 6-13.201. - Permissible discharges.](#)

[Sec. 6-13.202. - Prohibited discharges.](#)

[Sec. 6-13.203. - Limitations on discharges.](#)

[Sec. 6-13.204. - Federal pretreatment standards.](#)

[Sec. 6-13.205. - Pretreatment program.](#)

[Sec. 6-13.206. - Permits for federal categorical pretreatment standards.](#)

[Sec. 6-13.207. - Confidential information—Federal categorical pretreatment standards.](#)

Sec. 6-13.201. - Permissible discharges.

Wastewater may be discharged into community sewers for treatment and disposal by the City provided that such wastewater does not contain substances prohibited, or exceed limitations of wastewater strength, set forth in this chapter; and provided further that the discharger pays all City wastewater disposal charges and is in compliance with all terms of this chapter, including the permit provisions if applicable.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.202. - Prohibited discharges.

(a) *General prohibition.* No person shall discharge wastewater into a community sewer which will result in contamination, pollution, or a nuisance.

(b) *Prohibited effects.* No person shall discharge wastewater into a community sewer if it contains substances or has characteristics which, either alone or by interaction with other wastewaters, cause or threaten to cause:

- (1) Damage to City facilities.
- (2) Interference with or impairment of the operation or maintenance of City facilities.
- (3) Obstruction of flow in sewers.
- (4) Danger to life or safety of any person.
- (5) Interference with, or overloading of, treatment or disposal processes.
- (6) Flammable or explosive conditions at or near City facilities.
- (7) Wastewater or any other by-products of the treatment process to be unsuitable for reclamation and reuse, or interfere with any processes for reclamation.
- (8) Noxious or malodorous gases or odors at or near City facilities.
- (9) Discoloration or any other condition in the quality of the City's treatment plant effluent in such a manner that receiving water quality requirements established by law cannot be met by the City.
- (10) Conditions at or near City facilities which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body, including the general prohibitions contained in Federal General Pretreatment Regulations.
- (11) The presence of toxic gases, fumes, or vapors in quantities injurious to the health and safety of City personnel.
- (12) Pass-through of the City's treatment plant, causing a violation of any requirement of the City's NPDES permit.

(c) *Prohibited substances.* No person shall discharge the following to a community sewer:

- (1) Wastewater which is not polluted and meets requirements for and is acceptable for discharge to storm sewers or to receiving waters of the State.
- (2) Wastewater which creates a fire or explosion hazard including, but not limited to, discharges with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
- (3) Garbage, except ground garbage from residential and commercial premises where food is prepared and consumed.

(d) *Prohibited locations.* Except for sewer construction and maintenance by public agencies and contractors, no person shall discharge any wastewater directly into a manhole or other opening in a

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community sewer system other than through side sewers approved by the public agency owning the system; provided that the Director may grant permission for such direct discharges, upon written application, at locations approved by the public agency and upon payment of applicable sewage disposal charges to the City.

(e) *Prohibition on use of dilution.* Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard, requirement or discharge limitation. The City may impose mass limitations on the users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(f) *Prohibition on slug discharges.* No user shall discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause interference with the wastewater treatment process. For the purposes of this section, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or limitations in this section or Section 6-13.203 shall be deemed a slug discharge.

(g) *Bypass prohibited.*

(1) Bypass of pretreatment equipment and/or discharge points is prohibited and the City may take enforcement action against any user for bypass unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, as described in 40 CFR 403.17(d) and the industrial user submits the notifications required in 40 CFR 403.17(c).

(2) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the conditions specified in part (g)(1) of this prohibition.

(h) *Discharge of petroleum or mineral oil causing pass-through or interference prohibited.* Notwithstanding the provisions of Section 6-13.203(a), no user may discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes interference or pass-through.

(i) *Discharge of trucked or hauled wastes prohibited.* No user shall discharge any trucked or otherwise hauled wastes to the community sewer or to any City facilities unless a permit has been issued by the City.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.203. - Limitations on discharges.

(a) *Wastewater strength limits.* No person shall discharge wastewater from a side sewer into a community sewer if the strength of the wastewater exceeds the following:

Arsenic	2	mg/L
Cadmium	1	mg/L

Chlorinated Hydrocarbons

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(total identifiable)	0.5	mg/L
Chromium (total)	2	mg/L
Copper	5	mg/L
Cyanide	5	mg/L
Iron	100	mg/L
Lead	2	mg/L
Mercury	0.05	mg/L
Nickel	5	mg/L
Oil and Grease	100	mg/L
pH	not less than 5.5	S.U.
Phenolic compounds	100	mg/L
Silver	1	mg/L
Temperature	150 ⁽¹⁾	
Zinc	5	mg/L

(1) 150° F (65.5° C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant to exceed 104° F (40° C)

(b) *Additional wastewater strength limits.* Wastewater strength limits for constituents not listed in subsection (a) of this section may be established in a wastewater discharge permit based on available treatment technology, existing wastewater conditions in the City's facilities or other factors as determined by the Director. The Director may also establish wastewater strength limits on the wastewater discharge permits at locations within a premises whenever non-process water may dilute the wastewater discharging from side sewers.

(c) *Best management practices.* The City may require compliance with best management practices (BMPs) as an alternative to numeric limits that are developed to protect the POTW, water quality, and sewage sludge. BMPs imposed pursuant to this subsection (c) must be consistent with the Clean Water Act and this chapter. BMPs may be imposed universally on all dischargers or on a case-by-case basis if the Director determines conditions warrant the use of BMPs instead of the numeric limits.

(d) *Quantity and rate of flow limits.* No person shall discharge wastewater into a community sewer in quantities or at rates of flow which may have an adverse or harmful effect on or overload City facilities or cause excessive or additional City treatment costs. The Director may establish mass discharge limits in wastewater discharge permits to control the quantity and rate of flow of wastewater discharges.

(e) *Radioactive limits.* No person shall discharge or cause to be discharged any radioactive wastewater into a community sewer except when the person is authorized to use radioactive material by the Nuclear Regulatory Commission or other governmental agency empowered to regulate the use of radioactive materials and when the wastewater is discharged in strict conformity with current Nuclear Regulatory Commission regulations and recommendations for safe, disposal and in compliance with all rules and regulations of State and local regulatory agencies.

(f) *Deny or condition new or increased contributions.* The Director may deny or condition new or

increased contributions of pollutants, or changes in the nature of pollutants, to the City's wastewater treatment facility by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the City to violate its NPDES permit.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.204. - Federal pretreatment standards.

Upon promulgation of the Federal general and categorical pretreatment standards, the Federal standards, if more stringent than limitations imposed under the chapter for dischargers, shall supersede the limitations imposed under this chapter. The Director shall notify all affected dischargers of the applicable standards and other requirements. National categorical standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into these regulations. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in these regulations.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.205. - Pretreatment program.

The Director shall implement a pretreatment program in accordance with general pretreatment regulations adopted by EPA and in accordance with this chapter.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.206. - Permits for federal categorical pretreatment standards.

The Director shall issue permits to dischargers subject to Federal categorical pretreatment standards and require compliance in accordance with dates established by EPA. The permits shall be issued in accordance with the provisions of Article 3 of this chapter but pretreatment permits may be issued with renewal dates from twelve (12) to sixty (60) months after issuance of the initial pretreatment permits.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.207. - Confidential information—Federal categorical pretreatment standards.

All information and data obtained from a discharger in connection with Federal pretreatment standards shall be available to the public or other governmental agencies without restriction unless the discharger specifies that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets, in which case the discharger shall be solely responsible for taking any action necessary to prevent the release of such information. Wastewater constituents and characteristics will not be recognized as confidential information.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Article 3. - Wastewater Discharge Permits

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[Sec. 6-13.301. - Permit required.](#)

[Sec. 6-13.302. - Application.](#)

[Sec. 6-13.303. - Terms and conditions of permit.](#)

[Sec. 6-13.304. - Change of permit terms and conditions.](#)

[Sec. 6-13.305. - Transfer of permit prohibited.](#)

[Sec. 6-13.306. - Termination.](#)

Sec. 6-13.301. - Permit required.

All dischargers, other than residential, whose wastewater requires special regulation or contains industrial wastes requiring source control shall secure a wastewater discharge permit.

(a) *Mandatory permits.* All dischargers in the following categories must obtain a wastewater discharge permit:

- (1) Significant industrial users.
- (2) Dischargers determined by the Director to require a permit to establish wastewater disposal charges based on flow and waste strength. These may include:
 - a. Dischargers whose average wastewater strength cannot be established on a business classification basis, because of seasonal or other variations in operations.
 - b. Dischargers whose wastewater strength exceeds the normal range of wastewater strength for the business classification code to which the discharger is assigned.
 - c. Dischargers using an unmetered source of water.
- (3) Other dischargers determined by the Director to require individual or general permits as necessary to carry out the purposes of this chapter.

(b) *Optional permits.* The Director may issue wastewater discharge permits to any discharger after application in accordance with the terms of this article, in the following categories:

- (1) A discharger who requests a City estimation of wastewater flow because a significant amount of the metered water consumption is not being discharged to a community sewer. For the purposes of this chapter, any diversion shown to be more than twenty (20%) percent of the metered consumption shall qualify for an optional permit. Other dischargers who can demonstrate a significant diversion may request a permit, which shall be subject to approval by the Director.
- (2) Any person whose discharge is less than the normal range of wastewater strength for the business classification code to which he is assigned because of pretreatment, process changes, or other reasons.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.302. - Application.

Dischargers seeking a wastewater discharge permit shall complete and file with the Director a City application form, accompanied by the applicable City fees. New dischargers shall file applications sixty (60) days prior to commencement of discharges and existing dischargers shall file applications within

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thirty (30) days of notification by the Director, unless such time is extended for good cause. The application may require the following information:

- (a) Name, site address, and mailing address (if different than site address) of business;
- (b) Estimated wastewater strength;
- (c) Estimated wastewater flow, average and peak wastewater discharge flow for each side sewer;
- (d) Locations of side sewers, sampling points, and pretreatment facilities;
- (e) Description of activity, facilities, and plant process on the premises, including raw materials, processes and types of materials which are or could be discharged;
- (f) Total product produced, by type;
- (g) Number and type of employees;
- (h) Days and hours of operation and days and hours of discharge;
- (i) Slug control plan which outlines discharge practices (including non-routine batch discharges), describes stored chemicals, and contains procedures both to notify the district immediately of slug discharges and to prevent adverse impacts from any accidental spill; and
- (j) Any other information the Director shall deem necessary to evaluate the permit application.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.303. - Terms and conditions of permit.

(a) *Terms.* All wastewater discharge permits shall be subject to all provisions of this chapter and all rates and charges established by the City. All permits issued to significant industrial users shall be issued for a specified time period, not to exceed five (5) years. The Director may establish renewal dates up to sixty (60) months for significant industrial user permits. The time period for all other permits shall be as determined by the Director, and may include permits with no expiration date, provided that the Director may revise or terminate any permit as provided in Sections 6-13.304 and 6-13.306. Applications for permit renewal shall be submitted to the City at a minimum of sixty (60) days prior to expiration.

(b) *Conditions.* Wastewater discharge permits may contain any or all of the following conditions:

- (1) Limits on rate and time of discharge or requirements for flow regulation and equalization.
- (2) Requirements for inspection and sampling facilities, including City access to such facilities.
- (3) Monitoring program which may include: Sampling locations; frequency and method of sampling; number, types and standard of tests; and establishing a reporting schedule. The discharger assigned a monitoring program in conformance with this chapter shall pay all applicable City charges.
- (4) Submission of technical reports or discharge reports, including, but not limited to, reports described in Section 6-13.402, or any report required by 40 CFR 403.12.
- (5) Maintenance of plant records relating to wastewater discharges, as specified by the Director,

and affording City access thereto.

- (6) A statement of applicable penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
- (7) Requirements for the development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the City's treatment plant.
- (8) Notification requirements including immediate notification of any changes that affect the potential for a slug discharge.
- (9) 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.
- (10) Installation of technology, as specified by the Director.
- (11) Requirements to implement best management practices.
- (12) Other conditions as deemed appropriate by the Director to ensure compliance with this chapter or the terms and conditions of the permit.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.304. - Change of permit terms and conditions.

The City may change the terms and conditions of a wastewater discharge permit, including changing the average limits on the elements of wastewater strength, from time to time as circumstances may require. The City shall allow a discharger reasonable time to comply with any City required changes in the permit except that a change in average limits of wastewater strength shall immediately affect calculation of any wastewater disposal fees or charges imposed pursuant to Chapter 6 of this title. A person whose permit is changes pursuant to this section may appeal the change as provided for in Section 6-13.501(e).

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.305. - Transfer of permit prohibited.

A wastewater discharge permit shall not be assigned or transferred.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.306. - Termination.

The Director may terminate any wastewater discharge permit for violation of the terms and conditions of the permit or the provisions of this chapter. A discharger whose permit has been terminated may appeal the decision pursuant to Section 6-13.501(e), except that a decision to terminate a permit will be stayed during the appeal process.

A discharger whose permit has been terminated, and chooses not to appeal or whose appeal has been denied, shall apply for a new permit within thirty (30) days of notice of termination or the notice of the final ruling on the appeal.

Any discharger whose permit has been terminated shall continue to pay wastewater disposal charges

imposed pursuant to Chapter 6 of this title based upon his former permit or on his assigned business classification code, whichever is higher, until a new permit has been applied for, approved, and issued.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Article 4. - Administration

[Sec. 6-13.401. - Authority of Director.](#)

[Sec. 6-13.402. - Wastewater source control requirements.](#)

[Sec. 6-13.403. - Signature requirement.](#)

[Sec. 6-13.404. - Retention of records.](#)

[Sec. 6-13.405. - Analytical and sampling methodology and procedures.](#)

[Sec. 6-13.406. - Public notification of dischargers found to be in significant non-compliance.](#)

[Sec. 6-13.407. - Trade secrets.](#)

[Sec. 6-13.408. - City inspection.](#)

[Sec. 6-13.409. - New connections.](#)

Sec. 6-13.401. - Authority of Director.

The Director is charged with responsibility for City's wastewater control program and the administration and enforcement of the provisions of this chapter.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.402. - Wastewater source control requirements.

In order to effectively administer and enforce the provisions of these regulations, the Director may require any discharger to comply with any or all the following requirements:

(a) *Discharge reports.* The Director may require discharge reports, including, but not limited to, questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of wastewater discharge. When a report filed by a person pursuant to this section is not adequate in the judgment of the Director, he may require such person to supply such additional information as the Director deems necessary. The discharge report may include, but not be limited to, nature of the process, volume and rates of wastewater flow, elements, constituents, and characteristics of the wastewater, together with any information required in an application for wastewater discharge permit.

(b) *Baseline monitoring report.* Each categorical industrial user shall submit a baseline monitoring report (BMR). The requirements for a BMR, as described in 40 CFR 403.12(b) are hereby incorporated into these regulations. A BMR, if required, shall be reviewed by an authorized representative of the user, and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the pretreatment standards and requirements.

(c) *Periodic report of continued compliance.* Any major categorical industrial user shall submit to

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the City twice annually, a report indicating the nature and concentration of the pollutants that are regulated by the CIU's Federal pretreatment standards. The report shall include the average and maximum daily flows. The City may determine during which months the CIU shall submit these reports.

(d) *Compliance schedule for the installation of technology.* The City may require each user to develop a compliance schedule for the installation of technology to meet applicable pretreatment standard or requirement. The compliance schedule for the installation of technology is not conditioned on the determination of violations. Progress reports for the compliance schedule shall be considered a requirement.

(e) *Report on compliance with categorical deadline.* Each categorical user shall submit a report within ninety (90) days after the final date for compliance, or upon commencement of discharge, whichever comes later, which contains flow and pollutant measurements, a certification of whether pretreatment standards are being met consistently, and if not, a description of needed additional operations and maintenance or pretreatment. The report on compliance with categorical deadline, if required, shall be reviewed by an authorized representative of the user, and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the pretreatment standards and requirements.

(f) *Notice of violation/resampling report.* If sampling by a user indicates a violation, the user shall notify the City 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 City within thirty (30) days of becoming aware of the violation, unless the City samples the user between the time of the initial sampling and the time when the user receives the results of this sampling. Within five (5) days of detecting such violation, the user shall, unless waived by the City, 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 may be incurred as a result of damage to the POTW, 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 this chapter.

(g) *Slug control plan.* The City may require a plan which outlines discharge practices, including non-routine batch discharges, describes stored chemicals, and contains procedures both to notify the City immediately of slug discharges and to prevent adverse impacts from any accidental spill.

(h) *Notice of potential problems.* All categorical and non-categorical industrial users shall notify the City immediately of all discharges that could cause problems to its wastewater treatment facility, including any slug loads by the industrial user.

(i) *Notification of changed conditions.* All industrial users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p), and immediate notification of any changes that affect the potential for a slug discharge.

(j) *Notification of hazardous waste discharge.*

(1) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting

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requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).

(2) In the case of any notification made under subsection (1) above, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The City may accept a copy of a hazardous waste reduction or minimization plan otherwise required by law, as compliance with this requirement.

(k) *Monitoring programs.* The Director may require of dischargers such technical or monitoring programs, including the submission of periodic reports, as he deems necessary, provided that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The discharger shall pay the applicable City charge for the monitoring program, in addition to the wastewater disposal and other charges established by the City. The monitoring program may require the discharger to conduct a sampling and analysis program of a frequency and type specified by the Director or as required by the Federal General Pretreatment Regulations (40 CFR 403.5) to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(1) Conduct his own sampling and analysis program provided he demonstrates to the Director that he has the necessary qualifications and facilities to perform the work; or

(2) Engage a private consulting firm or laboratory, certified by the State of California, Department of Public Health.

(l) *Additional monitoring report.* If a significant industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using approved sampling and analytical methods, the results of this monitoring shall be included in the subsequent self-monitoring report.

(m) *Inspection facilities.* The Director may require any non-residential discharger to construct, at his own expense, a sampling facility or inspection manhole together with necessary related measuring and sampling equipment. The sampling facility or inspection manhole shall be constructed on the side sewer of the discharger and within the public right-of-way at a location approved by the City; provided that the Director may permit the installation of such facilities on the premises of the discharger at a location which will permit City access to the facility at all times. Construction shall be completed within sixty (60) days of written notification from the Director, unless such time is extended by the Director for good cause. The Director may require the discharger to install such sampling facilities or inspection manholes on each side sewer.

(n) *Pretreatment.* Pretreatment systems or devices may be required by the Director to treat wastewater prior to discharge to the community sewer when it is necessary to restrict or prevent the discharge to the community sewer of wastewater having strength in violation of the prohibitions or exceeding the limits established by this chapter, or to distribute wastewater discharges over a period of time. All pretreatment systems or devices shall be approved by the Director but such approval shall not relieve a discharger of the responsibility for taking all steps necessary to comply with wastewater limitations established by the City. All required pretreatment equipment shall be installed and operated at the discharger's expense. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City.

(o) *Protection from accidental or slug discharge.* Each discharger shall provide protection from

accidental or slug discharge of prohibited materials or other wastes regulated by this chapter. Such facilities shall be provided and maintained at the discharger's expense. These facilities shall be approved by the Director, but such approval shall not relieve the discharger from the responsibility of modifying the facilities to provide the protection necessary to meet the requirements of this section.

(p) *Representative data.* All data submitted in reports or applications shall be representative of conditions during the reporting period.

(q) *[Other reports.]* Any other reports, as deemed necessary by the City, to determine a user's compliance status with local, State and Federal limits or requirements.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.403. - Signature requirement.

(a) All reports and/or permit applications received and/or required under these regulations, including BMR, reports on compliance with categorical standard deadlines (ninety-day compliance reports) and periodic reports on continued compliance, shall be signed:

(1) By a responsible corporate officer, if the user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

a. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding Twenty-Five Million and no/00 (\$25,000,000.00) Dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship, respectively;

(3) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this section if:

a. The authorization is made in writing by the individual designated in paragraph (1) or (2);

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

c. The written authorization is submitted to the City.

(4) If an authorization under paragraph (a)(3) of this section 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 authorization satisfying the requirements of paragraph (a)(3) of this section must be submitted to the District prior to or together

with any reports to be signed by an authorized representative.

(b) Reports and applications must include the following certification statement:

"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."

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.404. - Retention of records.

All records, including, but not limited to, all information resulting from any monitoring activities, discharge reports, permits, self-monitoring data, pretreatment system process control logs, documentation of compliance with BMP requirements, and relevant correspondence (whether or not required by these regulations) must be maintained by the user for a period of not less than three (3) years. Monitoring records shall be included for all samples as specified in 40 CFR 403.12(o)(1). All such records shall be made available for inspection and copying by a duly authorized representative of the District or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the request of the District, the State or U.S. EPA.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.405. - Analytical and sampling methodology and procedures.

(a) The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.

(b) The methods and procedures utilized for all sampling performed and/or reported under the requirements of this regulation shall be as specified by the provisions of 40 CFR Part 136.

(c) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by U.S. EPA.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.406. - Public notification of dischargers found to be in significant non-compliance.

At an interval of not less than once per year, the City will publish the identities of any users that are found to be in significant non-compliance of any National pretreatment standard, discharge limitation or prohibition, or any other requirement of these regulations. The definition of significant non-compliance shall be as specified in Section 6-13.103. The publication shall occur in a newspaper of general circulation that provides meaningful public notice within the service area of the City.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.407. - Trade secrets.

When requested by the person furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for inspection by the public, unless required by law or court order, but shall be made available to governmental agencies including the U.S. EPA, the State, and the District in judicial review or enforcement proceedings involving the person furnishing the report. All confidential information in connection with Federal pretreatment standards shall comply with Section 6-13.207.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.408. - City inspection.

The City may inspect the facilities of any discharger to ascertain whether the provisions of this chapter are being met and the wastewater discharge limits are being complied with. Dischargers shall allow the City or its representatives 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. Where a discharger has security measures which would require proper identification and clearance before entry into their premises, the user shall make arrangements with their security personnel so that, upon presentation of proper identification, City personnel will be permitted to enter without delay for the purposes of performing their specific responsibilities. Such inspection shall be made with the consent of the owner or possessor of such facilities. If the City has been refused access to any part of a discharger's facility, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of the routine inspection and sampling program of the City, then the Director may seek issuance of an inspection warrant or a search warrant, duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of Part 3 of Code of Civil Procedure; provided, however, that in the event of an emergency affecting the public health or safety such inspection may be made without consent or the issuance of a warrant. To verify the wastewater flows and strengths reported by dischargers or to determine compliance with this chapter, inspection, measurement, and sampling may be conducted from time to time by the City. The City shall have the right to install, maintain, and operate necessary sampling and measuring equipment on the premises of discharger.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.409. - New connections.

Dischargers will be assigned a business classification code and informed of the applicable prohibitions, limits or conditions, and the applicable rates and charges, governing wastewater disposal service at the time of application for water service. All nonresidential dischargers seeking a new side sewer connection to a community sewer and any new discharger requiring information prior to applying for water service should contact the Director. The City will inform the discharger of the regulations governing wastewater disposal service and the applicability of requirements for inspection, sampling, or pretreatment facilities.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Article 5. - Enforcement and Penalties

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[Sec. 6-13.501. - Director's orders.](#)

[Sec. 6-13.502. - Director's enforcement remedies and penalties.](#)

[Sec. 6-13.503. - Criminal penalties.](#)

[Sec. 6-13.504. - Civil enforcement remedies and penalties.](#)

Sec. 6-13.501. - Director's orders.

The Director may adopt procedures and rules for the implementation and administration of this chapter. The Director shall enforce the provisions of this chapter, including requirements established or permits issued hereunder, as provided herein.

(a) *Requiring discharger to submit schedule of remedial or preventive measures.* When the Director finds that a discharge of wastewater is taking place or threatening to take place that violates or will violate prohibitions or limits prescribed by this chapter or wastewater source control requirements or the provisions of a wastewater discharge permit, the Director may require the discharger to submit for approval of the Director, with such modifications as he deems necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

(b) *Issuance of cease and desist orders.* When the Director finds that a discharge of wastewater is taking place or threatening to take place in violation of prohibitions or limits of this chapter or wastewater source control requirements or the provisions of a wastewater discharge permit, the Director may issue an order to cease and desist and direct that those persons not complying with such prohibitions, limits, requirements, or provisions (1) comply forthwith, (2) comply in accordance with a time schedule set by the Director, or (3) take appropriate remedial or preventative action.

(c) *Damage to facilities.* When the discharge of wastewater causes an obstruction, damage, or other impairment to City facilities, the Director may recover costs from the discharger to correct the problem caused by the discharger.

(d) *Termination of service.* The City may terminate or cause to be terminated wastewater disposal or water service to any premises if a violation of any provision of this chapter pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this chapter. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

(e) *Appeal procedures.* Any permit applicant, permit holder, or other discharger affected by any decision, action, or determination, including cease and desist orders, made by the Director pursuant to this section in interpreting or implementing the provisions of this chapter, or any permit issued hereunder, may file with the Director a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the request. The Director may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Director within ten (10) days from the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during such period of review by the Director. If the ruling made by the Director is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days after notice of the action by the Director, file a written appeal to the City Manager. The written appeal shall state all pertinent aspects of the matter and shall include the hearing record if one was requested. Within thirty (30) days after the written appeal is received, the City Manager shall hold a hearing after due notice to the appellant. The City

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Manager may establish rules and regulations governing the hearings of such appeals. The City Manager shall make a final ruling on the appeal within ten (10) days after close of the hearing. The decision, action, or determination shall remain in effect during such period of review by the City Manager. If the decision of the City Manager is unsatisfactory to the person appealing, he may file a written appeal to the City Council within thirty (30) days after receipt of the decision. The City Council may hear the appeal or refer the matter to a neutral hearing officer for an advisory opinion. The City Council shall make a final ruling on the appeal within ten (10) days of the close of the hearing or receipt of the advisory opinion. The decision, action, or determination shall remain in effect during such period of review by the City Council. The Director may adopt rules and regulations to implement the provisions of this section.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.502. - Director's enforcement remedies and penalties.

The Director may impose penalties, up to specified maximums, against any person who violates the provisions of this chapter. For purposes of this section of the chapter, the Director or his/her designee shall be the hearing officer.

(a) Issuance of complaints.

(1) The Director may issue a complaint to any person on whom civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision of law authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.

(2) The complaint shall be served by personal notice or certified mail on the person subject to the City's discharge and reporting requirements, and shall inform the party served that a hearing shall be conducted within sixty (60) days after the party has been served unless the person who has been issued the complaint waives the right to a hearing in writing within ten (10) days of the issuance of the complaint.

(b) Civil liability penalties. Civil liability may be imposed by the Director as follows:

(1) In an amount which does not exceed One Thousand and no/100 (\$1,000.00) Dollars for each day for knowingly or willfully failing or refusing to furnish technical or monitoring reports.

(2) In an amount which does not exceed Five Thousand and no/100 (\$5,000.00) Dollars for each day of intentionally or negligently discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, knowingly falsifying any information provided in any furnished technical or monitoring report.

(3) In an amount which does not exceed Ten and no/100 (\$10.00) Dollars per gallon for discharges in violation of any of the City's cease and desist or other orders, or prohibitions issued, reissued, or adopted by the City.

(4) Unless appealed, orders setting administrative civil liability shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days.

(c) Appeal.

(1) A person dissatisfied with the decision of the Director may appeal in writing to the City Manager

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within thirty (30) days of notice of the Director's decision. A person dissatisfied with the decision of the City Manager may appeal in writing to the City Council within thirty (30) days of notice of the City Manager's decision.

(2) Any party aggrieved by a final order issued by the City Council may obtain review of the order of the Council in the superior court by filing in the court a petition for writ of mandate within thirty (30) days following the issuance of the order by the Council.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.503. - Criminal penalties.

(a) Any person who intentionally discharges wastewater in any manner, in violation of any order issued by the Director, City Manager or City Council, which results in contamination, pollution, or a nuisance, as defined in this chapter, is guilty of a misdemeanor and may be subject to criminal penalties of not more than One Thousand and no/100 (\$1,000.00) Dollars per day for each such violation, including, but not limited to, any violation of pretreatment standards or requirements.

(b) Any person who knowingly makes any false statement or representation in any record, report, plan, or other document filed with the City, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the City, shall be punished by a fine of not more than Twenty-Five Thousand and no/100 (\$25,000.00) Dollars or by imprisonment in the county jail for not more than six (6) months, or by both.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.504. - Civil enforcement remedies and penalties.

The City may pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this chapter.

(a) *Civil enforcement penalties.*

(1) Any person who fails to comply with any order issued by the City, including orders related to pretreatment standards or requirements, shall be subject to a civil penalty not to exceed Ten Thousand and no/100 (\$10,000.00) Dollars for each day in which the discharge, violation, or refusal occurs.

(2) Any person who intentionally or negligently violates any order issued by the City for violation of rules regulating or prohibiting discharge of wastewater which causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this article, may be liable civilly in a sum not to exceed Twenty-Five Thousand and no/100 (\$25,000.00) Dollars for each day in which the violation occurs.

The attorney of the City, upon request of the City Council, shall petition the Superior Court to impose, assess, and recover such sums.

(b) *Injunction.* Whenever a discharge of wastewater is in violation of the provisions of this chapter, including but not limited to violation of a pretreatment standard or requirement, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, or whenever non-discharge violations occur including failure to submit a required report or failure to allow the City's inspectors access to an industrial facility, the City may petition the Superior Court for the

issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such violations.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

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[Sec. 6-13.601. - Definitions.](#)

[Sec. 6-13.602 - Responsibility and standards for maintenance of sewer laterals.](#)

[Sec. 6-13.603. - When a compliance certificate is required.](#)

[Sec. 6-13.604. - How to obtain a compliance certificate.](#)

[Sec. 6-13.605. - Compliance certificate term limits.](#)

[Sec. 6-13.606. - Time extension certificate.](#)

[Sec. 6-13.607. - Fees.](#)

[Sec. 6-13.608. - Appeals.](#)

[Sec. 6-13.609. - Enforcement.](#)

[Sec. 6-13.610. - Emergencies.](#)

Sec. 6-13.601. - Definitions.

The following definitions apply to this article:

- (a) "Cleanout" shall mean a pipe fitting and associated piping connected to a sewer lateral that provides access to the sewer lateral for purposes of flushing, rodding, cleaning, and other maintenance and diagnostic purposes.
- (b) "Compliance certificate" shall mean a certificate issued by the City indicating that the sewer lateral has passed a verification test.
- (c) "Emergency" emergencies may include, but are not limited to: power outages, equipment failure, storms, flood, fire, earthquake, riots, and any City event that requires a short-term change to the requirements of this article.
- (d) "Escrow account" shall mean a real estate transaction account into which an applicant deposits funds to obtain a one-hundred-eighty-day time extension, pursuant to this article, to complete the required work on the sewer lateral(s).
- (e) "Exemption certificate" shall mean a certificate issued by the City to property owners who can demonstrate that work on the lateral has been completed in accordance with local ordinance requirements within ten (10) years of the effective date of the ordinance.
- (f) "Infiltration and inflow" (I/I) shall mean the groundwater and rainwater that enters a sanitary sewer system intended for wastewater flows. "Infiltration" is water that enters the sewer system through openings in the joints or walls of pipes and manholes. "Inflow" is water that enters the sewer system through direct connections such as uncapped lateral cleanouts, openings in manhole covers, and illicit connections including area drains, catch basins, foundation drains, and roof drains.

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- (g) "Sewer lateral " shall mean the upper and lower sections of sewer pipe that carry sewage and liquid waste from the building or structure served, up to and including the connection to the public sewer; or a sewer pipe coming from a private development with connections to the public sewer at one or more locations.
- (h) "Non-sanitary sewer connection" shall mean anything that directly or indirectly conveys stormwater, surface water, roof runoff, groundwater or subsurface drainage into sanitary sewers, including, but not limited to, downspouts, yard drains, sump pumps, or other sources of stormwater, runoff, or groundwater.
- (i) "Remodel" shall mean any significant modification of an existing building or structure, the cost of which is estimated to be greater than Fifty Thousand and no/100 (\$50,000.00) Dollars.
- (j) "Repair" and "replacement" shall mean construction activities performed by a contractor to bring a sewer lateral into compliance with City requirements. "Repair" means a correction of an isolated defect of the sewer lateral while "replacement" applies to the complete length of the sewer lateral.
- (k) "Sanitary sewer" shall mean a sewer that conveys wastewater from a structure and to which stormwater or surface water is not intentionally admitted.
- (l) "Sewer main" shall mean a publicly-owned sanitary sewer pipe.
- (m) "Structure" shall mean any building that is required to be provided with public sewer service.
- (n) "Time extension certificate" shall mean a document issued by the City to the eligible property owner for title transfer transactions, that allows the time to be extended up to one hundred eighty (180) days after the date of certificate issuance to repair and/or replace the sewer lateral in compliance with City requirements.
- (o) "Title transfer" shall mean the sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of partial interest, including a leasehold. In addition, the following shall not be included: (1) transfer by a fiduciary in the course of the administration of a decedent's estates, guardianship, conservatorship, or trust, (2) transfers from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors, (3) transfers made by a trustor to fund an inter vivos trust, (4) transfers made to a spouse, to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in the lineal line of consanguinity of one or more of the transferors, (5) transfers between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or a decree of legal separation or from a property settlement agreement incidental to a decree, (6) transfers from property owners to any financial institution as a result of a foreclosure or similar process.
- (p) "Verification test" shall mean a test to be witnessed by the City's authorized representative(s) to verify that the sewer lateral is in compliance with City requirements.
- (q) "Waiver" shall mean a document issued by the City to a property owner to relieve the property owner from the requirement to perform work on the lower sewer lateral under certain approved conditions.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.602 - Responsibility and standards for maintenance of sewer laterals.

It shall be the responsibility of the property owner to perform all required maintenance, repairs and replacement of the sewer lateral in accordance with the following requirements:

- (a) The sewer lateral shall be kept free from roots, grease deposits, and other solids, which may impede or obstruct the flow.
- (b) All joints shall be watertight and all pipes shall be sound.
- (c) The sewer lateral pipe shall be free of any structural defects such as fractures, cracks, breaks, openings, or missing portions.
- (d) All cleanouts shall be securely sealed with a proper cap or approved overflow device at all times.
- (e) There shall be no non-sanitary sewer connections to the sewer lateral or to any plumbing that connects to the sewer lateral.
- (f) All maintenance, repair or replacement shall conform to current City standards and specifications.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.603. - When a compliance certificate is required.

(a) *Title transfer.* Prior to transferring title associated with the sale of any real property that contains any structure with a sewer lateral within the City's wastewater service area, the transferor property owner shall disclose the requirements of this article. The transferor property owner or transferee shall obtain a compliance certificate pursuant to Section 6-13.604, and provide a copy of a valid compliance certificate to: (1) the transferor property owner's real estate broker, if any, (2) the transferee, (3) the transferee's real estate broker, if any, (4) the escrow holder, if any.

(b) *Construction or remodeling.* Whenever a property owner applies for any permit or other approval needed for construction, remodeling, modification or alteration of any structure with a sewer lateral, the property owner shall obtain a compliance certificate pursuant to Section 6-13.604 prior to obtaining a final permit or approval from the permitting authority. This paragraph shall apply to construction, remodeling, modification or alteration work where the cost of the work is estimated to exceed Fifty Thousand and no/100 (\$50,000.00) Dollars.

(c) *Addition of drain or fixture.* Whenever a property owner applies for any permit or other approval needed to add one or more drains or plumbing fixtures to any structure with a sewer lateral within the City's wastewater service area, the property owner shall obtain a compliance certificate pursuant to Section 6-13.604 prior to obtaining a final permit or approval from the permitting authority.

(d) *Change in water services.* Whenever a property owner within the City's service area applies for any permit or other approval from the City or local water agency for an increase or decrease in size of the owner's water meter, or for an additional water meter, the property owner shall obtain a compliance certificate, pursuant to Section 6-13.604, prior to obtaining a final permit or approval.

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(e) *An individually-owned unit in a multi-unit structure served by a single lateral or shared laterals such as a condominium or other common interest development.* Within ten (10) years of the effective date of this chapter (December 28, 2016), the homeowners' association or a responsible party for this type of multi-unit structure shall determine if the sewer lateral(s) is (are) in compliance with Sections 6-13.602 and 6-13.604 and perform any necessary repair or replacement work to achieve compliance. After the work is completed, re-certification of the sewer lateral shall occur at twenty-year intervals.

(f) *Property developments other than those specified in "d" above with sewer laterals totaling greater than one thousand (1,000") feet in length.* Within five (5) years of the effective date of this chapter (December 28, 2016) property owners or responsible parties for property developments with sewer laterals totaling greater than one thousand (1,000") feet in length, shall submit for City approval, a condition assessment plan with a schedule to perform testing to assess the condition of all of the sewer laterals on the property to determine compliance with Section 6-13.602. Within ten (10) years of the effective date of this chapter, property owners or responsible parties shall complete all condition assessment testing and submit a corrective action work plan for District approval. Corrective action work plans shall include information about the quantity and schedule of work to be performed to bring the property's sewer laterals into compliance with the requirements of this chapter. After the work is completed, re-certification of the sewer laterals shall occur at twenty-year intervals.

(g) *Exception.* A property with a dated approved building/sewer permit from the City indicating that the sewer lateral was replaced in total within ten (10) years of the effective date of this chapter (December 28, 2016) may submit the information to the District along with a request for an exemption certificate. Upon review and approval, an exemption certificate will be issued.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.604. - How to obtain a compliance certificate.

Whenever a compliance certificate is required under this article, a property owner who does not hold a valid compliance certificate shall do the following at the property owner's expense.

(a) *Repair or replacement.* The property owner shall determine whether the sewer lateral is in compliance with City requirements. If the sewer lateral is not in compliance, the property owner shall perform any and all repair and replacement work needed to bring the sewer lateral into compliance. If the City has issued a waiver for the lower sewer lateral, then work is only required on the upper sewer lateral, in conformance with subsection (b) of this section.

(b) *Verification testing.* After the property owner determines (through any combination of inspection, repair and/or replacement) that the sewer lateral is in compliance with City requirements, and upon payment of the required fee established pursuant to this title, the property owner shall perform verification testing in accordance with the City's procedures in the presence of the City's authorized representative. If the City's authorized representative determines that the verification testing confirms that the sewer lateral is in compliance with City requirements, the City will issue a compliance certificate.

(c) *Procedures for verification testing for sewer laterals.* The City will maintain written procedures for verification testing. The procedures shall be made available upon request.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.605. - Compliance certificate term limits.

When the compliance certificate is obtained as a result of complete replacement of the sewer lateral, the compliance certificate shall be valid for twenty (20) years from the date of issuance. Complete replacement, for these purposes, includes replacing the complete length of the sewer lateral. When the compliance certificate is obtained without complete replacement, e.g., as a result of repair work or testing without repair, the compliance certificate shall be valid for seven (7) years from the date of issuance.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.606. - Time extension certificate.

The requirement to obtain a compliance certificate prior to transfer of title in no way affects the legality of the transfer of title in the underlying property transaction. If the City's compliance certificate can not be obtained prior to title transfer, the property owner may request a time extension of one hundred eighty (180) days in which to perform the repairs or replacement required in conjunction with the transfer of property by applying to the City for a time extension certificate.

The time extension certificate request shall be submitted to the City with the required fee established pursuant to this article. Upon issuance of the time extension certificate, funds in the amount of Five Thousand and no/100 (\$5,000.00) Dollars are to be posted into escrow. However, if the sewer lateral is longer than fifty (50") feet, the Director may require funds in excess of Five Thousand and no/100 (\$5,000.00) Dollars to be deposited in escrow. The Director shall determine the deposit amount for sewer laterals longer than fifty (50") feet based on estimates received from licensed contractors to replace the entire length of the sewer lateral. Property owners are responsible for the full cost of lateral compliance with City requirements, which may exceed the deposit amount. Once the upper sewer lateral passes a verification test, funds will be released in accordance with escrow instructions.

If the work is not completed within one hundred eighty (180) days of issuance of the time extension certificate, or does not meet the conditions required by this article, the escrow funds may be forfeited following a hearing, as appropriate, and the current property owner is subject to an enforcement action set forth in this article. The City will take possession of the forfeited escrow funds and the current property owner must demonstrate the compliance of their upper sewer lateral with this article prior to requesting that the City consider release of the forfeited funds, less the City's costs. After close of escrow, the current property owner shall be responsible for all costs associated with the lateral compliance.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.607. - Fees.

The City Council may establish fees by resolution for administration of this title.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.608. - Appeals.

(a) *Requests for relief.* Any person or entity who is unable to comply with the requirements of this article may file with the Director, a written request for relief within fifteen (15) days of becoming aware of their inability to comply, setting forth in detail the facts supporting the request. The request shall be acted upon by the Director within ten (10) days from the receipt of the request. The Director's decision shall be final.

(b) *Requests for reconsideration.* Within thirty (30) days after the mailing of written notice of any

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decision, action or determination related to this article, any person or entity affected by the decision may file with the Director a written request for reconsideration, setting forth in detail the facts supporting the request. The request for reconsideration shall be acted upon by the Director within ten (10) days from the receipt of the request for reconsideration. The decision, action, or determination shall remain in effect during such period of review by the Director. The Director's decision shall be final.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.609. - Enforcement.

The Director shall enforce the provisions of this article as provided herein.

(a) Violations of this article include, but are not limited to:

- (1) Failure to obtain a compliance certificate when one is required;
- (2) Failure to post the required funds into an escrow account and perform the required work after receiving a time extension certificate;
- (3) Failure to comply with the City's requirements for repair and replacement testing;
- (4) Falsifying facts to obtain an exemption or compliance certificate; and/or
- (5) Presenting a false compliance certificate.

(b) *Enforcement.*

- (1) When the Director finds that a person violates or threatens to violate the provisions of this article, the Director may notify the person in writing. The person will be required within thirty (30) days of the notification mailing date to submit for approval by the Director a detailed time schedule of specific action the person shall take in order to correct or prevent a violation of this article. The actions must be taken within sixty (60) days of submittal of the time schedule.
- (2) The Director has the authority to take enforcement actions against a person who violates the provisions of this article and fails to perform any act required in this article including, but not limited to imposing administrative fees, filing an injunction requiring the work to be done, and/or terminating water service, as provided for in Article 5 of this chapter.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)

Sec. 6-13.610. - Emergencies.

In the event of an emergency, City staff shall have the authority to temporarily suspend the requirements of this article until the next regular or special meeting of the City Council at which time a report shall be made.

(§ 1(Exh. A), Ord. 784 C.S., eff. December 28, 2011)