

## **Sonoma County Water Agency Sanitation Code Ordinance**

**Uniform Practices Governing (1) The Use of Sanitation Facilities of the Sonoma County Water Agency, (2) The Construction of Sanitation Facilities, (3) A Source Control Program, (4) A Grease, Oil, and Sand Interceptor Program, (5) An Enforcement Program, (6) Various Administrative Procedures and Related Matters, and (7) Repealing Certain Existing Related Ordinances.**

# SONOMA COUNTY WATER AGENCY SANITATION CODE ORDINANCE

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY, STATE OF CALIFORNIA, CONTAINING UNIFORM PRACTICES GOVERNING (1) THE USE OF SANITATION FACILITIES OF THE SONOMA COUNTY WATER AGENCY, (2) THE CONSTRUCTION OF SANITATION FACILITIES, (3) A SOURCE CONTROL PROGRAM, (4) A GREASE, OIL, AND SAND INTERCEPTOR PROGRAM, (5) AN ENFORCEMENT PROGRAM, (6) VARIOUS ADMINISTRATIVE PROCEDURES AND RELATED MATTERS, AND (7) REPEAL CERTAIN EXISTING RELATED ORDINANCES.

(Adoption by Ordinance 15 on 12/13/1994; amended by ordinance 21 on 05/07/1996; amended by Ordinance 23 on 02/10/1998; amended by Ordinance 28 on 12/14/1999; amended by Ordinance 43 on 12/26/2004; amended by Ordinance 53 on 03/17/2009; amended by Ordinance 57 on 3/2/2010; amended by Ordinance 80 on 12/3/2013; amended by Ordinance 88 on 02/05/2019; amended by Ordinance 90 on 08/06/2019.)

The Board of Directors of the Sonoma County Water Agency (Agency), State of California, ordains as follows:

**SECTION I.** The Sonoma County Water Agency Sanitation Code Ordinance shall read as follows:

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## ARTICLE I - GENERAL PROVISIONS

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**SECTION 1.01 - AUTHORITY:** This regulation is adopted under authorization of Division 5, comprising Sections 4700 through Section 4857 and Sections 5470 through 5474.10 of the Health and Safety Code of the State of California and California Government Code Section 54738, et seq. The legal authority needed to implement a pretreatment program is listed in 40 CFR 403.8 (f)(1).

**SECTION 1.02 - RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the Agency's collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services; and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the Agency; are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the Agency.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

**SECTION 1.03 - SHORT TITLE:** This Ordinance shall be known as the *Sanitation Code of the Sonoma County Water Agency*.

**SECTION 1.04 - PURPOSE:** This Ordinance sets forth uniform requirements for contributors to the wastewater collection and treatment systems of the Agency, and enables the Agency to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR Part 403) which are on file at the Agency office. The objectives of this Ordinance are to:

- A. Comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, disposal of hazardous wastes, and pretreatment of industrial discharges to Publicly Owned Treatment Works (POTW).

- B. Prevent the introduction of wastes into the Agency's wastewater system which will interfere with the operation of the system or other Agency operations.
- C. Prevent the introduction of wastes into the Agency's wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system's overall operations.
- D. Prevent introduction of toxic substances to the Agency's wastewater system which could impair treatment processes or reach the environment in toxic amounts.
- E. Prevent the introduction of wastes into the system which may affect the Agency's ability to dispose of its ash, sludge, or other residuals.
- F. Improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- G. Prevent the introduction of wastes that may be inadequately treated by Agency facilities and may adversely affect the environment, or may cause a violation of the Agency's National Pollution Discharge Elimination System (NPDES) Permit(s), or may contribute to the need for modification of the Agency's NPDES Permit(s).
- H. Protect Agency personnel while conducting activities related to the collection, treatment, and disposal of wastes through the Agency facilities.
- I. Prevent a public hazard or public nuisance arising from the collection, treatment, and disposal of wastes through the Agency system.
- J. Prevent the introduction of wastes to sewers connected to the Agency system that could result in the Agency being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States.
- K. Provide for equitable distribution of the costs of the Agency's source control program.

This Ordinance sets forth terms and conditions for the addition of new contributors to the Agency's wastewater collection systems including design, construction, and inspection requirements, and guidelines for establishing connection fees and development review services.

This Ordinance provides for the regulation of contributors to the Agency's wastewater collection systems through enforcement of general requirements for users and through the issuance of permits or permit contracts to certain users; authorizes monitoring and enforcement activities; requires user reporting where applicable; establishes administrative review procedures; and establishes the guidelines for establishing fees to provide equitable distribution associated with maintaining a source control program.

This Ordinance shall apply to all discharges within jurisdiction of the Agency and to discharges from other governmental bodies or agencies who, by contract or agreement with the Agency, are users of the Agency's treatment plants. Except as otherwise provided herein, the General

Manager of the Agency shall administer, implement, and enforce the provisions of this Ordinance.

**SECTION 1.05 - VIOLATIONS UNLAWFUL:** Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain, and use any sewage works of the Agency except as provided by this Ordinance.

**SECTION 1.06 - RELIEF ON VARIANCE APPLICATION:** When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his/her premises, he/she may make written application of a variance to the General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

Upon receipt of such variance application, the General Manager shall review the application. If the General Manager does not object to the granting of a variance, the General Manager shall set the matter for a hearing before the Board as soon as practicable after review of the application and in accordance with Board procedures, and give written notice thereof to the applicant. If the General Manager objects to the granting of a variance, the General Manager shall provide a written denial to the applicant. The applicant may appeal the denial to the Board by providing a written appeal to the General Manager within fourteen days after receipt of the General Manager's written denial. Failure to appeal within this time frame shall constitute a waiver of the right to appeal. The appeal should include the applicant's arguments in support of the appeal. The General Manager shall then set the matter for hearing before the Board as soon as practicable in accordance with Board procedures. Whenever, in the judgment of the Board, it is unnecessary or unjust to require compliance with any provision of this title, the Board may grant a variance therefrom. In granting any such variance, the Board may impose any condition it determines is just and proper and will secure substantially the general objectives of this title. The application fee shall not exceed the administrative costs for processing the variance application and shall be calculated by the Agency and paid for by the applicant prior to the date of the Board hearing. Pending the hearing before the Board, the decision of the General Manager shall remain in full force and effect until acted on by the Board.

However, if such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the variance application approved by the Board, but only to the extent compatible with State and Federal laws, rules, and regulations pertaining to wastewater facilities.

**SECTION 1.07 - 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 premise, but only to the extent compatible with State and Federal laws, rules, and regulations pertaining to wastewater facilities, and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

**SECTION 1.08 - GENERAL MANAGER:** The Board shall employ a person to perform the duties of General Manager, which will include, but not be limited to, supervision of inspection,

installation, connection, maintenance, and use of all sanitation works of the Agency. The General Manager shall enforce all provisions of this Ordinance. The General Manager may delegate certain of his duties to other qualified officers or employees of the Agency or of the County. Any such delegation shall be in writing. Where General Manager is noted in this document, it shall mean General Manager or his/her designated representative. To the extent that any ordinance, resolution, agreement or other action approved by this Board has delegated any specific authority to a General Manager/Chief Engineer, such delegated authority shall be carried out by the General Manager except as provided herein. To the extent that the duties so delegated must, by law, be carried out by a California registered civil engineer, they shall be carried out by the Chief Engineer.

**SECTION 1.08.01 – CHIEF ENGINEER:** The General Manager shall appoint a Chief Engineer who shall be a California registered Civil Engineer.

**SECTION 1.09 - REPEAL:** All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict. However, nothing in this Ordinance is intended to repeal, extinguish, suspend, or allow to elapse any obligation or requirement set forth in existing permits or allow to elapse any obligation to pay fees then due under prior ordinances.

## ARTICLE II - DEFINITIONS

SECTION 2.01 - DEFINITIONS

SECTION 2.02 - ADDITIONAL DEFINITIONS

SECTION 2.03 - ABBREVIATIONS

**SECTION 2.01 - DEFINITIONS:** Other definitions exist in the Design and Construction Standards for Sanitation Facilities and in the Uniform Plumbing Code and other places. Where the definitions in this Ordinance conflict with the definitions in the Design and Construction Standards for Sanitation Facilities, or in the Uniform Plumbing Code, or other document, the definitions in this Ordinance shall prevail, then the definitions in the Design and Construction Standards, and then in other definitions.

For the purpose of this Ordinance, the terms used herein are defined as follows:

Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Agency shall mean the Sonoma County Water Agency including the Sanitation Zones, as applicable. In addition, the Agency acts as operator of the County Sanitation Districts.

Agency Facilities shall mean all of the Agency's system of collecting, conveying, treating, and disposing including, but not limited to, the collection system, treatment plant, and disposal facilities. This includes any publicly owned facility connected to the Agency's collection system which generates wastewater treated at the Agency's treatment plant(s).

Apartment Building shall mean a single residential building in undivided ownership comprised of multiple living units for rent or lease.

Applicant shall mean the person making application for a permit, and shall be the occupant and/or owner, or the occupant and/or owner's authorized representative of the premises to be served by the sewer for which a permit is required.

Average Four Day Limit - see Four Day Average Limit.

Average Monthly Limit - see Monthly Limit.

Batch Discharge shall mean intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process).

Beneficial Use shall mean the uses of the waters of the State that may be protected against quality degradation including, but not limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; preservation and enhancement of fish, wildlife and other aquatic resources or reserves; and other uses, both tangible or intangible, as specified by Federal or State law.

Best Management Practices (BMP) shall mean schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce unintended discharges to the sanitary sewer system. BMP's include, but are not limited to, pretreatment requirements, operational procedures and practices, maintenance and repair of equipment, record keeping, containment to prevent spills or leaks, sludge or waste disposal, good housekeeping practices or diversion of water away from raw materials or chemical storage areas.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration [milligrams per liter (mg/L)].

Blowdown shall mean removal of accumulated solids in boilers to prevent plugging of boiler tubes and steam lines. In cooling towers, blowdown is used to reduce the amount of dissolved salts in the recirculating cooling water.

Board shall mean the Board of Directors of the Sonoma County Water Agency.

Building shall mean any structure used for human habitation or a place of business, recreation, or other purpose.

Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, public road/street right-of-way line, sewer easement right-of-way line, or to a private onsite wastewater treatment system.

Bypass shall mean the diversion of wastestreams from any portion of a user's treatment facility.

Categorical Limits shall mean industrial waste discharge pollutant effluent limits developed by EPA that are applied to the effluent from any industry in any category anywhere in the USA that discharges to a POTW. These are pollutant effluent limits based on the technology available to treat the wastestreams from the processes of the specific industrial category and normally are measured at the point of discharge from the regulated process. The pollutant effluent limits are listed in the *Code of Federal Regulations (CFR)*.

Categorical User shall mean all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, 405 - 471. These industries are known to have wastewater discharges which contain materials that, if untreated, can pose significant risks to personnel, collection systems, and wastewater treatment plant processes. These industries are required to pretreat process wastestreams to meet specific toxic pollutant limits set by the EPA prior to discharge to the system's sewers. Some examples of categorical industries include: metal finishers; electrical and electronic components manufacturers; canned and preserved seafood processors; timber products processors; and soap and detergent manufacturers. (See User Classifications, Section 6.16)



Categorical Standards shall mean national pretreatment standards which specify quantities or concentrations of pollutants or pollutant properties that may be discharged by industrial users in specified industrial subcategories.

Chain of Custody shall mean a record of each person involved in the possession of a sample, from the person who collected the sample -- to the person transporting the sample -- to the person who analyzed the sample in the laboratory -- to the person who witnessed disposal of the sample.

Chemical Oxygen Demand (COD) shall mean a measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater. COD is expressed as the amount of oxygen consumed from a chemical oxidant in mg/L during a specific test. Results are not necessarily related to the biochemical oxygen demand (BOD) because the chemical oxidant may react with substances that bacteria do not stabilize.

Clean Water Act shall mean an act passed by the U. S. Congress to control water pollution, known as the Federal Water Pollution Control Act of 1972 (Public Law [PL] 92-500). It was later amended in 1977, known as the Clean Water Act (PL 95-217), and amended again in 1987, known as the Water Quality Act (PL 100-4) and as later amended.

Cleanout shall mean a piped structure conforming to Agency Standards with a removable cap or cover installed at the upper end of a Main Sewer, at the edge of right-of-way for a Lateral Sewer, or in the on-site Building Sewer which provided access to the sewage collection system for the purpose of inserting tools for cleaning, removing blockages, and video inspection.

Collection System shall mean the Agency's sanitary sewers, pump stations, sample locations, manholes, and other similar facilities lying within a public road/street right-of-way or public sewer easement which accept, collect, and convey sanitary sewage to the Agency's treatment plant(s).

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Commercial or Industrial Condominium shall mean a single building comprised of individually owned parcels/units intended as a place of business for commercial or industrial user enterprises.

Commercial User shall mean any non-residential user which is not included within the definitions and parameters of an SIU. Users in this classification generate no process wastewater and discharge only domestic wastewater to the sanitary sewer system.

Compatible Pollutants shall mean those pollutants that are normally removed by the POTW treatment system. Biochemical oxygen demand (BOD), suspended solids (SS), and ammonia are considered compatible pollutants.

Composite Grab Sample shall mean a sample consisting of at least four (4) grab samples taken during the entire sampling period.

Composite Sample shall mean a collection of individual samples obtained throughout the entire sampling period.

Conservative Pollutant shall mean a pollutant found in wastewater that is not changed while passing through the treatment processes in a publicly owned treatment works (POTW). This type of pollutant may be removed by the POTW treatment processes and retained in the plant's sludges or it may leave as part of the plant effluent. Heavy metals such as cadmium and lead are considered conservative pollutants.

Conventional Pollutants shall mean those pollutants which are usually found in domestic, commercial, or industrial wastes such as suspended solids, biochemical oxygen demand, pathogenic (disease-causing) organisms, adverse pH levels, and grease.

Contractor shall mean an individual, firm, corporation, partnership, or association duly licensed by the State of California to enter into contracts to perform the permitted work of installing Sewerage Works, or the owner(s) of private property constructing permitted Building Drains or Building Sewers or other Sewerage Works only on their own private property.

Cooling Water shall mean the water discharged from any source such as air conditioning, cooling, or refrigeration; or to which the only pollutant added is heat.

County shall mean the County of Sonoma, State of California.

Cross-Sectional Grab Sample shall mean a grab sample which is representative of the entire contents of a tank or container. This sample shall be collected using a technique that takes samples at various depths of the tank or container.

Design and Construction Standards for Sanitation Facilities shall mean the set of documents containing design and construction standards for all sanitation works of the Agency, dated February 3, 2009, together with subsequent amendments.

Dilution Stream shall mean any wastewater not generated by a process which is regulated for a specific pollutant by a categorical standard under 40 CFR 403, Subchapter N.

Direct Discharge shall mean a source that discharges pollutants directly into receiving waters (waters of the state).

Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private onsite wastewater treatment system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of 300 milligrams per liter or less.

Enforcement Response Plan (ERP) shall mean a plan which includes, but is not limited to, describing how the Agency will investigate and take appropriate enforcement actions for instances of noncompliance of the Sanitation Code; describing the types of escalating enforcement

responses the POTW will take in response to all anticipated types of user violations and the time periods within which responses will take place; identifying (by title) the official(s) responsible for each type of response; and adequately reflecting the POTW's primary responsibility to enforce all applicable pretreatment standards and requirements as outlined in 40 CFR 403.8(f)(1) and (f)(2).

Environmental Compliance Inspector shall mean any person, delegated by the General Manager, who conducts inspections and investigations of commercial and industrial facilities to ensure protection of the environment and compliance with Agency, local, state, and federal regulations.

Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Equivalent Single-Family Dwelling Unit (ESD) shall mean any structure constructed for occupancy of one single family. This classification includes trailers and mobile home units with connections to the Agency sewer systems.

Flow Proportional (Composite) shall mean the volume of each individual sample is proportional to the rate of flow at the time the sample was collected or individual samples of equal volume are collected at intervals determined by a specific volume of flow passing a sample point.

Foundation Drain shall mean a drainage system to collect and dispose of storm or ground water near the foundation of a building or in a basement of a building.

Four Day Average Limit shall mean any four (4) consecutive days of sampling and analysis collected during a given period of time (week, month, quarter, etc.) for specified industrial sources, e.g., electroplating. No calculated 4-day average limit may include sampling data from any other 4-day average.

Garbage shall mean solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Granny Unit – See Second Dwelling Unit.

Hauled Waste shall mean any waste transported and discharged to the Agency POTW or sanitary sewer system from the place of origin or storage via rail, truck, or other mode of transportation.

Hazardous Waste shall mean any substance as defined in 40 CFR Part 261 Subpart C and D and Health and Safety Code Section 25141, and California Code of Regulations - Title 22, Division 4.5, Chapter 11, Section 66261 et. seq.

Holding Tank Waste shall mean any waste from either fixed or mobile holding tanks, including but not limited to, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge shall mean the discharge or introduction of either domestic or industrial wastes into the sanitary sewer system for treatment prior to, or in lieu of, being discharged into receiving waters.

Industrial User (IU) shall mean any of the following:

- (i) Any contributor or person who contributes, causes, or permits the contribution of industrial waste or wastewater into Agency facilities;
- (ii) The property owner of property connected to Agency facilities and contributing industrial waste or wastewater into Agency facilities via a building sewer;
- (iii) The owner of a building sewer connected to District facilities and contributing industrial waste or wastewater into Agency facilities.

Industrial Wastewater shall be all water-carried wastes and wastewater of the community, excluding domestic wastewater, derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation. Industrial wastewater may also include wastes of human origin similar to domestic wastewater which have been mixed with industrial wastes or wastewater prior to discharge to the Agency's facilities. Industrial wastewater shall include wastes hauled by truck, rail, water vessel or other source regardless of origin.

Infiltration shall mean water entering the sewer system from the ground through such means as pipes, pipe joints, connections, or manhole walls.

Inflow shall mean water entering the sewer system from surface sources such as manhole covers, open cleanouts, yard or basement drains or roof drains.

Instantaneous Maximum Allowable Discharge Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interceptor shall mean an Agency-approved precast or cast-in-place concrete high-density polyethylene, coated steel, or other plastic containment device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the sewerage system from entering said system.

Interference shall mean the inhibition or disruption of wastewater treatment plant operations or processes, sludge disposal and/or reuse, wastewater reclamation, or marsh processes or operations, which contributes to a violation of any requirement of the Agency's NPDES Permit(s) or other agency, local, state, and/or federal requirements.

Lateral Sewer shall mean the portion of a sewer connecting a Building Sewer to the Agency's Main Sewer which is owned by the Agency but maintained by the private property owner and lying within a public road/street or public sewer easement.

Living Unit shall be a structure containing a kitchen or electrical wiring and/or plumbing for potential use of a kitchen

Main Sewer shall mean a public sewer lying within a public road/street or public sewer easement designed to accommodate one or more than one side sewer and for which suitable access can be provided for maintenance reasons at the sole discretion of the Agency.

Mass Discharge Rate shall be the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass discharge rate shall be measured in pounds per day of a particular constituent or combination of constituents.

Maximum Daily Concentration shall mean the maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average of the pollutant concentration derived from all measurements taken that day.

Monthly Average Limit shall mean a fixed number of samples taken during a one month period, for specific industrial sources, e.g., metals finishing, and may be based on only one, or as many as 31 sampling events.

Multiple-Family Dwelling shall mean any structure under one ownership constructed for occupancy of more than one family, each separate living quarters to be referred to as a unit.

National Pollution Discharge Elimination System or NPDES Permit shall mean a permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

National Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

New Industrial User shall mean any of the following:

- (i) A person who has not contributed, or caused or permitted to be contributed, industrial waste or wastewater into Agency facilities from a given building, structure, facility, or installation;
- (ii) The property owner of a property connected to Agency facilities that has not contributed industrial waste or wastewater into Agency facilities via a building sewer;
- (iii) The owner of a building sewer connected to Agency facilities that has not contributed industrial waste or wastewater into Agency facilities.

New Source shall mean any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed Federal pretreatment standards which will be applicable 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; (2) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; (3) the production of 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 would be considered.

New User shall mean any of the following:

- (i) A person who has not contributed, or caused or permitted to be contributed, waste or wastewater into Agency facilities from a given building, structure, facility, or installation;
- (ii) The property owner of a property connected to Agency facilities that has not contributed waste or wastewater into Agency facilities via a building sewer;
- (iii) The owner of a building sewer connected to Agency facilities that has not contributed waste or wastewater into Agency facilities.

Non-Compatible Pollutants shall mean pollutants which are not normally removed by the POTW treatment system. These pollutants may include but are not limited to toxic wastes and pollutants which pass-through or interfere with the treatment system and those pollutants as listed by EPA. Examples of non-compatible pollutants include heavy metals such as copper, nickel, lead and zinc; organics such as methylene chloride, 1,1,1-trichloroethylene, methyl ethyl ketone, acetone, and gasoline; or sludges.

Notice of Violation (NOV) shall mean a document issued by the Agency informing the user that it has violated the Agency's Sanitation Code and that appropriate corrective action must be taken.

Onsite Wastewater Treatment System(s) shall mean individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include "graywater" systems pursuant to Health and Safety Code Section 17922.12.

Ordinance shall mean the Sanitation Code including any and all amendments thereto.

Outside Sewer shall mean a sanitary sewer which extends beyond the jurisdictional boundaries of the Agency's Sanitation Zones.

Parcel shall mean the land or air space associated with an Assessor's Parcel Number.

Pass Through shall mean a discharge from wastewater treatment facilities into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, contributes to a violation of any requirement of the Agency's NPDES Permit(s) or other State and/or Federal requirements.

Permit shall mean any written authorization required pursuant to this Ordinance or other Agency rules and regulations prior to the installation or construction of any specific sewage works under specific conditions at specific locations, or the use of any public sewers.

Permittee shall mean a person to whom the Agency has issued a permit for sewer construction or use.

Person shall mean any individual, firm, company, partnership, association, and private or public or municipal corporations, trust, estate, the United States of America, the State of California, districts, all political subdivisions, governmental agencies, or other legal entities and mandataries thereof, or their legal representatives. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

Plumbing Fixture Units shall mean fixture unit load values for the sizing drainage piping and Building Sewers, computed from Section 703.2 and Tables 7-3 and 7-4 of Chapter 7 of the California Plumbing Code (most recent County adopted version); however, minimum Building Sewer size shall be four (4) inches in diameter.

Plumbing System shall mean all plumbing fixtures and traps; or soil, waste, special waste and vent pipes; and all sanitary sewer pipes within a building and extending to the building sewer connection two (2) feet outside the building foundation thereof.

Pollutant shall mean any dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; hazardous wastes; chemical wastes; biological materials; radioactive materials; heat; wrecked or discharged equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water; or any other pollutant as defined in Section 502 (6) of the Clean Water Act.

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, or which create a hazard to the public health.

Pollution Prevention shall mean any action which causes a net reduction generation of hazardous and/or non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.

Pretreatment or Treatment shall mean the reduction, elimination, and/or the alteration of the amount or nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into Agency facilities. Reduction, alteration or elimination may be obtained by physical, chemical, or biological processes; or process changes by other means, except as prohibited by State and Federal regulations.

Pretreatment Requirements shall mean any substantive or procedural treatment requirement, other than a National Pretreatment Standard, applicable to the industrial user.

Pretreatment Standard shall mean any regulation of the Agency, State, or EPA containing pollutant discharge limits or other procedural or substantive requirements of the user.

Priority Pollutants shall mean those toxic pollutants listed in Appendix D of the Clean Water Act.

Private Main Sewers shall mean:

1. Those on-site main sewers for which adequate access cannot be provided for public maintenance purposes at the sole discretion of the Agency, and which serve multiple buildings on a single parcel or multiple parcels, and for which there is an existing contract between the Agency and the responsible owners' association representing the multiple buildings or multiple parcels.
2. Those on-site main sewers for Mobile Home Parks or Public Schools that are under the jurisdiction of the State of California Department of Housing and Community Development or the State Division of Architecture, respectively.

Process Water shall mean water used in any manufacturing, forming or thermal process, or any other operation during which its characteristics are modified.

Public Sewer shall mean Main Sewers and Lateral Sewers within public roads/streets or within public sewer easements and which are directly controlled by or under the jurisdiction of the Agency.

Publicly Owned Treatment Works (POTW) shall mean a treatment works which is owned by a state, municipality, city, town, special sewer district, or other publicly owned and financed entity (defined by Section 502(4) of the Act) as opposed to a privately (industrial) owned treatment facility. The term POTW also includes any devices and/or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of liquid nature. Also included are sewers, pipes, and other conveyances that convey wastewater to the POTW treatment plant. (see Direct and Indirect Discharge)

Representative Sample shall mean a sample portion of material or wastestream that is as nearly identical in content and consistency as possible to that in the larger body of material or wastestream being sampled.

Residential Condominium shall mean a single residential structure comprised of multiple individually owned living units.



Revocation shall mean the cancellation or nullification of the industrial user's permit, which terminates all rights and privileges of the industrial user to discharge to the Agency's sanitary sewer system on a permanent basis.

Roof Drain shall mean a drain designed to collect rainfall from a building roof.

Sanitary Sewer or Sewer shall mean a pipe or conduit which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sanitary Sewer System or Sewer System shall mean Main Sewers, Lateral Sewers, pipes, manholes, cleanouts, or any other appurtenance which facilitates the flow of waste or wastewater to the Treatment Plant.

Second Dwelling Unit - A detached, second living unit on a single parcel in undivided ownership with a size less than or equal to 840 square feet, or as otherwise determined by the Sonoma County Permit and Resource Management Department, Planning Section, in accordance with the Sonoma County General Plan.

Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or Wastewater shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Sewage or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating wastewater.

Sewage Works or Sewerage shall mean all facilities for collecting, pumping, treating, and disposing of sewage or wastewater.

Sewer shall mean a pipe or conduit for carrying sewage.

Set of Pumps shall mean a fuel dispensing device capable of simultaneously fueling two vehicles.

Side Sewer shall mean all piping included in the privately owned Building Sewer and the publicly owned Lateral Sewer.

Significant Industrial User (SIU) shall mean any industrial user of the Agency's wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a dry weather flow or organic capacity greater than five (5) percent of the capacity of the Agency's wastewater treatment system, or (3) has in his/her wastes, toxic pollutants as defined pursuant to Section 307 of the Act or in the California Statutes and Regulations, or (4) is found by the Agency, Regional Water Quality Control Board, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality,

or air emissions generated by the system and as defined in 40 CFR 403.3 (t). (see SIU Classifications, Article 6)

SIC Code shall mean the Standard Industrial Classification Code, a code numbering system used to identify various types of industries.

Significant Noncompliance (SNC) shall mean any violation of pretreatment standards or requirements as defined in 40 CFR 403.8(f)(2)(viii). SNC includes, but is not limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to follow Best Management Practices (BMPs), failure to accurately report noncompliance, or any other violation or group of violations.

Slug Discharge shall mean a discharge capable of causing adverse impacts to the Agency, its workers, or the environment; or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the Agency's sanitation system. The discharge will be considered a slug discharge if the flow rate, concentrations, or quantities of pollutants exceed for any time period longer than: (1) fifteen (15) minutes, or (2) more than five (5) times the average twenty-four (24) hour concentration, quantity, or flow during normal operations. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Solid Wastes shall mean all non-waterborne wastes, including garbage, recyclable and non-recyclable solid wastes, such as paper, plastics, demolition debris, and all other solid waste products of the community.

Source Reduction - See Pollution Prevention

Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and any amendments thereto.

Standard Methods shall mean the "Standard Methods for the Examination of Water and Wastewater," a joint publication of the American Public Health Association (APHA), American Water Works Association (AWWA), and the Water Environment Federation (WEF), which outlines accepted laboratory procedures used to analyze the impurities in water and wastewater and as it may be amended.

State shall mean the State of California.

Storm Sewer or Storm Drain shall mean a pipe or other conveyance which is designed to carry unpolluted storm and surface waters or groundwaters and subsurface drainage waters, excluding sewage, which does not discharge to a POTW.

Storm Water shall mean the water running off or draining from the surface or subsurface of an area during and after a period of rain or irrigation.

Street shall mean any public highway, road, street, avenue, alley, way, public sewer easement, or public right-of-way used by, or to be used for, vehicle movement and for access to public sanitary sewer systems.

Subdivision shall mean improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two (2) or more lots or parcels.

Surcharge shall mean a charge for service in addition to the basic sewer user and debt service charge, for those users whose discharge contains biochemical oxygen demand (BOD), chemical oxygen demand (COD), suspended solids (SS), or ammonia nitrogen (N-NH) in concentrations which exceed limits specified herein for such pollutants.

Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

Suspension shall mean a temporary physical interruption of sewer service without revoking the permit.

Time Proportional (composite) shall mean samples of equal volume collected at regular intervals of at least once each hour regardless of flow.

Toxic Pollutants shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act. Prohibited materials include organic solvents, pesticides, radiator fluids, organophosphates or similar chemical compounds used as algacides, bactericides, fungicides, herbicides, insecticides, or pesticides. A list of toxic pollutants is on file at the Agency office.

Trap shall mean a cast iron or stainless steel containment device used for trapping substances in order to prevent grease, sand, or flammable liquids from entering the sanitation system.

Treatment Plant shall mean any facility owned, operated, and/or maintained by the Agency that is designed to provide treatment of wastewater.

Trunk Sewer Main – A Main Sewer to which no Lateral Sewers are allowed to connect. Only Main Sewers can connect to a Trunk Sewer Main. All connections to a Trunk Sewer Main shall be at a manhole.

Uniform Plumbing Code shall mean that certain current edition of the Uniform Plumbing Code adopted by the Western Plumbing Officials Association and the County of Sonoma, a copy of which is on file in the office of the Agency for use and examination by the public, except such sections therein as are shown to be omitted, amended, or added thereto, in said copy. Wherever the term "Administrative Authority" is used in the Uniform Plumbing Code, it shall be construed to mean the Agency's General Manager.

Unit shall mean any structure, or portion of a structure, constructed for occupancy by one single family, one commercial enterprise, one industrial enterprise, or one agricultural enterprise.

Upset shall mean an exceptional incident in which unintentional and temporary noncompliance occurs.

User shall mean any of the following:

- (i) Any person who contributes, causes, or permits the contribution of wastewater into the Agency's facilities;
- (ii) The property owner of property connected to Agency facilities via a building sewer;
- (iii) The owner of a building sewer connected to Agency facilities.

Waste shall mean sewage and any and all other waste substances, liquid, solid, or gases associated with human habitation, or of human or animal origin, or from any industrial processing operation of any nature which has been discarded for any reason.

Wastestream shall mean any avenue in which a waste may be transported, carried, or disposed of, e.g., surface waters, atmosphere, sanitary sewers, storm drains, landfills, and treatment facilities.

Wastewater shall mean the liquid and water-carried industrial and/or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions. Wastewater also includes groundwater, surface water, and storm water that may be present in the wastewater, whether treated or untreated, which is permitted to enter the Agency's facilities.

Wastewater Constituents and Characteristics shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Waters of the State shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water (saline or fresh), surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Yard Drain shall mean a system designed to collect and drain stormwater runoff away from a property.

**SECTION 2.02 - ADDITIONAL DEFINITIONS:** For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted herein.

**SECTION 2.03 - ABBREVIATIONS:** The following abbreviations shall have the designated meanings:

ACL	Administrative Civil Liability (Complaint)
AO	Administrative Order
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BTEX	Benzene, Toluene, Ethylbenzene, Xylene
C	Centigrade
CCR	California Code of Regulations
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CSAR	Compliance Sampling and Analysis Report
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
ESD	Equivalent single-family dwelling unit
F	Fahrenheit
gal/day	Gallons per day
GM	General Manager
L	Liter
mg	Milligrams
MGD	Million gallons per day
mg/L	Milligrams per liter
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OWTS	Onsite Wastewater Treatment System(s)
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SCWA	Sonoma County Water Agency
SIC	Standard Industrial Classification
SNC	Significant Noncompliance
SSS	Sanitary Sewer System
TDS	Total Dissolved Solids
TRC	Technical Review Criteria
TSS	Total Suspended Solids
ug	Micrograms
ug/L	Micrograms per Liter
USC	United States Code
PAH	Polynuclear Aromatic Hydrocarbons
TTO	Total Toxic Organics

## ARTICLE III - GENERAL CONDITIONS FOR SEWER SERVICE

- SECTION 3.01 - AVAILABILITY OF SEWER SERVICE
- SECTION 3.02 - SERVICE AREA
- SECTION 3.03 - SERVICE AREAS--DISTANCE LIMITATIONS
- SECTION 3.04 - UNLAWFUL DISPOSAL
- SECTION 3.05 - OCCUPANCY PROHIBITED
- SECTION 3.06 - SEWER REQUIRED
- SECTION 3.07 - SERVICE AREAS--PRIVATELY FINANCED COLLECTOR MAINS
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- SECTION 3.09 - EACH UNIT TO HAVE SEWER LATERAL
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- SECTION 3.30 - RECORDATION OF LIMITED PURPOSE AGREEMENT
- SECTION 3.31 - AGREEMENTS WITH OTHER AGENCIES FOR SANITATION SERVICE
- SECTION 3.32 - USER RESPONSIBILITY FOR INSPECTION AND REPAIR OF SIDE SEWER:

**SECTION 3.01 - AVAILABILITY OF SEWER SERVICE:** Users are advised to obtain information from the Agency on the availability of sewer capacity, sanitation facilities to provide service, and other pertinent data to assure satisfactory service before undertaking any development or construction. Many areas within the boundaries of the Agency can only be served at extremely high costs to the users.

**SECTION 3.02 - SERVICE AREA:** Any person whose premises are within the service limits established for the Agency may apply for a sewer service connection provided that the Agency

has at that location sufficient sewer capacity to provide the new or additional service without detriment to those already served. The prospective user will be deemed to be "within service limits as defined by the Agency boundary" and will be deemed to be within an area which the Agency has "assumed to serve" only if such prospective consumer is entitled to service under Sections 3.03 and 3.08 and then only on the terms therein stated.

**SECTION 3.03 - SERVICE AREAS--DISTANCE LIMITATIONS:** Agency sewer mains leading to or near a prospective service area are intended only for points of waste discharge within a maximum distance of three hundred feet of the property line fronting such main. The Agency does not assume to serve connected or adjacent lands, whether in the same or other ownerships, unless it expressly agrees to do so when the Agency's sewer main is originally installed.

**SECTION 3.04 - UNLAWFUL DISPOSAL:** It shall be unlawful to construct or maintain within the Agency boundaries any privy, privy vault, cesspool, seepage pit, or any other type of Onsite Wastewater Treatment System that is not in compliance with current County requirements for on-site wastewater treatment systems.

Existing on-site wastewater treatment systems within the Agency boundaries that meet County Code requirements for new systems or for which continued use is allowed under County requirements, may be maintained or repaired as authorized by County requirements, or replaced in the same location or another County approved location, but may not be expanded to add capacity. Any replacement of such systems must be with a system that meets current County Code requirements for new systems.

Graywater systems, and other Alternate Water Source systems, as defined in Chapter 16 of the California Plumbing Code, and complying with current County requirements, are not subject to this Section 3.04.

New on-site wastewater treatment systems may be constructed and maintained within the Agency boundaries under the following conditions:

1. The facilities shall be in compliance with current County requirements and not increase capacity, and
2. The facilities shall be constructed under a permit issued by the Sonoma County Permit and Resource Management Department, and
3. The structure to be served is, or would be, more than 300 feet from a property line fronting a sewer main, and
4. The applicant shall sign and record, at the applicant's expense, an agreement with the Agency stating that when a new future public collector main sewer is constructed within a public right-of-way to within 300 feet of the structure(s), the owner of the structure(s) shall at their expense, obtain permits from the Sonoma County Permit and Resource Management Department, disconnect from, and abandon, the existing on-site system and reconnect to the new public collector main sewer in accordance with the Agency Standards, and

5. The General Manager, or the General Manager's delegated staff, shall issue a written finding of infeasibility of making connection to a public main sewer, the basis for the finding of infeasibility, and with a statement of not objecting to the Sonoma County Permit and Resource Department's issuance of a permit to allow construction of an on-site septic treatment and disposal facility conforming to County Standards. The finding of infeasibility shall be based on documentation provided by the Applicant demonstrating either economic hardship, technical infeasibility, or both.

**SECTION 3.05 - OCCUPANCY PROHIBITED:** No building, industrial facility, or other structure connected to the sewer system of the Agency shall be occupied until the owner of the premises has complied with all rules and regulations of Agency and/or applicable regulations of the County of Sonoma or other appropriate jurisdiction.

**SECTION 3.06 - SEWER REQUIRED:** The owner of any building situated within the Agency boundary and abutting on any street in which there is now located or may in the future be located a public sewer of the Agency is hereby required at his or her expense to connect said building directly with the proper public sewer, unless the building will discharge to the public sewer through a pretreatment system approved by the Agency in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, and provided that said public sewer is within three hundred (300) feet of the building.

**SECTION 3.07 - SERVICE AREAS--PRIVATELY FINANCED COLLECTOR MAINS:** As provided in Section 3.29, the Agency's Board of Directors may limit and define service areas for privately or locally financed collector mains.

**SECTION 3.08 - SPECIAL CONDITIONS:** Where an extension of collector mains is necessary; or where quantities of wastewater are in excess of the capacity of the existing system; or where a substantial investment in pumping, treatment, or disposal is necessary to provide service, the user, after making a written application for service and prior to activating sewer services, will be informed by the Agency as to the conditions and charges to be made for the particular area and circumstances in question. Rules and regulations for mainline extensions are set forth in Section 3.28 et seq.

**SECTION 3.09 - EACH UNIT TO HAVE SEWER LATERAL:** No sewer lateral shall be installed or provided for more than one living unit, commercial unit, or agricultural or industrial enterprise. However:

- A. The following facilities may be allowed to be served by a common sewer lateral upon receipt of a written request from the applicant:
  1. A duplex, apartment, or other multiple-unit residential structure in undivided ownership.
  2. A commercial or industrial structure in undivided ownership where use areas are not enclosed by permanent walls, provided that process and domestic wastestream would not comingle prior to the designated sampling point.
  3. A structure or group of structures owned or exclusively occupied by a public entity or entities.
  4. A residential condominium or similar complex of living units served under a contract between the Agency and a responsible owners' association for the complex.



5. An auxiliary structure, on a residentially zoned parcel, that is not a living unit (without cooking facilities), e.g. garage, workshop, pool house, artist studio, etc. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the Agency from information provided by the owner's request letter will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  6. A second dwelling unit (with cooking facilities) located on a single-family parcel in undivided ownership as an attached or detached unit. Following receipt of the parcel owner's request letter an acknowledgement document, prepared by the Agency from information provided by the owner's request letter, will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  7. A single structure consisting of multiple-parcels/units commercial office condominiums, each parcel/unit intended for individual ownership with each parcel/unit not discharging wastewater constituents of concern, as determined by the Agency, served under an agreement between the Agency and a sub-divider or responsible owners' association for the complex, and with the following additional requirements satisfied: The agreement shall include appropriate Agency-required changes to the Covenants, Conditions, and Restrictions for the structure, shall require revised, recorded title conveyance documents for each parcel/unit which include deed restrictions acceptable to the Agency restricting discharge only to wastewater constituents which are not of concern as defined in this Code and otherwise by the Agency, a recorded Terms and Conditions document signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized designated representative, and a recorded Covenant signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized designated representative. The sub-divider or responsible owners' association for the complex, shall pay a Sanitation Code Exception Document Processing Charge to reimburse the Agency for staff and County Counsel administrative costs for processing of the required documents associated with granting the Sanitation Code exception prior to signing of the Terms and Conditions document and the Covenant document by the General Manager or authorized designated representative. With these completed documents in place, and with payment by the sub-divider or owners' association of the Sanitation Code Exception Document Processing Charge, it will not be necessary for the sub-divider, owners' association, or individual owners, to obtain a variance from the Board of Directors.
- B. If two legal living units in separate structures on a single parcel are in single ownership where sewer service to both was granted prior to January 1, 1995, and both were legal living units at that time, they may continue to be served through a single sewer lateral where one user assumes responsibility for all service to such parcel. An acknowledgement document per Section 3.09A, Paragraph 6 must be recorded against the parcel if there is a change in ownership after January 1, 1995.

**SECTION 3.10 - SUBDIVISION OF OWNERSHIP:** If the ownership of a structure or group of structures receiving sewer service through a single lateral connection pursuant to Sections 3.09 (A) 1, 2, 3 or (B) is subdivided, new sewer laterals shall be installed, and the fees and charges therefore shall be paid, to the extent necessary to provide a separate sewer lateral to each separately owned unit or parcel, unless service is furnished under subsection (A) 4 of Section 3.09.

**SECTION 3.11 - ENVIRONMENTAL REVIEW:** All Agency projects and private developments are subject to the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and the State Guidelines for Implementation of the California Environmental Quality Act (CFR, Section 15000 et seq.). All Agency projects are also subject to the CEQA Implementing Procedures of the Sonoma County Water Agency (Agency Implementing Procedures). Under the Agency Implementing Procedures, the Agency will act as a Lead Agency and will prepare environmental documents as needed for Agency projects. Persons planning private developments should contact the appropriate jurisdictional planning agency early in their planning process to determine that agencies' procedures for Implementation of CEQA (the Guidelines). The Agency will act as a Responsible Agency for private developments and will review and comment on environmental documents prepared for private developments in its role as a Responsible Agency as required under CEQA, the Guidelines, and the Agency Implementing Procedures.

No sewer service permit or mainline extension permit will be granted without compliance with said requirements.

**SECTION 3.12 - COMPLIANCE WITH ALL LAWS:** No sewer service permit or mainline extension permit will be granted to any structure or property where the development or use of said structure or property, as proposed by the applicant, would be in violation of any applicable Federal, State, or local laws, ordinances or regulations.

**SECTION 3.13 - APPLICATIONS, PERMITS AND FEES:** No public sewer, lateral sewer, building sewer, or other sanitation facility shall be installed, altered, or repaired within the jurisdiction of the Agency until an application for a sewer service permit, mainline extension permit, or other type of permit application has been reviewed and approved by the Agency and all fees paid in accordance with the requirements of this Ordinance and other rules and regulations of the Agency.

**SECTION 3.14 - CHANGE IN CHARACTER OR INCREASE IN THE AMOUNT OF WASTEWATER DISCHARGE FROM EXISTING SEWER LATERAL CONNECTION:** All sewer services granted are solely for the specific use for which application was made. No substantial change shall be made in the character or strength nor shall an increase in the amount of wastewater discharged by user be made through an existing sewer lateral connection except by making application to the Agency. The Agency, upon application, shall determine, based upon probable peak wastewater discharge for the particular type of use, whether the existing sewer service is adequately allocated for the new use. The Agency, at its discretion, will

review sewer connections for substantial changes in character or increase in use. A substantial change in character of wastewater discharge includes, but is not limited to, change from one of the following uses to another: single-family residential, multiple residential, commercial, or industrial. When the Agency determines there is a substantial change in character or increase in the wastewater discharge, a new sewer service application shall be required pursuant to Section 3.15 and additional fees paid when there is an increase in the amount of wastewater discharge.

**SECTION 3.15 - APPLICATION FOR NEW SEWER SERVICE:** Applicants requesting sewer services which require the installation of a new sewer lateral or which substantially changes the character or amount of wastewater discharge from an existing sewer lateral shall make written application for a new connection and ESD (equivalent single family dwelling unit) on a form provided by the Agency. All blanks thereon shall be filled in completely. The Agency shall, at its sole discretion, determine the appropriate number of ESD(s) based on the type of use category pursuant to Section 5.03.

**SECTION 3.16 - RESPONSIBILITY OF APPLICANT:** Completed and signed sewer service permits, mainline extension permits, or other types of permit applications constitute an agreement to pay for all services rendered pursuant to that application; and to be bound by all rules and regulations of the Agency including provisions, terms, and requirements of this and other ordinances and resolutions, and any plans and specifications filed with the application, together with such corrections or modifications as may be made or permitted by the Agency. All applications other than wastewater discharge permits shall be signed by the legal owner(s) of the parcel served. Wastewater Discharge Permit applications shall be signed by the business owner and legal owner. Such agreement shall be binding upon the applicant(s) and may be modified only by the Agency except in cases where a written request for modification is received from the applicant and approved by the Agency. Written request for alteration can only be approved with written permission from the General Manager or his authorized representative.

**SECTION 3.17 - REVIEW OF APPLICATION FOR NEW SEWER CONNECTIONS:** Receipt of application by the Agency is not a guarantee that a sewer service permit will be issued. Each application will be reviewed individually by the Agency. After such review, the Agency reserves the right to grant or reject said application for any cause which may adversely affect the Agency's wastewater treatment system.

**SECTION 3.18 - FRONTING A SEWER MAINLINE:** "Fronting a sewer mainline," as used in this Ordinance or article, means that a Agency-owned sewer main is located in a Agency easement, or fee title, or public way which is immediately contiguous to the parcel to be served and that an imaginary line projected at a right angle to such main extends to or beyond the centerline of the parcel's frontage or the centerline of the structure, whichever is farther.

**SECTION 3.19 - CONDITIONS FOR APPROVAL OF STANDARD NEW SEWER SERVICE INSTALLATION:**

A. Approval of an application for a new sewer service installation will normally be granted providing that:

1. The property to be served is fronting an existing Agency sewer main, and

2. The structure to be served is within three hundred feet of the property line fronting the sewer main, and
3. Adequate sewer main capacity is available to serve all portions of the property, and
4. The property served is at such an elevation that gravity flow of wastewater discharge will occur except as permitted under Section 4.05, and
5. Such sewer lateral installation is in compliance with all other Agency rules, regulations, and conditions of sewer service, and

B. Applicants who cannot meet conditions (1) or (2) of subsection (A) must arrange for a sewer mainline extension permit pursuant to Section 3.28 et seq.

**SECTION 3.20 - APPLICATIONS AND SEWER SERVICE RUN WITH THE LAND:** Each application and each sewer service approved pursuant thereto runs only with the parcel of land for which it is applied and/or approved and may not be transferred to any other parcel of land.

**SECTION 3.21 - AGENCY LIMIT FOR NEW SEWER LATERAL INSTALLATION:** No Agency-owned sewer lateral shall be installed on any private property, or extended beyond the curblines of a street or easement in which an Agency sewer main is located.

**SECTION 3.22 - USER RESPONSIBILITY FOR CONNECTION TO SEWER LATERAL:** The user shall be responsible for the installation and connection of, at the user's own expense, all building sewer and plumbing systems inside private property.

Unless a special written agreement is made to the contrary, all facilities on the user side will be deemed to be the user's private property. The building sewer and plumbing systems inside private property shall be subject to and governed by this Sanitation Code and by the appropriate non-conflicting ordinances of the County of Sonoma or other appropriate jurisdictions and other applicable requirements.

**SECTION 3.23 - USER RESPONSIBILITY FOR MAINTENANCE OF SIDE SEWER:** The user's building sewer and plumbing systems shall at all times remain the property of the user who shall be solely responsible for their maintenance, use, repair, rehabilitation, and replacement. The user is responsible to ensure that, among the building sewer and plumbing systems, all joints are tight, all cleanouts are properly plugged or capped, and all pipes are sound to prevent ex-filtration by waste or infiltration by ground water or storm water. The user is responsible to ensure that the building sewer and plumbing systems are free of any structural defects, cracks, breaks, openings, or missing portions, and the grade of the ground underneath the pipe shall be uniform without sags or offsets. The Agency is not responsible for doing any work or supplying any materials or equipment in connection with the installation, maintenance, repair, rehabilitation, or replacement of any part of privately owned building sewer or plumbing systems.

The user shall be responsible for the testing, cleaning, and clearing of, at the user's own expense, the side sewer (building sewer and lateral sewer) and the plumbing systems. The user must maintain the side sewer to be free from roots, grease deposits, and other deposits which may impede the flow or obstruct the transmission of waste. A cleanout shall be installed outside the

building foundation (within five feet of the foundation wall or as approved by the Chief Engineer) if the Agency determines such cleanout is necessary for cleaning and testing of the side sewer. A two (2) - way cleanout must be installed at the property line for cleaning and testing of the side sewer pursuant to Article III of this Sanitation Code and to determine if repair or replacement of the lateral sewer is required. Installation of a property line cleanout and building foundation cleanout shall be at the user's expense.

Replacement or repair of the lateral sewer shall be the responsibility of the Agency and will be performed at the sole discretion of the Agency.

**SECTION 3.24 - USER RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES:** Where a side sewer serves plumbing fixtures that are either (1) located less than one foot above the rim of the nearest upstream manhole or cleanout of the main sewer into which the side sewer connects, or (2) located within the 100-year flood zone, a backflow prevention device shall be installed in the building sewer in accordance with the Agency's Design and Construction Standards for Sanitation Facilities. The backflow prevention device shall be located on private property and shall be installed by the User. The maintenance of the backflow prevention device shall be the sole obligation of the User. The Agency shall be under no obligation to ascertain that the backflow device continues in operating condition. The installation of a backflow prevention device shall require a permit from and inspection by the Agency.

**SECTION 3.25 - SEWER SERVICE FOR A SINGLE STRUCTURE:** Where a single structure is to be served, the side sewer must proceed from the Agency main along such a course so as to avoid traversing a parcel of separate ownership lying between such structure and the Agency main, unless the General Manager, or the General Manager's delegated staff, makes a written finding that traversing such parcel is necessary due to physical restrictions, technical feasibility or safety issues, and a permanent property interest in the traversed parcel for placement, maintenance, and replacement of the side sewer is conveyed to the property of the structure being served and such property interest is recorded.

**SECTION 3.26 - SEWER SERVICE FOR TWO OR MORE STRUCTURES:** Where two or more structures are to be served on land under single ownership, separate sewer laterals shall run from the Agency main substantially at a right angle to each such structure, except as allowed by Sections 3.06, 3.09, and 3.25.

**SECTION 3.27 - OWNERSHIP OF SANITATION FACILITIES:** All lift stations, collector and trunk sewer mains, sewer laterals, manholes, and other facilities installed under this Ordinance shall immediately become the sole property of the Agency upon installation and final inspection and acceptance by the Agency.

**SECTION 3.28 - SEWER MAINLINE EXTENSION PERMITS:** Except as sewer trunk and collector mains and other facilities may be extended or installed by the Agency on its own initiative and partially or wholly at its own expense, extensions of mains may be obtained by developers and others upon entering into a sewer mainline extension permit prepared in accordance with the terms and conditions described by Article IV and herein.

- A. Agency's Discretion: The final determination whether the Agency will issue a sewer mainline extension permit shall be at the discretion of the General Manager. No sewer mainline extension permit shall be approved until such time as the Agency can determine that:
1. The Agency has sufficient wastewater collection, treatment, and disposal capacity to adequately service the existing sanitation system.
  2. Additional sewer connections will not create a condition detrimental to the present or future Agency users.
  3. The project the extension will service has received final discretionary approval from the lead agency.
  4. The sewer mainline extension agreement will not violate any Agency rule, regulation, or policy.
- B. Minimum Requirements Prior to Sewer Facilities Installation: No sewer mainlines, manholes, laterals, or other facilities shall be installed until such time that the roadways are completed to subgrade, unless otherwise approved by the General Manager.
- C. Additional Constrained System Requirements: Whenever the Agency determines that existing trunk sewers, collector sewers, or lift stations are insufficient to adequately serve any sewer mainline extension, the Agency shall not issue a sewer mainline extension permit for such extension until such time the applicant agrees to pay the full cost of furnishing out-of- tract trunk or collector lines or other facilities so that said extension will not adversely affect other users or potential users of existing sewer pipelines.
- D. Special Contracts: The Agency may enter into special contracts relating to cost sharing and/or refunds or advances made or incurred when providing or enlarging trunk or collector mainlines, lift stations, or other facilities. Considerations for cost sharing by the Agency may include the following:
1. The facility to be constructed will be replacing an inadequate facility.
  2. The facility to be constructed is an adopted project included in the Agency's 5-year capital improvement program and is currently a planned capital improvement project of the Agency.
  3. The Agency Board has determined that it is within the Agency's financial capability to finance its share of the improvement.
- F. Outside Users Contract: Where special conditions exist relating to serving an area outside the boundaries of the Agency, users shall be subject to a special mainline extension agreement between the applicant and the Agency. No connections shall be made to any parcel located outside of the presently established boundaries of the Agency until a satisfactory agreement has been entered into with the owner of said parcel and approved by the Board.

**SECTION 3.29 - LIMITED PURPOSE FACILITIES:** If and whenever the Agency causes sanitation facilities to be constructed to extend the Public Sewer to a specific area, the Agency Board may by resolution determine and declare that such facility shall be a limited purpose facility and subject to the restrictions of this Section. In any such case, the facility shall be deemed to be a special or limited purpose facility not designed or intended to serve any properties other than the specific area described in such resolution. The Agency shall not be deemed to have assumed to serve any other areas unless and until and to the extent that the Agency Board of Directors expressly so declares by later resolution. In any such case, no person shall have the right to connect with or receive sewer service from such facility, except upon payment of a pro-rated contribution toward its cost, either for retention by the Agency, or for repayment to the party who financed the initial construction, as applicable. Repayment to the party who financed the initial construction, if other than the Agency, will be made for a period of thirty years after the date the limited purpose agreement was entered into for such construction. At the end of the thirty-year period, the designation as a limited purpose facility and agreements for reimbursement terminate and the Agency may serve any and all areas not specifically identified by the limited purpose resolution. Nothing contained herein shall prohibit the Agency from requiring the payment of a pro-rated contribution for the cost of constructing the Public Sewer as a condition of the right to connect with or receive sewer service from the Public Sewer beyond thirty years, if the construction costs were incurred by the Agency.

**SECTION 3.30 - RECORDATION OF LIMITED PURPOSE AGREEMENT:** Where a limited purpose facility is installed pursuant to this Sanitation Code and the original Applicant owns all, or a part of, the additional, prospective "service area" adjacent to or near the facility installed, the Agency may require the recordation, at the Applicant's expense, of a special agreement designating the specific area served and the additional area which is not served, so that future purchasers of the area not served will have notice for the pro rata charge as to their Parcel for sewer service.

**SECTION 3.31 - AGREEMENTS WITH OTHER AGENCIES FOR SANITATION SERVICE:** The Agency may contract in accordance with the terms and conditions of the California Health and Safety Code, Section 4742.1, with a district, city, governmental agency, person, or other entity, for the handling, treatment, or disposal by the Agency of wastewater or industrial waste when, in the judgment of the Agency Board, it is in the best interest of the Agency to do so, upon such terms and conditions as may be agreed upon, provided that the Agency facility to be utilized has the capacity for handling, treatment or disposal of such waste, and that the contracting user pays, as required by Agency, State and/or Federal requirements or law, its proportionate share of the cost of such treatment, handling, and disposal.

**SECTION 3.32 - USER RESPONSIBILITY FOR INSPECTION AND REPAIR OF SIDE SEWER:**

A. Conditions or Times When Inspection is Required

The General Manager or Chief Engineer may require inspection of any side sewer (building sewer and lateral sewer) that is thirty (30) years old or older and connected to the public sewer system. The side sewer shall be tested by the user, at the user's own expense, in accordance with the requirements of this Section, including the testing requirements in Section 3.32B, to ensure the side sewer meets Agency standards for infiltration and ex-filtration. Testing shall

occur within sixty (60) days of notification by the General Manager or Chief Engineer. Testing may be required based upon the Agency's determination that there is sufficient evidence to conclude:

1. The cleaning, testing, repair, or replacement is required for the protection of the public health, safety, or welfare;
2. Testing will also be required when the Agency replaces part or all of a main sewer and shall be performed by users with side sewers connecting to the portion of the main sewer being replaced. Testing shall occur within sixty (60) days of notification by the General Manager or Chief Engineer.
3. The age of the pipes, or the age of the pipes in combination with observed foliage in proximity to the pipes, are causing a higher than average flow in a neighborhood or area.

Testing will also be required when the Agency replaces part or all of a main sewer and shall be performed by users with side sewers connecting to the portion of the main sewer being replaced. Testing shall occur within sixty (60) days of notification by the General Manager or Chief Engineer.

#### B. Testing Procedures for Side Sewer

The user shall test the side sewer at its own expense and shall notify the Agency prior to testing. The entire length of the side sewer shall be tested. Testing shall be performed by a state licensed plumbing contractor in accordance with one of the following:

1. Water test in accordance with Agency testing requirements. Testing requirements and standards are specified in Section 8.8A and Standard Drawing 115 in the most recent version of the Sonoma County Water Agency's "Design and Construction Standards for Sanitation Facilities."
2. Air test in accordance with Agency testing requirements. Testing requirements and standards are specified in Section 8.8B and Standard Drawing 116 in the most recent version of the Sonoma County Water Agency's "Design and Construction Standards for Sanitation Facilities."
3. Closed Circuit Television Video (CCTV) test in accordance with Agency testing requirements. Testing requirements and standards shall be provided by the Agency upon request or upon notification from the Agency that testing is required.

Videos that fail to satisfy the testing requirements shall be deemed incomplete and shall be returned to the project contact, and a new video complying with all of the testing requirements will be required to be completed.

4. Test results are valid for twelve (12) months from the date of inspection. If the property owner fails to submit the test results within twelve (12) months, the Agency may require the property owner to re-test the pipeline before reviewing the results.



5. When all conditions have been met to the satisfaction of the Agency, including the completion of any required repairs, a Letter of Compliance shall be issued by the Agency.

C. Failed Test

When a lateral sewer fails to qualify for a Letter of Compliance, the replacement, rehabilitation, or repair of the lateral sewer shall be the responsibility of the Agency and will be performed at the sole discretion of the Agency.

When a building sewer fails to qualify for a Letter of Compliance, the user shall repair, replace, or rehabilitate the building sewer in accordance with the Agency standards in the most recent version of the Sonoma County Water Agency, "Design and Construction Standards for Sanitation Facilities." Within 365 days of the Agency's notification of a failed test, the user shall obtain the permits for sewer repair, replacement, or rehabilitation from the Sonoma County Permit and Resource Management Department (PRMD) or the City of Sonoma and commence work. Documentation of the final inspection and approval by PRMD or the City of Sonoma shall be provided to the Agency by the user. The user shall follow procedures specified by PRMD or the City of Sonoma for closing out the permit. All costs of repair, replacement, or rehabilitation of the building sewer shall be borne by the user.

D. Re-Testing of Repaired or Replaced Building Sewer

All repaired or replaced building sewers shall be re-tested in accordance with Section 3.32.B and must pass the testing requirements. A written test report or closed circuit television video inspection results shall be provided to the Agency or designee.

E. Exemption(s) From Testing Requirements

A side sewer is not required to be tested pursuant to Section 3.32.B if the user provides the Agency with documentation that, within twenty (20) years preceding the notification issued under Section 3.32.B, the side sewer passed a test conducted in a manner which meets the requirements of Section 3.32.B, or was constructed, repaired, replaced, or rehabilitated in accordance with the requirements of this Code. This exemption shall not apply if the Agency has reason to believe the side sewer is in defective condition.

F. Hardship Deferral:

1. Request/Finding/Agreement: In the event that the repair or replacement of a building sewer before the deadline specified in this Section should result in undue hardship, a request for hardship status may be submitted to the Chief Engineer before the applicable deadline. The Chief Engineer shall make a hardship finding only if the user presents facts which clearly demonstrate, in the Chief Engineer's sole determination, that the user's payment for and completion of a building sewer repair or replacement at the required time would result in an undue hardship, and that deferral of repair will not present an immediate threat to human health or the environment. Any grant of hardship status shall be pursuant to an agreement signed by the Chief Engineer and

the user. If hardship status is granted, up to an additional one hundred and eighty (180) days after the deadline may be granted to repair or replace the building sewer. The agreement shall specify, among other things, the reason for allowing the granting of hardship by referencing the appropriate clause in subparagraph 3.32.F.2, the number of days granted for repair or replacement, and that the user shall be responsible for completing repair or replacement within the timeframe granted. If hardship status is not granted, the user may make a written application for a variance to the General Manager pursuant to Section 1.06 of this Code.

2. Definition of Hardship: Undue hardship shall be defined as (i) the severe illness or incapacitation of the user; (ii) the immediate transfer or removal of the user from the state, thereby making the hiring of a contractor to repair or replace the building sewer impractical or overly burdensome; (iii) any physical or financial situation that would render compliance with the time limits for the repair or replacement of the building sewer extraordinarily difficult or impractical. The user shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the Chief Engineer or General Manager.

#### G. Enforcement

In addition to any other enforcement options available in this Sanitation Code Ordinance or otherwise pursuant to law, for failure of the user and/or other responsible party to comply with this Article, the Agency may exercise any or all of the following actions:

1. The Agency may initiate legal action to compel compliance with the requirements of this Article, including an action to impose fines of up to a maximum of \$1,000 for each violation, and each day or part of a day a violation of this Ordinance continues may be deemed a separate violation and may be punishable as such;
2. If there is indication that the building sewer is or may be leaking or may be subject to failure, the Agency may refer the matter to public health or environmental governmental entities for appropriate action;
3. The Agency may perform required testing, and repair if necessary, of the side sewer and charge the user of the cost therefor. If the amount is not paid within sixty (60) days after the billing due date, the Agency may place the amount due or owing, plus interest, on the tax roll for the property for payment during the next property tax billing cycle.

## **ARTICLE IV - TERMS AND CONDITIONS FOR CONSTRUCTION OF SANITATION FACILITIES**

- SECTION 4.01 - PERMIT REQUIRED
- SECTION 4.02 - PROFILE, PLANS, AND SPECIFICATIONS REQUIRED
- SECTION 4.03 - SUBDIVISIONS
- SECTION 4.04 - OLD BUILDING SEWERS
- SECTION 4.05 - SEWER TOO LOW
- SECTION 4.06 - CONNECTION TO PUBLIC SEWER
- SECTION 4.07 - LETTER OF ACCEPTANCE OF SEWER CONSTRUCTION
- SECTION 4.08 - COMPLETION OF SEWER FACILITIES REQUIRED
- SECTION 4.09 - ABANDONMENT OF SEWER
- SECTION 4.10 - PERSONS AUTHORIZED TO PERFORM WORK
- SECTION 4.11 - COMPLIANCE WITH LOCAL REGULATIONS
- SECTION 4.12 - PROTECTION OF EXCAVATION
- SECTION 4.13 - DESIGN AND CONSTRUCTION STANDARDS
- SECTION 4.14 - PROPERTY AND RIGHTS-OF-WAY
- SECTION 4.15 - RECORD DRAWINGS
- SECTION 4.16 - IMPROVEMENT SECURITY
- SECTION 4.17 - GENERAL FINANCING
- SECTION 4.18 - WORK TO BE INSPECTED
- SECTION 4.19 - NOTIFICATION
- SECTION 4.20 - APPROVAL REQUIREMENT--CLOSED CIRCUIT TELEVISION
- SECTION 4.21 - REJECTED WORK
- SECTION 4.22 - ALL COSTS PAID BY OWNER
- SECTION 4.23 - PERMITS REQUIRED BY OTHERS
- SECTION 4.24 - LIABILITY
- SECTION 4.25 - TIME LIMITS ON PERMITS

**SECTION 4.01 - PERMIT REQUIRED:** No person shall construct, extend, or connect to any public sewer without first obtaining a written permit from the Agency and paying all fees, connection charges, and furnishing bonds as required herein. The provisions of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the Agency.

**SECTION 4.02 - PROFILE, PLANS, AND SPECIFICATIONS REQUIRED:** The application for a new service permit or a mainline extension permit for public sewer construction shall be accompanied by completed plans, profiles, and specifications; complying with all applicable ordinances, rules, and regulations of Agency; and prepared by a Registered Civil Engineer showing all details of the proposed work, based on an accurate survey of the ground. The application, together with the plans, profiles, and specifications, shall be examined by the General Manager, who shall within thirty (30) days approve them as filed or require them to be modified as he deems necessary for proper installation. If the profiles, plans, and specifications are sufficient and adequate, the Agency may issue a new service permit or mainline extension permit subject to payment of all connection charges, fees, and furnishing bonds and deposits as required by the Agency. The permit shall prescribe such terms and conditions as the General Manager finds necessary in the public interest.

**SECTION 4.03 - SUBDIVISIONS:** The requirements of this Ordinance shall be fully complied with, and all required fees shall be paid before any permit may be issued to install sanitation facilities which serve the subdivision in question. The final subdivision map shall provide for the dedication for Agency use of all public streets, or public rights-of-way in which public sewers are to be constructed. Sewer easements shall be dedicated through the preparation and recordation of a separate Sewer Dedication and Easement Agreement document.

**SECTION 4.04 - OLD BUILDING SEWERS:** Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing as required by the General Manager, to meet all requirements of the Agency. If old building sewers are deemed to be inadequate, they shall be replaced at the owner's expense.

**SECTION 4.05 - SEWER TOO LOW:** In all buildings in which any building sewer is at elevations too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means approved by the General Manager and discharged to the public sewer at the expense of the owner.

**SECTION 4.06 - CONNECTION TO PUBLIC SEWER:** The connection of the sewer lateral into the public sewer shall be made in accordance with Agency *Design and Construction Standards for Sanitation Facilities* at the permittee's expense. The connection shall be made in the presence of an Agency Inspector and under his/her supervision and direction. Any damage to the Agency sewer shall be repaired in conformance with Agency *Design and Construction Standards for Sanitation Facilities* at the cost of the permittee.

**SECTION 4.07 - LETTER OF ACCEPTANCE OF SEWER CONSTRUCTION:** The General Manager shall issue a letter of acceptance to the engineer of work for said lateral and/or mainline sewer construction after the General Manager has ascertained from inspection thereof that said lateral and/or mainline sewers were constructed according to the permit's terms and conditions of the new service permit, mainline extension permit, or other agreement. Upon acceptance of the work by the Agency, a guarantee period of one year shall be in effect. During the one year guarantee period, the Agency may perform an inspection of any portion of the said sanitation facilities which have been installed pursuant to said permit(s). Any discrepancies of permit terms and conditions discovered within the guarantee period, after acceptance of the work by the Agency, shall be corrected and/or replaced by the applicant or successor interest at no expense to the Agency, including, but not limited to, the cost of such maintenance; the cost of any replacement, repair, or reinstallation of any such sewer lines, fittings, or facilities. In the event the applicant or successor interest does not act promptly and to the satisfaction of the Agency, the Agency reserves the right to make such repairs, replacements, and reinstallations at the expense of the applicant or his successor interest, and the applicant or his successor in interest shall pay such cost to the Agency on demand. Such guarantee period may be extended upon disclosure of a defect until one (1) year after correction of the defect.

**SECTION 4.08 - COMPLETION OF SEWER FACILITIES REQUIRED:** Prior to transfer of ownership of any sewer facilities to the Agency and prior to granting permission to allow any sewage to discharge into the system, the sewer facilities shall be tested, be complete, and in full compliance with all requirements of the Agency Design and Construction Standards for

Sanitation Facilities. Any approved special specifications or conditions or separate agreements applicable to the work shall be to the satisfaction of the General Manager. If the work of constructing public sewerage facilities is not satisfactorily completed within the time limit specified in the permit, the Agency may extend said time limit, or may complete the work and take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to Section 4.16 of this Ordinance.

**SECTION 4.09 - ABANDONMENT OF SEWER:** Where a sewer lateral is to be abandoned because of City(s), County, or Agency regulations, or because of building demolition or destruction, a permit shall be obtained from the Agency and the lateral shall be capped or plugged in accordance with Agency requirements.

**SECTION 4.10 - PERSONS AUTHORIZED TO PERFORM WORK:** Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the Agency jurisdiction. All terms and conditions of the permit issued by the Agency to the applicant shall be binding on the contractor. The requirements of this Article or Ordinance shall apply to sewer laterals installed concurrently with public sewer construction.

**SECTION 4.11 - COMPLIANCE WITH LOCAL REGULATIONS:** Any person constructing a sewer within a street shall comply with all State, County, or City(s) laws, ordinances, rules, and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of trenches, backfilling and repaving thereof, and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the Agency.

**SECTION 4.12 - PROTECTION OF EXCAVATION:** The applicant or his contractor shall maintain such barriers, lights, signs, and such other safety facilities as are required by State, City(s), County, and local requirements necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. Trench shoring shall conform to all applicable requirements of the latest revision of Article 6 of the Construction Safety Orders issued by the Division of Industrial Safety, State of California. He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the Agency, City(s), County, or any other person having jurisdiction thereover. Compliance with such safety provisions shall be the sole responsibility of the permittee and shall not be construed to be the responsibility of the Agency.

**SECTION 4.13 - DESIGN AND CONSTRUCTION STANDARDS:** Minimum standards for the design and construction of sewers and other sanitation facilities within the Agency's jurisdiction shall be in accordance with the most recent approved resolution, "Design and Construction Standards for Sanitation Facilities" heretofore or hereafter adopted by the Agency. Copies are on file in the Agency office. The General Manager may authorize modifications and/or require higher standards where conditions exist to justify such action. The connection shall be made in the presence of an Agency Inspector under his/her supervision and direction. Any damage to the Agency sewer shall be repaired in conformance with Agency Design and Construction Standards for Sanitation Facilities at the cost of the permittee.

**SECTION 4.14 - PROPERTY AND RIGHTS-OF-WAY:** No sewer mainlines or other facilities shall be installed until all required right-of-way and fee title of real property required for installation, operation, and maintenance of the facilities have been furnished by the applicant for approval by the General Manager.

**SECTION 4.15 - RECORD DRAWINGS:** "Record drawings" showing the actual location of all mains, structures, wyes, laterals, cleanouts, pump stations, and other sanitation facilities shall be filed with the Agency before final acceptance of the work.

**SECTION 4.16 - IMPROVEMENT SECURITY:** Prior to issuance of a permit for public sewer construction, the applicant shall furnish to the Agency a faithful performance bond, cash, or other improvement security acceptable to the Agency, in the amount of the total estimated cost of the work as determined by the General Manager. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and conditions of the permit and, unless more stringent requirements are otherwise specified by the Agency, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the Agency. The applicant shall also furnish to the Agency a labor and material bond, or other security acceptable to the Agency, in the amount of the total estimated cost of the work.

**SECTION 4.17 - GENERAL FINANCING:** Except as hereinafter provided in Section 3.28, the extension of the public sanitation facilities to serve any parcel or tract of land shall be accomplished by and at the expense of the owner, although the Agency reserves the right to perform the work itself and bill the owner for the cost thereof, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sanitation facilities shall be in accordance with the requirements of the Agency.

**SECTION 4.18 - WORK TO BE INSPECTED:** All sewer construction work shall be inspected by the Agency to insure compliance with all requirements of the Agency. No sewer shall be connected to the Agency's public sewer system until the work covered by the permit has been completed, inspected, and approved by the Agency.

**SECTION 4.19 - NOTIFICATION:** It shall be the duty of the person performing the work authorized by permit to notify the Agency in writing that said work is ready for inspection. Such notification shall be given not less than two (2) working days prior to request for work to be inspected. It shall be the duty of the person performing the work to ensure that the work will meet or exceed Agency test requirements prior to making the above notification.

**SECTION 4.20 - APPROVAL REQUIREMENT--CLOSED CIRCUIT TELEVISION:** Prior to the Agency's acceptance of construction work as being completed, pursuant to this Ordinance, the permittee shall prepare a closed circuit television inspection of all main, lateral, and building sewers for which permit(s) were issued, and shall provide a copy of the video tape to the Agency for review and approval of completed work, all in accordance with the most current revision of the Sonoma County Water Agency's Design and Construction Standards for Sanitation Facilities.

**SECTION 4.21 - REJECTED WORK:** When any work has been inspected and rejected, a certification of satisfactory completion will not be given. However, a written notice shall be given instructing the owner of the premises, or the agent for such owner, to repair the sewer or other work as authorized by the permit in accordance with this Ordinance or any other rules and regulations of the Agency.

**SECTION 4.22 - ALL COSTS PAID BY OWNER:** All costs and expenses associated with the installation, connection, and inspections performed by the Agency for sewer or other work for which a permit has been issued, shall be borne by the owner. The owner shall indemnify the Agency from any loss or damage that may be directly or indirectly occasioned by the work.

**SECTION 4.23 - PERMITS REQUIRED BY OTHERS:** Separate permit(s) must be obtained from the City(s) and/or County or any other person having jurisdiction thereupon by the owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

**SECTION 4.24 - LIABILITY:** The Agency and its officers, agents, and employees shall not be responsible for any liability, 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 responsible for, and shall release and hold the Agency and its officers, agents, and employees harmless from, any liability imposed by law upon the Agency 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 work or any failure which may develop therein.

**SECTION 4.25 - TIME LIMITS ON PERMITS:** Unless an extension of time is granted by the Agency, if work under a permit is not commenced and completed within the time specified in the permit, the permit shall become void and no further work shall be done until a new permit shall have been secured. Whenever a permit(s) for a new sewer lateral or a mainline extension expires, an additional fee may be paid pursuant to Article V of this Ordinance or subsequent ordinance establishing fees for extensions of time. All requests for extension of time must be made within forty-five (45) days after the expiration date of said permit or applicant must apply for a new permit(s).

## ARTICLE V - FEES AND CHARGES FOR SEWER SERVICE

SECTION 5.01 - CHARGES FOR PERMIT OF NEW SEWER LATERAL CONNECTIONS

SECTION 5.02 - ANNEXATION CHARGES

SECTION 5.03 - CONNECTION FEES

SECTION 5.04 - PARTIAL PAYMENT--SUBDIVISIONS

SECTION 5.05 - ALTERATION OF USE

SECTION 5.06 - CREDIT FOR ADVANCED PAYMENTS

SECTION 5.07 - RENEWAL OR EXTENSION OF PERMIT

SECTION 5.08 - DEVELOPMENT REVIEW SERVICE FEE

SECTION 5.09 - OVERTIME SERVICES

### **SECTION 5.01 - CHARGES FOR PERMIT OF NEW SEWER LATERAL CONNECTIONS:**

Upon approval of a new sewer lateral connection application and payment for the development review service charge and connection fees, as set forth by separate ordinance for the Agency, the Agency will issue a permit to the applicant. All deposits made for such charges and fees shall be credited to the parcel of land to be served, shall run with said parcel of land, and are refundable only to the owner of record of said parcel or his/her designee.

**SECTION 5.02 - ANNEXATION CHARGES:** The owner(s) of lands within the areas proposed to be annexed to the Agency shall deposit with the Agency a sum to be fixed by fee as established by ordinance for the Agency. In cases where no fee has been established, a fee will be set by the General Manager prior to the commencement of proceedings by the Agency Board on the proposed annexation. The amount to be fixed by the General Manager shall be in a sum estimated to equal the engineering, legal, and publication costs; environmental review fees; filing fees of the Sonoma County Local Agency Formation Commission; recording fees; State Board of Equalization filing fees; and all other fees and charges which may be incurred by the Agency in preparing and examining maps, legal descriptions, and other documents in relation thereto; and other expenses regularly incurred in connection therewith. In the event the deposit exceeds the costs incurred by the Agency, the excess shall be refunded to the owner(s) following the conclusion of the annexation process. Should the amount of the deposit be insufficient, the owner(s) shall pay such additional sums necessary to cover said costs prior to final Agency action on the proposed annexation.

**SECTION 5.03 - CONNECTION FEES:** Payment of said connection fee shall be made prior to the issuance of a connection permit and shall be in addition to all other fees and charges required to be paid under Agency rules and regulations. Connection fees will be based on the number of Equivalent Single-Family Dwelling Units (ESDs) for residential users, commercial and industrial users, and other types of users. Actual connection fees for the Agency are set forth by separate ordinances that establish said fees.

**SECTION 5.04 - PARTIAL PAYMENT--SUBDIVISIONS:** Subdivisions involving a type of development such that the number of equivalent single family dwelling units to be connected cannot be accurately determined at the time of subdivision, shall make a partial prepayment of connection charges based on one (1) equivalent single family dwelling unit for each subdivision lot.



**SECTION 5.05 - ALTERATION OF USE:** The connection fees are established and applicable for the proposed use of the building at the time said permit is issued. In the event that modification of the building or said sewer facilities occur for which a connection fee was originally established, additional fees will be assessed for the added equivalent single family dwelling units as herein defined at the connection fee rate in effect at the time such alterations or additions are made.

**SECTION 5.06 - CREDIT FOR ADVANCED PAYMENTS:** Whenever the connection fees established, as set forth by separate ordinance, have been advanced or prepaid; or whenever any area or connection fees have been advanced or prepaid pursuant to regulations of the Agency which were previously in effect; persons obtaining permits for new connections shall be entitled to a credit against the connection fees. Such credit shall be applicable in those instances where the payments have been made to the Agency and where the actual connections to the sewer facilities of the Agency have not yet been made as of the effective date of the separate ordinances establishing the connection fees. The credit shall be computed on the same basis and rate as that used at the time of collection, but in no case shall the amount of such credit exceed the amount of connection fees required to be paid under ordinances establishing the connection fees.

**SECTION 5.07 - RENEWAL OR EXTENSION OF PERMIT:** Whenever a permit for sewer installation expires, an additional fee to cover processing fees shall be paid for the issuance of a new permit for said installation. The renewed permit shall conform with any new or revised requirements. In the event that an extension of time is granted to complete work under an Agency mainline extension permit, an additional fee shall be paid for the renewal or extension of said permit.

**SECTION 5.08 - DEVELOPMENT REVIEW SERVICE FEE:** A development review service fee shall be charged when applying for and obtaining a sewer lateral permit or a mainline extension permit as set forth by separate ordinance. This fee is for services rendered for reviewing and approving applicants plans and specifications and issuing permit(s) for sanitation works, and services for inspecting the construction of trunk and collector sewers, sewer laterals, manholes, and other facilities.

**SECTION 5.09 - OVERTIME SERVICES:** Requests for review or inspection services provided during non working hours by the Agency shall be made in writing at least two (2) working days prior to said work. The applicant shall pay an additional fee as set forth by separate ordinance.

## **ARTICLE VI - SOURCE CONTROL PROGRAM**

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**SECTION 6.01 - OBJECTIVE:** It is the objective of the Agency to regulate the quantity and quality of those discharges entering the Agency's sanitation system(s) which may adversely affect the collection, transmission, treatment, discharge, reuse, discharge requirements, or environmental conditions, and to provide adequate treatment of the wastewater to meet local, state and federal requirements.

The Agency's treatment plant(s) and disposal facilities are designed to treat and dispose of domestic wastes. The Agency reserves the right to refuse to accept any wastes which may be harmful to the treatment and disposal system(s).

**SECTION 6.02 - WASTEWATER DISCHARGE:** Wastewater may be discharged into public sewers for collection, treatment, and disposal, provided that such wastewater discharge is in compliance with this Ordinance, wastewater permit conditions and/or permit contract, provided that the user pays all applicable Agency sewer fees and charges including any penalties or charges assessed under this Ordinance.

**SECTION 6.03 - GENERAL DISCHARGE PROHIBITION:** No user shall contribute, or cause to be contributed, any pollutant or wastewater which will pass through or interfere with the operation or performance of the Agency's facilities. This prohibition includes any type of pollutant or wastewater as set forth in the prohibition sections of this Ordinance. These general prohibitions apply to all users of the Agency's facilities whether or not the user is subject to national pretreatment standards or any other national, State, or Agency pretreatment standards or requirements.

**SECTION 6.04 - PROHIBITED EFFECTS:** A user may not discharge, or cause to be discharged, wastewater into any Agency facility if it contains substances or has characteristics which, either alone or by interaction with other wastewater, cause or threaten to cause:

- A. Damage to Agency facilities.
- B. Interference or impairment of operation or maintenance of Agency facilities.
- C. Obstruction of flow in Agency facilities.
- D. Hazard to human life.
- E. Interference with treatment plant or disposal processes, including recycling or any reclamation processes.
- F. The treatment plant's effluent or any other product of the treatment plant such as residues, sludge, ash, or scum, to be unsuitable for reclamation and reuse. In no case shall substances discharged to the Agency facilities cause the plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations.

- G. The Agency to violate its National Pollutant Discharge Elimination System (NPDES) permit or the receiving water quality standards.
- H. Flammable or explosive conditions.
- I. A noxious or malodorous condition, a public nuisance, a hazard to life, or conditions sufficient to prevent normal entry into the sewers or other Agency facilities for maintenance and repair.
- J. Objectionable coloration or other condition in the quality of the Agency's treatment plant influent which interferes with or passes through the treatment plant.
- K. Conditions which violate any statute, rule, regulation, or ordinance of any public agency, relating to releases of hazardous wastes, hazardous substances, or other pollutants to the environment when such release is to a publicly owned sanitary sewer.
- L. Any alteration or change of the Agency's NPDES permits or any additional regulatory supervision, intervention, or oversight of the Agency's operations.
- M. Any alteration of the Agency treatment plant processes.
- N. Any significant alteration of Agency operations including, but not limited to, affecting the ability of the Agency to procure adequate insurance and/or subjecting the Agency operations to significantly increased potential liability.

**SECTION 6.05 - PROHIBITED SUBSTANCES OR CHARACTERISTICS:** A user shall not discharge, or cause to be discharged, directly or indirectly to an Agency facility any of the following:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or damage to Agency facilities, or to be injurious to human health and safety, or to the operation of Agency facilities. At no time shall a waste stream exceed a closed cup flash point of less than 140° Fahrenheit or 60° Centigrade using the test method specified in 40 CFR Part 261.21.
- B. At no time shall two (2) successive readings on a combustible gas meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. The meter shall be properly calibrated in accordance with the manufacturer's instructions using pentane as the calibration standard. The materials which may be prohibited if they cause explosive or fire dangers as defined herein include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, prechlorates, bromates, carbides, hydrides, sulfides, or any other substance which is a fire or explosion hazard.
- C. Any solid or viscous substance in amounts or concentrations which may cause or threaten to cause obstruction to the flow in a sewer or pass through of, or interference with, the operations of any Agency facilities such as, but not limited to, feathers, ashes, cinders, sand,

spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, petroleum oil, nonbiodegradable cutting or machine oils, products of mineral origin, mud, cement grout, glass, grinding or polishing wastes, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, or whole blood.

- D. Any wastewater having a pH less than 5.5 or greater than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, humans, or animals.
- E. Any wastewater containing hazardous pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the State, or to exceed the limitations set forth in a national pretreatment standard.
- F. Any wastewater having a temperature which will inhibit biological activity in the treatment plant or inhibit physical recovery of a pretreatment process resulting in interference or pass through, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit) or with a temperature at the point of discharge to the Agency's collection system which exceeds sixty-five (65) degrees Centigrade (one hundred fifty (150) degrees Fahrenheit).
- G. Any pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentration which alone, or in combination with others, may cause interference or pass through. Regardless of whether a slug load causes or will cause interference or pass through, in no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- H. Any discharge which results in toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any Agency facility.
- I. Any noxious or malodorous liquids, gases, or solids.
- J. Any wastewater containing any radioactive wastes or isotopes exceeding any limits set forth in CAC, Title 17, Section 30100 et seq.
- K. Any storm water, groundwater, rain water, street drainage, subsurface drainage, yard drainage, diatomaceous earth filter backwash, or swimming pool drainage. The Agency may require a specific permit, and may approve such discharge only when no reasonable alternative is available or such water is determined to constitute a pollution hazard if not discharged to the sewer.

- L. Any unpolluted water including, but not limited to, cooling water, process water, or blow-down from cooling towers or evaporative coolers, or any other unpolluted water. The Agency may require a permit, and may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative, in the determination of the Agency, is unacceptable.
- M. Any septic tank waste, holding tank waste, portable toilet waste, unless a permit is issued by the Agency and unless such sludge or waste is transported to the Agency by a permitted waste hauler in accordance with the regulations set forth in Article 9 of this Ordinance. Grease waste of animal, vegetable or petroleum origin, and oil and sand interceptor or trap waste is prohibited to be hauled in or discharged to any Agency facility.
- N. Any waste defined as hazardous, by any definition set forth in Federal and/or State statutes or regulations, unless such waste has been delisted or decertified by the appropriate Federal or State agency, and/or a variance has been granted by the appropriate Federal or State agency, including provisions for discharge to a Agency facility, and said variance provisions are approved by the Agency.
- O. Any substance, waste, wastewater, or constituent thereof as may be specifically prohibited or prohibited by concentration levels as may be set forth in local limits adopted by resolution of the Agency Board and a copy of said standards having been placed on file at the Agency office.
- P. Any substance, waste, wastewater, or constituent thereof which may by itself, or in combination with other discharges, cause the Agency to violate any permit conditions related to toxicity of the effluent, or otherwise cause or contribute to the potential for toxic substances being released from Agency facilities into the environment in toxic amounts.

**SECTION 6.06 - PROHIBITED DISCHARGE LOCATION:** No user shall discharge any wastewater directly into a manhole, cleanout, or other opening in the Agency sewage system other than through sewer laterals or other sewer connections approved by the Agency, unless a permit has been obtained for such discharge. Manholes, cleanouts, and other openings shall be properly covered with a water-tight lid and maintained to prevent the intentional and unintentional discharge of stormwater or other wastewater into the wastewater collection system through such openings. A permit will only be issued if such direct discharge is in compliance with provisions of this Ordinance and, in the opinion of the Agency, no other alternative is reasonably available.

**SECTION 6.07 - NATIONAL CATEGORICAL PRETREATMENT STANDARDS:** Where required, the National Categorical Pretreatment Standards, as set forth in 40 CFR Chapter 1, Subchapter N, Parts 405-471, are hereby incorporated by this reference into this Ordinance. The General Manager shall notify all affected users of the applicable reporting requirements under Sections 6.28 and 6.29 of this Ordinance. However, if any technically-based local discharge limits imposed under this or other separate ordinances are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply.

**SECTION 6.08 - MODIFICATION OF CATEGORICAL PRETREATMENT STANDARDS:** Where the Agency's wastewater treatment system achieves consistent removal of pollutants

limited by Federal Categorical Pretreatment Standards, the Agency may apply to the Regional Water Quality Control Board(s) for modification of specific limits in the Federal Categorical Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the CFR, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Clean Water Act. The Agency may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Regional Water Quality Control Board is obtained.

**SECTION 6.09 - STATE AND FEDERAL REQUIREMENTS AND STANDARDS:** In the event that either state or federal requirements and standards for discharges to Agency facilities are more stringent than the limitations, requirements, and standards set forth in this Ordinance, the most stringent standard or requirement shall apply.

**SECTION 6.10 - SPECIFIC POLLUTANT LIMITATIONS:** No user shall discharge wastewater which exhibits any characteristic specifically prohibited by an action of the Agency Board, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the Agency Board, to a Agency facility. In addition to those pollutant limitations contained in this Ordinance, specific pollutant limitations regarding waste characteristics and/or constituent limits may be adopted by resolution. Any violation of a specific pollutant limitation as may be set forth herein or in a Agency resolution shall subject the user to the same administrative actions, penalties, and/or enforcement actions as would be available for any other violation of this Ordinance. The term "ordinance" as used elsewhere within this Ordinance, shall be read to include the specific pollutant limitations as may be set forth by separate resolution.

**SECTION 6.11 - AGENCY'S RIGHT OF REVISION:** The Agency reserves the right to establish by ordinance or resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Ordinance.

**SECTION 6.12 - EXCESSIVE DISCHARGE (DILUTION):** 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 the limitations contained in the national pretreatment standards, or in any other pollutant-specific limitation developed by the Agency or State. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in production, will not be considered an excessive discharge hereunder.

**SECTION 6.13 - PREVENTATIVE REQUIREMENTS - ACCIDENTAL SPILL OR SLUG DISCHARGE:**

- A. All users shall be prohibited from allowing accidental spills or slug discharges, as elsewhere defined herein, from entering the Agency's sewerage system.

- B. Each user shall provide protection, as described in the User's permit, from accidental spills or slug discharges of restricted materials or other substances regulated by this Ordinance. No user shall be permitted to introduce pollutants into the system until accidental spills or slug discharge control plans and procedures have been evaluated by the Agency. The ability to prevent accidental spills or slug discharges of restricted materials, as well as providing additional storage capacity to contain the entire contents of such spill or discharge, shall be provided and maintained at the user's own expense.
- C. Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) or accidental spill plans containing at a minimum the following information:
1. A description of the discharge practices including non-routine batch discharges.
  2. A description of stored chemicals and secondary containment measures to eliminate discharges to the sanitary sewer system.
  3. The procedures for promptly notifying the Agency of accidental spills or slug discharges, including any discharge that would violate a specific discharge prohibition with procedures for follow-up written notification within five (5) days.
  4. If required by the Agency, procedures to prevent adverse impact from accidental spills including maintenance and inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building or containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures or equipment for emergency response.
  5. If required by the Agency, follow-up practices to limit the damage suffered by the treatment plant or the environment.
  6. Names and titles of employees responsible for overseeing and implementing said plans.
  7. Written training procedures for employees who will participate in SDPC plans.

These plans shall be submitted to the Agency for review and approval. All users required to have SDPC and/or spill plans shall submit such a plan within three (3) months and complete implementation within six (6) months of notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

- D. In the case of a slug discharge, it is the responsibility of the user to **immediately** notify the Agency after the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective action. The user shall also provide the Agency with a detailed, written report of this incident within five (5) days.
- E. A notice shall be permanently posted in a conspicuous location on the user's premises advising the employees whom to call in the event of a slug discharge or accidental spill. The



user shall ensure that all employees who may cause or allow such discharges to occur are advised of the emergency notification procedures.

- F. Each user who violates any of the requirements of the slug discharge and/or accidental spill program, or allows a slug discharge or spill to enter the sanitary sewer system to occur, shall be subject to the enforcement provisions of this Ordinance.
- G. The employer shall post the Slug Discharge Prevention and Contingency Plan in a readily available location at the work site, such as near sinks or other points of discharge.

**SECTION 6.14 - HAZARDOUS WASTE DISCHARGE:** All industrial users shall notify the Agency, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the Agency's sanitary sewer of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or as otherwise defined by State statute or regulation.

Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the Agency's facilities, the notification shall also contain the following information, if known: (1) an identification of the hazardous waste constituents contained in the waste; (2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimation of the mass constituents in the waste stream expected to be discharged during the following twelve (12) months.

In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practical.

Nothing contained in this Section of the Ordinance is intended to modify the prohibitions set forth in Section 6.05 (N).

**SECTION 6.15 - RESPONSIBILITY OF USERS:** It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Ordinance. The omission to act by the Agency and/or the failure of the Agency to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the Agency of the requirements which may apply to the user regarding its discharge.

All New Source, New Industrial User, New User, or users proposing to change the use of a commercial facility, shall complete a Survey for Commercial/Industrial Wastewater Discharge Requirements. Upon review of the Survey, the Agency may require the industrial user to apply for an Industrial Wastewater Discharge Permit, install pretreatment equipment (monitoring

manholes, grease interceptors, etc.), and/or additional plumbing such as, separate process waste and sanitary waste lines. Industrial users currently connected or contributing to the Agency's sanitary sewer system, or who propose to connect or contribute to the Agency's sanitary sewer system, must obtain a wastewater discharge permit. The Agency may waive the wastewater discharge permit requirement for industrial users contributing only domestic wastewaters (wastewaters from restrooms, drinking fountains, showers, or air conditioners used for human comfort), or industrial users that are determined by the Agency to have an insignificant impact on the Agency's facilities. This waiver shall not relieve an industrial user of the responsibility to comply with the conditions of this Ordinance. All existing industrial users connected to or contributing to the Agency's sanitary sewer system and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of this Ordinance, together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control.

**SECTION 6.16 - USER CLASSIFICATIONS (CATEGORIES):** The Agency will classify all users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to Agency facilities on the basis of each user's waste quality, quantity, flow, and Agency involvement. The determination by the Agency regarding the designation of industrial users into categories may be based on the unusual character of the wastewater due to its volume, strength, composition or its derivation from a hazardous waste or substance; or the potential variability in the character of the wastewater; or on the potential for increased administrative cost to the Agency due to the unusual character of the waste. The classification shall further provide a means of imposing an appropriate level of oversight, control, and enforcement according to the source of the discharge. The classification system will also allow equitable recovery of Agency operating and capital costs for the program.

Industrial users may be subject to wastewater discharge permit requirements depending on the volume, characteristics, and origin of their wastewater discharge. Industrial users may be required to supply such information and data concerning their processes, including discharge samples, as may be necessary for the Agency to determine how a user should be designated. Industrial users must, if requested, provide such other information regarding the nature of the entity, its operations, storage and use of chemicals, and storage and use of hazardous substances, as may be reasonably necessary to make such determination as to the classification of said user. The Agency may also require information relating to potential for accidental discharges of hazardous or prohibited substances to an Agency facility. Such inquiries may include information regarding the current disposal procedures of the user with regard to chemicals and/or substances which are not in the ordinary course of the user's operations discharge to an Agency facility. As set forth in the Definition Section of this Ordinance, there are two (2) major categories of user: to wit, domestic users and industrial users. Industrial users subcategories are as follows:

1. Significant Industrial User

- A. Class A Categorical User: A Categorical User includes all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and any industry as defined in 40 CFR Chapter I, Subchapter N, 405-471. These industrial operations have wastewater discharges which contain materials that, if untreated, can pose significant risks to personnel, collection systems, and treatment plant processes. These users shall pretreat process wastestreams to meet specific toxic pollutant limits set by the EPA prior to discharge to the Agency's sewer systems.
- B. Class B Industrial User: Any non-domestic user of the Agency's wastewater disposal system who (1) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or (2) contributes process wastewater which makes up 5% or more of the Agency's treatment plant's average dry weather hydraulic or organic capacity; or (3) has in its wastes hazardous pollutants, or (4) has in its untreated wastewater pollutants which are in excess of any pretreatment standard or requirement, including any standard identified in this Ordinance or local limits set by resolution of the Agency's Board, or (5) may, in the opinion of the Agency, have a reasonable potential for adversely impacting, either singularly or in combination with other contributing industries, the Agency's treatment plant or the ability of the Agency to meet the objectives of this Ordinance or for violating any pretreatment standard or requirement.

This classification includes Zero Discharge Users which would be classified as Categorical Users if they discharged their process wastewater to the sanitary sewer, but which have elected to off-haul and/or recycle all process discharges. Zero Discharge Users shall have no discharge to the sanitary sewer other than domestic wastewater.

- C. Class C Industrial User: Any non-domestic user which may, in the opinion of the Agency, have an impact on the Agency's ability to meet the objectives of this Ordinance. This impact may be of a lesser degree than for a Class B Industrial User due to the volume, characteristics, or the nature of the process producing the waste. Any non-domestic user which generates hazardous waste, whether or not said waste is, in the normal course of the industrial process, discharged into the sanitary sewer system, may be considered a Class C Industrial User. This classification applies to, but is not limited to, those industrial users who are not designated as Class A or Class B users and who are required to have a County Hazardous Waste Facility License. This Class C Industrial User category shall also include industrial users who store or use hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the determination of the Agency, a potential exists for these wastes to be discharged into the Agency's facilities. This classification also applies to those industrial users not designated as Class A or Class B Industrial Users which are required by statute or County regulations to have a Hazardous Materials Response Plan and Inventory. A Class C Industrial User shall also include all varieties of non-domestic users for which the General Pretreatment Regulations promulgated by the EPA under a 40 CFR 403.8(f)(2)(iii) may require the Agency to provide an Industrial User (IU) Notification regarding the applicability of RCRA requirements.

Class C Industrial Users may be individually designated by the Agency based on the criteria set forth above or on categorization of the User as a member of a particular business category. Examples of business categories which may be included in the Class C Industrial User designation are: analytical and clinical laboratories, dry cleaners and laundries, vehicle maintenance and repair facilities, printing and allied industries, photo processors and pesticide formulators and applicators.

This classification may also include the Zero Discharge User which, in the opinion of the Agency, meets the definition of an SIU-Class B User but has no process discharge to the sanitary sewer. Industrial Users in this classification require less oversight by the Agency than SIU-Class B Users.

All SIUs should be inspected at least annually by the Agency's Industrial Waste Inspector. Monitoring and sampling requirements for SIUs shall be as set forth in Article 6.

2. Commercial User: Any non-residential user which is not included within the definitions and parameters of an SIU shall be considered a Commercial User. Users in this classification generate no process wastewater and discharge only domestic wastewater to the sanitary sewer system.
3. Special Discharge/Groundwater Remediation User: Users in this classification discharge wastewater to the sanitary sewer system generated by the following: operations associated with remediation of soil and/or groundwater contaminated by leaking underground storage tanks; construction site dewatering; or other industrial operations in which there is no other acceptable or reasonable alternative for disposal. If pretreatment of the wastewater by the IU is required in order to bring the discharge into compliance with the Agency's specific pollutant limitations, such pretreatment will be specified in the (temporary) permit issued by the Agency pursuant to Section 6.18.
4. Waste Haulers: Users in this classification shall apply for and receive a Waste Hauler Discharge Permit pursuant to Article IX of the Sanitation Code prior to discharging any wastewater to the Agency's facilities. Wastewater discharged to the Agency's facilities by permitted Waste Haulers is limited to the following: domestic septage; and special batch loads of wastewater that have been sampled and analyzed in accordance with the Agency's requirements and have been approved by the Agency's Environmental Compliance Inspector or Water Agency Coordinator- Environmental Services.

All users are subject to the prohibitions set forth in this Ordinance, with such Federal and State statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the Agency Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

**SECTION 6.17 - SWIMMING POOLS AND SPAS:** It shall be unlawful for any person to discharge the contents of a swimming pool or a spa into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than one inch 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 one hundred (100) gallons per minute. Each swimming pool or spa discharging to a sanitary sewer shall be equipped with an approved separator to capture filtering agents and an approved air gap to preclude any possibility of a backflow of sewage into the swimming pool or spa piping system. Connections shall only be allowed per Section 6.05(k).

**SECTION 6.18 - ACCEPTANCE OF WASTEWATER FROM REMEDIATION PROJECTS:**

Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells, or other similar sources shall not be discharged through direct or indirect connection to the Agency's sewer system unless a temporary or wastewater discharge permit as defined in Section 6.16, User Classifications, is issued by the Agency. The Agency will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available and Agency's facilities will not be significantly affected.

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

The applicant's analysis of alternative methods of disposal, and the above-described comprehensive report (if required), shall be submitted to the Agency's Environmental Services Inspector or Water Agency Coordinator - Environmental Services for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the Agency to specifically apply for that particular discharge. Such temporary discharge permit shall be classified into one of the categories as defined in Section 6.16.

**SECTION 6.19 - WASTEWATER DISCHARGE PERMIT APPLICATION:** Users required, or who may be required, to obtain a wastewater discharge permit shall complete and file with the Agency an application in the form prescribed by the Agency. A new industrial permit fee may be assessed at the time of the application. Existing users (except those with current permits) shall apply for a wastewater discharge permit within one-hundred eighty (180) days following the effective date of this Ordinance, and new users shall apply at least thirty (30) days prior to connecting to or contributing to the Agency's facilities. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, some or all of the following information but will in all cases be required to submit items Q and R.

- A. Name and address of the operator or owner, and location of the facility for which the permit application is being made.

- B. SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, for all operations conducted at the facility.
- C. A list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility.
- D. Time(s) and duration of all process discharges. Include the quantity, rate, and times of occurrence of any batch discharges.
- E. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any. Flow rates shall be provided for each regulated process stream.
- F. Site plans, floor plans, mechanical plans, and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
- G. Description of activities, facilities, and plant processes on the premises including all materials which are, or could be, discharged, provided such chemicals are present in quantities sufficient to cause harm to the operations of the Agency or to the environment if released. Description of materials, including brand names and their physical or chemical properties. Description of any and all existing or proposed wastewater pretreatment facilities. Construction drawings and design criteria shall also be submitted.
- H. A schematic flow diagram of each major process activity described in Part G.
- I. The nature and concentration of any pollutants in the discharge which are limited by a Agency or State pretreatment standard or requirement or by a national pretreatment standard, or which are otherwise requested by the Agency. Pollutant data shall be provided for each regulated process stream. In the case of an existing user, a statement regarding whether or not the pretreatment standards and requirements 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 applicable pretreatment standards and requirements.
- J. The nature and concentration of any pollutants in the discharge which are limited by State or Federal standards concerning the release or discharge of any hazardous substance or waste.
- K. If additional pretreatment housekeeping, process changes, and/or operations will be required to meet the pretreatment standards and requirements. The user shall develop the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established by EPA, the State, or the Agency for the applicable standard.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress 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 standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  2. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- L. Each product produced by type, amount, process or processes, and rate of production for the present calendar year.
  - M. Type and amount of raw materials processed (average and maximum per day), provided such raw materials are present in quantities sufficient to cause harm to the operations of the Agency or to the environment if released.
  - N. Number, type, and volume/amount of hazardous substances stored on the premises and a description of the variety of the method of storage and/or the containment device for such substances, provided such substances are presenting quantities sufficient to cause harm to the operations of the Agency or to the environment if released.
  - O. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
  - P. Number and classification of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
  - Q. A signed statement of the authorized representative of the industrial user applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge, and that the applicant is, or upon connection will be, in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the applicant to meet such standards and requirements.
  - R. A signed certification of a qualified professional that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional O & M and/or pretreatment is required for the applicant to meet such standards and/or requirements.
  - S. Any other information as may be deemed by the Agency to be necessary to evaluate the permit application.

**SECTION 6.20 - WASTEWATER PERMIT APPLICATION EVALUATION:** All new industrial users shall arrange for a Agency representative to conduct a walk-through site inspection of the user's facilities during the one hundred eighty (180) day period prior to connecting or contributing waste or wastewater to the Agency's facilities. New industrial users shall submit to the Agency, within one-hundred eighty (180) days after commencement of discharge to the Agency's facilities, an analysis of said discharge delineating wastewater constituents and characteristics including, but not limited to, those mentioned in Section 6.05 of this Ordinance.

**SECTION 6.21 - PERMIT TO DISCHARGE REQUIRED:** Any significant industrial user proposing to begin or recommence discharging industrial wastewater into the Agency facility must obtain a wastewater discharge permit prior to discharging. A wastewater discharge permit application must be filed with the Agency at least forty-five (45) days prior to the date upon which any discharge will begin.

**SECTION 6.22 - WASTEWATER DISCHARGE PERMIT CONDITIONS:** Permits may contain provisions, requirements, and standards appropriate to carry out the objectives of this Ordinance, including but not limited to, the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the Agency's facilities.
- B. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
- D. Requirements for installation and maintenance of sampling and flow metering facilities.
- E. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, number, types, and standards for tests and reporting schedule.
- F. Compliance schedules.
- G. Requirements for submission of technical reports or periodic compliance reports.
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge, hazardous waste manifests, maintenance and cleaning logs, MSDS, chemical inventories, and any others as specified by the Agency.
- I. Requirements for notification of the Agency of any new introduction of pollutants, or any change in plant processes, or in the volume or character of the wastewater constituents being introduced into Agency facilities.



- J. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the pretreatment facility.
- K. Requirements for providing the Agency with design and construction plans and specifications of the wastewater pretreatment facility, whether proposed or in existence.
- L. Requirements for providing the Agency with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the Agency may reasonably request that pertains to the industrial user's operation.
- M. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system.
- N. Requirements for the notification of the Agency of planned alterations of the operations processes of the industrial user which could result in an alteration of the users process discharge or the potential for an accidental spill or slug discharge.
- O. Requirements prohibiting bypass of the wastewater pretreatment facility, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury, or severe property damage.
- P. Requirement that the discharger notify the Agency prior to any proposed bypass other than due to accident or emergency.
- Q. Requirements to have emergency spill plans on file with the Agency.
- R. Requirements to certify that the industrial user has not discharged hazardous substances without a permit through a Agency facility, which substances have been stored or used in the user's process and which the user contends will not, in the ordinary course of the user's operation, enter the sewer system.
- S. Requirements for re-sampling following a discharge violation, the submittal of reports explaining the cause of the violation, and the steps that have been or will be taken to prevent a reoccurrence of the violation.
- T. Requirements for providing access to Agency personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to the waste stream, including the actual wastewater discharge.
- U. Requirements for providing the Agency with operation and maintenance records and cleaning logs for the wastewater pretreatment facility, including periodic updates, as appropriate.
- V. The prohibition of dilution as partial or complete substitute for adequate pre-treatment to achieve compliance with permit conditions.
- W. Signatory requirements specifying the responsible corporate officer for the industrial user.

- X. Other conditions as deemed appropriate by the Agency to ensure compliance with this Ordinance and any other agency having jurisdiction including, but not limited to, Environmental Health, Regional Water Quality Control Board, Air Quality, Water Resources Control Board, or Fire Department.
- Y. Technical provisions or requirements related to the wastewater pretreatment facility which, in the opinion of the Agency, may be necessary to insure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.

**SECTION 6.23 - WASTEWATER DISCHARGE PERMIT DURATION:** Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Agency during the term of the permit as limitations or requirements as identified in Section 6.2 are modified or other just cause exists. The user shall be informed of any proposed changes in his 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.

**SECTION 6.24 - WASTEWATER DISCHARGE PERMIT CONTRACT:** The Agency shall require certain Industrial Users as determined by the Agency to enter into a wastewater discharge permit contract for connecting to or contributing wastewater to Agency facilities. The wastewater discharge permit contract shall incorporate the provisions of this Ordinance by reference including all requirements and standards as may be set forth herein or promulgated by the Agency Board by resolution. The wastewater discharge permit contract may contain all of the permit provisions set forth in Section 6.22. In addition, the permit contract may contain additional provisions including, but not limited to, the following:

- A. Provisions for liquidated damages for discharges in violation of the discharge prohibitions and limitations of this Ordinance and/or of such special prohibitions or limitations as may be set forth in the permit contract. These liquidated damages provisions may be proposed without regard to proof of pass through, damage to the environment, or interference with Agency facilities or operations and may be assessed on a strict liability basis for violation of the noted provisions.
- B. Requirements for providing proof of insurance, indemnification of the Agency, and bonding in order to adequately protect the Agency, in its judgment, from the potential of the increased exposure to liability due to the user's discharge.
- C. Provisions for termination of the permit contract and wastewater sewer service for violation of this Ordinance or other wastewater permit contract conditions.

D. Any and all other conditions as may be deemed appropriate by the Agency to ensure compliance with all provisions of this Ordinance and the objectives set forth herein.

**SECTION 6.25 - WASTEWATER DISCHARGE PERMIT MODIFICATIONS:** Upon renewal or when a new National Categorical Pretreatment Standard or any other applicable regulation is promulgated, the wastewater discharge permit or permit contract of users subject to such standard shall be revised to require compliance with such standard within the time for compliance prescribed by such standard or within ninety (90) days, whichever is shorter. However, when the time for compliance prescribed by such standard is longer than ninety (90) days, the users subject to such standard may apply to the General Manager or his designee for an extended time for compliance in a wastewater discharge permit or permit contract. The General Manager or his designee may grant such an extension up to the time for compliance set forth in the National Categorical Pretreatment Standards. Where a user, subject to a National Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by Section 6.19 and/or 6.21 of this Ordinance, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National Pretreatment Standard. In addition, the user with an existing wastewater discharge permit or permit contract shall submit to the General Manager, within one hundred eighty (180) days after the promulgation of an applicable Federal Pretreatment Standard, the information required by Section 6.19.

In the event the Agency determines that it is necessary, in order to comply with the objectives of the Ordinance, to impose more stringent limitations or requirements on discharges to the wastewater disposal system than are set forth in an existing permit (for reasons other than issuance of a new National Pretreatment Standard), the Agency shall have the right to require such reasonable modifications of an existing permit to incorporate more stringent limitations or requirements. In the event such permit modification is required, the user shall be provided with reasonable time to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. After consultations with the user, a Compliance Schedule Agreement shall be issued which would set forth a reasonable schedule for the user to comply with the more stringent standards. If the permit modification will require construction or acquisition of equipment related to pretreatment, the Compliance Schedule Agreement will provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the General Manager that good cause exists for an additional period. To the extent that the user remains in compliance with the permit conditions in effect prior to amendment during the compliance period, the user shall not be liable pursuant to the terms of this Ordinance for noncompliance with the more stringent standards or requirements during the period of the Compliance Schedule Agreement provided that the user is also complying with the terms of said Compliance Schedule Agreement.

**SECTION 6.26 - WASTEWATER DISCHARGE PERMIT AND CONTRACT TRANSFER:** Wastewater discharge permits and wastewater discharge permit contracts are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. However, nothing in this Section shall be construed to prevent the application of the terms and

conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract of permit holder.

**SECTION 6.27 - WASTEWATER DISCHARGE PERMIT FEES:** It is the purpose of this Section to provide for the establishment of a method to recover costs from users of the Agency's wastewater facilities for the implementation of the program established herein. Any additional administrative costs to be considered may include increased potential for the administrative oversight by Federal, State, and local agencies as well as the potential for increased liability exposure and associated legal costs. By separate ordinance, the Board shall establish fees for implementing this program. Types of fees to be established for Wastewater Discharge Permits or Waste Hauler Permits are defined below:

- A. Application Fee: An Application Fee will be established to recover the Agency's estimated cost in reviewing the application for a Wastewater Discharge Permit. The Application Fee, upon being established by separate ordinance shall be paid to the Agency upon submission of the permit application. Should the permit be denied, the Application Fee will not be refunded.
- B. Renewal Application Fee: The Renewal Application Fee is established to recover the Agency's estimated cost in reviewing the renewal application for a Wastewater Discharge Permit. The Renewal Application Fee, upon being established by separate ordinance, shall be paid to the Agency upon submission of the permit application. Should the permit renewal be denied, the Renewal Application Fee will not be refunded.
- C. Permit Issuance Fee: The Permit Issuance Fee is established to recover the Agency's estimated cost for processing each class of permit, including establishing the permit requirements, Agency compliance reporting to the State and EPA, and minor permit modification during the life of the permit. The Permit Issuance Fee, upon being established by separate ordinance, shall be paid each time the permit is issued and when the permit is reissued. The Permit Issuance Fee shall be paid to the Agency prior to issuance or re-issuance.
- D. Permit Monitoring and Inspection Fee: The Permit Monitoring and Inspection Fee, upon being established by separate ordinance, will recover the Agency's costs based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify compliance with the permit conditions. This fee may be billed directly to the permittee in advance and is payable within fifteen (15) days from the date of invoice.
- E. Noncompliance Monitoring Fee: The Noncompliance Monitoring Fee, upon being established by separate ordinance, will consist of actual costs incurred by the Agency associated with any additional inspection, sampling, analysis, and reporting; together with direct labor, labor burden, and overhead of Agency personnel and all direct costs for work performed as a result of a permittee's noncompliance with permit conditions. The

Noncompliance Monitoring Fee will be billed directly to the permittee as costs are incurred and is payable within fifteen (15) days from the date of invoice.

- F. Surcharge Fee: In order to equitably distribute the costs of operating the POTW, a surcharge fee may be imposed. Such fees will recover abnormal costs associated with treatment of high strength conventional pollutants and high flows. A separate ordinance will establish rates and conditions of surcharge fees.

Permittees shall also pay all other applicable Agency fees and charges as provided elsewhere in this Ordinance, and sewer service charges in accordance with separate Agency regulations.

**SECTION 6.28 - REPORTING REQUIREMENTS--NOTIFICATION OF SLUG LOAD OR**

**ACCIDENTAL SPILL:** It is the responsibility of all industrial users to telephone and notify the Agency immediately after the incident of any slug load or accidental discharge as required by Section 6.13 of this Ordinance, except in cases where such action may be necessary to terminate the spill or discharge, or to take such action(s) necessary to prevent further damage to the facilities or to protect lives and/or other property. Notification shall include location of discharge, type of waste, duration, concentration and volume, cause of the incident and corrective actions to be taken.

- A. Written Notice: A written follow-up report of the incident shall be filed and signed by the authorized signator of the user with the Agency within five (5) days. The report shall specify and/or include:

1. Description of the accidental spill or slug load, the cause(s) thereof and the accidental spill's or slug load's impact on the user's compliance status.
2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such accidental spill, slug load, or other conditions of noncompliance.
4. A self critique and evaluation of the user's response and actions for each incident, including if appropriate, an explanation why any action(s) to terminate the spill/discharge or to protect life and property, prevented immediate notification.

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 Agency facilities, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

- B. Notice to Employees: Users who are employers shall permanently post a notice on their bulletin board, or other prominent place, advising employees of the user whom to call in the event of such a discharge. The user shall ensure that all employees who may cause or suffer such discharge to occur are advised of the emergency notification procedure.

**SECTION 6.29 - REPORTING REQUIREMENTS--PRIOR NOTIFICATION OF CHANGE IN VOLUME OR CHARACTER OF WASTEWATER:** All users shall promptly notify the Agency in writing (except in emergencies where telephone notification is acceptable) prior to: (1) any new or increased discharge or any change in nature of their discharge which discharge does not meet pretreatment standards or requirements, or has the reasonable potential to cause the Agency to violate its NPDES permit, or to cause problems to the Agency wastewater system; and (2) any substantial change in volume or character of pollutants in their discharge, including listed or characteristic hazardous wastes.

**SECTION 6.30 - NOTIFICATION REQUIREMENTS--BASELINE REPORT:** All Categorical Users, subject to National Categorical Pretreatment Standards, shall submit to the Agency a baseline report within one hundred and eighty (180) days of the effective date of this Ordinance or one hundred and eighty (180) days after final decision on a category determination by EPA or the State, whichever is earlier. The baseline report shall contain the information specified in 40 CFR 403.12(b). The information required for application for a permit under Section 6.19 and/or for modification of a permit under Section 6.25 of this Ordinance may fulfill the requirements of the baseline report. If in submitting information to apply for or modify a permit, the user also intends to fulfill the requirements for the baseline report, the user shall so state.

**SECTION 6.31 - NOTIFICATION REQUIREMENTS--COMPLIANCE REPORT:** Within ninety (90) days following the date for final compliance with applicable pretreatment standards or requirements or, in the case of a new user, following commencement of the introduction of wastewater into Agency facilities, any user subject to pretreatment standards or requirements shall submit to the Agency a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements, the average and maximum daily flow for these process units, and the actual average production rate for these process units. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and a certified qualified professional. Filing of this compliance report cannot relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law for failure to meet the applicable pretreatment standards or requirements subsequent to the date for final compliance with such applicable standard.

**SECTION 6.32 - PERIODIC COMPLIANCE REPORTS:** Categorical Users and Significant Industrial Users shall submit a report to the Agency twice a year or more frequently as specified in the permit or permit contract. Other Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports shall be submitted within fifteen (15) days of receipt of the laboratory report. The compliance report shall contain such information as may be deemed by the Agency to be necessary to ensure compliance with the provisions of this Ordinance. Compliance reports shall, at a minimum, contain the following:

- A. The nature and concentration of pollutants which are limited by pretreatment standards or requirements, or which are specified in the permit or permit contract for each regulated waste stream.
- B. A record of average daily flow for the reporting period for each regulated waste stream.
- C. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.
- D. Methods utilized by the user in collecting the wastewater sample for analysis including, but not limited to, the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- E. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the Agency within the next business day following the discovery of the violation, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within fifteen (15) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.

The Agency may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.

The Agency may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required under subparagraph (A) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge including the flow, concentration, and mass of pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

**SECTION 6.33 - MONITORING REQUIREMENTS:** Any user may be required to provide wastewater sampling and/or monitoring results or to submit to monitoring by the Agency to assist the Agency in establishing the appropriate category of the user and/or to evaluate compliance with the standards and requirements of this Ordinance. All sampling shall be in accordance with 40 CFR 136.

- A. Classification Sampling: All industrial users may be required to sample and analyze their waste stream(s) to determine the appropriate class of the user. Classification sampling shall be at the Agency's request. The number and type of samples and pollutants analyzed shall

be as specified by the Agency in order to adequately characterize the user's wastewater discharge(s).

- B. Baseline Sampling: Categorical Users and Significant Industrial Users shall sample and analyze their regulated waste stream(s) as part of a permit application or modification of a permit as specified in Sections 6.19 and 6.25 of this Ordinance. In addition, all Categorical Users required to submit baseline reports, as specified in Section 6.30 of this Ordinance, shall sample and analyze their regulated waste stream(s) in accordance with the requirements of 40 CFR 403.12(b). Samples shall be analyzed for constituents or characteristics including, but not limited to, those mentioned in Section 6.05 of this Ordinance and/or in applicable State Pretreatment Standards or requirements, or National Pretreatment Standards, or as otherwise required by the Agency.
- C. Initial Compliance Sampling: All Categorical Users and Significant Industrial Users shall sample and analyze their regulated waste stream(s) for the compliance report as specified herein. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement, or as otherwise required by the Agency.
- D. Periodic Compliance Sampling: All Categorical Users and Significant Industrial Users shall sample and analyze their regulated waste stream(s) to evaluate compliance with the user's permit or permit contract. Periodic compliance monitoring shall be conducted at least twice each year unless specified more frequently in the user's permit or permit contract, or in the applicable National Categorical Pretreatment Standard. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement, or as otherwise required by the Agency.
- E. Sampling and Evaluation Program (SEP): Whenever sampling results indicate that the user's regulated waste stream(s) is in violation of any pretreatment standard or requirement, the user shall collect two (2) additional samples to assess the degree of violation. For additional samples, the user need only analyze for the pollutant(s) which were identified in the original violation(s). The user shall provide the Agency with the results from the confirmation sampling within forty-five (45) days of the date the violation was discovered. The Agency shall also collect at least one sample as part of the SEP. If the laboratory results performed during the initial SEP do not qualify the user to be removed from SNC status, the Agency may require the user to repeat the process, initiate formal enforcement, or both.
- F. Other Compliance Sampling: All Categorical and Significant Industrial Users may be required by the Agency to conduct compliance sampling in addition to those described above. This could include, but is not limited to, sampling required by the Agency in an Enforcement Compliance Schedule Agreement.
- G. Agency Sampling: The Agency may collect and analyze samples on its own or request the user to split samples to evaluate compliance with this Ordinance, or the user's permit, or permit contract. The Agency also reserves the right to conduct all sampling and analysis for the user with all costs borne by the user. In the event that data obtained by the Agency differs from data provided by the user, the Agency's data shall be presumed accurate unless and until the user provides substantial evidence otherwise. In the event that the Agency



performs the sampling, whether announced or unannounced, the user may request that the Agency split its samples and provide one of the split samples for the user's independent analysis.

**SECTION 6.34 - SAMPLING PROCEDURES:** All sampling and testing undertaken for the purpose of compliance with the sampling and reporting requirements of this Ordinance shall be undertaken in accordance with 40 CFR 403.12 and 40 CFR 136. Each regulated waste stream shall be sampled and analyzed separately unless the Agency allows the user to sample and analyze the combined waste streams. The methods of obtaining the sample shall be specified by the Agency. As an alternative, a sampling program proposed by the user shall be submitted to the Agency for review prior to initiating said program. The Agency may state special sampling requirements as needed to insure compliance with this Ordinance.

**SECTION 6.35 - ANALYTICAL PROCEDURES:** All samples shall be preserved and analyzed in accordance with the procedures presented in CFR Title 40, Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, or if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA, Standard Methods for Examination of Water and Wastewater, and/or the Agency. Unless approved otherwise by the Agency, all analyses shall be performed by a laboratory(s) certified by the State for the specific pollutants and matrix to be analyzed.

For each sampling event, the user shall record and maintain the following information necessary for compliance with chain of custody procedures:

- A. The date, exact place, method, and time of sampling, and the signatures of each person who has handled the samples.
- B. Sample preservation used.
- C. The dates analyses were performed.
- D. Who performed the analyses.
- E. The analytical techniques/methods used.

**SECTION 6.36 - SAMPLING RECORDS:** Records of each sampling event including the original laboratory analytical results, shall be maintained a minimum of three (3) years or, if requested, shall be provided to the Agency or as each individual permit requires.

**SECTION 6.37 - MONITORING/SAMPLING FACILITIES:** The Agency may require monitoring facilities to be provided and operated at the user's own expense to allow inspection, sampling, and flow measurement of regulated discharge. Such monitoring facilities may be required to be retrofitted into the existing sewer system in order to bring existing users into compliance with this Ordinance. The monitoring facility shall be accessible to Agency staff at all times and should normally be situated on the user's premises; but the Agency may, 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, and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Any existing plumbing that is incompatible with monitoring equipment shall be modified at the user's expense. Any proposed modification to the existing plumbing shall be approved by the Agency prior to installation.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency Design and Construction Standards for Sanitation Facilities and all applicable local construction standards and specifications. Construction of monitoring facilities shall be completed within forty (40) days following written notification by the Agency, unless a time extension is granted or another construction completion date is negotiated and agreed upon by the Agency. The monitoring facility shall be constructed in such a way as to isolate the industrial process wastewater from dilution by domestic wastewater or other processes and to provide a representative sample.

**SECTION 6.38 - SIGNATORY REQUIREMENTS:** All applications, reports, or other information submitted to the Agency must contain the following certification statement:

"I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision and in accordance with the system designed to insure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manages the system, or those 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 knowingly submitting false information, including the possibility of fine and/or imprisonment for knowing violations."

This statement shall be signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(I)(1-4).

**SECTION 6.39 - RIGHT OF ENTRY:** The Agency has the right of inspection of the premises of any user to ascertain whether the objectives of this Ordinance are being met and all standards and requirements are being complied with. Persons or occupants of premises where wastewater is generated or discharged, or where hazardous substances or hazardous wastes are present, shall allow the Agency or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, photographing, analysis, records examination and copying, or collection of other evidence of a violation of this Sanitation Code as may be necessary in the performance of any of their duties. The Agency, or their authorized representative, accompanied by such other representatives of other public agencies as may be appropriate, shall have the right to set-up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and

clearance before entry onto their premises, the user shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the Agency, along with other authorized representatives, will be permitted to enter, without delay, for the purposes of performing their specific duties and responsibilities.

Such inspection(s) shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of part 3 of the Code of Civil Procedure; provided, however, that in the event of an emergency affecting public health or safety, such inspection may be made without consent or the issuance of a warrant. To the extent that the owner or possessor of the premises requires that a warrant be received, the Agency may, in its discretion, suspend the right to discharge to sanitary facilities immediately and such suspension may continue until such time as a warrant has been received and the inspection has been completed. The suspension shall be lifted if no violation of this Ordinance, or other Agency ordinances or regulations, if applicable, is found. In the event that violation of this Ordinance, or other Agency ordinances or regulations, if applicable, is found, then the suspension may, in the discretion of the Agency, be continued or terminated, or other enforcement remedies may be sought.

The Agency may choose to inspect the facility to determine compliance with all standards set forth in this Ordinance, or other Agency ordinances or regulations, if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the discharger.

**SECTION 6.40 - PRETREATMENT FACILITIES:** Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Pretreatment Standards within the time limitations as specified by the Federal regulations, or this Ordinance, or the permit, or permit contract, whichever is earliest. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Agency for review, and shall be acceptable to the Agency before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Agency prior to the user's initiation of the changes.

**SECTION 6.41 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:** Pursuant to Federal requirements, the Agency shall annually publish in the largest daily newspaper within the jurisdictional boundaries of the Agency a list of the users which were in significant noncompliance with any pretreatment requirements or standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

**SECTION 6.42 - RECORDS RETENTION:** All records and reports relating to compliance with pretreatment requirements or standards shall be made available to officials of the EPA, State, and Agency, or their authorized representatives. These records shall be retained for a minimum of three (3) years from the date of the compliance report to which these records are applicable or

three (3) years from the date any investigation or enforcement action undertaken by the Agency, State, or EPA has been concluded, except when there is unresolved litigation regarding the user or the Agency to which such records are relevant, or a request of the General Manager of the Agency for a longer retention, in which cases the records shall be retained until the litigation is concluded (including the expiration of all periods of limitation and of all appeals), or as requested by the General Manager.

**SECTION 6.43 - CONFIDENTIAL INFORMATION:** Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without notification unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the Agency that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

The portions of such information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to other governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES), and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information.

Information and data requested from a user which the user believes to be proprietary and the release of which to the public would substantially impair the operations of the user, may alternatively be provided to the Agency for its review at the facility of the user rather than provided to the Agency for its keeping, at the discretion of the Agency. The burden will be on the user to demonstrate to the satisfaction of the Agency that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the Agency from properly carrying out the objectives of this Ordinance. Unless those documents claimed as confidential by the user are clearly marked or stamped with the words "confidential - proprietary information," the Agency shall treat all such documents as a matter of public record.

Information received by the Agency as confidential, shall not be transmitted to any person except the Environmental Protection Agency, the State Water Quality Control Board, the Regional Water Quality Control Board and/or any other agency having jurisdiction, until the Agency provides the user in question with a ten (10) day notification.

## ARTICLE VII - ENFORCEMENT

SECTION 7.01 - ENFORCEMENT MECHANISMS

SECTION 7.02 - INFORMAL ADMINISTRATIVE ACTIONS

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7.17 - FALSIFYING INFORMATION

SECTION 7.18 - NOTIFICATION PROCEDURES TO THE USER

SECTION 7.19 - NOTIFICATION PROCEDURES TO AGENCY

SECTION 7.20 - COSTS

SECTION 7.21 - RESPONDING TO SIGNIFICANT NONCOMPLIANCE

**SECTION 7.01 - ENFORCEMENT MECHANISMS:** It is the intent of this Enforcement Section to provide adequate mechanisms to achieve a maximum degree of compliance with this Ordinance by all users. These enforcement provisions apply to all classes of users to the extent such user violates any provision of this Ordinance or administrative order of the Agency pursuant to this Ordinance. In order to achieve the maximum degree of compliance desired, the Agency will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to a request for criminal prosecution. The Agency may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Ordinance is intended to prevent State and/or Federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Ordinance which also constitutes a violation of Federal or State statutes and regulations, such as: (1) the Clean Water Act (33 U.S.C.A. §1251, *et seq.*); (2) the California Porter-Cologne Water Quality Act (California Water Code § 13000, *et seq.*); (3) the California Hazardous Waste Control Law (California Health and Safety Code §25100 - §25250); (4) the Resource Conservation and Recovery Act (42 U.S.C.A. §6901, *et seq.*); and (5) California Government Code §54739 - §54740.6. The referenced State and Federal laws, along with other pertinent laws, provide authority for the Agency's enforcement mechanisms.

The enforcement mechanisms available to the Agency for violations of the provisions of this Ordinance, applicable Agency resolutions, and permit or permit contract provisions include the following:

- A. Informal administrative action (including NOVs and warning notices).
- B. Administrative orders.
- C. Institution of Sampling and Evaluation Programs, Enforcement Compliance Schedule Agreements, and related administrative orders.
- D. Assessment of charges for obstruction or damage to Agency facilities or operations.
- E. Suspension or termination of services.
- F. Administrative complaints for administrative civil penalties.
- G. Civil action.
- H. Criminal action.

**SECTION 7.02 - INFORMAL ADMINISTRATIVE ACTIONS:** Agency staff may, on an informal basis, take action against a discharger for minor violations, or technical or clerical shortcomings of a user or a user's compliance submittals. These informal administrative actions may include informal notices (i.e., telephone calls to the user's representative), Notice of Violation (NOV), and informal meetings or informal warning letters. Such action will not prevent a subsequent or concurrent imposition of other enforcement mechanisms.

**SECTION 7.03 - ADMINISTRATIVE ORDERS AND COMPLIANCE SCHEDULES:** When the General Manager finds that a user has violated the prohibitions or requirements of this Ordinance or the provisions of a wastewater discharge permit or wastewater discharge permit contract, the General Manager may issue an administrative order directed at those users not complying with such prohibitions, limitations, requirements, or provisions to (1) cease to discharge immediately; (2) comply with requirements immediately; or (3) make such changes to their pretreatment facility and procedures immediately as to insure full compliance. The General Manager may take other actions as it deems appropriate, such as installing locking device on manholes or cleanouts, to prevent prohibited or unapproved discharges to the wastewater collection system.

The General Manager may also issue, under the circumstances set forth above, an order containing a compliance schedule or a time schedule setting forth dates by which specific corrective actions must be completed.

**SECTION 7.04 - SAMPLING AND EVALUATION PROGRAM - GROUNDS FOR INSTITUTING:** In addition to those grounds set forth in Section 6.32 (E), grounds for instituting a Sampling and Evaluation (S&E) Program include compliance sampling or Agency sampling indicating a significant noncompliance (SNC). The S&E Program may consist of Agency

sampling of the discharger's wastewater at the first opportunity convenient to the Agency, upon which daily samples may be taken continuously for up to five (5) days, or longer if determined necessary by the General Manager. The Agency or outside laboratory shall analyze these samples for the constituents in violation and provide notice to the discharger in regard to the results of said sampling. Violations occurring during the S&E Program shall constitute additional and subsequent violations under this Ordinance or under any applicable law.

**SECTION 7.05 - S&E PROGRAM - REVEALING NONCOMPLIANCE:** If the S&E Program reveals user noncompliance with the prohibitions or specific pollutant limitations specified in this Ordinance, or in the user's permit or permit contract, the Agency may take any or all of the following actions:

- A. The user may be assessed all costs incurred during the S&E Program for sampling and analysis, including labor, equipment, materials, outside services, and overhead.
- B. The General Manager may place the user on a compliance schedule or undertake another S&E Program. The compliance schedule shall provide for minimum required actions to be undertaken by the discharger to alleviate the violation and a schedule for completion of said actions. The compliance schedule may include interim constituent level maximums. All violations of constituent maximums or other requirements set forth in the compliance schedule, including failure to meet schedule dates, shall constitute violations of this Ordinance and other applicable laws, and each day a discharger fails to meet a schedule date shall constitute a separate violation. Any constituent limit violation during the compliance schedule period shall provide grounds for the institution of an additional S&E Program.
- C. The General Manager may amend an existing permit through an Enforcement Compliance Schedule Agreement (ECSA). This may be done after consultation with the user when the user has shown good faith in trying to comply but requires additional time for construction and/or acquisition of equipment related to pretreatment. The permit may be amended with the ECSA for a period of up to one hundred and eighty (180) days; however, this period may be extended for a period not to exceed an additional one hundred and eighty (180) days upon determination by the General Manager that good cause exists for an additional period. No further extensions shall be granted except upon approval of the Board of Directors.
- D. Any other enforcement mechanism set forth in this Ordinance or other applicable law may be commenced.

**SECTION 7.06 - CONTINUED NONCOMPLIANCE AFTER S&E PROGRAM OR ECSA:** If a discharger remains in noncompliance because corrective action is not taken within forty-five (45) days after completion of an S&E Program or the expiration of an ECSA, an Administrative Order may be issued.

**SECTION 7.07 - ASSESSMENT OF CHARGES FOR OBSTRUCTION OR DAMAGE TO AGENCY FACILITIES OR OPERATIONS:** When a user's discharge, whether due to negligence, accident, spill, or otherwise, causes an obstruction, damage, or any other impairment to the Agency's operation or facilities, the Agency may impose a charge on the user

for the cost to clean or repair the facility, or costs incurred to resume normal operations. An administrative service fee to cover the Agency's administrative costs (equal to 25% of the Agency's direct costs) may be added to these charges. The total amount shall be paid within forty-five (45) days of invoicing by the Agency. If it can be shown that the user's discharge caused or significantly contributed to the Agency violating its discharge requirements, or incurring additional expenses, or suffering loss or damage to the operation or facilities, then the user shall be responsible for any costs or expenses, or a prorated portion of such expenses, including assessments or penalties imposed by other agencies or the court on the Agency.

**SECTION 7.08 - SUSPENSION OF SERVICE:** The General Manager may suspend the wastewater treatment service and/or a wastewater discharge permit or permit contract by issuance of a cease and desist order in accordance with Section 7.03, when the Agency makes the determination that such suspension is necessary. A suspension shall be justified in order to prevent an actual or threatened discharge which presents, or may present the following:

- A. An imminent or substantial endangerment to the health or welfare of individuals or the environment;
- B. The potential to interfere with the treatment plant or other Agency operations; or
- C. The potential to the Agency to violate any condition of its NPDES permit.

Additionally, a permit may be suspended for any of the conditions set forth justifying revocation of permit or termination of permit contract as set forth in Section 7.09. Nothing in this paragraph will limit the rights of the Agency to suspend or terminate service pursuant to specific permit or permit contract conditions which may be more stringent.

Any user notified of a suspension of service and/or the wastewater discharge permit or permit contract shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the Administrative Order, the Agency shall take such steps as deemed necessary to prevent or minimize damage to the Agency's facilities or endangerment to persons or the environment. The Agency may reinstate the wastewater discharge permit, permit contract, and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

**SECTION 7.09 - REVOCATION OF PERMITS/TERMINATION OF PERMIT CONTRACT:**

Any user who violates the following conditions is subject to having its permit revoked or permit contract terminated:

- A. Any user who knowingly gives or provides a false statement, representation, record, report, plan, or other document to the Agency or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance.
- B. Failure of a user to factually and completely report the wastewater constituents and characteristics of its discharge.



- C. Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- E. Failure of a user to notify the Agency immediately of an accidental spill and/or slug discharge and/or take appropriate corrective action as required by this Ordinance to prevent a recurrence.
- F. Failure of a user to submit any required report and monitoring information in such time and in such manner as is required by this Ordinance.
- G. Violation(s) of the permit or permit contract requirements or conditions which are considered out of compliance with 40 CFR 403.8 f(1) vii A-H and/or a violation of this Ordinance. Any violation(s) of the discharge standards which are considered significant where a constituent concentration is determined to exceed five (5) times the concentration standard set forth in this Ordinance or any series of three (3) or more violations of the same constituent within a one (1) year period, shall constitute a significant violation.
- H. Failure to pay fees and charges, or penalties established pursuant to separate ordinances established by the Agency.

**SECTION 7.10 - IMMEDIATE TERMINATION OF DISCHARGE:** In the case of an actual or threatened discharge which, in the opinion of the General Manager reasonably appears to:

- A. Present an imminent or substantial endangerment to the health or welfare of persons or the environment;
- B. Interfere with the treatment plant or other Agency operations; or
- C. Cause, or potentially cause, the Agency to violate any conditions of its NPDES permit,

the General Manager may, after reasonably attempting to informally notify the user where time permits, take all necessary steps to halt or prevent such discharge including, but not limited to, plugging or physically disconnecting the user's access to the Agency wastewater system.

**SECTION 7.11 - ADMINISTRATIVE CIVIL PENALTIES:** Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the Agency or Agency staff may issue administrative complaints, conduct administrative hearings, and/or impose civil penalties in accordance with the procedures set forth in these Sections for violation of the Agency's requirements as set forth in this Ordinance.

**SECTION 7.12 - CIVIL ACTION:** The Agency Board may direct Agency counsel, or other special counsel, to bring such civil actions as may be available by law or in equity in any court of competent jurisdiction to enforce the provisions of this Ordinance and to recover such charges,

fees, penalties, and/or damages as may be assessed or may be incurred under the provisions of this Ordinance.

**SECTION 7.13 - INJUNCTION:** Whenever a discharge of wastewater is in violation of the provisions of this Ordinance, the Agency may petition the Superior Court for issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

**SECTION 7.14 - CIVIL ACTION FOR PENALTIES:** Any user who violates any provision of this Ordinance, permit condition, or permit contract condition; or who violates any cease and desist order, prohibition, or effluent limitation, shall be liable civilly for a penalty pursuant to California Government Code Section 54740. Pursuant to the authority of the Clean Water Act, 33 U.S.C.A. Section 1251, et seq., any user committing a violation of any provision of this Ordinance, which is also a violation of a pretreatment standard, effluent standard, or limitation or other applicable provision of the Clean Water Act, shall be liable civilly. Agency counsel, or other special counsel designated by the Board, upon order of the Agency Board, shall institute such actions as may be appropriate in the appropriate court to impose, assess, and recover such sums.

**SECTION 7.15 - OTHER CIVIL ACTIONS:** At any time, whether prior to, during, or after any administrative procedures, the General Manager may require compliance with permit conditions or limitations by issuing Administrative Orders, including cease and desist orders and compliance schedules. Said orders are enforceable in a California court of general jurisdiction. The Board of Directors, however, may directly undertake any court action available at law or equity, including, but not limited to, a civil action for penalties without first seeking an Administrative Order or making use of a compliance schedule; and it may concurrently undertake such administrative and court actions as deemed appropriate.

**SECTION 7.16 - GENERAL CRIMINAL PENALTIES:** Any person who violates any provision of this Ordinance, permit, or permit contract, or who violates any Administrative Order, prohibition, or effluent limitation, is guilty of a misdemeanor. Each day a violation occurs may constitute a new and separate offense, and may subject the violator to an additional full measure of penalties as set forth herein. These penalties shall not limit or reduce any civil penalties for violations of this Ordinance, any permit, or permit contract.

**SECTION 7.17 - FALSIFYING INFORMATION:** Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or wastewater discharge permit, wastewater discharger permit contract; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate shall constitute a new and separate offense and shall be subject to the penalties contained herein.

Nothing in this Section is intended to exclude the potential for prosecution under the applicable perjury statutes of the State of California to the extent such falsification was incorporated in a document signed under the penalty of perjury.

**SECTION 7.18 - NOTIFICATION PROCEDURES TO THE USER:** Whenever the Agency finds that any user has violated or is violating the provisions of this Ordinance, a wastewater discharge permit, wastewater discharge permit contract, or any prohibition, limitation, or requirements contained herein, the Agency may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of this notice, a plan for the satisfactory correction of the violation shall be submitted to the Agency by the user. The Agency may, however, take action without prior notification where the violation warrants immediate action, as set out in Section 7.10.

Whenever the Agency assesses a penalty or other form of enforcement action under the provisions of this Ordinance, the Agency shall serve upon such user a written notice stating the nature of the enforcement action being taken.

**SECTION 7.19 - NOTIFICATION PROCEDURES TO AGENCY:** When a user discovers that it has violated or is violating a provision of the Ordinance, its wastewater discharge permit, its wastewater discharge permit contract, or any prohibition, limitation, or requirement contained therein, including a violation as may be caused by accidental discharge or spill, the user shall immediately notify the Agency upon discovery of such violation. Thereafter, within five (5) days following the accidental discharge or discovery of a violation, the user shall submit to the Agency a detailed, written report describing the accidental discharge or violation, and the measures taken by the user to prevent similar future occurrences. This written report regarding the violation may be included as a part of a periodic compliance report, or other report as may be required under this Ordinance, as long as the written report is provided within the five (5) days of discovery, which notification shall not relieve the user of any expense, penalty, fee, or other liability which may be incurred as a result of the violation.

**SECTION 7.20 - COSTS:** All costs associated with the Agency's undertaking of enforcement actions pursuant to this Ordinance, including attorney's fees for civil actions undertaken, shall be paid by the user. These costs may include but not be limited to the costs for termination of service, reinstatement of service, compliance sampling and analysis, and administrative activities undertaken by the Agency. However, if the user prevails in an appeal to the Board of Directors or a civil action taken to nullify an enforcement action pursued by the Agency under this Ordinance, the user shall not be responsible for the costs incurred by the Agency in pursuing said enforcement action.

**SECTION 7.21 - RESPONDING TO SIGNIFICANT NONCOMPLIANCE:** Any violation of pretreatment standards or requirements (limits, sampling, analysis, reporting and meeting compliance schedules, and regulatory deadlines) shall be an instance of noncompliance for which the industrial user is liable for enforcement, including penalties. The Agency is required to identify violations or patterns of violations by industrial users that are deemed to be instances of significant noncompliance (SNC). To the extent that a violation or pattern of violations is determined to be significant noncompliance, the Agency shall give additional priority to enforcement actions with regard to that industrial user.

Additionally, the determination of significant noncompliance shall be used as the basis for reporting same to the regulatory authorities and publishing of the list of significant non-compliers as is required of the Agency by law.

An industrial user is in significant non-compliance if its violation meets one or more of the following criteria:

- A. Chronic Violations: Chronic violations shall be deemed to be present when sixty-six percent (66%) of the measurements exceed the daily maximum limit or the average limit for the same parameter in a six-month period (any magnitude of exceedence).
- B. Technical Review Criteria (TRC): Violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- C. Other Effluent Limit Violations: Any other violation(s) of an effluent limit (average or daily maximum) that the Agency believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass through (including adverse effect on any toxicity testing); or endangered the health of the sewage treatment personnel or the public.
- D. Danger to Human Health or Welfare: This category also includes any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment, and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- E. Violations of Compliance Schedule Milestones: Violations of compliance schedule milestones, contained in any order given to the user by the Agency, including an ECSA for starting and completing construction, attain final compliance within ninety (90) days after any scheduled date.
- F. Failure to Provide Proper Data: Significant noncompliance shall also include failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the date such reports or other data are due.
- G. Failure to Accurately Report: Significant noncompliance status may also be derived from the failure of a user to accurately and promptly report any noncompliance. Any attempt to circumvent the reporting requirements or otherwise withhold noncompliance data from the Agency shall give rise to SNC status.
- H. Other Violations: SNC status may also result from any other violation or group of violations that the Agency determines may adversely affect its operations, or the accomplishment of the objectives of this Ordinance, including but not limited to an aggravated violation, pattern of noncompliance or other violations as defined in the Agency's Enforcement Response Plan.

## ARTICLE VIII - HEARINGS AND APPEALS

SECTION 8.01 - AVAILABILITY OF ADMINISTRATIVE APPEAL

SECTION 8.02 - ADMINISTRATIVE COMPLAINTS, HEARINGS AND APPEALS

**SECTION 8.01 - AVAILABILITY OF ADMINISTRATIVE APPEAL (Reconsideration of Staff Decision, Action, Determination):** Any user, permit applicant, permit or permit contract holder affected by any decision, enforcement action, or determination made by the Agency, interpreting or implementing the provisions of this Ordinance or in any permit or permit contract issued herein, may file with the General Manager a written request for reconsideration of a staff decision, action, or determination within fifteen (15) days of notification of said staff decision, action, or determination, except for Federal categorical pretreatment standards, which under Federal rules are not appealable. The written request for reconsideration shall detail facts supporting the user's request and such facts shall include a statement listing all relevant facts which shall be considered, including such facts as may not have been known or available to the Agency at the date of such action. The General Manager shall render a decision on the request for reconsideration within fifteen (15) days of receipt of the request, unless the General Manager requests additional information from Agency staff or the user. The General Manager shall concur, modify, or rescind the action, decision, or determination previously made. If the ruling on the request for reconsideration made by the General Manager is unacceptable, the user may, within ten (10) days after the date of mailing the notification of the General Manager's determination, file a written letter with the Agency, requesting for appeal to the Agency Board.

A user shall not have a right to an appeal to the Agency Board unless the user has complied with the procedures concerning the request for reconsideration by the General Manager, as set forth above.

When a written request for appeal to the Agency Board has been properly filed with the Agency, the Agency shall schedule the matter to be heard by the Agency Board within forty-five (45) days from the date of the filing of the written request. The Agency Board shall make a ruling on the appeal within fifteen (15) days from the date the hearing is closed unless the Board requests additional information from Agency staff or the user.

**SECTION 8.02 - ADMINISTRATIVE COMPLAINTS, HEARINGS AND APPEALS:** The General Manager shall have the authority to issue administrative complaints pursuant to California Government Code 54740.5. Such complaints shall be processed in accordance with Government Code 54740.5 and 54740.6 and any other applicable laws, if any.

## ARTICLE IX - WASTE HAULER PROGRAM

SECTION 9.01 - PERMISSIBLE WASTE HAULER DISCHARGES

SECTION 9.02 - WASTE HAULER DISCHARGE PERMIT

SECTION 9.03 - SECURITY--CASH DEPOSIT

SECTION 9.04 - MANIFEST PROCEDURES

SECTION 9.05 - FEES FOR DISCHARGE

SECTION 9.06 - REGULATION OF PROCEDURES

SECTION 9.07 - ACCEPTANCE OF GREASE

SECTION 9.08 - SONOMA COUNTY LIMITATION

**SECTION 9.01 - PERMISSIBLE WASTE HAULER DISCHARGES:** The Board finds that it is in the best interest of the citizens of Sonoma County in general, and in the best interests of the health and sanitation of the constituents of the Agency, that the Agency receive certain trucked-in waste at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of waste which are compatible with the treatment plant process and the continued operation of the treatment plant as a non-RCRA or non-hazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either Federal or State statute and regulation, whichever is more stringent; and, further, to prohibit all such waste as is prohibited within Article 6 of this Ordinance, when such waste is trucked to the Agency and discharged pursuant to the Agency's waste hauler program.

**SECTION 9.02 - WASTE HAULER DISCHARGE PERMIT:** The Agency Board finds that in order to properly administer the discharge of waste to the Agency, a waste hauler discharge permit program is required. Therefore, all persons are prohibited from discharging trucked-in waste at the Agency's treatment facility unless and until such person(s) has complied with all of the requirements of this Article of the Ordinance, and has received a permit for waste discharge.

- A. Permit Term: The General Manager or the General Manager's delegated staff shall have the authority to issue waste hauler discharge permits for a period of two (2) years, with such permits being renewable on further application from the permittee for additional two (2) year periods upon favorable review by the General Manager or the General Manager's delegated staff. The Hauler shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the Hauler's existing permit.
- B. Permit Conditions: The General Manager or General Manager's delegated staff may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and polices of this Ordinance, as well as the stated purpose of the waste hauler program as set forth herein. The conditions upon which a waste hauler's discharge permit may be issued shall include, but not be limited to, the following:
1. Proof of a Sonoma County Health Department Waste Hauler Registration and Public Health License.
  2. Certification that the applicant has not been subject to any substantial enforcement actions relating to public health, waste hauling, and/or hazardous waste handling.

3. Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at Agency facilities.
  4. Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the Agency against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the Agency).
  5. The furnishing of a cash deposit or other security acceptable to the Agency in an amount set by the Board.
- C. Modification, Denial, Revocation, or Suspension of Permit: The issuance of a waste hauler permit creates a conditional privilege to discharge. It does not create property rights (including real, personal, or intangible personal property rights), nor a vested irrevocable right or privilege. The terms and conditions of the permit may be subject to modification by the Agency during the term of the permit as limitations or requirements are modified or other just cause exists. The hauler shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. The conditions under which a wastewater hauler permit may be denied, revoked, or suspended by the Agency include, but are not limited to, the following:
1. Acceptance of the hauled waste would cause or threaten to cause the Agency to violate its National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements (WDR's), or the receiving water quality standards or other regulations.
  2. POTW's trucked waste receiving station and/or monitoring systems are unavailable, out of service or incompatible with the trucked waste material.
  3. Substantial enforcement action taken by the Agency or another agency related to public health, waste hauling, and/or hazardous waste handling.
  4. Failure of the waste hauler to comply with Federal, State, or Agency regulations and laws or permit conditions.
  5. Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the Agency.
  6. Disposal of waste in an unlawful manner, whether within or outside the Agency.
  7. Failure of the waste hauler to comply with the permit, wastewater handling and disposal, and reporting requirements of the Sonoma County Health Services Department.
  8. Knowingly or negligently providing false information on any application, permit, or manifest form.

9. Disposing of any waste load to Agency facilities which originated outside the County.
10. Failure of the waste hauler to pay any fees, charges, or penalties assessed by the Agency.
11. Expiration, revocation, or suspension of Sonoma County Health Services Department Waste Hauler Registration or Public Health license.
12. Failure to deposit or maintain the required cash deposit.

**SECTION 9.03 - SECURITY--CASH DEPOSIT:** The Board finds that in order to ensure compliance of each waste hauler with the provisions of this Ordinance, and to further ensure payment of fees and charges for the discharge of trucked-in waste, a cash deposit, or other security acceptable to the Agency, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the General Manager determines the cash deposit should be increased in order to protect the interest of the Agency based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, then the General Manager may increase such cash deposit or security to an amount sufficient to protect the interests of the Agency. The security amount shall not exceed five thousand dollars (\$5,000) without prior Board approval of said security amount. All security cash deposits shall be returned to hauler upon termination of permit, less any amounts used by Agency to cover costs necessary to correct permittee's non-compliance with this Ordinance, and provided there are no outstanding permit violations and hauler has complied with this Ordinance and all permit conditions. In the case of such violations or non-compliance, the remainder of any security cash deposit shall be returned once such violations or non-compliance have been corrected. Waste hauler shall remain independently liable for any permit violations or non-compliance with this Ordinance regardless of whether a security deposit is provided, withheld, or returned.

- A. Time of Payment: The cash deposit or acceptable security shall be posted prior to the issuance of the permit. To the extent the Agency draws on such cash deposit or security for costs, fees, payments, or penalties, as authorized hereunder, the permittee shall deposit with the Agency such additional funds as may be required to bring their cash deposit or security up to the total amount required under the permit prior to the continued discharge of waste. If the permittee fails to maintain a sufficient deposit with the Agency to meet its permit conditions, the Agency may suspend the permit (and permission to discharge) until such time as a sufficient deposit or security has been tendered and accepted.
- B. Forfeiture of Deposit: All or a portion of the cash deposit or acceptable security may be forfeited to the Agency if any of the following actions occur:



1. The permittee knowingly provides false information on any application, permit, or manifest form.
2. The permittee discharges a non-domestic waste which does not comply with this Ordinance, including the provisions of any established, technically-based local limits, and the general and specific prohibitions contained herein.
3. Permittee disposes of a waste in an unlawful manner in any location within the Agency's service area.
4. A permittee becomes delinquent in making payment of applicable charges and fees for discharge of waste.
5. A permittee otherwise fails to comply with provisions contained in this Ordinance.

**SECTION 9.04 - MANIFEST PROCEDURES:** Any waste hauler who is discharging at a Agency facility shall be required to comply with the manifesting requirements set forth by Agency staff. Each discharger shall be required to provide a manifest document which shall indicate the source of all waste contained within the waste load to be discharged. The Agency may promulgate such other requirements with regard to manifesting as are in the determination of the Agency necessary to properly carry out the objectives of this Ordinance and the intent of the waste hauler program.

**SECTION 9.05 - FEES FOR DISCHARGE:** The Board may, by separate ordinance, from time to time set fees for the services provided the waste hauler with regard to discharge of trucked-in waste. The fees shall include, but not be limited to, fees to reimburse the Agency for the disposal and treatment costs of the discharge, and such other fees as may be required to reimburse the Agency for the administrative costs of processing the permits, administering the waste hauler program, operating septage discharge facilities, conducting laboratory analysis, and enforcing the provisions of this program. In order to equitably distribute the costs of operating the POTW, a surcharge fee may be imposed. Such fees will cover abnormal costs associated with treatment of high strength conventional pollutants and high flows. A separate ordinance will establish rates and conditions of surcharge fees.

**SECTION 9.06 - REGULATION OF PROCEDURES:** The Agency shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, designated discharge location, the amounts of discharge, and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge and procedures for reporting of the ultimate disposal location for waste which are not accepted at an Agency facility due to being rejected on the basis of a sampling analysis of its constituents.

**SECTION 9.07 - ACCEPTANCE OF GREASE:** No grease shall be allowed to be hauled in or discharged into any Agency facility.

**SECTION 9.08 - SONOMA COUNTY LIMITATION:** The Agency Board finds that it is not in the best interest of the Agency to accept trucked waste from locations which are not within Sonoma

County. Therefore, the Board finds that the Agency shall only accept trucked-in waste pursuant to the provisions set forth herein and procedures established by the General Manager or the General Manager's delegated staff for trucked waste to the extent such waste is produced within, or emanates from, locations within Sonoma County.

## ARTICLE X - GREASE, OIL, AND SAND INTERCEPTOR PROGRAM

SECTION 10.01 - GREASE TRAPS AND OIL AND SAND INTERCEPTORS

SECTION 10.02 - ADMINISTRATION OF INTERCEPTOR PROGRAM

SECTION 10.03 - ENFORCEMENT

**SECTION 10.01 - GREASE TRAPS AND OIL AND SAND INTERCEPTORS:** All non-domestic users, including restaurants, gas stations, and auto repair establishments with floor drains located in service areas and auto or vehicle washing facilities, shall be required to install and maintain a grease, oil, and sand interceptor at the user's own expense when the General Manager finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which, in the discretion of the Agency, present the possibility of causing or contributing to the fouling of, or the blockage of, or other damage to the Agency sewerage system.

Proper sizing, selection, and installation of grease traps and interceptors shall be in accordance with the most recent Uniform Plumbing Code. The minimum size requirement for grease traps shall be 35 gallons per minute/70 pound capacity. Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. A sampling box or other appropriate sampling structure as specified by the Agency, shall be installed and located immediately downstream of the user's oil and sand interceptor. Buildings remodeled for use requiring interceptors shall also be subject to these regulations.

Wastewater discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand, or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the General Manager or the General Manager's delegated staff; provided, however, that toilets, urinals, washbasins, and other fixtures containing fecal materials shall not flow through the grease trap or interceptor. Toxic substances concentrations in excess of Ordinance limits shall not be discharged into grease traps and interceptors.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil, or sand. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis as determined by the Agency so as to assure that the interceptor will operate as designed at all times. The use of chemicals, enzymes or additives to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil, or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled with suitable material as determined by the General Manager, the General Manager's delegated staff, or the County of Sonoma Environmental Health Department.

**SECTION 10.02 - ADMINISTRATION OF INTERCEPTOR PROGRAM:** The Agency shall administer an interceptor program which is intended to prevent grease, sand, flammable liquids, and other substances which are likely to block or create a hazard within the sewerage system from entering the system through use of interceptors or traps. The Agency may require any non-domestic user to install an interceptor or trap according to the guidelines set forth in the Agency's Standard Specifications or other program, prior to connection to the Agency; or at any time after connection to the Agency if the Agency discovers or determines subsequent to the connection that the building, facility, or operation of that user produces a waste with characteristics that would require installation of a trap or interceptor pursuant to this Ordinance. The installation of a proper interceptor or trap device shall be the responsibility of the parcel owner and the entity which applies for the connection or industrial user permit, and the owner/proprietor of the business or entity whose operations cause or contribute to the necessity for an interceptor or traps. The Agency shall determine whether a grease trap, grease interceptor, or other interceptor is required on a case-by-case basis based on an evaluation of objective criteria including, but not limited to, factors such as those listed hereunder:

- A. The type of facility (restaurant, bakery, cheese factory, yogurt shop, gas station, lube facility, etc.).
- B. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation).
- C. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used.
- D. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service).
- E. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility.
- F. The overall potential for grease-laden, flammable, or sand-laden discharges.
- G. The existence of devices, procedures, or processes which are designed to minimize the amount of grease, sand, oil, or other flammable liquids from entering the sewer system.

The design, location, and procedures for operation of a required interceptor or trap shall be approved by the Agency. Such approval shall be obtained prior to the users connection of the facility to the Agency's sewerage system, in the event of new construction or remodeling. In instances where a user has already connected and the Agency determines that an interceptor or trap must be installed, the user shall promptly provide for the installation of the interceptor or trap within a reasonable time frame (as may be set by the Agency), including providing such design plans and operational plans as may be required. The installation of an interceptor or trap as

required by this Ordinance on an existing user facility shall occur within reasonable time not to exceed one hundred (100) days after the user has been provided notice of the requirement that an interceptor or trap be installed. This 100-day limit may only be extended by written agreement of the Agency. Any users who are required to install or have in operation an interceptor or trap pursuant to this Ordinance, shall be required to have a written plan of operation or program for their facility which is intended to insure that the interceptor or trap operates as designed to prevent grease, oil, sand, or other harmful constituents from entering the sewerage system. These procedures may include adoption of kitchen practices to minimize the grease-laden garbage which ultimately enters the facility's drains and floor traps and/or other such procedures as may be required for the proper operation of the interceptors.

**SECTION 10.03 - ENFORCEMENT:** Failure of any user who is required to maintain an interceptor or trap pursuant to this Ordinance and/or pursuant to lawful Agency direction, shall be subject to each of the enforcement provisions set forth in this Ordinance. The enforcement provisions of this Ordinance shall also apply to the failure to instruct personnel, or to maintain, pump, and/or institute a proper grease or flammable substance reduction program.