

Chapter 13.08 REGULATIONS FOR SEWER SERVICE

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13.08.010 Abbreviations

For purposes of this Title, the following abbreviations shall have the designated meanings:

AO	-	Administrative Order
BMP	-	Best Management Practices
BOD	-	Biochemical Oxygen Demand
BTEX	-	Benzene, Toluene, Ethylbenzene, Xylene
C°	-	Centigrade
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
ERP	-	Enforcement Response Plan
F°	-	Fahrenheit
Gpd	-	Gallons Per Day
MGD	-	Million gallons per day
mg/l	-	Milligrams per Liter
NOV	-	Notice of Violation
NPDES	-	National Pollutant Discharge Elimination System
O&M	-	Operations and Maintenance
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SNC	-	Significant Non-Compliance
SWDA	-	Solid Waste Disposal Act
TDS	-	Total Dissolved Solids
TKN	-	Total Kjeldahl Nitrogen
TGM	-	Thousand Gallons per Month
TRC	-	Technical Review Criteria
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organics
UPC	-	Uniform Plumbing Code
USC	-	United States Code

13.08.020 Definitions

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- 1) "Act" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq., or as amended.
- 2) "Administrator" means the appropriate Environmental Protection Agency (EPA) Regional Administrator (San Francisco EPA, Region IX).
- 3) "Amalgam Separator" means a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

- 4) “Amalgam Waste” means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- 5) “Applicant” means a person or entity making application for a permit and shall be an occupant and/or owner, or an occupant and/or owner’s authorized representative of the premises to be served by the sewer for which a permit is required.
- 6) “Approval authority” means the Program Director in a National Pollutant Discharge Elimination System (NPDES) state with an approved state pretreatment program.
- 7) “Approved POTW pretreatment program” means a program administered by a publicly owned treatment works (POTW) that meets the criteria established in 40 CFR, Parts 403.8 and 403.9, or as amended, and which has been approved by the Administrator or Approval Authority in accordance with 40 CFR, Part 403.11, or as amended.
- 8) “Authorized Representative” of the applicant or user.
 - a. If the applicant or user is a corporation:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operation facility employing more than 250 persons or having gross annual sales or expenditures exceeding \$60 million (in fourth-quarter 2005 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. If the applicant or user is a partnership, association, or sole proprietorship: an authorized representative shall mean a general partner or proprietor, respectively.
 - c. If the applicant or user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in paragraphs (a) through (c), may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City Engineer, or the City of Santa Rosa Director of Utilities in matters under the jurisdictional authority of the Subregional System.
 - e. A user not falling within one of the above categories must designate as the authorized representative an individual responsible for the overall operation of the facility.
- 9) “Average dry weather flow (ADWF)” means the mean daily volume of sewage during the period of time not influenced by rainfall.
- 10) “Best available technology” (BAT) means the most efficient hardware, fixtures and systems as determined by the City Engineer or Director of Utilities for reduction of the amount of wastewater volume or pollutants.
- 11) “Best Management Practices (BMP)” means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce

unintended discharges to the sanitary sewer system. BMPs 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.

- 12) "Board of Public Utilities" means the Board of Public Utilities of the City of Santa Rosa.
- 13) "BOD" means biochemical oxygen demand as determined by the 5-day BOD in accordance with standards set forth in 40 CFR Part 136, or as amended.
- 14) "Building" means any structure used or intended for supporting or sheltering any use or occupancy as determined by the City Engineer.
- 15) "Categorical pretreatment standards" means any regulation containing pollutant discharge limits promulgated by EPA under Section 307(b) and (c), or as amended, of the Clean Water Act applicable to industrial users.
- 16) "Categorical User or Categorical Industrial User (CIU)" means all industrial users that are subject to categorical pretreatment standards under 40 CFR Part 403.6 or as amended and in any industry as defined in 40 CFR Parts 405-599 or as amended.
- 17) "City" means the City of Sebastopol, Sonoma County, California.
- 18) "Color" means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.
- 19) "Commercial User" means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments, including churches and lodges.
- 20) "Compatible pollutant" means a component of wastewater which does not interfere with, is removed by, and is not otherwise incompatible with the Subregional Water Reclamation System or its processes.
- 21) "Compliance Schedule" means a detailed time schedule of specific actions which a user is required to take in order to prevent or correct a violation of any prohibitions or limitations prescribed herein or any of the Subregional System's effluent limitations or pretreatment standards promulgated in accordance herewith.
- 22) "Composite Sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow proportional or time.
- 23) "Connected" means a physical joinder of any plumbing or drainage system or fixture contained in any structure to the Sebastopol Sewer Collection System, or the Subregional Sewer System.
- 24) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.
- 25) "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat and other minor chemical constituents.
- 26) "Cooling Water, Non-contact" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 27) "Control authority" means the City Engineer, or the Director of Utilities or duly authorized representatives.

- 28) "Customer" means a person who is, or who has agreed to be, responsible for the payment of water or sewer service charges. "Customer" is also synonymous with "account", against which charges are assessed and billed
- 29) "Director" means the City of Santa Rosa Director of Utilities or duly authorized representative.
- 30) "Discharger" is synonymous with "User".
- 31) "Dissolved solids" means the residue upon evaporation of water after filtration in accordance with standards set forth in 40 CFR Part 136, or as amended, or any other test procedures approved by the Administrator. Dissolved solids are also termed total dissolved solids or "TDS."
- 32) "Enforcement Response Plan or ERP" means the mechanism for addressing applicable local, state, or federal violations. The ERP shall include a written description of each type of enforcement, when to administer it, and how the monitoring schedule is affected. In conjunction with the written description, there may be an Enforcement Response Plan flow chart which maps out the path through the various levels of enforcement.
- 33) "Engineer" means the City Engineer of the City of Sebastopol or duly authorized representative.
- 34) "EPA" means the Federal Environmental Protection Agency.
- 35) "Equivalent single-family unit (ESU)" means a unit of flow that is equivalent to that from a single-family residential unit.
- 36) "Existing Source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards under Section 307 (b) and (c) of the Act or as amended which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act or as amended.
- 37) "Federal Water Pollution Control Act of 1972" means Public Law 92-500, officially entitled the "Federal Water Pollution Control Act Amendments of 1972," also known as the Clean Water Act, and as amended, as well as guidelines, limitations, and standards promulgated by the Environmental Protection Agency.
- 38) "Grab Sample" means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
- 39) "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 40) "Improvement" means that which is built or constructed, an edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purpose of this Title, this definition shall not include "building" as defined above and temporary on-site storm basins, but shall include the playing area of any non-enclosed sport facility or restricted sport field.
- 41) "Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c), or (d), or as amended, of the Act.
- 42) "Industrial cost recovery" means the portion of annual capital cost recovery allocable to industry and subject to federal industrial payback.
- 43) "Industrial user" means a source of indirect discharge including SIUs and other industry.
- 44) "Industrial wastewater" means the waterborne waste and wastewater from any production, manufacturing, or processing operation of whatever nature including

institutional and commercial operations where water is used for the removal of significant quantities of waste other than from human habitation of premises connected to the public sewers.

- 45) "Infiltration" means water entering the sewer system through the ground.
- 46) "Inflow" means water entering a sewer system from surface drainage and from clean cooling water from non-contact cooling systems.
- 47) "Instantaneous Maximum Allowable Discharge Limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite samples collected, independent of the industrial flow rate and the duration of the sampling event.
- 48) "Interceptor" means a grease removal device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the sewer system from entering.
- 49) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with statutory provisions, regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act or as amended; the Solid Waste Disposal Act (SWDA) or as amended, including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) or as amended, and including regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA or as amended; the Clean Air Act or as amended; the Toxic Substances Control Act or as amended, and the Marine Protection, Research and Sanctuaries Act or as amended..
- 50) "Local Limits" means the technically and/or literature-based limits, expressed either as concentration or as mass, of those pollutants.
- 51) "Lot" means any premises, piece or parcel of land or property as bounded, defined or shown upon a map, plat or deed recorded in the office of the County Recorder, provided, however, that in the event any building or improvements appurtenant to said building cover more area than a "lot", as herein defined, the term "lot" shall be deemed to be and include all such pieces or parcels of land upon which said buildings or improvements are wholly or partly located.
- 52) "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 53) "Multifamily residential unit" means a residential unit as defined in the Sebastopol Municipal Code that is connected through a service lateral connection to the collection system and the service lateral connection serves more than one residential unit.
- 54) "National Pretreatment Standard" or National Categorical Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c), or as amended, of the Act, which applies to

industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR, Part 403.5, or as amended.

55) “Natural outlet” means any outlet into a watercourse, ditch, pond, lake, or other body of surface or groundwater.

56) “New source”:

- a. means any building, structure, facility, improvement or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 307(c), or as amended, of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility, improvement or installation is constructed at a site or on a lot at which no other source is located; or
 - ii. The building, structure, facility, improvement or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater generating processes of the building, structure, facility, improvement or installation are substantially independent of an existing source at the same site or lot. The Director of Utilities shall determine whether the production or wastewater generating processes are substantially independent, taking into account these factors 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.
- b. Construction on a site at which an existing source is located resulting in a modification of said source if the construction does not create a new building, structure, facility, improvement or installation but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source as defined under this section has commenced if the applicant, user or customer has:
 - i. Begun, or caused to begin as part of a continuous onsite construction program:
 1. Any placement, assembly, or installation of facilities, improvement or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, improvements or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

57) “Nonresidential user” means users whose premises are primarily for commercial, or governmental or other nonresidential activity but excluding premises of industrial users. Incidental residential use is not precluded.

- 58) “NPDES permit” means National Pollutant Discharge Elimination System Permit issued to a POTW pursuant to Section 402 of the Act, or as amended.
- 59) “Nuisance” means any condition caused, maintained or permitted to exist which constitutes a threat to public health, safety, and welfare or which is injurious to the senses or which significantly obstructs, injures or interferes with the reasonable or free use of property in a neighborhood, community or to any considerable number of persons. A public nuisance also has the same meaning as set forth under the California Civil Code. “Off-site Sewer” means a public sewer constructed or to be constructed outside the boundaries of a subdivision or outside the edges of a lot.
- 60) “Pass-through” means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit or waste discharge requirements, including an increase in the magnitude or duration of a violation.
- 61) “Peak wet weather flow (PWWF)” means peak rate of flow occurring during or from the effects of precipitation.
- 62) “Permanent sewer service” means the installation of a permanent (non-temporary) City water meter by City forces in an approved water meter box accompanied by (1) completion of construction of a permanent sewer lateral to a permitted structure, and (2) a request to the City by the property owner, agent, or tenant to establish a permanent sewer service account. For sewer service only requests, “permanent sewer service” means the completion of construction of a permanent sewer lateral to a permitted structure accompanied by a request to the City by the property owner, agent, or tenant to establish a permanent sewer service account.
- 63) “Person (s)” means any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
- 64) “pH” means the logarithm of the reciprocal of the hydrogen-ion concentration and indicates the measure of acidity or alkalinity.
- 65) “Pollutant” includes but is not limited to dredge soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TDS, TSS, turbidity, color, BOD, COD, toxicity, or odor) as well as any other referenced pollutants in 40 CFR or as amended.
- 66) “Pollution” means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (a) such waters for beneficial use; or (b) facilities which serve such beneficial uses.
- 67) “Premises” means a parcel of real property, or portion thereof, including any improvements thereon, which is determined by the Director of Utilities to be a single unit for the purposes of receiving, using, and paying for sewerage service.
- 68) “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The

reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR Part 403.6 (d), or as amended.

- 69) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.
- 70) "Pretreatment Standards or Standards" means discharge standards, categorical pretreatment standards, and local standards and limits.
- 71) "Prohibited Discharge Standards or Prohibited Discharges" means prohibitions against the discharge of certain substances.
- 72) "Public agency" means the United States Government or any department or agency thereof; the State of California or any department or agency thereof; any city, county, town, or any department or agencies thereof; any school district; any other governmental or public district or entity; or any other legal public district, entity or entities; or any combination of the foregoing.
- 73) "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212, or as amended, of the Act, which is owned and/or operated by a State or municipality. This includes any devices and systems used in the collection, storage, treatment, recycling, and reclamation of the municipal sewage or industrial wastewater of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.
- 74) "Regional Water Quality Control Board" means the California Regional Water Quality Control Board, North Coastal Region, which has jurisdiction in the Santa Rosa area.
- 75) "Residential user" means users whose premises are primarily for residential purposes and have no significant producing or processing activity of a commercial or industrial nature.
- 76) "Septic Tank Waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks. (See Holding Tank Waste.)
- 77) "Sewage" means the water-borne wastes received from human habitation and use of premises for residential, business, institutional, commercial and industrial purposes.
- 78) "Sewer service lateral" means that portion of the sewer system which connects the user's premises to the City sewer.
- 79) "Sewer or sanitary sewer" means a pipe or conduit which carries sewage and/or industrial wastewater and to which storm, surface, and groundwater are not intentionally admitted. Unless otherwise qualified, the word "sewer" when used in this title shall be taken to mean "sanitary sewer." A City sewer or public sewer is any sewer located within an easement or public right-of-way and which is maintained by the City.
- 80) "Sewer or sanitary overflow" means any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater that may or may not reach water of the United States or that may or may not cause wastewater backups into buildings or onto private property.
- 81) "Sewer system" means all works for collecting, pumping, treating, disposing, storing, and reclaiming sewage.
- 82) "Shall" is mandatory, and "may" is permissive.
- 83) "Significant industrial user (SIU)" means A user subject to categorical pretreatment standards under 40 CFR Part 403.6 or as amended and in any industry as defined in 40 CFR Parts 405-471 or as amended; or a user that:

- a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - c. Is designated as such by the Director of Utilities on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR Part 403.8(f)(6)) or as amended.
- 84) "Single-family residential unit" means a residential unit as defined in Section 20-70.020 of City Code and as amended that is served by a single service lateral.
- 85) "Sludge" means a primarily organic solid product produced by wastewater treatment processes that can be beneficially recycled.
- 86) "Slug Discharge" means a discharge capable of causing adverse impacts to the City, 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 City sewer system. 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. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.
- 87) "Standard Industrial Classification or SIC" means a classification pursuant to the latest published edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget used to promote the comparability of industries.
- 88) "Subregional system" means the Santa Rosa Subregional Water Reclamation System service area, a POTW, which includes the Cities of Santa Rosa, Rohnert Park, Sebastopol, Cotati, and the South Park County Sanitation District.
- 89) "Suspended solids (SS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering per standards set forth in 40 CFR Part 136, or as amended, and amendments thereto or any other test procedure approved by the Administrator. Other test procedures may be used when approved by the Director of Utilities.
- 90) "Total Dissolved Solids (TDS)" means the residue upon evaporation of water after filtration. Standards for analysis are set forth in 40 CFR Part 136, or as amended. Other test procedures may be used when approved by the Director of Utilities.
- 91) "Total Kjeldahl Nitrogen (TKN)" means ammonia as nitrogen, as measured by the Kjeldahl method. Standards for analysis are set forth in 40 CFR Part 136 or as amended. Other test procedures may be used when approved by the Director of Utilities.
- 92) "Toxic Pollutant" means one of the pollutants or combinations of pollutants listed as toxic under Section 307 of the Act or as amended.
- 93) "Trade secret" means a method or process, not patented, but known only to persons using it in producing an article of trade or a service having commercial value.
- 94) "Treatment Plant Effluent" means treated wastewater from the Subregional system.

- 95) “User” means any person who is owner of record, lessee, sublessee, mortgagee in possession, or responsible for property having a connection to a City sewer or for processes which contribute sewage or industrial wastewater to a City sewer. See also “industrial user.”
- 96) “User agency” means a public agency which by agreement with the City is served by and acquires a capacity service in the Santa Rosa Subregional system.
- 97) “Waste” includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature. See also “industrial wastewater.”
- 98) “Waste Hauler” means those that haul wastewater from a domestic, commercial, industrial origin or others as approved by the Director of Utilities to the POTW. Such domestic sources include chemical toilets, campers, trailers, septic tanks, or cesspools.
- 99) “Wastewater” means the liquid and water-carried industrial wastewater, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the City sewer system.
- 100) “Wastewater Discharge Permit” means the written permit or mechanism by which new or increased contributions of pollutants, or changes in the nature of pollutants, to the Subregional system by industrial users, may be controlled to ensure compliance with applicable pretreatment standards, pretreatment requirements, or City local limits.
- 101) “Wastewater Treatment Plant or Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial wastewater.
- 102) “Water quality requirements” means requirements for City’s treatment plant effluent established by the National Pollutant Discharge Elimination System permit, or by state or federal regulatory agencies for the protection of receiving water quality. Water quality requirements include effluent limitations and waste discharge standards, limitations, or prohibitions which may be established, adopted or amended from time to time by state or federal laws or regulatory agencies.
- 103) “Waters of the State” or “Receiving Waters” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

13.08.030 Responsibilities.

- A. City of Sebastopol. The City Engineer is charged with responsibility for the City of Sebastopol sewer collection and pumping system and the administration and enforcement of the provisions of this Title. Except as provided otherwise herein the City Engineer shall administer, implement and enforce the provisions of this Title. Any powers granted to or duties imposed upon the City Engineer may be delegated by the City Engineer to authorized representatives.
- B. Subregional Water Reclamation System. The City of Santa Rosa Director of Utilities is charged with responsibility for the Subregional System and the administration and enforcement of the applicable provisions of this Title. Except as otherwise provided herein, the Director of Utilities shall administer, implement, and enforce the applicable

provisions of this Title. Any powers granted to or duties imposed upon the Director of Utilities may be delegated by the Director of Utilities to authorized representatives.

- C. Responsibility of Users. It shall be the responsibility of the applicant, user and/or discharger to comply with all of the provisions of this Title. The omission to act by the City and/or the failure of the City to take cognizance of the nature of the operation of the applicant, user or discharger and/or the properties of the applicant's, user's or discharger's wastewater shall not relieve the applicant, user or discharger of responsibility to comply with the conditions of this Title, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the applicant, user or discharger to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Title prior to any discharge of wastewater, whether or not the applicant, user or discharger has been informed by the City of the requirements which may apply to the applicant, user or discharger regarding its discharge.
- D. User shall maintain, operate, and repair, at his own expense and after obtaining all required permits, that portion of sewer service lateral and cleanout which are located upon, within, or under any property not owned by the City. The user shall be responsible for maintaining a clear, unobstructed sewer service lateral from the user's premises to the City sewer.

13.08.040 Sewers Required

- A. It is unlawful to discharge any sewage, industrial wastewater or other polluted waters into any storm drain or natural outlet.
- B. The owner of any parcel used for human occupancy, employment, recreation, or other human purpose which utilizes a private sewage system and is situated within the City and abutting on any street or easement in which there is situated a sanitary sewer within 200 feet of the property line closest to the available sewer, and designed to serve such parcel is required to install, at his expense, a connection with the public sewer in accordance with the provisions of this title within 90 days after date of official notice by the City Engineer to do so. Such official notice may inform the owner that no person may construct, excavate, maintain, cause, allow or permit to be constructed, excavated, or maintained on any parcels, any private sewage system, sewer pipes or other pipes or conduits, including residential graywater systems as defined by Chapter 22, Section 14875 et seq., of the California Water Code and as amended, for the treatment and discharge of sewage or impure waters, gas, vapor, oils, acids, tar or any other matter or substance offensive, injurious or dangerous to health. The private sewage system shall be removed or cleaned in accordance with this Title or with the approvals received from the County of Sonoma.
- C. Any new development is required to connect to public sewer. This requirement also pertains to the construction of an additional unit on the existing parcel.

13.08.050 Private Sewage Disposal Systems

- A. Objectives. The objectives of regulating private sewage disposal systems are as follows:

1. To attain the highest possible level of public health standards within new development in the City;
 2. To insure uniformity and consistency in the standards of sanitary service within the City;
 3. To achieve and maintain environmental protection by utilizing a public sewer system instead of private septic systems;
 4. To prevent the use of private sewage systems within the City except where specified conditions of approval are met.
- B. Applicable Permit Required. No private sewage systems shall be installed, altered or repaired within the City without first obtaining City Council approval, and all required approvals and permits for private sewage systems, issued by the Sonoma County Permit and Resources Management Department.
- C. Conditions of Approval. Subject to City Council approval, private sewage system permit applications may be approved, and issued by the Sonoma County Permits and Resources Management Department subject to the following conditions:
1. All approvals of private sewage system permit applications shall include a finding that City sewer facilities will not be available within the meaning of Section 13.08.040 - Sewers required, within a reasonable time;
 2. Except lots legally existing on the effective date of the ordinance codified in this chapter, all lots for which private sewage system approvals are sought must be at least two acres in size and less than 30 percent slope for the leach field area;
 3. All private sewage system applicants seeking approvals shall furnish results of soil percolation tests performed under wet weather standards unless the applicant has furnished evidence sufficient to establish that it has been previously demonstrated to a county health officer or the regional board that percolation rates are satisfactory in the area for which the permit is sought;
 4. All private sewage system permit applications shall be accompanied by plans which conform to City of Sebastopol and County Health Department standards;
 5. All applicants for whom private sewage systems are approved shall, prior to issuance of any required permit, record an irrevocable covenant running with the land obligating the land to connect to the public sewer when required by the City Engineer;
 6. All applicants for whom private sewage systems are approved shall allow inspection of their private sewage system by a County Environmental Health Department representative upon presentation of proper identification;
 7. At such time as a public sewer becomes available to parcels served by a private sewage system constructed subsequent to the enactment of the ordinance codified in this chapter, the building sewer shall be connected to said public sewer, as provided in this chapter;
 8. Discharge of industrial wastewater from any parcels within the City onto land or to any natural outlet may be permitted only if the discharge complies with all requirements of the Regional Water Quality Control Board and of all other local, state, and federal laws and regulations.
- B. Maintenance of private sewage systems—Nuisance when.
The construction, continuance, or maintenance of private sewage systems, sewer pipes or other pipes or conduits, including residential graywater systems as defined by Chapter 22,

Section 14875, et seq., of the California Water Code, for the treatment and discharge of sewage or impure waters, gas, vapor, oils, acids, tar or any other matter or substance offensive, injurious or dangerous to health, except only an authorized direct connection into the public sewers maintained and operated by the City, constitutes a public nuisance if a public sewer exists and connection thereto is available within 200 feet of the property line closest to the available sewer of any parcel within the City upon which any such condition exists.

13.08.060 Construction of Sewers and Sewer Connection

A. No unauthorized person shall uncover, make any connection with or opening into, or use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Engineer and any other appropriate permits required to comply with this Title.

B. All construction of public sanitary sewers, or of sewers to become public sanitary sewers, or of sewer service laterals shall conform to the design criteria and the standard plans and specifications, as adopted by the City, and shall be subject to inspection and testing for sanitary sewers in accordance with current City standards.

13.08.070 Discovery and Repair of Illegal Connections

A. No person shall make connection of roof downspouts, areaway drains, foundation drains, or other sources of surface water runoff or groundwater to a sewer service lateral which in turn is connected, directly or indirectly, to a public sanitary sewer.

B. As part of its periodic construction and maintenance of sewer mains or laterals, the City may discover illegal connections of roof downspouts, areaway drains, foundation drains or other sources of surface water runoff or groundwater. The City may order the property owner to remove the illegal connection and inspect, repair or replace any lateral or portion of the lateral that has been affected by the illegal connection.

C. In the absence of a specific deadline established by the City Engineer, all repair or removal work to eliminate the illegal connection shall be completed within 60 days of notification by the City that an illegal connection has been discovered.

D. The City may impose civil administrative penalties or take other enforcement actions against a property owner who fails to perform any act required in this section.

13.08.080 Sewer Users

All users shall be classified for sewage collection and disposal purposes in accordance with the governing activity conducted on the premises, as determined by the City Engineer. User classifications are as follows:

A. Residential. Users whose premises are primarily for residential purposes and have no significant producing or processing activity of a commercial or industrial nature.

B. Nonresidential. Users whose premises are primarily for commercial, governmental, or other nonresidential activity, but excluding premises of industrial users. Incidental residential use is not precluded.

C. Industrial. Industrial users are defined in Section 15-04.030(42), or as amended.

13.08.090 Amounts of Fees and Charges

The amounts and rate schedules for fees and charges authorized hereunder shall be as determined and adopted by ordinance or resolution by the City Council or the Board of Public Utilities.

A. Construction Charges are authorized and charged to recover construction and/or inspection of the physical connection to the public sewer.

B. Connection Fees are authorized and charged to recover prior and estimated future outlays by the City for providing sewage collection and treatment capacity utilized to serve the premises.

C. Sewer Use Permit Fee is authorized and charged by the Subregional System for application for a Sewer Use Permit and to recover costs of administering Sewer Use Permits. Separate fee schedules may be established for the two classes of permits, i.e., Nonresidential and Industrial.

D. Sewer Service Charges are authorized and charged to recover the cost of operating, maintaining and expanding the City sewer system.

13.08.100 Establishment of Sewer Service Charges

The City Council shall establish by resolution, and review annually and revise periodically sewer service charges so that the total revenue from the collection of such charges is equal to the total cost of operating, maintaining and expanding the City sewer system. The cost of operating the system shall include the cost of providing reasonable reserves in accordance with standard public utility bookkeeping practices and the cost of amortization. All rates and charges shall meet applicable State and Federal guidelines.

13.08.110 Basis of Sewer Service Charges

Sewer service charges shall be based on the following rules and standards:

A. The standard utility accounting period shall be a fiscal year commencing July first and ending June thirtieth.

B. The service charge shall be payable by each user on a bimonthly rate and generally billed and paid with the bill for water service to the same premises.

C. Sewer service charges shall be based upon the estimated actual use of the sanitary sewerage system by the premises or user, except that a minimum charge may be set based upon a minimum bi-monthly usage.

D. Charges for Residential Users shall be based on average of the lowest two bi-monthly water metering periods of consumption between the period November 1 and April 30. For Residential Users supplied by private water supplies, the rate shall be not less than that applicable to like residences served by a metered public water supply.

E. Charges for Nonresidential and Industrial Users shall be based on bi-monthly or monthly metered water consumption from all sources but excluding water which, upon determination by the Engineer, is found to not be discharged to a sanitary sewer.

F. Charges for Industrial Users may also be based on the pounds of BOD and suspended solids and any other applicable waste loadings discharged to the sewer each billing period determined in accordance with Section 13.008.120. Special charges may be made to reimburse the City for abnormal costs incurred because of other pollutants in the wastewater. Rates for seasonal industries shall include in their capital-related element the costs of allocated capacity service in the Sub-regional System. Industrial rates, to the extent applicable shall include provisions to comply with industrial cost recovery provisions of the Federal Water Pollution Control Act of 1972.

13.08.120 Utility Accounting

An accounting system shall be maintained in accordance with generally accepted accounting principles. It shall be sufficient in detail to demonstrate that collections and disbursements are made in compliance with the intents and purposes of State and Federal regulations. Separate accounting shall be maintained for the Sub-regional System and for the City sewage collection system and other facilities exclusively serving the City service area.

13.08.130 Sewer Service Charge Levied

A sewer service charge payable in the amount imposed within this chapter is hereby levied and assessed upon each lot, parcel of land, building or premises connected to the sanitary sewerage system of the City or otherwise discharging sewage into the sewer system of the City. The charges so levied shall be collected by and under the direction of the Administrative Services Office and shall be collected with the charge for water service rendered by or for the City of Sebastopol and all charges shall be separately stated and billed upon the same bill and collected as one item.

13.08.140 Vacant Premises

Upon affidavit by the owner of a premise that is vacant, water service shall be stopped and sewer service charges shall be suspended until water service is restored.

13.08.150 Liability of Owners for Collection of Charges

The Council finds that the public health and welfare of the people of the City of Sebastopol is benefited by a sanitary sewerage system. All owners are liable for the charges prescribed by this chapter regardless of whether the owners use the service herein provided.

13.08.160 Charging Occupant.

Ultimate Liability of Owner if Occupant Fails to Pay In the case of premises that are occupied by someone other than the owner, such charges may be billed to the occupant of such premises. If

the occupant fails to pay such charges, the owner shall be liable to the City for such charge, but in no event shall the charge billed the owner exceed billing for a four-month period.

13.08.170 Additional Remedy

The City may terminate water service to the property for which charges for sewer services are delinquent and may refuse to restore such services until all such charges, together with service charges for resumption of such services are fully paid. Water services may be terminated to the property regardless of the identity of the owner or occupant of the property, or user of the service.

13.08.180 Reserved

13.08.190 Reserved

13.08.200 Connection Permit

- A. No connection to a public sewer shall be made until a connection permit has been issued thereof or by the Engineer.
- B. The owner of the premises to be served shall provide all information required by the application form supplemented by any plans, specifications or other information which in the judgment of the Engineer is pertinent to the location and use of the premises.
- C. Separate connections may be required for each building of a single premise or for separation of industrial waste from sanitary sewage.
- D. All applicable connection fees shall be paid upon submittal of the application in accordance with the then in effect City ordinance or resolution establishing sewer connection fees.
- E. The permit shall be validated upon final inspection and acceptance of construction of the connection and, when required, upon the application and issuance of a sewer use permit by the Subregional system.
- F. Connection permits for connection to a City sewer of premises situated partly or entirely outside of the City boundary may be issued pursuant to a City Council resolution approving an Outside Service Area Agreement subject to the approval of the Sonoma County Local Agency Formation Commission, and under terms and conditions adopted and amended from time to time by the City Council.

13.08.210 General and Pretreatment Enforcement

The enforcement provisions specified in this Section apply to all classes of users to the extent such user violates any provision of this Title or administrative order of the City Engineer or the Director of Utilities pursuant to this Title. In order to achieve the maximum degree of compliance desired, the City may use a variety of enforcement mechanisms. The enforcement mechanisms may range from informal administrative action, to a request for criminal prosecution. The City may, at its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Title. 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 Title is intended to prevent the 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. ' 1251, et seq.); (2) California Porter-Cologne Water Quality Act (California Water Code ' 13000, et seq.); (3) California Hazardous Waste Control Law (California Health and Safety Code ' 25100 - 25250); (4) RCRA (42 U.S.C. ' 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 City's enforcement mechanisms. [Porter-Cologne Water Quality Control Act, ' 13362; California Government Code ' ' 54740, 54740.5 and 54740.6.]

13.08.220 Enforcement Response Plan for Wastewater Discharge Permits (Subregional System)

- A. Authority Where used in this section, unless otherwise stated “City” means the City of Santa Rosa Subregional Water Reclamation System.
- B. An Enforcement Response Plan (ERP) shall be approved by the Board of Public Utilities to meet the requirements of 40 CFR Part 403 of the Clean Water Act and State waste discharge requirements. The ERP shall outline various administrative actions the Director of Utilities may take for any violation of this Title.
- C. When the Director of Utilities finds that a user has violated, or continues to violate any provisions of this Title, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Director of Utilities may serve upon that user but is not limited to any of the following enforcement actions:
 - 1. Notice of Violation (NOV). When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may serve upon that user a written Notice of Violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director of Utilities to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
 - 2. Administrative Orders (AO). The Director of Utilities may issue Administrative Orders, or enter into assurances of compliance, or other similar documents establishing an agreement with any user responsible for the noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.
 - 3. Consent Order. The Director of Utilities may enter into Consent Orders, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and affect as administrative orders issued and shall be judicially enforceable.

4. Show Cause Order. The Director of Utilities may order a user which has violated, or continues to violate, any provision of this Title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
5. Compliance Orders. When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may issue an order to the user responsible for the discharge, directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
6. Cease and Desist Orders. When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director of Utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

D. Administrative Fines – Civil Penalties.

1. When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may fine such user in an amount determined pursuant to the ERP. In addition, pursuant to the authority of California Government Code Sections 54739 to 54740.6, the City 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 City's requirements set forth in this Title. The amount of any civil penalties imposed under this Section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. [California Government Code ' ' 54740 and 54740.5]

2. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of the unpaid balance, and interest shall accrue thereafter. A lien against the user's property may be sought for unpaid charges, fines, and penalties.
 3. Users desiring to dispute such fines must file a written request for the Director of Utilities to reconsider the fine along with full payment of the fine amount within 10 days of being notified of the fine. Where the Director of Utilities believes a request has merit, the Director of Utilities may convene a hearing on the matter within 15 days after receiving the request from the user. The Director of Utilities may add the costs of preparing administrative enforcement actions, such as notices and orders to assess the fine. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.
 4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- E. **Judicial Enforcement Remedies.** Any user who violates any order issued by the Director of Utilities for violation of provisions of this Title regulating or prohibiting discharge of wastewater which causes or threatens to cause a condition of contamination, pollution, or nuisance, as defined in Section 15-04.030, or as amended, may be liable civilly in a sum not to exceed \$25,000 for each day in which such violation occurs.
- F. **Injunctive Relief.** When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may seek the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Title on activities of the user. The Director of Utilities may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. [California Government Code ' ' 54740]
- G. **Performance Bonds.** The Director of Utilities may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Title, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director of Utilities to be necessary to achieve consistent compliance.
- H. **Liability Insurance.** The Director of Utilities may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Title, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

- I. Potable Water Service Termination. Whenever a user has violated or continues to violate any provision of this Section, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, potable water service to the user may be terminated by the City on the recommendation of the Utilities Director. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- J. Public Nuisances. A violation of any provision of this Section, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City Engineer. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.
- K. Cost Reimbursement.
 - 1. When the discharge of wastewater causes an obstruction, damage, or other impairment to the City sewer system or treatment plant, the City Engineer may tabulate the expenses incurred for the work required to clean or repair the facility and correct the treatment process. Such expenses shall be reimbursed to the City by adding said expenses to the user's billing for industrial service charges.
 - 2. All costs associated with the City's undertaking of enforcement actions pursuant to this Title, including attorney's fees for civil or administrative actions undertaken or any fines incurred by the City, 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 City. However, if the user prevails in an appeal or a civil action taken to nullify an enforcement action pursued by the City under this Title, the user shall not be responsible for the costs incurred by the City in pursuing said enforcement action.

13.08.230 Pretreatment Enforcement (Subregional System)

- A. Authority Where used in this section "City", unless otherwise stated, means the City of Santa Rosa Subregional Water Reclamation System
- B. Responding to Significant Noncompliance. Any violation of pretreatment standards or requirements (limits, sampling, analysis, reporting, and meeting compliance schedules and regulatory deadlines) is an instance of noncompliance for which the Significant Industrial User (SIU) is liable for enforcement, including penalties per Chapter 1-30 of this Code. However, the City is required to identify violations or patterns of violations by SIUs that are deemed to be instances of significant noncompliance (SNC). Additionally, the determination of significant noncompliance shall be used as the basis for reporting the SNC to the regulatory authorities and publishing of the list of industries in SNC as is required of the City by Pretreatment Program Standards
- C. Publication of Users in Significant Non-Compliance. The Director of Utilities shall publish annually in accordance with 40 CFR 403 or as amended, in any paper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW; a list of the users which, during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which

violates paragraphs (C), (D), or (H) of this section) is in significant noncompliance if its violations meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 3. Any other discharge violation that the Director of Utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Utilities's exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 6. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; or
 8. Any other violation(s) or group of violations, including a violation of Best Management Practices, which the Director of Utilities determines will adversely affect the operation or implementation of the local pretreatment program.
- D. Compliance Schedules. A Notice of Violation or Administrative Order may contain a compliance schedule. The following conditions shall apply to the schedule.
1. The schedule shall contain increments of progress or milestones in the form of dates for the commencement and completion of major events, including the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards or City local limits.
 2. No increment referred to in paragraph (A) shall exceed nine months.
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress or milestone report to the Director of Utilities including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the City.
- E. Search/Inspection Warrants.
1. If the Director of Utilities has been refused access to a building, structure or property or any part thereof, and if the Director of Utilities has probable cause to believe that

- there may be a violation of City ordinance or that there is a need to inspect or sample as part of a routine inspection/sampling program of the City designed to verify compliance with City ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director of Utilities may seek issuance of a search, seizure, or inspection warrant. In the event of an emergency affecting public health and safety, or if the user consents, inspections shall be made without the issuance of a warrant.
2. To the extent that the owner or possessor of the premises requires that a warrant be received, the City may, in its discretion, suspend the permit and/or any other 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. If no violation of this Title or the permit, if applicable, is found, the suspension shall be lifted. In the event that violations of this Title or the permit, if applicable, are found, then the suspension may, at the discretion of the City, be continued or terminated, or other enforcement remedies may be sought.
 3. The City may choose to inspect the facility to determine compliance with all standards as set forth in this Title or permit if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the discharger.
- F. Emergency Suspensions of Discharge. The Director of Utilities may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Utilities may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Utilities may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Utilities may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Utilities that the period of endangerment has passed, unless the termination proceedings in Section 15-06.150 are initiated against the user.
 2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Utilities prior to the date of any show cause hearing.
 3. After reasonably attempting to informally notify the user, the City may 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 City sewer system.
 4. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.
- G. Wastewater Discharge Permit- Revocation/Termination of Service. Wastewater discharge permits maybe revoked or user's service may be terminated when any

provision of this Title are violated. Such users will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 15-06.020 why the proposed action should not be taken. Exercise of this option by the Director of Utilities shall not be a bar to, or a prerequisite for, taking any other action against the user.

H. Upset.

1. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the user can identify the cause(s) of the upset;
 - (b) The facility was, at the time, being operated in a prudent and competent manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to the Director of Utilities within 24 hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

I. Bypass.

1. For the purposes of this Section,
 - (a) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (b) Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to

occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
 - (a) If a user knows in advance of the need for a bypass, it shall submit written prior notice to the Director of Utilities, at least 10 days before the date of the bypass, if possible.
 - (b) A user shall submit oral notice to the Director of Utilities of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Director of Utilities may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
 3. Bypass is prohibited, and the Director of Utilities may take an enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or maintenance; and
 - (c) The user submitted notices as required under paragraph (B) of this Section.
 4. The Director of Utilities may approve an anticipated bypass, after considering its adverse effects, if the Director of Utilities determines that it will meet the three conditions listed in paragraph (C) of this Section.
- J. Affirmative Defense A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 15-08.070 (except for Subsections 15-08.070(B)(1), (2), and (8)) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

- K. Disputes-Request for Ruling. If any user or applicant for a permit disputes the interpretation or application of this Title, it may request a ruling by the Director of Utilities, who will set forth his or her determinations on the request.
- L. Appeals. If the discharger or applicant for a permit is dissatisfied with the decision, enforcement action or determination made by the Director of Utilities under Section 15-08.100, he may, within 30 days after receipt of said ruling by the Director of Utilities, appeal said ruling by giving written notice of the basis of his appeal to the Board of Public Utilities of the City. The Board shall, within 30 days after receipt of said written notice of appeal, make a final determination of the issue submitted. Notwithstanding Section 1-20 of the City Code, the determination of the BPU shall be final and may not be appealed to the City Council. (Ord. 3047 § 1 (part), 1993)
- M. Fraud and False Statements. Pursuant to the provisions of 18 U.S.C. § 1001, relating to fraud and false statements, and the provisions of Section 309(c)(2) of the Act governing false statements, representations, or certification in reports required under the Act, any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained for this Title, a wastewater discharge permit, or who falsifies or tampers with or knowingly renders inaccurate any monitoring device or method required under this Title, shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than six months, or both.
- N. Pretreatment Charges and Fees. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:
1. Fees for wastewater discharge permit applications including the cost of processing such applications;
 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
 3. Fees for reviewing and responding to accidental discharge procedures and construction;
 4. Fees for filing appeals; and
 5. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Title and are separate from all other fees, fines, and penalties chargeable by the City.

13.08.240 Pretreatment

- A. Authority Where used in this section "City", unless otherwise stated, means the City of Santa Rosa Subregional Water Reclamation System.
- B. Purpose and Policy. This Title sets forth uniform requirements for users of the POTW for the City and enables the City to comply with all applicable federal, state and local laws, including the Act and the General Pretreatment Regulations (40 CFR Part 403) or as amended.
- C. Minimum Standards. User agencies which contribute to the City sewer facilities shall, at a minimum, comply with all of the requirements of this Title.

- D. Wastewater Discharge Permit Classification. The Director of Utilities 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 the Subregional system on the basis of each user's waste quality, quantity, flow, and City involvement; to provide an effective means of source control of toxic substances; and to provide a basis for sewer use charges to insure an equitable recovery of capital and operating costs. User permit classifications are as follows:
1. Nonresidential User. Users that discharge non-domestic wastewater to the sanitary sewer system and do not meet the criteria of SIU.
 2. Zero Discharger. Users who do not discharge to the sanitary sewer system, except domestic wastewater, do not have pollutants resulting from any commercial or industrial process, have no floor drains, and do not generate wastewater.
 3. Significant Industrial User.
 4. Ongoing Groundwater Discharger. Users that discharge wastewater generated from groundwater remediation projects in excess of six months.
 5. One Time Discharger. Users that discharge wastewater generated as a result of purging monitoring wells, dewatering underground storage tanks, groundwater sampling, or for a variety of other reasons for projects that will not exceed six months.
 6. Waste hauler. Haulers that service domestic waste systems. Such systems include septic tanks, cesspools, chemical toilets, trailers, or campers.
 7. Residential users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Title, providing that said user discharges only domestic wastewater.
- E. General Sewer Use Requirements - Prohibited Discharge Standards.
1. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through, interference, or is listed in the Specific Prohibitions in Section B below. These general prohibitions apply to all users discharging to the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
 2. Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (a) Pollutants which create fire or explosive hazard in the POTW, including but not limited to wastestreams with closed cup flashpoint of less than 140o F (60o C) using test methods specified in 40 CFR Part 261.21 or as amended, or at any point in the POTW, of more than 10% of the Lower Explosive Limit on a combustible gas meter; or
 - (b) Wastewater having a pH less than 5.0 or more than 12.0, or any substance causing corrosive structural damage to the POTW, or equipment as standardized in ATest Methods for Evaluating Solid Waste, Physical/Chemical Methods@ SW-846, current edition; or
 - (c) Solid or viscous pollutants in amounts or concentrations which will cause or threaten to cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 1/4" or 0.635 cm in any dimension. The installation and use of garbage grinders (disposals) in commercial food

- establishments is prohibited, except in the case where a 1,000 gallon minimum interceptor is in use; [40 CFR Part 403.5(b)(3)] or as amended or
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW; [40 CFR Part 403.5(b)(4)] or as amended or
 - (e) Wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature at the POTW to exceed 104o F (40o C);); [40 CFR Part 403.5(b)(5)] or as amended or
 - (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; or
 - (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; [40 CFR Part 403.5(b)(7)] or as amended or
 - (h) Trucked or hauled pollutants, except at discharge points designated by the POTW; [40 CFR Part 403.5(b)(8)] or as amended or
 - (i) Any wastewater containing toxic 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 humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. Toxic pollutants shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act or as amended; or
 - (j) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for maintenance or repair; or
 - (k) Any malodorous substance such as hydrogen sulfide or any other substance which will cause offensive odors in the sewer system or at the treatment plant; or
 - (l) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or as amended, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used; or
 - (m) Any substance which will cause the POTW to violate the NPDES permit or Waste Discharge Requirements issued by the State; or
 - (n) Any wastewater containing substances that may precipitate, solidify, or become viscous at temperatures capable of either causing obstruction to the flow in the sewers or interfering with the proper sewer system operation and maintenance; or
 - (o) Any portions of the human anatomy; or
 - (p) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions,

- which consequently imparts color to the POTW's effluent, thereby violating the City's NPDES permit; or
- (q) Wastewater containing any radioactive waste or isotopes except in compliance with applicable state or federal regulations; or
 - (r) Unpolluted wastewater including but not limited to storm water, surface water, groundwater, roof runoff, subsurface drainage, pool water, spa water, pond water, condensate, deionized water, non-contact cooling water or other, unless specifically authorized by the Director of Utilities; or
 - (s) Sludges, screenings, or other residues from the pretreatment of industrial wastewater; or
 - (t) Any infectious waste that is deemed a threat to the public health and safety, or will result in any violation of applicable waste discharge requirements shall be rendered noninfectious prior to discharge; or
 - (u) Wastewater causing the POTW effluent to fail a toxicity test; or
 - (v) Pollutants which create 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; or
 - (w) Any substance which is not amenable to treatment by the processes employed at the POTW; or
 - (x) Any substance which may cause damage to City facilities; or
 - (y) Any slug loading; or
 - (z) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or
 - (aa) Any of the following prohibited substances as tested according to approved 40 CFR 136 methods:
 - i. Aldrin
 - ii. Benzidine and its salt
 - iii. BHC-Alpha
 - iv. BHC-Beta
 - v. BHC-Gamma (Lindane)
 - vi. Chrysene
 - vii. DDD, DDE, and DDT
 - viii. Dieldrin
 - ix. Endrin Endosulfan II (B Endosulfan)
 - x. Heptachlor
 - xi. Heptachlor Epoxide
 - xii. Phenanthrene
 - xiii. Polychlorinated Biphenyl Compounds (PCBs)
 - xiv. Tetrachloroethene, (Perchloroethylene, Perc)
 - xv. Toxaphene; or
 - (bb) Any septic tank waste, holding tank waste, or portable toilet waste unless a permit is issued by the City and unless such sludge or waste is transported to the POTW by a permitted waste hauler in accordance with the regulations set forth within this Title; or

- (cc) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5%, or any single reading over 10% of the Lower Explosive Limit of the meter.
- 3. Compliance by existing sources with the National Categorical Pretreatment Standards shall be within three years of the date the standard is promulgated unless a shorter compliance time is specified in the appropriate subpart of 40 CFR, Chapter 1, Subchapter N or as amended. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Director of Utilities will notify all affected users of the applicable reporting requirements under 40 CFR Part 403.12 or as amended.
- 4. Other Prohibitions.
 - (a) No user shall discharge any wastewater directly into a manhole or other opening in the City sewage system other than through sewer laterals or other sewer connection approved by the Director of Utilities, unless a permit has been obtained for such discharge. A permit will only be issued for such direct discharge in the event the discharge is otherwise in compliance with provisions of this Title and no other alternative is reasonably available in the opinion of the Director of Utilities.
 - (b) Any discharge of sewage, industrial/commercial waste or other polluted waters into any storm drain or natural outlet.
 - (c) Pollutants, substances, or wastewater prohibited by this Title shall not be processed or stored in such a manner that they could be discharged to the POTW.
 - (d) No person who owns operates or maintains a restaurant shall at any time discharge any wastewater to the storm drain, service dock areas, or ground. Wastewater generated by restaurants shall be disposed of through a sanitary sewer, and an approved grease removal device, interceptor, or sample station connected to a sanitary sewer or hauled off site and disposed at a legal disposal site.
 - (e) It shall be unlawful for any person to discharge the contents of a swimming pool or a spa into the City sewer system 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 20 feet. If the water is discharged by pumping, the rate of flow shall not exceed 50 gallons per minute. Each swimming pool or spa discharging to a sanitary sewer shall be equipped with an approved air gap to preclude any possibility of a backflow of sewage into the swimming pool or spa piping system.
- F. National Categorical Pretreatment Standards.
 - 1. The categorical pretreatment standards found in 40 CFR Parts 405-471 or as amended are hereby incorporated.
 - 2. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Utilities may impose equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c) or as amended.

3. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Utilities shall impose an alternate limit using the combined wastestream formula or flow weighted average in 40 CFR Part 403.6 or as amended.
 4. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13 or as amended, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 5. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR Part 403.15 or as amended.
- G. State and Federal Pretreatment Standards. In the event that either state or federal requirement standards for discharge to the POTW are more stringent than the limitations, requirements, and standards set forth in this Title, the most stringent standards or requirements shall apply.
- H. Local Limits. The following pollutant limits are established to protect against pass through and interference. No SIU or groundwater remediation shall discharge or cause to discharge, any wastewater containing in excess of the following daily maximum allowable discharge limits. In addition the Director of Utilities may apply all or some of the limits set forth below as the Director of Utilities deems appropriate and designates in the user's permit.

1.	Antimony (T)*	153	mg/l
2.	Arsenic (T)*	0.47	mg/l
3.	Beryllium (T)*	0.5	mg/l
4.	Biochemical Oxygen Demand (BOD)	20,400	mg/l
5.	Cadmium (T)*	0.04	mg/l
6.	Chromium VI	0.1	mg/l
7.	Chromium (T)*	1.71	mg/l
8.	Copper (T)*	0.2	mg/l
9.	Cyanide (T)*	0.2	mg/l
10.	Lead (T)*	0.3	mg/l
11.	Mercury (T)*	0.003	mg/l
12.	Nickel (T)*	1.51	mg/l
13.	Selenium (T)*	2.7	mg/l
14.	Thallium (T)*	3.9	mg/l
15.	Zinc (T)*	1.63	mg/l
16.	Ph	5.5 – 11.9	
17.	Silver	0.17	mg/l
18.	Total Toxic Organics (TTO)**	2.13	mg/l
19.	Total Suspended Solids (TSS)	9,800	mg/l
20.	TPH Gas and Diesel	100	mg/l
21.	Total Dissolved Solids	5,200	mg/l
22.	Total Kjeldahl Nitrogen (TKN)	2,600	mg/l
23.	Halogenated TTO***	0.02	mg/l
24.	BTEX***	2.0	mg/l

* T =Total; mg/l = milligrams per liter

** Federal Register List from 40 CFR 131 Subpart D - Total Toxic Organics less pesticides and dioxins

*** Groundwater remediation and cleanup projects, BTEX=Benzene, Toluene, Ethylbenzene, Xylene

The above limits apply at the point where the wastewater is discharged to the POTW. The Director of Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

The Director of Utilities may allow the SIU to discharge in excess of local limits when, at the discretion of the Director of Utilities, the SIU has implemented all applicable Best Management Practices adopted by the City.

- I. City's Right of Revision The City reserves the right to establish, by ordinance, resolution, or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- J. Dilution. No industrial user shall increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Utilities may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when , in the opinion of the Director of Utilities, the imposition of mass limitation is appropriate.
- K. Vandalism/Tampering. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any monitoring equipment so as to cause alteration of the sampling analysis or readings or cause damage or destruction of equipment being utilized to determine compliance with this Title. Tampering with a City-installed meter may be subject to fines in accordance with this Title.
- L. Seasonal Flow. Seasonal flow is defined as an industrial wastewater discharge during any 15 day period during which the average volume and/or strength of any regulated wastewater characteristic exceeds the respective yearly averages by 50%. Seasonal flow dischargers shall be subject to wastewater treatment plant service capacity allocation by the Director of Utilities. If overloading conditions occur or threaten to occur at the treatment plant or if unused service capacity is insufficient to accommodate all seasonal flows, the Director of Utilities may allocate available service capacity among all seasonal dischargers. In allocating the flow or constituent load, the Director of Utilities shall take into account the discharger's non-seasonal flow, wastewater conservation practice, economic and environmental impact, historical data, and any other consideration advanced by the discharger which will help the Director of Utilities make an equitable allocation.
- M. Unusual Conditions. Notwithstanding any provision of this Title to the contrary, the Board of Public Utilities and any person may enter into an agreement where unusual conditions compel special terms and conditions and charges for the interception, treatment and disposal of an industrial wastewater necessary to meet the purposes of this Title. In no event, however, may the National Categorical Pretreatment Standards referred to in Section 15-08.080 of this Title, or as amended or any other federal or state standard, be relaxed or waived.

- N. Temporary Suspension. A wastewater discharge permit may be temporarily suspended by the Director of Utilities at any time if, in his or her opinion, the continued discharge of the waste or water into the sewer system would, when combined with other discharges into the sewer system, exceed the City's allocated capacity service in the Subregional system, substantially jeopardize the ability of the treatment system to meet water quality requirements or would cause an unsafe condition to occur. In lieu of temporary suspension of permits, the Director of Utilities may impose such temporary restrictions, conditions, or limitations upon the quantities, qualities, and rates of discharge made thereunder as deemed necessary to assure that said receiving water quality requirements will not be violated by the discharge to the POTW, or to alleviate the unsafe condition. In addition, the may suspend a wastewater discharge permit at any time if he/she deems said suspension necessary to halt or prevent a discharge that has the potential to endanger human lives and/or injure the environment.
- O. Notice of Suspension. Notice of the temporary suspension or the imposition of temporary restrictions, conditions, or limitations shall be given in writing by the Director of Utilities to the user at least 24 hours prior to their effective date. Delivery of said notice to the user's place of business within the City shall constitute delivery of notice to user. In circumstances where the Director of Utilities deems it necessary to suspend a wastewater discharge permit in order to prevent potential danger to human life and/or injury to the environment, or in any circumstance that would cause a violation of the treatment plant's NPDES permit, no notice pursuant to this Section is required.
- P. Slug Control Plan.
1. The Director of Utilities may require any SIU or other user to develop a slug control plan. Before issuance of a wastewater discharge permit, the Director of Utilities shall determine whether a user needs such a plan. Any user required to develop and implement slug control plan shall submit, at a minimum, the following:
 - (a) Description of discharge practices, including non-routine batch discharges.
 - (b) Description of stored chemicals.
 - (c) Procedures for immediately notifying the Director of Utilities of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
 2. In the case of an accidental spill/or slug discharge, refer to Section 15-08.510- Reports of Potential Problems.
- Q. Separation of Domestic and Process Wastestream. All domestic wastewater (i.e., restrooms, showers, drinking fountains) shall be separated from process wastewater until the process wastewater has passed through a required pretreatment system and/or the user's monitoring facility. When directed to do so by the Director of Utilities, users shall separate existing domestic wastewater from process wastestream.
- R. Hauled Wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by the Director of Utilities, and at such times as are established by the Director of Utilities. Such waste shall not violate any requirements established by the City. The Director of Utilities will require septic tank waste haulers to obtain wastewater discharge permits.
 2. The Director of Utilities shall require haulers/generators of industrial wastewater to obtain wastewater discharge permits. The Director of Utilities also may prohibit the disposal of hauled industrial wastewater. The discharge of hauled industrial wastewater is subject to all other requirements of this Title.
 3. Industrial wastewater haulers shall discharge loads only at locations designated by the Director of Utilities. No load may be discharged without prior consent of the Director of Utilities. The Director of Utilities may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Utilities may require the industrial wastewater hauler/generator to provide a waste analysis of any load prior to discharge.
 4. Septic and/or industrial wastewater haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial wastewater hauler, permit number, truck identification, names and addresses of sources of waste, volume, and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents.
 5. Hauled groundwater discharges shall be subject to the criteria set forth in this Section.
 6. Trucked wastes of commercial and/or industrial origin which are generated outside of the Subregional Service Area (Cotati, Sebastopol, Santa Rosa, Rohnert Park, South Park Sanitation District) may be accepted for disposal with the prior approval of the Director of Utilities.
 7. Trucked domestic septic tank wastes originating from outside the boundaries of Sonoma County will not be accepted for disposal.
- S. Clean-up and Remediation Projects Waste 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 City sewer system unless a temporary permit or a wastewater discharge permit is issued by the Director of Utilities. The Director of Utilities may 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 the City's facilities will not be significantly affected. 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 Director of Utilities, to specifically apply for that particular discharge.
- T. Disposal of Pretreatment Sludges Any sludge or other material removed from the industrial wastewater by the pretreatment facility shall be disposed of in accordance with applicable federal, state and local laws.

13.08.250 Wastewater Discharge Permit Application Process (Subregional System)

- A. Wastewater Discharge Permit.
1. No SIU or non-residential user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Utilities, except

- when the SIU has filed a timely application and their wastewater discharge permit is pending finalization.
2. The Director of Utilities may require other users to obtain a wastewater discharge permit as necessary to carry out the purposes of this Title.
 3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Title. Obtaining a wastewater discharge permit does not relieve a user of its obligation to comply with all federal and state pretreatment standards or requirements with any federal, state and local law.
- B. Authorization to Discharge. The wastewater discharge permit expressly authorizes a user to discharge wastewater to the POTW and is issued for that purpose. If, for any reason, a wastewater discharge permit is revoked, suspended, or otherwise held invalid, authorization to discharge is terminated and the user shall cease all discharge.
- C. Wastewater Discharge Permit/Existing Conditions Any unpermitted user not required to obtain a wastewater discharge permit, who was discharging to the POTW prior to the effective date of this Title, and who wishes to continue such discharges in the future, shall, within 30 days after the effective date of this Title, apply to the Director of Utilities for a wastewater discharge permit in accordance with this Title. The user shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this Section except in accordance with a wastewater discharge permit issued by the Director of Utilities. Permits issued by the Director of Utilities, pursuant to prior pretreatment requirements, shall remain valid for their stated terms or until terminated or amended pursuant to this Title.
- D. Wastewater Discharge Permit/New Connections Any user who is required to obtain a wastewater discharge permit and who proposes to begin or recommence discharging into the POTW shall obtain such permits prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit shall be filed a minimum of 60 days prior to the date upon which any discharge will begin or recommence. All new industrial users shall arrange for the Director of Utilities to conduct a walk-through site inspection of the user's facilities during the 60 day period prior to connecting or contributing waste or wastewater to the City's sewer system.
- E. Regulation of Waste Received from Other Jurisdictions.
1. Any existing user located outside the Santa Rosa City limits and discharging into the Subregional system shall submit a wastewater discharge permit application within 90 days of the effective date of this Section, or in the case a valid permit exists and does not violate any part of this Title, shall not have to reapply until the permit expiration date. New users located the City limits and discharging to the Subregional system shall submit such applications to the Director of Utilities at least 60 days prior to any proposed discharge into the POTW.
 2. Alternately, the Director of Utilities may enter into an agreement with the neighboring jurisdiction in which the user is located to provide for the implementation and enforcement of pretreatment program requirements against said users.
- F. Wastewater Discharge Permit Application Contents. The Director of Utilities may require all users to submit either independently, or as part of an application, the following information:

1. Identifying information: The name and address of the facility, including the name of the operator and owner.
 2. General Facility Description. SIC numbers, hours of operation, principle business activities, products produced and/or services provided at this facility, number and type of employees, and proposed or actual hours of operation.
 3. Environmental Control Permits. A list of any environmental control permits held by or for the facility including permitting agency, permit type, and identification number.
 4. Description of Operations. Facilities and plant operations/processes, wastewater generating activities, type and amount of raw materials processed (average and maximum per day) and disposal methods, each product produced by type, amount, process or processes, and rate of production, time(s), and duration of all process discharges.
 5. Facility Layout. Facility layout including floor plans, mechanical and plumbing plans, process flow, and details to show all sewers, floor drains, and appurtenances by size, location and elevation and discharge locations.
 6. Flow Measurement. Measured average and maximum daily flow, monthly average, and seasonal variations of wastewater flow rates in gallons per day to the City sewer system from regulated process streams and other streams as necessary to use the combined wastestream formula or flow weighted average formula.
 7. Pollutant Measurement. Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by any federal, state, or local standards, or pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutants in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136.
 8. Compliance Certification. A certification statement reviewed by an authorized representative of the user and certified by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is necessary for the user to meet pretreatment standards and requirements. [40 CFR Part 403.12(b)(6)]
 9. Other Information. Any other information as may be deemed by the Director of Utilities to evaluate the permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.
- G. Application Signatories and Certification. All wastewater discharge permit applications shall be signed by a responsible corporate officer, general partner, proprietor, or duly authorized representative of the user and contain the following certification statement: [40 CFR Part 403.12(l) or as amended.]

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR Part 403.6(a)(2)(ii) or as amended.]

H. Wastewater Discharge Permit Decisions. The Director of Utilities will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the Director of Utilities will determine whether or not to issue a wastewater discharge permit and the Director of Utilities may deny any application for a wastewater discharge permit.

13.08.260 Wastewater Discharge Permit Issuance Process (Subregional System)

A. Wastewater Discharge Permit Issuance Process

1. No connection to the City sewer system shall be made until the connection has been approved by the Director of Utilities. The owner of the premises to be served shall provide all information required by the Director of Utilities, supplemented by any plans, specifications, or other information which, in the judgment of the Director of Utilities, is pertinent to the location and use of the premises. Separate connections may be required for each building of a single premise or for separation of industrial wastewater from sanitary sewage.
2. The Wastewater Discharge Permit shall be issued upon final inspection and acceptance of construction of the connection and, when required, upon the application and issuance of a wastewater discharge permit.

B. Wastewater Discharge Permit Duration. Each wastewater discharge permit will indicate a specific date upon which it will expire. The user shall apply for a wastewater discharge permit re-issuance a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. Expiration of a wastewater discharge permit does not relieve the discharger of requirements outlined in their existing wastewater discharge permit.

1. Industrial Wastewater Discharge permits and Ground Water Remediation Discharge permits shall be issued for a specified time period, not to exceed five years from the effective date of the wastewater discharge permit.
2. A Non-residential Wastewater Discharge permit shall be issued for a specified time period, not to exceed six years from the effective date of the wastewater discharge permit.

C. Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits will contain provisions, requirements, and standards appropriate to carry out the objectives of this Title, including but not limited to the following:
 - (a) A statement that indicates wastewater discharge permit duration, which shall not exceed five years for SIU and Categorical Users

- (b) A statement that the wastewater discharge permit is nontransferable. Any new user must apply for a new wastewater discharge permit and receive prior approval from the Director of Utilities before discharging to the sewer;
 - (c) Effluent limits based on applicable pretreatment standards;
 - (d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on pretreatment standards;
 - (e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance beyond that required by applicable federal, state, or local law;
2. Wastewater discharge permits may contain provisions, requirements, and standards appropriate to carry out the objectives of this Title , including but not limited to the following:
- (a) 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;
 - (b) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (c) Implementation of Best Management Practices or Best Available Technology as determined by the Director of Utilities.
 - i. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - ii. Requirements for the development and implementation of spill control plans, Toxic Organic Management Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - iii. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - iv. Requirements for installation and maintenance of inspection, sampling and flow metering facilities, and other related monitoring equipment and 3 years of records retention;
 - v. A statement that compliance with the wastewater discharge permit does not relieve the user of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

- vi. Requirements for reporting compliance schedules, self-monitoring, change in conditions, change in discharge including slug loads, bypass, process changes and chemical changes and automatic re. sampling;
- vii. The prohibition of dilution as partial or complete substitute for adequate pre-treatment to achieve compliance with permit conditions;
- viii. Signatory requirements specifying the responsible corporate officer for the industrial user;
- ix. Other conditions as deemed appropriate by the Director of Utilities to ensure compliance with this Title, and state and federal laws, rules, and regulations or the terms of the permit.

D. Wastewater Discharge Permit Modification. The Director of Utilities may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- 1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- 2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
- 5. Violation of any terms or conditions of the wastewater discharge or this Title;
- 6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- 7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.13; or
- 8. To correct typographical or other errors in the wastewater discharge permit.

The filing of a request by the user for a permit modification does not stay any permit condition.

E. Wastewater Discharge Permit Transfer. Wastewater discharge permits 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 Title, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract or wastewater discharge permit holder.

F. Wastewater Discharge Permit Appeals. The Director of Utilities shall provide notice of the issuance of a wastewater discharge permit to the applicant. Any permit applicant or user (aggrieved party) may petition the Director of Utilities to reconsider

the terms of a wastewater discharge permit within 30 days of notice of its issuance. Aggrieved parties may seek an administrative appeal under Section 15-06.200.

13.08.270 Analysis Requirements (Subregional System)

- A. Wastewater Survey. The Director of Utilities may periodically require users to submit information or update information on the nature and characteristics of its wastewater. Failure to submit this survey information within 30 days of the request shall be considered a violation of this Title.
- B. Sampling. The Director of Utilities may periodically require any user to sample their wastewater discharge or submit to the wastewater sampling by the Director of Utilities in establishing the appropriate class of the user and/or to evaluate compliance with the standards and requirements of this Title.
 - 1. Sample Collection Except as indicated in paragraph (2), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Utilities may authorize the use of time proportional sampling or grab sampling over the production day where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with daily maximum discharge limits.
 - 2. Samples should be taken for Federal 40 CFR limits, for Categorical Industries immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in order to evaluate compliance with the pretreatment standards.
- C. Contents of Reports on Sampling and Analysis.
 - 1. Reports shall contain results of sampling and analysis, identifying the nature and concentration (or mass, where required by the City) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported.
 - 2. Reports, signed and certified by a duly authorized representative of the industrial user, as set forth in 40 CFR Part 403.6(a)(2)(ii) and 40 CFR Part 403.12(l) or as amended, shall certify that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW and shall contain the following information:
 - (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (b) Sample preservation used;
 - (c) The dates analyses were performed;
 - (d) Chain of custody of the sample;

- (e) Who performed the analyses;
 - (f) The analytical techniques/methods used; and
 - (g) The results of such analyses.
- D. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or required report will be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. All analyses shall be performed by a laboratory (ies) certified by the State for the specified pollutants and matrix to be analyzed.

13.08.280 Reporting Requirements (Subregional System)

- A. Baseline Monitoring Reports. All categorical users shall submit to the City a baseline report within 180 days of the effective date of this Section or 180 days after final administrative decision on a category determination, whichever is earlier. The baseline report shall contain the information specified in 40 CFR Part 403.12(b) or as amended. The information required for application for a permit and/or modification of a permit may fulfill the requirements of the baseline report. If in submitting information to apply for or to modify a permit, the categorical user also intends to fulfill the requirements for the baseline report, the categorical user shall so state.
- B. Compliance Schedule Progress Reports The user shall submit a progress report to the Director of Utilities no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- C. Reports on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements will submit to the Director of Utilities 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. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c) or as amended, this report will contain a reasonable measure of the user's long-term production rate. 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

Title or other applicable law, or failure to meet the applicable pretreatment standards or requirements subsequent to the date for final compliance with such applicable standard.

D. Periodic Compliance Reports.

1. All Significant Industrial Users shall, at a frequency determined by the Director of Utilities, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards or requirements and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with 40 CFR Part 403.6(a)(2)(ii) or as amended. The report shall contain a description of the 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.
2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities will be properly operated, cleaned, calibrated, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order is a violation and shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
3. If a user, subject to the reporting requirement in this Section, monitors any pollutant more frequently than required by the Director of Utilities, using the procedures prescribed in this Title, the results of this monitoring will be included in the report.
4. 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 City within the next business day, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within 30 days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within 45 days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date with regard to the violation, and the scheduled additional actions which will be implemented to prevent a recurrence.
5. The Director of Utilities may also, at any time, require a signed statement by the user setting forth management practices and/or material usage practices which have an affect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standard requirements.
6. When required by the Director of Utilities, an industrial user shall submit a report indicating the concentration of specific pollutants discharged in the effluent. The determination of said pollutants by the Director of Utilities shall be based on what

is reasonably expected to be found at the site and the frequency of monitoring shall be based on the compliance status of the industrial user.

7. Periodic Compliance Reports may be waived by the Director of Utilities if the City is monitoring the user discharge.

E. Reports of Potential Problems.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this Title), it is the responsibility of the user to immediately notify the Director of Utilities of the incident. This notification shall include the location of discharge, type of waste, concentration and volume (if known), and corrective actions taken by the user.
2. Within five days following an accidental discharge, the user shall, unless waived by the Director of Utilities, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar or future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, natural resources, or any other damage to persons or property. Nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Title.
3. Failure to notify the City of potential problem discharges shall be deemed a violation of this Title.
4. A notice shall be permanently posted, advising employees of calling procedures in the event of a discharge described in paragraph (A) above. Employers shall ensure that all employees are advised of the emergency notification procedure and containment procedures.
5. The City has the authority to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by permitted and non-permitted users where such contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause the POTW to violate its Waste Discharge Requirements.

F. Reports from Un-Permitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Utilities if required by the Director of Utilities.

G. Reports of Changed Conditions. Each user shall notify the Director of Utilities of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

1. The Director of Utilities may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application as required by this Title.
2. The Director of Utilities may issue a wastewater discharge permit as required by this Title or modify an existing wastewater discharge permit.

3. No user shall implement the planned changed condition(s) until or unless the Director of Utilities has responded to the user's notice.
4. For purposes of this requirement, flow increase of 20% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

13.08.290 Compliance Monitoring (Subregional System)

A. Monitoring Facilities.

1. Users shall install sampling and/or monitoring equipment, including manholes, as necessary or required. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at the user's own expense. All devices used to determine wastewater flow and quality shall be calibrated, at a frequency to be determined by the Director of Utilities, to ensure their accuracy. The sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable construction standards and specifications. Construction and installation shall be completed within 90 days following written notification by the Director of Utilities unless a time extension is granted by the Director of Utilities.
2. Location of Equipment. The sampling and monitoring equipment shall be situated on the user's premises, but the Director of Utilities may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed or installed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. The user shall obtain an encroachment permit from the City prior to any construction or installation in the public right-of-way.
3. Access to Equipment. If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for City personnel, such as a gate secured with a City lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and compositing of samples for analysis.
4. Effluent Meter and Composite Sampler. New industrial users or existing users planning a remodel of existing process facilities and/or pretreatment system which contribute high strength wastewater to the POTW shall install a non-resettable totalizing effluent meter and a flow proportioned composite sampler which is controlled by a flow meter.
5. Provisions for Existing Users. Existing industrial users shall be subject to the provisions of this Section at the discretion of the Director of Utilities.
6. Plan Review. Detailed plans showing the operation and proposed installation of all monitoring and/or sampling equipment shall be submitted to the City for review and shall be acceptable to the Director of Utilities before installation of the equipment. Any subsequent changes to any sampling and/or monitoring equipment shall be reported to and be acceptable to the Director of Utilities.

B. Pretreatment Facilities.

1. Where required in the waste discharge permit or by State or Federal laws and regulations, the discharger shall provide, operate and maintain, at his expense,

such preliminary treatment or controls as may be necessary to eliminate or reduce the objectionable characteristics, constituents, or quantities and rates of discharge to conform to the maximum limits provided for in the permit.

2. Plans, specifications, and any other pertinent information related to proposed pretreatment facilities and operating procedures shall be submitted for the approval of the Director of Utilities. Construction of such facilities shall not commence until said approval is obtained in writing, and use of such facilities shall not commence until completed facilities are approved in writing. Pretreatment facilities shall be continuously maintained in satisfactory and effective operating condition to the satisfaction of the Director of Utilities. (Ord. 3047 § 1 (part), 1993)

C. Additional Pretreatment Measures.

1. The Director of Utilities may require any user discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
2. From time to time the City may adopt Best Management Practices for activities and/or industries. In these cases, users may employ the adopted Best Management Practices in lieu of application of other pretreatment technologies, when approved by the Director of Utilities.
3. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

D. Grease Removal Devices Grease, oil, and sand interceptors or other grease removal device shall be provided by the user when, in the opinion of the Director of Utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity acceptable to the Director of Utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The user shall keep and maintain records that document all cleaning, repair and proper disposal from all such interceptors for the preceding three years. Such records shall be kept on the site for review by the Director of Utilities.

E. Amalgam Separators. The Director of Utilities may specify additional requirements for dental facilities that remove or place amalgam fillings.

1. All users of and dischargers from dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:
 - (a) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer.
 - (b) Users of and dischargers from dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material and fixer-

containing solutions, and shall maintain training records that shall be available for inspection by the Director of Utilities during normal business hours.

- (c) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
 - (d) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
 - (e) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
2. All users of and dischargers from dental vacuum suction systems, except as set forth in paragraphs (3) and (4), below, shall comply with the following:
- (a) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before one year of the effective date of this title provided, however, that all dental facilities that are newly constructed on and after the effective date of this Title shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of 95% of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the Director of Utilities for approval.
 - (b) Proof of certification and installation records shall be submitted to the Director of Utilities within 30 days of installation.
 - (c) Amalgam separators shall be maintained in accordance with manufacturer's recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by the Director of Utilities during normal business hours.
3. Facilities with vacuum suction systems that meet all of the following conditions may apply to the Director of Utilities for an exemption to the requirements of paragraph (2), above:
- (a) The system was installed before the effective date of this title.
 - (b) The system is a dry vacuum pump system with an air-water separator.
 - (c) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
 - (d) Evidence of regular pump outs (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the Director of Utilities during normal business hours.

- (e) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.
 - 4. The following types of dental practice are exempt from this Section, provided that removal or placement of amalgam fillings occurs at the facility no more than three days per year: orthodontics, periodontics, oral and maxillofacial surgery, radiology, oral pathology or oral medicine, and endodontistry and prosthodontistry.
 - 5. Any user or discharger whose facility meets all five conditions in paragraph (C), above, may apply for an exemption by written letter to the Director of Utilities. The Director of Utilities will review the system and, if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to paragraph (C) of this Section shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with paragraph (B) of this Section before commencing further operation.
- F. Right of Entry - Inspection and Sampling. The Director of Utilities shall have the right to enter the premises of any user announced or unannounced, to determine whether the user is complying with all requirements of City ordinances and any wastewater discharge permit or order issued hereunder. Users shall allow the Director of Utilities ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- 1. Where a user has security measures in force which require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Utilities shall be permitted to enter, without delay, for the purposes of performing specific responsibilities.
 - 2. The Director of Utilities shall have the right to set up or require installation of, on the user's property, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - 3. The Director of Utilities may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its expense. The Director of Utilities may require the installation of such facilities on the premises of the user at a location which will be accessible to the Director of Utilities at all times. All devices used to measure wastewater flow and quality shall be calibrated and certified periodically to ensure their accuracy.
 - 4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Utilities and shall not be replaced. The costs of clearing such access shall be the responsibility of the user.
 - 5. When the owner of premises fails to comply with an order to cease and desist, allowing the entrance of surface or subsurface drainage water from the owner's

- premise to the City sewer system, the Director of Utilities shall have the right to enter the premises and to block the flow of drainage water.
6. Unreasonable delays in allowing the Director of Utilities access to the user's premises shall be a violation of this Title.
- G. Unmetered waste flows. Sewage and industrial wastewater flows from nonresidential and industrial users not required to install control manholes shall be determined as follows:
1. For premises where no significant portion of the water received from any source is consumed in the principal activity of the user, or is removed from the premises by means other than the sewerage system, the volume of waste flow shall be equal to the total volume of water used from all sources. Water received from each source shall be determined by the registration shown in the corresponding water meter.
 2. For premises where a portion of the water received from any source does not flow into the sewerage system, either because of the principal activity of the user or because of its removal by other means, the volume of waste flow shall be equal to the volume of water used from all sources less the volume of water removed by the user's activity. Water received from each source, as well as water removed, shall be determined by the registration shown in the corresponding water meters or by other means approved by the Director of Utilities.
 3. All meters required in subsections (1) and (2) of this section shall be installed in accordance with City standards at the user's expense. Existing private meters installed by the user prior to the effective date of the ordinance codified in this section shall continue in service until they are required to be replaced. Upon the Director of Utilities' determination that the meter requires replacement, the user shall pay a one time fee to have a City-maintained meter installed. A monthly service charge will be assessed to the user to cover City meter reading and maintenance costs.
- H. Timing. Written reports and notices pursuant to this Title will be deemed to have been submitted or given on the date postmarked. For reports and notices which are not mailed, the date of receipt of the report or notice will govern.
- I. Record Keeping. Users subject to the reporting requirements of this Title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Title and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records will include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples, the dates analyses were performed, who performed the analyses, the analytical techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least five years. This period will be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director of Utilities.

J. Confidential Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Utilities' inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests in writing, and is able to demonstrate to the satisfaction of the Director of Utilities, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Title, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 or as amended, will not be recognized as confidential information and will be available to the public without restriction."

13.08.300 Violation

It shall be unlawful for any person to connect to, reconnect to, install or provide, maintain, and use any portion of the sewer system of the City except as provided by this Title.

13.08.310 Violation- Civil Penalty

Any person who intentionally or negligently violates any order issued by the Engineer for violation of provisions of this ordinance or regulating or prohibiting discharge of wastewater which causes or threatens to cause a condition or contamination, pollution, or nuisance, as defined in this ordinance, may be liable civilly in a sum not to exceed Twenty-five Thousand Dollars (\$25,000.00) for each day in which such violation occurs. The City Attorney, upon request of the City Council, shall petition the Superior Court to impose, assess, and recover such sums.

13.08.320 Injunction

Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the Engineer may petition the Superior Court for the issuance of preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such discharge. If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect."

13.08.330 Environmental Determination

The Council finds that the adoption and implementation of this ordinance are exempt for the provisions of the California Environmental Quality Act in that the Council finds the adoption and implementation of this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

13.08.340 Ministerial Permit Issuance

The City has determined that the issuance of any sewer connection, sewer use or wastewater discharge permit pursuant to the provisions of this Title is a ministerial act.