

CHAPTER 23 SEWERS AND SEWAGE DISPOSAL¹

ARTICLE I *IN GENERAL*

Sec. 23-1. Definitions and abbreviations.²

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or Clean Water Act means the Federal Water Pollution Control Act of 1972, as amended, 33 USC Section 1251 et seq.

Analytical methods means the sampling referred to in 40 CFR Section 403.7(b)(2)(i—iv), and analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR Section 136 and amendments thereto. Where 40 CFR Section 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties, approved by the EPA.

Applicant means the person making application for a permit issued under this chapter. In the case of a sewer connection permit, the applicant shall be the owner of premises to be served by the sewer for which a permit is requested, or his authorized agent.

At-grade system means an OWTS dispersal system with a discharge point located at the preconstruction grade (ground surface elevation). The discharge from an at-grade system is always subsurface.

Authorized representative means:

- (1) If the industrial user is a corporation:
- (A) 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
 - (B) The manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including the explicit or implicit duty to make major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been delegated to the manager in accordance with corporate procedures.

¹ **Cross reference**— Public works department, § 2-311; buildings and building regulations, ch. 5; toilet facilities on construction projects, § 5-7; plumbing, § 5-86 et seq.; standards for utilities in flood hazard areas, § 12-40; health, ch. 13; solid waste, ch. 24; subdivisions, ch. 26; utilities, ch. 27.

State Law reference— Sewers generally, Health and Safety Code § 4600 et seq.; authority of City to regulate construction of sewers, Government Code §§ 38660, 38900.

² **Cross reference** — Definitions and rules of construction generally, § 1-2.

- (2) If the industrial user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the industrial 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 governmental facility, or their designee.
- (4) The individuals described in subsections (1) through (3) may designate a Duty 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.

If authorization under subsection (4) of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (4) of this definition must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

Average daily flow means the number of gallons of wastewater discharged into the sewer system during a 24-hour period.

Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biochemical oxygen demand or BOD is the measurement of the dissolved oxygen used by microorganisms in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g. mg/L).

Building means any structure used for human habitation or a place for business, industry, recreation or any other purpose containing sanitary plumbing facilities.

Building Official means the building official for the City of Fontana or their designee.

Building sewer means that portion of any sewer beginning at the plumbing or drainage outlet of any building and running to the property line or to an OWTS.

Bypass means intentional diversion of waste streams from any portion of a user's treatment facility.

Categorical standards means the federal categorical pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the POTW by existing or new industrial users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR chapter 1, subchapter N, Parts 405-471 as it exists and as it may be amended.

Cesspool means an excavation in the ground receiving domestic wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools differ from seepage pits because cesspool systems do not have septic tanks. The term cesspool does not include pit-privies and out-houses.

Chief Financial Officer means the chief financial officer for the City of Fontana or their designee.

Chemical oxygen demand or COD means the quantity of oxygen required to chemically oxidize material in a waste sample, expressed in milligrams per liter, under specific conditions of oxidizing agent, temperature and time.

City means the City of Fontana or the City Council of the City of Fontana.

City Manager means the City manager for the City of Fontana or their designee.

Commercial users include all retail stores, restaurants, office buildings, laundries and other private business and service establishments, schools, churches and all public and private institutions.

Compliance time schedule means a formal timetable for achieving compliance required of industrial users in violation of the provisions of this chapter. Each compliance time schedule shall contain milestone dates as well as a final compliance date and shall be approved by the Public Works Director.

Control Authority means owner and operator of the wastewater treatment plant that treats wastewater generated within the City's boundaries, i.e., IEUA or the City of Rialto, as applicable.

Daily maximum means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where the daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Discharger means any person who causes or contributes a discharge into the sewer or storm drain system.

Dispersal system means a leachfield, seepage pit, mound system, at-grade, subsurface drip field, evapotranspiration and infiltration bed, or other type of system for final wastewater treatment and subsurface discharge.

Domestic wastewater or domestic sewage means water bearing wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal in the POTW.

Effluent means treated wastewater flowing from an industrial user or wastewater treatment facilities.

Electrical conductivity or EC means the ability of a solution to carry an electrical current, expressed in terms of micromhos per centimeter at 25 degrees Celsius, and analyzed in accordance with the most recent publication of Standard Methods.

Environmental Protection Agency or EPA means the federal Environmental Protection Agency, its administrator or its duly authorized representative.

Equivalent dwelling unit (EDU) means a measure of sewage flow equivalent in quantity and strength to the daily flow of an average single-family household.

Food processing facility means wholesale or retail facilities, including restaurants, which handle, process or prepare food intended for human and/or animal consumption.

General and departmental overhead means:

- (1) Maintenance and operating fund. Rental costs attributable to building occupancy shall be allocated based on the pro rata share of floor space used.
- (2) Sewer capital fund. Costs attributable to the expenditure of such funds not directly chargeable to a construction project. Such costs are to be limited to a fixed percentage of the construction cost of a construction project not to exceed ten percent. Such percentage is to be deemed for the purpose of paying for the project's general and departmental administrative costs of the City.

Grab sample means a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Gravity separation interceptor means an approved detention chamber designed to remove grease, oil, and solids from wastewater before discharge to the sewer system.

Hazardous substance means any substance capable of creating imminent endangerment to health or the environment, including but not limited to any substance designated under the Clean Water Act, 40 CFR this sections 307 and 311; or any imminently hazardous chemical substance subject to regulation under the Toxic Mixtures or Substances Control Act, 15 USC Section 2601 et seq. In general, hazardous substance means substances which are toxic, explosive, corrosive, flammable, or irritants, or which generate pressure through heat or decomposition.

Hazardous waste means any hazardous substance which is either the resultant or intermediate or final byproduct of any process.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

House connection sewer means the portion of a sewer lying within a public street connecting a building sewer to the main sewer.

Industrial users means all users classified as industrial under the Clean Water Act and the General Pretreatment Regulations (40 CFR Part 403) and shall include all dairies.

Indirect discharge means the discharge or the introduction of pollutants from any nondomestic source regulated under Section 307(b) or (c) of the Act (33 USC Section 1317), into the sewer system and POTW, including holding tank waste discharged into the system.

Inland Empire Utilities Agency or IEUA means the owner and operator of regional wastewater treatment facilities. A portion of the wastewater generated within the City's boundaries is transported to IEUA's facilities for treatment.

Interference means a discharge, that alone or in conjunction with other discharges, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- (2) Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder, or more stringent state or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local limit means specific discharge limits developed and enforced by the IEUA or the City of Rialto upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR Section 403.5(a)(1) and (b).

Local system means a sewer system consisting of but not limited to sewer lines, manholes, stub-outs, and/or house connection sewer laterals designed and intended to serve a particular tract or group of dwellings.

Lower explosive limit or LEL means the minimum concentration of a combustible gas or vapor in the air which will ignite if an ignition source is present.

Mound system means an aboveground dispersal system (covered sand bed with effluent leachfield elevated above original ground surface inside) used to enhance soil treatment, dispersal, and absorption of effluent discharged from an OWTS treatment unit such as a septic tank. Mound systems have a subsurface discharge.

Multi-family dwelling means a structure or group of structures, separate or connected, on one parcel of land, occupied or intended for occupancy by more than one family or living group.

New Source means

- (1) any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

- (A) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (C) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this subsection has commenced if the owner or operator has:
- (A) Begun, or caused to begin, as part of a continuous onsite construction program
 - 1. any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

Non-contact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondomestic wastewater means wastewater arising from or associated with a nondomestic operation. Such operation shall be understood to include the following: production or refining of petroleum; production, processing, packing or canning of fruits, vegetables, meat or beverages; laundering of clothes in public laundries; public self-service laundries; hospitals; restaurants; vehicle service facilities, wash racks and garages; production of fertilizer; keeping of livestock or poultry and operation of dairies; production or dyeing of textiles; production of soap and other detergents or chemicals; production and processing of plastic; cleaning of tanks, tank cars or barrels; plating or processing of metals; processing or reclamation of refuse; the washing of equipment or spaces used in nondomestic operations; and any other similar manufacturing, processing and servicing operations. Nondomestic wastewater does not include the following: wastewaters from the operation of hotels, schools, single- or multi- family dwellings and places engaged exclusively in retail business.

Oil and grease means any of the following in part or in combination:

- (1) Petroleum derived products, e.g., oils, fuels, lubricants and solvents.
- (2) Vegetable derived products, e.g., oils, shortenings and soluble cutting oils.
- (3) Animal derived products, e.g., fats, greases, oils and lard.

Onsite waste treatment system (or OWTS) means any individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS includes any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the subsurface disposal of sewage. OWTS do not include “graywater” systems pursuant to Health and Safety Code Section 17922.12.

Owner means the person having legal title to a property or the person having an interest in a property through a contract of sale, long-term lease or similar agreement.

OWTS Policy means the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, dated June 19, 2012, adopted by the State Water Resources Control Board on June 19, 2012, in Resolution No. 2012-0032, approved by the Office of Administrative Law on November 13, 2012, with an effective date of May 13, 2013, and any amendments thereto.

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 other discharges, cause a violation of the POTW’s national pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation.

Permit means any written authorization required pursuant to this chapter or any other regulation of the City for the installation or use of any part of the sewer system.

Person means an 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

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, expressed in gram equivalents per liter of solution.

Planning Department means the planning department for the City of Fontana or their designee.

Pollutant means any agent that may cause, contribute to or increase the degradation of the water quality of the waters of the United States including but not limited to dredged spoil, 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, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or treatment 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 can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a user.

Pretreatment wastes means all wastes, liquid or solid, removed from nondomestic wastewater by physical, chemical or biological means.

Private sewage disposal facility means an independent sewage disposal system not connected to the sewer system and which accommodates one or more structures, buildings or industries.

Property means a parcel of land together with any buildings or appurtenances.

Public sewer means a sewer lying within a street and which is controlled by or under the jurisdiction of the City.

Publicly owned treatment works or POTW means treatment works (as defined 33 USC Section 1292) owned and operated by IEAU, the City, or the City of Rialto. This definition includes any devices or systems used in the storage, treatment, recycling and reclamation of sewage. It also includes sewers, pipes, lift stations and other conveyances which convey wastewater to wastewater treatment facilities.

Public Works Director means that person designated as the director of the City of Fontana Public Works Department or their designee.

Regional sewer service agreement means either (1) the agreement entitled "Regional Sewage Service Contract," dated November 1, 2023, as it exists and may be amended from time to time, entered into by and between the City, IEUA, and other contracting agencies, which governs the discharge of sewage from the City's sewer system into IEUA's sewerage system, or (2) the agreement entitled "Extra Territorial Sewer Service Agreement," dated July 16, 1991, as it exists and may be amended from time to time, entered into by and between the City and the City of Rialto, which governs the discharge of sewage from the City's sewer system into the City of Rialto's sewerage system.

Replacement OWTS means an OWTS that has its treatment capacity expanded, or its dispersal system replaced or added onto, after the effective date of this Policy.

Residential users means any single-family dwelling, multi-family dwelling or mobile home park for the purpose of sewer use charge determination.

Restaurant means any retail establishment selling prepared foods and drinks for consumption on the premises, which shall include but not be limited to restaurants, lunch counters, drinking places and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, drinking places and refreshment stands operated as subordinate service facilities by other establishments shall also be included.

Service unit (SU) means the unit derived from a mathematical formula in which daily flow, biochemical oxygen demand and suspended solids are converted to a numerical value in proportion to residential levels for the same three variables.

Service unit rate is the monthly charge per service unit.

Sewage means wastewater.

Sewage factor (SF) is a calculated or assigned percentage used to determine the EDU for commercial and industrial structures.

Sewer connection permit means a permit used for the connection of a property to the sewer system.

Sewer deposits means funds provided by property owners pursuant to Section 23-312 for guarantee of payment of sewer service charges. These funds are recorded and accounted for in the maintenance and operating fund, and only the interest earnings may be used for maintenance and operating expenses.

Sewer service charge is the product of service units and the service unit rate.

Sewer system means all facilities owned and operated by the City or owned or operated by others for the benefit of the City for collecting, pumping, treating and disposing of sewage. At times, this chapter may refer to the sewer system as the City's sewer system.

Significant industrial user means any industrial user of the POTW who:

- (1) Is subject to categorical standard(s);
- (2) Has an average daily flow of 25,000 gallons or more of process wastewater, excluding sanitary, non-contact cooling and boiler blowdown wastewater; or
- (3) Has a discharge which makes up five (5) percent or more of the average dry-weather hydraulic or organic capacity of the wastewater treatment facilities receiving the wastewater; or
- (4) Has in its wastes toxic pollutants; or

- (5) Is designated by the Public Works Director to have a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

Single-family dwelling means a single structure together with any garage, guestroom, servant's quarters or similar appurtenant structure on a parcel of land designed for use by one family or living group.

Single pass cooling water non-contacting cooling water which is used only once and then discarded.

Single pass heating water means water used solely for the purpose of heating, which has no direct contact with any raw material, intermediate or final product, and is used only once and then discarded.

Slug discharge means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 23-117.

Source means a point of discharge to the sewer system.

Solvent management plan or toxic organic management plan means a plan submitted to the City by an industrial user which specifies to the Public Works Director's satisfaction the solvents and other toxic organic compounds used, the methods of disposal used, and procedures for ensuring that solvents and other toxic organics do not routinely spill or leak into the wastewater.

Special sewer permit means a permit issued for a special use of the sewer system.

Suspended solids or SS means that fraction of the total solids with particle size greater than one micron as determined by passing a known volume of liquid through a filter.

Standard industrial classification or SIC means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Standard Methods means "Standard Methods for the Examination of Water and Wastewater," prepared and published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.

Storm drain system means all storm water conveyance and treatment facilities located in the City, including, but not limited to, conduits, natural or artificial storm drains, catch basins, storm drain manholes, storm water pumping facilities, pumping stations and equipment. This definition of storm drain system shall not be construed as affecting in any way the City's ownership, use or control of property for municipal liability purposes.

Storm water means urban runoff and snowmelt runoff consisting only of those discharges which originate from precipitation events. Storm water is that portion of precipitation that flows across a surface to the storm drain system or receiving waters.

Street means any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

Structure means building.

Stub-out means a partial house connection sewer extending laterally from the sewer main to a point just beyond the edge of the pavement or curbing which is within the right-of-way adjoining the properties which will be served by the sewer main.

Temporary user means any user who is granted temporary permission by the Public Works Director to discharge unpolluted water or wastewater to the sewer system and controlled by a wastewater discharge permit.

Total dissolved solids or TDS means the quantity of nonvolatile substances remaining after filtration through a standard glass fiber filter and drying to constant weight at 180 degrees Celsius, expressed in terms of milligrams per liter and analyzed in accordance with the most recent publication of Standard Methods. TDS shall be synonymous with total filterable residue (TFR).

Total suspended solids or TSS means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by Environmental Protection Agency under Section 307(a) Clean Water Act 307(a) or federal laws.

Trailer space means an area within a trailer court designated for use by a trailer, whether the space is occupied or not, provided the space is served by plumbing connected to the sewer system.

Unpolluted water means single pass cooling water, single pass heating water, air conditioning condensate, ice melt, condensate and rainwater.

User means any person who contributes, causes or permits the contribution of wastewater into the City's sewer system; or recipient of wastewater collection and treatment services.

Utility means an enterprise operated for the benefit of the citizens of the City.

Wastewater means the liquid and water-carried industrial or domestic wastes and sewage from residential, dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater discharge permit means the regulatory procedure established and enforced by the Public Works Director to control the flow of wastes into the POTW. Wastewater discharge permit shall also mean a permit issued by the City as provided in and subject to provisions of Division 7 of Article II and payment of fee requirements of Section 23-50.

Wastewater treatment facilities means the structures, equipment and processes owned and operated by the City, the City of Rialto, or IEUA which are required to transport, treat and dispose of domestic and nondomestic wastewater.

Wastewater treatment plant means the portion of the POTW designed to provide wastewater treatment.

Water conditioning device means any device used to soften or otherwise condition water, including zeolite or resinous anion or cation exchange softeners, demineralizers and any other like devices.

Water supply means the water supply serving the area tributary to the sewer system. Water supply to an individual establishment shall be interpreted as meaning specifically a composite analysis over a 12-month period of samples of the water served to an establishment or location as determined by testing and compositing samples and analyses approved by the Public Works Director.

Waters of the United States means those waters that are more particularly described in 40 CFR Section 120.2.

(b) *Abbreviations.* For purposes of this chapter, the following abbreviations shall have the meanings designated in this subsection:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EC	Electrical conductivity
EPA	Environmental Protection Agency
l	Liter
IEUA	Inland Empire Utilities Agency
MBAS	Methylene blue activated substances
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
OTWS	Onsite waste treatment system
POTW	Publicly owned treatment works

RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SIU	Significant industrial user
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act, 42 USC §6901 et seq.
TDS	Total dissolved solids
TRC	Technical review criteria
TSS	Total suspended solids
µg	Micrograms
µg/l	Micrograms per liter
µmhos/cm	Micromhos per centimeter
USC	United States Code

Sec. 23-2. Applicability.

This chapter is intended to provide rules and regulations for construction and use of building sewers, local sewers, the City's sewer system and storm drain system.

Sec. 23-3. Compliance.

- (a) All work with respect to sewer construction and disposal of sewage and drainage of buildings and connection to the City's sewer system shall be done in conformity with this chapter and not otherwise.
- (b) No person shall connect to, construct, install, provide, maintain or use any means of sewage disposal from any building in the City other by connection to a public sewer, or inhabit or produce any sewage in any building not connected to a public sewer, except in the manner provided in this chapter.
- (c) No person shall conduct, make, permit, authorize or otherwise cause or allow any discharge into the sewer system or storm drain system except in conformity with and in a manner allowed by this chapter.
- (d) No person shall take, perform, permit, authorize, or otherwise cause or allow any action that would cause the City to violate any federal, state, or local law, permit, or regional sewerage agreement.
- (e) Every person who owns an OWTS must comply with the responsibilities and duties for OWTS owners set forth in the OWTS Policy.

Sec. 23-4. Public Works Director.

- (a) The City Manager shall appoint a Public Works Director, which office shall be under the terms and subject to the provisions of chapter 20. The salary of the Public Works Director is to be fixed by the City Council from time to time by resolution.
- (b) The Public Works Director shall have power and it shall be his duty to enforce all rules and regulations concerning the sewer system and storm drain system, to supervise the maintenance and operation of the system and to make necessary repairs thereto.

Sec. 23-5. Connection required and OTWS prohibited, generally.

- (a) The owner of any premises with structure in or from which sewage is generated must connect the structure directly with the sewer system in accordance with Article III, unless exempted under the provisions thereof.
- (b) Except as provided in Article III, it shall be unlawful to construct or maintain an OWTS.

Sec. 23-6. Unlawful disposal of waste.³

It shall be unlawful for any person to place, deposit or permit to be deposited upon public or private property within the City, or in any area under the jurisdiction of the City, any human excrement, garbage or other objectionable waste unless otherwise authorized by the City.

Sec. 23-7. Pollution of waters.

It shall be unlawful to discharge into any stream or watercourse any sewage, wastes or other pollution, except where suitable treatment has been provided in accordance with the provisions of this chapter. The City's authorization to discharge into any stream or watercourse does not relieve any person of the obligation to comply with applicable state or federal laws.

Sec. 23-8. Compliance required prior to occupancy.

No building shall become occupied until the owner of the premises has complied with this chapter and any rules and regulations of the City.

Sec. 23-9. Fees, charges, etc.

Unless otherwise specified herein, all fees, charges, rates, deposits, surcharges, fines, and penalties under this chapter shall be established, and may be updated, by resolution of the City. Additional provisions related to fees and charges are contained within Articles II, V, and VII.

Sec. 23-10. Reserved.

Sec. 23-11. Use of noncomplying building.

Continued habitation of any building or continued operation of any building in violation of the provisions of this chapter or any other ordinance, rule or regulation of the City is hereby declared to be a public nuisance. Pursuant to Chapter 18 of this Code, the City may commence an action or actions for the abatement thereof, in the manner provided by law, including those established in Chapter 18 of this Code.

Sec. 23-12. Disconnection of service.

As an alternative method of enforcing the provisions of this chapter or any other ordinance, rule or regulation of the City pertaining to the sewer system, the Public Works Director shall have the power to disconnect the user from the sewer system. Upon disconnection, the Public Works Director shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection in accordance with Section 23-356. Any part of the deposit remaining after payment of all costs of disconnection and reconnection shall be refunded.

Sec. 23-13. Occupation of building while service disconnected.

During the period of disconnection as provided for in Section 23-12, habitation of the subject property shall constitute a public nuisance, whereupon the City shall cause proceedings to be brought for the abatement. In such event, and as a condition of reconnection, there is to be paid to the City a reasonable attorney's fee and cost of such proceedings.

Sec. 23-14. Liability of City.

The City and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant under a sewer connection permit. The applicant shall be answerable for and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending such action or in seeking to enforce this

³ Cross reference— Solid waste, ch. 24.

provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Sec. 23-15. Liability for damage caused by violations.

Any person violating any of the provisions of this chapter and other ordinances, rules or regulations of the City pertaining to the sewer system shall become liable to the City for any expense, loss or damage sustained by the City by reason of such violation.

Sec. 23-16. Notice of Correction (NOC) and Notice of Violation (NOV)

- (a) Notice of correction (NOC). Whenever the Public Works Director finds that any person threatens to violate or has already violated any provision contained in this chapter, except Articles II and IX, the City may serve upon such person a written notice of correction stating the nature of the violation and the necessary actions that must be implemented to correct the situation. The NOC shall stipulate a time period by which the problem must be corrected and the penalties for noncompliance. Nothing in this section shall limit the authority of the Public Works Director to take any action, including emergency actions or any other enforcement action.
- (b) Notice of violation (NOV).
 - (1) When the Public Works Director finds that any person has failed to comply with a notice of correction or has violated or continues to violate any provision contained in this chapter, except Articles II and IX, the City may serve upon such person a written notice of violation stating the nature of the violation and the penalties for noncompliance. At a minimum, the notice of violation shall require that the person to submit to the Public Works Director, within a time period specified in the notice, a plan indicating the cause of the violation and corrective actions which will be taken to prevent recurrence. The time period for submittal shall not exceed more than 30 days. Nothing in this section shall limit the authority of the Public Works Director to take any action, including emergency actions or any other enforcement action.
 - (2) Every day during which a violation of this chapter, except Articles II and IX, continues to exist shall constitute a separate offense.
 - (3) Pursuant to Government Code sections 53069.4 and 36900(b), the following violation assessments will apply to the issuance of a notice of violation by the Public Works Director:
 - (A) A first notice of violation may be issued for a first violation of this chapter, except Articles II and IX, and may be punishable by a fine of \$100.
 - (B) A second notice of violation shall be issued for a second violation of this chapter, except Articles II and IX, within one year and shall be punishable by a fine of \$200.
 - (C) A third notice of violation shall be issued for a third violation of this chapter, except Articles II and IX, within one year and shall be punishable by a fine. Each additional violation of this chapter, except Articles II and IX, within one year shall also be punishable by a fine of up to \$500.

Sec. 23-17. Reserved.

Sec. 23-18. Civil remedies.

In addition to any other remedies provided by this Code or available to the City under applicable law, the City, through its City attorney, may enforce violations of this chapter by filing a complaint in superior court seeking any applicable civil remedies, including, without limitation, declaratory or injunctive relief.

In any such action commenced by the City attorney, the City shall be entitled to recover its reasonable costs and expenses, including reasonable attorney's fees and expert expenses.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a person in violation of this chapter. The City may institute further legal action to collect such penalties in the event that a person fails or refuses to pay said penalty within thirty (30) days from the date that it has been assessed.

Sec. 23-19. Violations deemed a public nuisance.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance and the City attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions for the abatement thereof, in the manner provided by law, including those established in Chapter 18 of this Code.

The cost of such abatement shall be borne by the owner of the property where the public nuisance occurs. The costs thereof may become a lien upon and against the property, if the costs are not paid and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner, the property may be sold in satisfaction thereof in a like manner provided by law.

Notwithstanding anything in this chapter to the contrary, the City may take all action necessary to inspect, investigate, assess, remedy or otherwise abate any discharge of wastewater on or into any public property.

Sec. 23-20. Criminal penalties.

Any person violating any of the provisions of chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$1,000.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person, and shall be punished accordingly.

Sec. 23-21. Administrative Hearings and Appeals.

- (a) Any person who violates any provision of this chapter, or any permit or order issued hereunder, or any person subject to an order, waiver, permit condition, permit modification, disapproval of a permit application, or any other decision made by the Public Works Director under this chapter, may request—or the Public Works Director may order—an administrative hearing. An administrative hearing officer not directly involved in the enforcement of this chapter shall preside over the hearing, at which each party shall have the right to present evidence.
 - (1) The person requesting an administrative hearing may request a stay of the challenged decision or action during the pendency of the administrative hearing. The Public Works Director may grant such a request upon a finding that a stay does not threaten public health or safety, including damage to the sewer or storm water systems.
 - (2) Notwithstanding subsection (1), the imposition of fines or penalties shall be automatically stayed during pendency of the administrative hearing, unless the Public Works Director or administrative hearing officer determines that such a stay would threaten public health or safety.
- (b) The City shall serve written notice on the person subject to the hearing. The notice shall specify the time and place of the hearing, the challenged action or violation, and the proposed enforcement action, if any. For administrative hearings regarding proposed enforcement actions under this chapter, the notice shall direct the person subject to the enforcement action to show cause before the hearing officer why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days and no more than sixty (60) days before the hearing. Service may be made on any agent or officer of the person.
- (c) Such a hearing shall not be a bar to, or a prerequisite for, taking any other authorized action against the person.
- (d) Administrative hearing decisions issued pursuant to this chapter may be appealed to the City Manager. The City Manager may amend, modify, confirm, or reject any such decision, provided that

the purpose and intent of this chapter are not violated. The City Manager's determination shall constitute the final administrative decision of the City.

- (1) The person requesting an appeal may request a stay of the administrative hearing decision during the pendency of the appeal. The City Manager may grant such a request if the City Manager finds that granting the stay does not threaten public health or safety, including potential damage to the sewer or storm water systems.
- (2) Notwithstanding subsection (1), the imposition of fines or penalties shall be automatically stayed during the appeal period, unless the Public Works Director, administrative hearing officer, or City Manager determines that such a stay would threaten public health or safety.

Sec. 23-22. Notice.

Unless otherwise specifically provided, all notices required under this chapter shall be given in writing and served by messenger or by first class, certified or registered mail. Notice shall be deemed received as follows, depending upon the method of transmittal:

- (a) By messenger, as of the date delivered; or
- (b) By United States mail, first class, certified or registered, as of 72 hours after deposit in the United States mail, or
- (c) By electronic mail (e-mail), as of the date delivered.

Sec. 23-23 to 23-40 Reserved.

ARTICLE II INDUSTRIAL WASTE

DIVISION 1. GENERALLY

Sec. 23-41. Scope; objectives.

- (a) This article sets forth uniform requirements for all users of the POTW within the sphere of influence of the City. This article enables the City to comply with agreements between the City and applicable Control Authority and all applicable state and federal laws, including the Clean Water Act and General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are to:
 - (1) Prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the POTW which will pass through, inadequately treated, into receiving surface waters, groundwaters or the atmosphere, or otherwise be incompatible with the POTW;
 - (3) To promote reuse of wastewaters and sludges from the system; and
 - (4) Protect and preserve the health and safety of the citizens and personnel of the City.
- (b) This article provides for regulation of wastewater through issuance of wastewater discharge permits to certain industrial users and enforcement of general requirements for the other users. The Article also authorizes monitoring and enforcement activities and user reporting and provides for the setting of fees for the equitable distribution of costs for sewer service.

Sec. 23-42. Reserved.

Sec. 23-43. Administration.

Except as otherwise provided, the Public Works Director shall administer, implement and enforce the provisions of this article. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to a duly authorized City employee.

Sec. 23-43.1 IEUA; Regional pretreatment agreement.

Pursuant to its regional sewer service agreement with IEUA, the City authorizes IEUA to regulate industrial users within the corporate limits of the City that are tributary to IEUA's sewerage system and grants IEUA fully enforceable legal authority to inspect, permit, and control indirect discharges to IEUA's sewerage system. The regional sewer service agreement, and any subsequent agreements and amendments entered into by the City and IEUA in furtherance thereof, are hereby adopted and incorporated by reference as if fully set forth herein. Copies of the regional sewer service agreement, and any subsequent agreements or amendments, are on file with the City Clerk of the City of Fontana. To the extent this article conflicts with the regional sewer service agreement with IEUA or IEUA's pretreatment ordinance, as currently adopted and as may be amended from time to time, the regional sewer service agreement with IEUA and IEUA's pretreatment ordinance shall control.

Sec. 23-44. Inspection and sampling.

- (a) The Public Works Director shall have the right to enter the property of any user whom the Public Works Director has reason to believe may be a generator of nondomestic wastewater, to inspect facilities and determine compliance with all provisions of this article, a wastewater discharge permit, or order issued hereunder. Persons or occupants of premises where nondomestic wastewater is created or discharged, or where the Public Works Director has reason to believe that nondomestic wastewater may be created or discharged, shall allow the Public Works Director ready access at all reasonable times to all parts of the property for the purposes of inspection, sampling, examination and copying of records, taking photographs, and performance of any other duties.
- (b) The Public Works Director shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations. The Public Works Director may also require the 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 own expense.
- (c) Where a user has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with its staff so that, upon presentation of suitable identification, the Public Works Director will be permitted to enter, without delay, for the purpose of performing inspection and sampling. Unreasonable delays in allowing the Public Works Director access to the user's premises shall be a violation of this article.
- (d) 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 Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (e) The Public Works Director or his designee shall exercise his rights under this article in a manner consistent with applicable law, and no inspections or other actions are authorized under this section if such action would violate the rights of the person which is the subject of the action.

Sec. 23-45. Public access to 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's inspection and sampling activities, shall be available to the public without restriction, except where the user specifically requests, and is able to demonstrate to the satisfaction of the Public Works Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. All other information which is submitted by the industrial user to the City shall be available to the public to the extent provided by 40 CFR Section 2.302 or as required by state law, including, without limitation, the Public Records Act

(Government Code Section 6250 et seq.). With the exception of government agencies, any person requesting this information from the City shall be required, prior to receipt of the information, to pay the reasonable costs of the data gathering, reproduction and transmission incurred by the City.

Sec. 23-46. Designation of confidential information.

Any information other than discharge data submitted to the City pertaining to the pretreatment program may be claimed by the industrial user to be confidential. 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 the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Any such claim must be asserted at the time of submission of the information or data to the City. The claim may be asserted by stamping the words "confidential business information" on each page containing such information or by other means; however, if no claim is asserted at time of submission, the City may make the information available to the public without further notice. If such a claim is asserted, the information will be treated in accordance with the procedure in 40 CFR Section 2 (Public Information). Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR Section 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 23-47. Slug discharge control plan.

The Public Works Director shall evaluate, at least once every two years, whether each industrial user must submit a slug discharge control plan. The Public Works Director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Public Works Director may develop such a plan for any user. A slug discharge control plan shall be developed in accordance with Section 23-200(d).

Sec. 23-48. Time limits.

Time limits provided in any written notice or any provision of this article may be extended only by a written directive of the Public Works Director.

Sec. 23-49. Reserved.

Sec. 23-50. Pretreatment program fees.

- (a) It is the purpose of this section to establish the mechanisms whereby the City may recover from industrial and commercial users for the implementation and operation of this article. The City may adopt charges and fees, by resolution, which may include:
- (1) Fees for the processing of applications;
 - (2) Fees for reimbursement of costs of developing and operating the City pretreatment program;
 - (3) Fees for monitoring, inspections, surveillance procedures and laboratory costs including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;
 - (4) Fees for reviewing plans and construction inspections;
 - (5) Fees for reviewing and responding to accidental discharge procedures;
 - (6) Fees for filing appeals and non-compliance meeting fee;
 - (7) Non-compliance fees as established by category by City Council ordinance or resolution or, in the absence of a specific category, the actual costs incurred by the City in causing compliance, including administrative and legal costs associated with the enforcement activity taken by the Public Works Director to address noncompliance;

- (8) Extra strength charges and surcharge fees. These fees shall be assessed based on the pounds discharged of a constituent above stated permit conditions or allowable limits. At no time shall any user affected by categorical standards be permitted to discharge wastewater to the POTW in violation of categorical standards;
 - (9) Administrative fees for compensation for damages in accordance with Section 23-81;
 - (10) Other fees deemed necessary by the City to implement the provisions of this article.
- (b) These fees relate exclusively to matters covered by this article and are separate from all other fees chargeable by the City. The City may incorporate the equivalent amount of any of the fees provided for in this section into its sewer charges.

Sec. 21-51 to 23-80 Reserved.

DIVISION 2. ENFORCEMENT

Sec. 23-81. Compensation for damages.

Any person who, by discharge of wastewaters or by any other means, damages monitoring equipment, detrimentally affects wastewater treatment processes, significantly increases City operation costs, requires nonroutine inspection or sampling, causes blockages of, damage to, interference with or pass-through from the POTW, or causes any other damages, including the imposition of fines or penalties on the City by federal, state or local regulatory agencies, shall be liable to the City, as applicable, for all damages and additional costs, including the fines or penalties, occasioned thereby. An administrative fee, which shall be fixed by the City Manager based on the City's current overhead cost allocation percentage, shall be added to these charges and shall be payable within 30 days of invoicing by the City.

Sec. 23-82. Suspension or Revocation of permit.

- (a) Any industrial user who violates the following conditions or applicable state and federal regulations is subject to having his permit suspended or revoked:
- (1) Failure of the user to factually report the wastewater constituents and characteristics of his discharge;
 - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to the changed conditions pursuant to Section 23-198;
 - (3) Failure of the user to provide timely access to records or the user's premises;
 - (4) Failure to meet effluent limitations;
 - (5) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (6) Falsifying self-monitoring reports and certification statements;
 - (7) Falsifying, tampering with, or knowingly rendering inaccurate any monitoring equipment or sample collection;
 - (8) Failure of the user to pay sewer service charges or pretreatment program fees;
 - (9) Failure to pay fines;
 - (10) Failure to meet compliance schedules;
 - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (12) Failure to provide advance notice of the transfer of business ownership or a permitted facility; or

- (13) Violation of a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement.
- (b) A user subject to termination may request an administrative hearing pursuant to Section 23-21.

Sec. 23-83. Notice of violation; compliance meeting.

- (a) Whenever the Public Works Director finds that any user has violated or is violating a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon such user a written notice of violation stating the nature of the violation and stating the penalties for continued noncompliance. If required in the notice, the user shall submit to the Public Works Director, within a prescribed period specified in the notice, which period shall not be less than fifteen (15) days unless an emergency situation dictates a shorter period, an explanation indicating the cause of the violation, a plan for satisfactory corrective and preventive actions, and, if required, a proposed compliance time schedule indicating the dates those corrective actions will be completed. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. The issuance of a notice of violation shall not be a prerequisite for the Public Works Director to take any emergency action or other enforcement action.
- (b) A compliance meeting may be required of all users who have failed to achieve compliance after the issuance of a notice of violation, or violation(s) resulting in significant noncompliance. This meeting shall be for the Public Works Director to consider drafting a consent or compliance order and for the user to propose solutions, request time extensions, or file an appeal.

Sec. 23-84. Compliance time schedule.

The Public Works Director may adopt a proposed compliance time schedule submitted by the user, or may adopt a revised compliance time schedule if, in the judgment of the Public Works Director, the proposed compliance time schedule would allow the user to cause harm to the POTW or unreasonably or inequitably burden the operation of the POTW. The Public Works Director will notify the user of the adopted compliance time schedule in a timely manner. The Public Works Director shall not adopt a compliance time schedule which extends beyond applicable federal deadlines.

Sec. 23-85. Administrative orders.

The Public Works Director may require compliance with this article, wastewater discharge permit conditions or limitations, or any other pretreatment standard or requirement by issuing administrative orders that are enforceable in a court of law or by directly seeking court action. Administrative orders may include stop work orders, cease and desist orders, consent orders, compliance orders, termination of sewer service and immediate termination of service orders.

- (a) Stop work order. The Building Official or Public Works Director may serve a written stop work order on any person engaged in doing or causing to be done new construction, tenant improvements, alterations or additions, if:
 - (1) No permit has been granted by the City.
 - (2) Work has begun without prior written approval by the Public Works Director.
 - (3) Violations of this article are found at the site of the new construction, tenant improvements, alterations or additions.

Any person served a stop work order shall stop such work forthwith until written authorization to continue is received from the Public Works Director.

- (b) Cease and desist order. When the Public Works Director finds that any industrial user has violated or threatens to violate a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations

are likely to recur, the Public Works Director may issue a cease and desist order directing the user to:

- (1) Comply immediately with all requirements; or
- (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

A cease and desist order may include modifications in the frequency of monitoring, testing and submission of self-monitoring reports. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (c) Consent order. The Public Works Director may enter into consent orders, assurances of compliance, or other documents establishing an agreement with any user responsible for noncompliance. Such document shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.
- (d) Compliance order: When the Public Works Director finds that a user has violated, or continues to violate a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director 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.
- (e) Termination of service. When the Public Works Director finds that any industrial user has violated an administrative order, the Public Works Director may terminate sewer service to that user. The user shall be liable for all costs for termination of sewer service incurred by the user and the City. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment, or for any other reason. Sewer service shall be reinstated by the Public Works Director after the user has complied with all provisions in the administrative order. The user shall be liable for all costs for reinstating sewer service.
- (f) Immediate termination of service. The Public Works Director may immediately suspend sewer service and any wastewater discharge permit when such suspension is necessary, in the opinion of the Public Works Director, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or which significantly interferes with the POTW. Any industrial user notified that wastewater treatment service and any wastewater discharge permit has been suspended shall immediately stop and eliminate the applicable contributions to the POTW. In the event of failure to comply voluntarily with the suspension order, the Public Works Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The industrial user shall be liable for all costs incurred by the City in terminating sewer service. Sewer service shall be reinstated by the Public Works Director after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the industrial user, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Public Works Director within 15 days of the date of sewer service termination.
- (g) Invoice for costs. The Public Works Director may deliver to the owner or occupant of any property, any permittee or any other person who becomes subject to an administrative order, an invoice for

costs. An invoice for costs is immediately due and payable to the City for the actual costs incurred by the City in issuing and enforcing any notice or order, including any costs incurred by the City to prevent, contain and/or clean up any potential or actual prohibited discharge. If any owner or occupant, permittee or any other person subject to an invoice for costs fails to either pay the invoice for costs or successfully appeal the invoice for costs in accordance with Section 23-21, then the enforcing attorney may institute collection proceedings.

Sec. 23-86. Reserved.

Sec. 23-87. Publication of list of noncomplying users.

In accordance with 40 CFR Section 403.8(f)(2)(viii), the City shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City and applicable Control Authority, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. Prior to publication, the City shall provide at least ten (10) days' written notice to all industrial users to be included in the listing, and such industrial users shall be given the opportunity to comment on the proposed publication prior to publication. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4), or (8) of this section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in by 40 CFR Section 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(l), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement, as defined by 40 CFR Section 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard), that the Public Works Director determines has caused, alone or in combination with other discharges, interference or pass-through, including any violation that has endangered the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent danger to the public or to the environment, or has resulted in the Public Work Director's exercise of his or her emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for commencing construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately and timely report noncompliance; or
- (h) Any other violation(s), which may include a violation of best management practices, that the Public Works Director determines will adversely affect the operation or implementation of the City's pretreatment program.

Sec. 23-88. Legal action.

- (a) If a person violates a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement, the City attorney may commence

an action for appropriate legal, equitable or injunctive relief in the superior court of the county. Filing a suit shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (b) In addition to the penalties provided in this article, the City may recover reasonable attorney fees, court costs, court reporters' fees and other expenses associated with enforcement activities by appropriate suit of law.

Sec. 23-89. Civil penalties.

Any industrial user who is found to have violated a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement may be fined no more than a maximum civil penalty of \$25,000.00 per violation per day. Each violation shall be considered a separate and distinct offense, and each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

Sec. 23-90. Criminal penalties.

Any person who (a) willfully or negligently violates a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement; (b) who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage; (c) who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or a wastewater discharge permit; or who falsifies, tampers with or knowingly causes inaccuracy in any monitoring device or method required or authorized under this article is guilty of a misdemeanor, which, upon conviction, is punishable by a fine not to exceed \$1,000.00 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, and shall be punishable for that violation as provided by this section.

Sec. 23-91. Reserved.

Sec. 23-92. Administrative complaints.

- (a) In addition to any other remedies provided by this Code or available to the City by applicable law, the Public Works Director may issue an administrative complaint to any person who violates a wastewater discharge permit, any provision of this article or order issued hereunder, or any other pretreatment standard or requirement. The administrative complaint shall allege the act or failure to act that constitutes the violation, the provisions of law authorizing civil liability to be imposed, and the proposed administrative penalty.
- (b) The administrative complaint shall be served by personal delivery or certified mail on the person subject to the City's discharge requirements and shall inform the person served that an administrative hearing shall be conducted. The administrative hearing and appeal procedures shall be consistent with Section 23-21. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the City shall not conduct a hearing.
- (c) If after the hearing, or appeal, if any, the hearing officer or City Manager upholds the violation, the hearing officer or City Manager may assess an administrative penalty against that person. In determining the amount of the administrative penalty, the hearing officer or City Manager may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.
- (d) Administrative penalties may be imposed by the City as follows:
 - (1) In an amount that shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports.

- (2) In an amount that shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any compliance schedule established by the City.
 - (3) In an amount that shall not exceed \$5,000.00 per violation for each day for discharges in violation of any provision of this article, wastewater discharge permit, or any other pretreatment standard or requirement.
 - (4) In an amount that does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders.
 - (5) The amount of any administrative 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 administrative penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of the California Code of Civil Procedure sections 683.110 to 683.220, inclusive.
- (e) All monies collected under this section shall be deposited in a special account of the City and shall be made available for the monitoring, treatment, and control of discharges into the sewer system or for other mitigation measures.
 - (f) Unless appealed, orders setting administrative penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy. Such service shall be accompanied by a written affidavit of service.
 - (g) The City may, at its option, elect to petition the superior court to confirm any order establishing administrative penalties and enter judgment in conformity therewith in accordance with the provisions of the Code of Civil Procedure sections 1285 to 1287.6, inclusive.
 - (h) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 23-89.

Sec. 23-93. Supplemental Enforcement Actions

- (a) Penalties for late reports. Penalties may be assessed to any user for each day that a report required by this article, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due and higher penalties may also be assessed where reports are more than thirty (30) days late. Penalties shall be in accordance with a resolution established and modified from time to time by the City Council.
- (b) Performance bonds. The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, 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 Public Works Director to be necessary to achieve consistent compliance.
- (c) Liability insurance. The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provisions of this article, a previous 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.
- (d) Payment of outstanding fees and penalties. The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to pay any outstanding fees, fines

or penalties incurred as a result of any provision of this article, a previous wastewater discharge permit, or order issued hereunder.

Sec. 23-94. Remedies Nonexclusive.

The remedies provided in this article are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant user. The Public Works Director is empowered to take more than one enforcement action against any noncompliant user.

Sec. 23-95 to 23-115 Reserved.

DIVISION 3. GENERAL AND SPECIFIC PROHIBITIONS

Sec. 23-116. Authorization for new or increased pollutant discharges or changes in the nature of pollutant discharges.

No person shall commence, increase or substantially change any discharge of wastewater to the POTW except as authorized by the Public Works Director in accordance with the provisions of this article.

Sec. 23-117. General and specific prohibited discharges to sewer system.

- (a) No user shall introduce or cause to be introduced in the POTW any pollutant or wastewater which causes pass-through or interference or would cause the City or Control Authority to violate any federal, state, or local requirement or permit. This general prohibition shall apply to all users of the POTW whether or not they are subject to categorical standards or any other national, state, or local pretreatment standard or requirement.
- (b) No user shall, except as provided in this article, introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR Section 261.21;
 - (2) Wastewater having a pH less than the minimum or greater than the maximum specified in Section 23-137, or otherwise causing corrosive structural damage to wastewater treatment facilities or the POTW;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in wastewater treatment facilities or the POTW resulting in interference, but in no case solids greater than three-eighths inches (3/8") in any dimension, including, but not limited to, asphalt, concrete, dead animals, ashes, mud, straw, shavings, stone or marble dust, spent lime, diatomaceous earth, metal, glass, rags, spent grains, spent hops, feathers, grass clippings, tar, plastics, wood, paunch manure, bones, hair, fleshings, animal guts and tissues, waste paper;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 140 degrees Fahrenheit (60 degrees Celsius), or which will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);
 - (6) Any wastes containing petroleum oil, non-biodegradable cutting oil, refined petroleum products, dispersed biodegradable oils, fats and greases, such as lard, tallow, vegetable oil, or products of mineral oil origin, in amounts that will cause interference or pass-

through, obstruct flows within the collection system, or contributes to or causes a sanitary sewer overflow;

- (7) 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;
- (8) Trucked or hauled pollutants, except as authorized by the Public Works Director;
- (9) 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 to prevent entry into the sewer system for maintenance or repair;
- (10) 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 treatment plant's effluent, thereby violating the applicable Control Authority's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted water, unless specifically authorized by the applicable Control Authority's director and provided that the discharger gives notice to the Public Works Director pursuant to Section 23-22;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories, or other medical facilities including, but not limited to, hypodermic needles, syringes, instruments, utensils, paper or plastic items of a disposable nature, or recognizable portions of the human anatomy or laboratory animals;
- (15) Wastewater causing, alone or in conjunction with other sources, the wastewater treatment plant's effluent to fail toxicology test;
- (16) Detergents, surface-active agents (surfactants), or other substances that cause excessive foaming in the POTW;
- (17) Waste generated outside the City service area unless otherwise approved by the General Manager
- (18) Wastewater containing excessive quantities of bromide causing, alone or in conjunction with other sources, the wastewater treatment plant's effluent to violate the applicable Control Authority's NPDES permit for Chlorodibromomethane or Dichlorobromomethane;
- (19) Wastewater containing excessive quantities of 2,3,7,8-TCDD (Dioxin);
- (20) Hydrolysate or wastewater resulting from Hydrolysis;
- (21) Unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications), except in accordance with federal and state regulations, or in the absence of such regulations, using best management practices;
- (22) Holding tank waste;
- (23) Any quantity of wastewater flow in excess of permitted limits or purchased capacity;
- (24) Wastewater containing excessive quantities of 1,2,3 Trichloropropane.

- (c) Pollutants, substances, or wastewater prohibited by subsection (b) shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 23-118. Discharge of pollutant to watercourse.

No person shall circumvent or obviate the intent or purpose of this article by discharging or by causing to be discharged, into any storm drain, channel, natural watercourse or public street, any material or waste prohibited or restricted as to its discharge into a sewer system.

Sec. 23-119. Discharge of pollutant to ground.

No person shall deposit or discharge or cause to be deposited or discharged into any sump which is not impermeable, or into any pit or well, or onto the ground, or into any storm drain or watercourse, any material which, by seeping underground or by being leached or by reacting with the soil, can pollute usable groundwaters, or any pretreatment wastes.

Sec. 23-120. Point of discharge.

No person, excluding authorized City personnel involved in maintenance functions of sewer system, shall discharge or cause to be discharged any wastewater or any other matter directly into a manhole or other opening leading to the POTW other than through an approved building sewer, unless written permission for the discharge has been provided by the Public Works Director.

Sec. 23-121. Dilution of flow.

No person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the local limits established by the City or the applicable Control Authority, categorical standards, or in any other pollutant-specific limitations developed by the City or the applicable Control Authority, unless expressly authorized by an applicable pretreatment standard or requirement.

Sec. 23-122. Interference with City equipment or facilities.

No person shall enter, break, damage, destroy, uncover, deface or tamper with any temporary or permanent structure, equipment or appurtenance which is part of the POTW or is required or authorized by the provisions of this article.

Sec. 23-123. Right of Revision.

The Public Works Director reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter.

Sec. 23-124 to 23-135 Reserved.

DIVISION 4. LOCAL LIMITS AND CATEGORICAL STANDARDS

Sec. 23-136. Local Limits

- (a) Local limits are established to protect against pass-through and interference. No industrial user shall discharge wastewater to the sewer system in excess of the local limits established by the applicable Control Authority or adopted by the City. It is unlawful for an industrial user to discharge wastewater to the sewer system that exceeds either the local limits or that results in the inability of the applicable Control Authority to meet its NPDES permit requirements. Modifications to the local limits may be necessary to meet the requirements for discharge to the POTW or for basin groundwater recharge.
- (b) Discharges from industrial users subject to categorical standards shall be limited to the more stringent of the local limits or the applicable categorical standards.
- (c) The Public Works Director may specify a mass limit for any pollutant in a wastewater discharge permit. Any mass limit shall be based on the local limit or categorical standard, whichever is stricter,

and the user's average daily wastewater discharge. The average daily wastewater discharge shall be based on the previous twelve (12) months of operation or other representative data. The Public Works Director may revise the mass limit previously established in the user's wastewater discharge permit at any time, based on the user's current or anticipated operating data, and the City's ability to comply with any agreement with the applicable Control Authority and the requirements of any other regulatory agency. The excess use of water to establish an artificially high flow rate for mass emission rate determination is prohibited.

- (d) In order for the POTW to remain in uninterrupted compliance with mandated changes in federal, state or local requirements, the City shall adopt any required changes to the local limits.
- (e) The Public Works Director may specify an electrical conductivity limit of 1075 micro-Ohms per centimeter in lieu of the TDS local limit, if there is reason to believe that there may be significant interference with the analytical procedure to determine TDS.
- (f) The Public Works Director may develop best management practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits or other pretreatment requirements.

Sec. 23-137. Limitations on pH.

- (a) Maximum daily wastewater flow up to 50,000 gallons per day. No person shall discharge or cause to be discharged to the POTW wastewater characterized by a pH less than 5.0 or greater than 10.0.
- (b) Maximum daily wastewater flow exceeding 50,000 gallons per day. No person shall discharge or cause to be discharged to the POTW wastewater characterized by a pH less than 6.5 or greater than 9.0 at a maximum daily flow exceeding 50,000 gallons per day.

Sec. 23-138. National categorical pretreatment standards; applicability.

- (a) Upon the effective date of a categorical standard (subpart I of 40 CFR chapter 1, subchapter N, Parts 405-471, as it exists and as it may be amended, or other applicable federal standard for a particular industrial category), the categorical standard shall, if more stringent than limitations imposed under this article for sources in that category, supersede the limitations imposed under this article. The Public Works Director shall notify all affected users of the applicable limitations and reporting requirements.
- (b) Where a categorical standard is expressed in only terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits.
- (c) When the limits in a categorical standard are expressed only in terms of mass of pollutant per unit of production, the Public Works Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- (d) When wastewater subject to a categorical standard is mixed with wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit in accordance with 40 CFR Section 403.6(e).
- (e) Once included in its permit, the user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (f) Many categorical standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (g) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Public Works Director within two (2)

business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Public Works Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

Sec. 23-139 to 23-160 Reserved.

DIVISION 5. SPECIAL RESTRICTIONS

Sec. 23-161. Vehicle servicing facilities – interceptor requirement.

- (a) Any facility maintained for the servicing, washing, cleaning or repair of vehicles licensed by the state department of motor vehicles, construction equipment, industrial transportation or power equipment shall install and maintain a gravity separation interceptor in accordance with Section 23-190.
- (b) All wastewaters arising from the servicing and repair of vehicles shall pass through this interceptor before discharge to the sewer system. Toilets; urinals; lavatories; showers; and any waste stream the Public Works Director determines should remain separate to prevent dilution, operational upset, or interference with effective pretreatment.
- (c) Any interceptor legally and properly installed at a vehicle servicing facility before December 7, 1973, shall be acceptable as an alternative to the interceptor specified in subsection (a) of this section, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained.
- (d) The Public Works Director or Building Official shall not approve the plumbing of a vehicle servicing facility if it does not have a gravity separation interceptor meeting the requirements of this section.
- (e) A wastewater discharge permit application shall be submitted to the Public Works Director prior to Certificate of Occupancy approval.

Sec. 23-162. Water conditioning devices.

It is unlawful to install or cause to be installed, replace or enlarge any residential, industrial or commercial self-regenerating water conditioning devices which is used for softening all or any part of the water supply to any premises, when such appliance is regenerated by the on-site application of a salt-containing brine solution with the regenerated wastes being discharged to the sewer system. This section shall not apply to any portable exchange water softener of the type which is regenerated off-site at a lawfully regulated location.

Sec. 23-163. Food processing facilities – permit, interceptor requirement.

- (a) Food processing facilities must submit a wastewater discharge permit application to the Public Works Director prior to Certificate of Occupancy approval.
- (b) All food processing facilities shall install a gravity separation interceptor that meets the following requirements:
 - (1) Except as approved by the Public Works Director and Building Official consistent with the California Plumbing Code, all sinks, drains, and other fixtures or equipment in a food processing facility that may discharge fats, oils, or grease in amounts that could cause a blockage or interfere with the sewer system shall discharge through the grease interceptor, including pot sinks; wash sinks; sinks used for food preparation or processing; mop sinks; janitorial/service sinks serving food processing or food preparation areas; floor drains; trench drains; indirect waste receptors in areas where grease may be present; and indirect waste from equipment that may generate or convey grease.
 - (2) Toilets; urinals; lavatories; showers; drinking fountains; dishwashers and any discharge from dishwashers; food waste disposal units/grinder and any discharge from such units

(unless the unit discharges to a separately approved interceptor specifically designed to receive such discharge, where allowed by the California Plumbing Code and approved by the Public Works Director and Building Official); and any waste stream the Public Works Director determines should remain separate shall not be connected to, or discharge through, a grease interceptor.

- (3) All other applicable requirements in Section 23-190.
- (c) A food processing facility with a gravity separation interceptor or grease trap legally and properly installed prior to January 1, 1991, may be exempted subsection (b) if the following conditions are met:
- (1) The food processing facility demonstrates, to the satisfaction of the Public Works Director, that the existing gravity separation interceptor or grease trap effectively removes grease; and
 - (2) The gravity separation interceptor or grease trap is designed and installed so that it can be inspected and properly maintained.
- (d) Conditional waivers for the gravity separation interceptor requirement may be granted if the Public Works Director finds all of the following:
- (1) The discharge will not cause harm to the POTW, and will not unreasonably or inequitably burden the operation of the POTW;
 - (2) The discharge would not violate (A) any applicable federal categorical discharge standard; (B) any other federal, state, or local law; or (C) any agreement between the City and applicable Control Authority; and
 - (3) The discharge, when considered together with discharges from other users, will not materially affect the ability of the City or Control Authority to meet any federal or state requirement.
- (e) A food processing facility seeking a conditional waiver shall submit to the Public Works Director, in addition to any wastewater discharge permit application required by subsection (a), such a conditional waiver application, which shall include at minimum: (1) a description of operations and food processing activities; (2) an equipment list; (3) a menu or product list, as applicable; (4) a plumbing schematic, and (5) any other materials the Public Works Director deems necessary to evaluate the application.
- (f) The Public Works Director shall not grant a conditional waiver upon a finding that the installation and use of grease trap is feasible. If a conditional waiver is denied because a grease trap is feasible, the Director shall require a grease trap pursuant to Section 23-164 in lieu of granting a waiver.
- (g) Conditional waivers may be revoked for the following reasons:
- (1) Changes in types of food prepared;
 - (2) Falsification of information submitted in the restaurant survey form;
 - (3) Changes in operating hours;
 - (4) Changes in equipment used;
 - (5) Failure to maintain grease trap;
 - (6) Failure to maintain building sewer;
 - (7) Failure to comply with conditional waiver stated requirements and/or conditions;
 - (8) Any sewer blockages and/or sanitary sewer overflows which require any response from the City, and which may be attributed to the discharge of the business; or

- (9) At any time the Public Works Director makes a subsequent finding that the discharge unreasonably burdens the POTW, or materially affects the ability of the City or IEUA to meet any federal or state requirement.

Sec. 23-164. Food processing facilities – grease trap in lieu of interceptor; conditions and requirements.

- (a) Notwithstanding subsection 23-163(b), the Public Works Director may allow the installation and use of a grease trap in lieu of a gravity separation interceptor, pursuant to this section.
- (b) The Public Works Director may allow a grease trap in lieu of a gravity separation interceptor only upon finding all of the following:
- (1) Due to either physical constraints of the facility or economic hardship, installation of a gravity separation interceptor is infeasible;
 - (2) The nature of the facility's operations, fixtures, and anticipated wastewater characteristics indicate that a grease trap will provide adequate control of fats, oils, and grease for the facility's discharge;
 - (3) The discharge will not cause harm to the POTW, and will not unreasonably or inequitably burden the operation of the POTW;
 - (4) The discharge would not violate (A) any applicable federal categorical discharge standard; (B) any other federal, state, or local law; or (C) any agreement between the City and any applicable Control Authority; and
 - (5) The discharge, when considered together with discharges from other users, will not materially affect the ability of the City or Control Authority to meet any federal or state requirement;
- (c) A food processing facility seeking installation of a grease trap in lieu of a gravity separation interceptor shall submit to the Public Works Director, in addition to any wastewater discharge permit application required by Section 23-163(a), such information as the Public Works Director may require to evaluate the findings in subsection (b), including at minimum: (1) a description of operations and food processing activities; (2) an equipment list; (3) a menu or product list, as applicable; (4) a plumbing schematic, and (5) any other materials the Public Works Director deems necessary to evaluate claimed physical constraints or economic hardship.
- (d) Where a grease trap is allowed under this section, the owner or operator shall comply with the following:
- (1) A grease trap shall be installed on waste lines leading to all sinks, drains, and other fixtures or equipment in a food processing facility that may discharge fats, oils, or grease in amounts that could cause a blockage or interfere with the sewer system except for a food waste disposal units/grinder or dishwasher shall not discharge into a grease trap.
 - (2) A grease trap required under this section shall not be located in any food or utensil handling area and shall be located and maintained to prevent any sanitary nuisance, odors, or spillage, and to allow ready access for inspection and maintenance.
 - (3) All grease traps shall be of a type or design approved by the Public Works Director.
 - (4) The size and installation of grease traps shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the City.
 - (5) The owner or operator shall not install a grease trap that has a stated rate of flow of more than fifty-five (55) gallons per minute or less than twenty (20) gallons per minute, unless approved by the Public Works Director in writing.

- (6) The owner or operator shall maintain grease traps in efficient operating condition, including, but not limited to, the frequent, periodic removal of accumulated grease and food debris, and shall maintain them in accordance with the manufacturer's directions. The owner, operator, and employees shall not allow accumulated grease to be introduced into the sewer system.
- (7) The owner or operator shall not allow wastewater in excess of one hundred forty degrees Fahrenheit (140°F) or sixty (60) degrees Celsius to discharge into a grease trap.
- (e) The Public Works Director may impose reasonable conditions on the installation, inspection, monitoring, and maintenance of grease traps required under this section to ensure protection of the sewer system and compliance with this chapter.
- (f) If the Public Works Director determines that the facility's discharge or operations have changed, or that the grease trap is not being properly maintained or is not adequately controlling fats, oils, and grease, the Public Works Director may require installation of a gravity separation interceptor in accordance with Section 23-190, modify any conditions imposed under this section, or take enforcement action as authorized by this chapter.

Sec. 23-165 to 23-185 Reserved.

DIVISION 6. NONDOMESTIC WASTEWATER DISCHARGE REQUIREMENTS

Sec. 23-186. Pretreatment.

- (a) All users shall provide the necessary wastewater treatment required to comply with this article and shall achieve compliance with all applicable categorical standards within the time limitations specified therein, or within the time established by the state or by the Public Works Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Public Works Director shall be provided, operated and maintained at the user's expense.
- (b) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director for review and shall be acceptable to the Public Works Director before construction of the facility. The City's review of such plans and operating procedures will not relieve the user from the responsibility of modifying the facility as necessary to produce an effluent which complies with all provisions of this article.
- (c) Whenever deemed necessary, the Public Works Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (d) The Public Works Director may require any person 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.
- (e) The user shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the user to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an industrial user when the operation is necessary to achieve compliance with the conditions of the permit.
- (f) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- (g) Waste solids and/or liquids containing pollutants removed in the course of the user's pretreatment processes shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering the sewerage system

Sec. 23-187. Monitoring facilities.

- (a) The City may require, at the user's expense, installation and operation of monitoring facilities to allow inspection of discharges to the sewer system and collection of wastewater samples. The monitoring facilities, including sampling and monitoring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (b) Monitoring facilities shall normally be situated on private property, but the City may, when such a location would be impractical, allow the facilities to be constructed in a public right-of-way.
- (c) There shall be ample room and a 120-volt power outlet in or near monitoring facilities to allow installation of portable sampling and monitoring equipment.
- (d) Construction drawings for proposed monitoring facilities shall be approved by the Public Works Director prior to construction. The sampling and monitoring facilities shall be constructed in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written approval by the Public Works Director.

Sec. 23-188. Flow measuring device.

The Public Works Director may require any significant industrial user to install and operate a flow measuring device capable of continuously monitoring the flow of the user's discharge to the sewer system. The flow measurement device shall conform to standards established by the Public Works Director.

Sec. 23-189. Separation of domestic and nondomestic wastewaters.

Every person who discharges nondomestic wastewater to the sewer system shall keep domestic wastewater separate from nondomestic wastewater until the nondomestic wastewater has passed through any required pretreatment facility or facilities.

Sec. 23-190. Gravity separation interceptors.

- (a) Any person so required by the Public Works Director shall install and maintain a gravity separation interceptor.
- (b) A gravity separation interceptor must meet the following specifications:
 - (1) Unless otherwise specific in this section, interceptors shall have an operational fluid capacity of not less than 100 gallons.
 - (A) Food processing facilities shall have interceptors with a minimum fluid capacity of 750 gallons, or as required by appendix H of the latest edition of the California Plumbing Code, whichever is greater.
 - (B) Vehicle servicing facility with the capacity for washing or cleaning more than one vehicle at a time, the interceptor shall be as large as necessary so that a seven-day accumulation of sand and oil together will not fill more than 25 percent of the fluid capacity.
 - (2) Interceptors shall be watertight, structurally sound and durable.
 - (3) Interceptors shall be designed so as to retain any material, e.g., oil and grease, which will float and any material, e.g., sand, which will settle.
 - (4) Interceptors of less than 750 gallons capacity and interceptors for food processing facilities shall have two chambers.

- (5) Interceptors of 750 gallons capacity or larger, except those designed for food processing facilities, shall have a minimum of two chambers.
 - (6) All interceptor chambers shall be immediately accessible at all times for the purpose of inspection and cleaning. At no time shall any material, debris, obstacles or obstructions be placed in such a manner so as to prevent immediate access to the interceptor.
 - (7) All interceptors shall be equipped with a sample chamber located at the downstream end of the final interceptor unit. The sample chamber shall have a minimum 24-inch clear round opening and a 47-inch height minimum for the temporary installation of the City's portable automatic sampling equipment.
 - (8) All domestic wastewater from restrooms, showers, and drinking fountains shall be kept separate until the non-domestic wastewater has passed through the interceptor.
 - (9) Two-way cleanouts shall be installed between the building and interceptor, and downstream of sample box. See Section 23-253 regarding cleanouts.
- (c) Interceptors legally and properly installed before December 18, 1990, shall be acceptable as an alternative to the interceptor specified in this section, provided such interceptor is effective in removing floatable and settleable material and is so designed and installed that it can be inspected and properly maintained. This subsection shall not apply to interceptors required by Section 23-161 and 23-163.
 - (d) If the Building Official or Public Works Director finds that an interceptor is incapable of adequately retaining the floatable and settleable material in the wastewater flow, is structurally incomplete, or is undersized, he shall condemn such interceptor and declare that it does not meet the requirements of this section and shall require the user to install, at the user's expense, an acceptable interceptor.
 - (e) If a gravity separation interceptor is required, the Building Official shall only approve plumbing plans which include an interceptor which meets the requirements of this section.
 - (1) Interceptor and sample box manufacturer specifications shall be included in the plan submittal. Equipment must be installed to match the approved design plan specifications. Any deviation in manufacturer, type, location, layout, or design will require prior approval by Building Official and Public Works Director through the plan check process. Equal or equivalent pretreatment equipment installations will not be accepted without prior approval through plan check process.
 - (f) *Maintenance.* Any user who owns, operates or maintains a gravity separation interceptor shall maintain it according to the user's wastewater discharge permit or as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor. The use of chemicals to dissolve grease is specifically prohibited. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of by means other than discharge to the sewer system. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition or if the operational fluid capacity has been reduced by more than 25 percent by the accumulation of floating and settled solids, fats, oils and grease. The owner of any facility required to install an interceptor, the lessee and sublessee, if there be such, and any proprietor, operator or Public Works Director of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. If the interceptor is not properly maintained under the conditions of use, the Public Works Director may require that the interceptor be resized and replaced.

Sec. 23-191. Spill containment systems.

Each industrial and commercial user so required by the Fire Marshall or Building Official shall install spill containment systems which conform to requirements established by the Fire Marshall or Building Official. No person

shall operate a spill containment system that allows incompatible liquids to mix thereby creating hazardous or toxic substances in the event of failure of one or more containers. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, secondary vessels or other devices designed to contain spillage of the liquid contents of containers. Spill containment systems shall be constructed of impermeable and nonreactive materials to the liquids being contained. Spill containment systems shall conform to local regulations and policies as to percent containment, container type and size.

Sec. 23-192. Bypass

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (b), (c), and (d) of this section.
- (b) Bypass is prohibited, and the Public Works Director may take enforcement action against a user for a bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The user submitted notices as required under subsections (c) and (d) of this section.
- (c) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director, if possible, at least ten (10) days before the date of the bypass.
- (d) A user shall submit oral notice to the Public Works Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (e) The Public Works Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in subsection (b) of this section. Notification provided pursuant to subsection (d) shall not relieve the user of liability for any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the City, the applicable Control Authority or any other damage or loss to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed under this chapter or other applicable law.

Sec. 23-193. Recordkeeping

All industrial and commercial users shall keep and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required under this article or taken by the user independent of such requirements, including but not limited to records of waste hauling, reclamations, monitoring, pH and flow measuring device calibration reports, sample analysis data, flow and pH meter chart recordings, records of pretreatment equipment maintenance, interceptor and clarifier maintenance and cleaning, and correspondence with the City, and any documents associated with best management practices. Records shall 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 analyses; the analytical techniques or methods used; and the results

of such analyses. All these records are subject to inspection and shall be copied as needed. All records must be kept on the site of generation for a minimum period of three (3) years. The records retention period shall be automatically extended for the duration of any litigation concerning the user, the City, IEUA, or the City of Rialto, or where the user has been specifically notified of a longer retention period by the Public Works Director.

Sec. 23-194. Baseline Monitoring Reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director a report which contains the information listed below in subsection (b). At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical industrial users subsequent of the promulgation of an applicable categorical standard, shall submit to the Public Works Director a report which contains the information listed in subsection (b). A New Source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) All information required in subsections 23-218(a)(1)(A), (a)(2), (a)(3)(A), and (a)(6).
 - (2) Measurement of pollutants.
 - (A) The user shall provide the information required in subsection 23-218(a)(7)(A) through (D).
 - (B) The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection.
 - (C) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentration necessary to allow use of the combined wastestream formula in 40 CFR Section 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Public Works Director;
 - (D) Sampling and analysis shall be performed in accordance with Section 23-204;
 - (E) The Public Works Director may allow the submission of a baseline monitoring report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - (F) The baseline monitoring report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the sewer system.
 - (3) Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 23-1 and certified by a registered California professional engineer, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M), additional pretreatment, or both is required to meet the pretreatment standards and requirements.
 - (4) Compliance Schedule. If additional pretreatment, O&M, or both will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such

additional pretreatment, O&M, or both must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 23-195.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 23-206 and signed by an authorized representative as defined in Section 23-1.

Sec. 23-195. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 23-194(b)(4):

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities or O&M required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report, certified in accordance with Section 23-206, to the Public Works Director 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;
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director.

Sec. 23-196. Reports on compliance with categorical standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical 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 shall submit to the Public Works Director a report containing the information described in subsections 23-218(a)(6)-(7) and 23-194(b)(2). For users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 23-138, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 23-206. All sampling will be done in conformance with Section 23-204.

Sec. 23-197. Periodic compliance reports.

- (a) All users must submit, at a minimum during June and December of each year, periodic compliance reports indicating the nature, concentration of pollutants which are limited by pretreatment standards and the measured or estimated average daily flows and maximum daily flows for the reporting period. The reports must include all monitoring data specified in the applicable categorical standard and any additional monitoring data obtained by the user if the user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Public Works Director, using procedures prescribed in Section 23-204.
- (b) All periodic compliance reports must be signed and certified in accordance with Section 23-206.
- (c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurements facilities shall be properly operated, kept clean and maintained in good

working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

Sec. 23-198. Reports of changed conditions.

Each user must notify the Public Works Director of any significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

- (a) The Public Works Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including submission of a wastewater discharge permit application under Section 23-218.
- (b) The Public Works Director may issue a wastewater discharge permit under Section 23-223 or modify an existing wastewater discharge permit under Section 23-221 in response to changed conditions or anticipated changed conditions.

Sec. 23-199. Reports of potential problems.

- (a) If, for any reason, pollutants are discharged at a flow rate or concentration which might cause interference with the POTW or pass-through or which might result in a violation of NPDES permit requirements or requirements of this article or a hazard to City or Control Authority personnel or the public, the industrial user shall verbally notify the Public Works Director and Control Authority's director immediately. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken or planned by the user.
- (b) The verbal report shall be followed by a detailed written report submitted to the Public Works Director within five (5) days. The written report shall describe the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed under this chapter.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedures.
- (d) Significant industrial users are required to notify the Public Works Director and the applicable Control Authority's director immediately of any changes at its facility affecting the potential for a slug discharge.
- (e) A user shall notify the Public Works Director at least ten (10) days in advance of any planned production, operational change, maintenance activity that may cause a violation of the user's permit or this article. The notification shall describe the potential problem, actions the user is taking to prevent a discharge violation, and the contingency plans that will be used if a violation were to occur.
- (f) The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation.

Sec. 23-200. Additional reporting requirements.

Industrial users are required to submit the following reports:

- (a) *Self-monitoring reports.* Permittees may be required to submit periodic self-monitoring reports containing a description of the nature, concentration and flow of pollutants required to be reported by the City. Sampling for self-monitoring reports shall be performed during the period covered by the report. All required analyses shall be performed by a state-certified laboratory using analytical

methods as defined in Section 23-1. Significant industrial users shall be required to submit self-monitoring reports at least every six months.

- (b) *Periodic Measurements.* Periodic measurements of flow, suspended solids and BOD for surcharge determination and other appropriate waste characteristics shall be made by those permittees specifically designated by the Public Works Director.
- (c) *Solvent management plans.* All industrial users subject to effective categorical standards which include a total toxic organic limitation shall be required to file a solvent management plan.
- (d) *Slug discharge control plans.* All industrial users so required by the Public Works Director shall file a slug discharge control plan. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Public Works Director and the applicable Control Authority's director of any slug discharge as required by Section 23-199;
 - (4) Procedures to prevent adverse impact from slug discharge. Such procedures may 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response; and
 - (5) If necessary, follow up practices to limit the damage suffered by the treatment plant or the environment.
- (e) *Notification of hazardous waste discharge.*
 - (1) All industrial users shall notify the Public Works Director, the applicable Control Authority's director, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be classified as a hazardous waste pursuant to 40 CFR Section 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Section 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge of the hazardous waste.
 - (2) Any notification under subsection (e) needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 23-198.
 - (3) The hazardous waste discharge notification requirements specified in subsection (e) do not apply to pollutants already reported under the self-monitoring requirements of Sections 23-194, 23-196, and 23-197. Industrial users are also exempt from such requirements during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR sections 261.30(d) and 261.33(e).

- (4) Discharges of more than fifteen (15) kilograms of nonacute hazardous wastes, as specified in 40 CFR sections 261.30(d) and 261.33(e), require a one-time notification. Additional notification is not required for subsequent months during which the industrial user discharges additional quantities of the same nonacute hazardous waste.
 - (5) In the case of new federal regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user shall provide written notice to the Public Works Director, the applicable Control Authority's director, the EPA regional waste management division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - (6) In the case of any notification made under these requirements, the industrial user shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (7) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.
- (f) *Other reports.* Industrial users shall file any other reports required by state law, including such reports as are required by Health and Safety Code sections 25500 through 25547.2.

Sec. 23-201. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports as required by the Public Works Director.

Sec. 23-202. Notice of violation/repeat sampling and reporting.

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

Sec. 23-203. Analytical requirements.

All required analyses to be submitted as part of a wastewater discharge permit application or report shall be performed by a state certified laboratory using analytical methods as defined in Section 23-1.

Sec. 23-204. Sample Collection.

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

- (a) Except as indicated in subsection (b) and (c) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized

by the City, as appropriate. In addition, Grab Samples may be required to show compliance with instantaneous limits.

- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 23-194 and 23-196 (40 CFR Section 403.12(b) and (d)), a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director may authorize a lower minimum. For the reports required by Section 23-197 (40 CFR sections 403.12(e) and 403.12(h)), the industrial user is required to collect the number of Grab Samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

Sec. 23-205. Date of receipts of reports.

Written reports will be deemed to have been submitted on the postmarked date. For reports, which are not mailed, postage paid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Sec. 23-206. Certification Statements.

The following certification statement is required to be signed and submitted by users submitting permit applications under Section 23-218; users submitting baseline monitoring reports under Section 23-194; users submitting compliance schedule progress reports under Section 23-195; users submitting reports on compliance with the categorical standard deadlines under Section 23-196; users submitting periodic compliance reports required by Section 23-197; and user submitting other reports and plans under 23-200. The following certification statement must be signed by an authorized representative as defined in Section 23-1 and include the printed name of the authorized representative, signature date, and contact information:

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.

Sec. 23-207. Application Signatories and Certifications

- (a) All wastewater discharge permit applications, user reports and certifications must be signed by an authorized representative of the user, contain the certification statement in Section 23-206, identify the name and contact information of the Authorized Representative
- (b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization to satisfy the requirements of this section must be submitted to the Public Works Director prior to or together with any reports to be signed by an authorized representative.

Sec. 23-208 to 23-215 Reserved.

DIVISION 7. WASTEWATER DISCHARGE PERMIT

Sec. 23-216. Permits Required.

All significant industrial users proposing to connect to or discharge to the POTW and all other industrial and commercial users so required by the Public Works Director shall obtain a wastewater discharge permit before

connecting to or discharging to the POTW, or at any other time as required by the director. The industrial and commercial users shall maintain a copy of the current permit readily accessible on the site of wastewater discharge at all times.

A wastewater discharge permit process fee(s) will apply to the initial permit application submission and any subsequent permit renewals. h

Sec. 23-217. Classification.

Wastewater discharge permits shall be classified as follows:

Permit Class	Industrial User Description
I	All industrial users subject to categorical standards
II	Significant industrial users not subject to categorical standards
III	Other industrial users with average daily flows of more than 5,000 and less than 25,000 gallons of nondomestic wastewater per day
IV	Other industrial and commercial users with average daily flows of 5,000 gallons of nondomestic wastewater per day or less
V	Temporary users

Sec. 23-218. Submission of application; contents.

- (a) All industrial and commercial users proposing to discharge nondomestic wastewater to the POTW shall complete and submit a wastewater discharge permit application to the Public Works Director. Any existing user shall apply for a wastewater discharge permit within 30 days after notification by the Public Works Director. The Public Works Director may require all or some of the following information (if applicable):
 - (1) Identifying Information.
 - (A) The name and address of the facility, including the name of the operator, authorized representative, and owner.
 - (B) The SIC number according to the Standard Industrial Classification Manual, U. S. Office of Management and Budget, 1987, as amended.
 - (C) Copies of business licenses; tax or utility bills; vehicle licenses and capacity of waste hauler tank; general, automobile, workers compensation, and employer’s liability insurances.
 - (D) Contact information, description of activities, facilities, and plant production processes on the premises.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility, including but not limited to permits issued by the San Bernardino County Department of Environmental Health Services, State of California, and South Coast Air Quality Management District, and a copy of the county business plan which addresses the location, type and quantity of hazardous materials handled by the user.
 - (3) Description of Operations.
 - (A) A brief description of activities, facilities, and processes on the premises, including average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include an 8½-inch by 11-inch schematic process diagram, which indicates points of water usage, wastewater generation, treatment, and discharge to the POTW from the regulated processes.

- (B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW.
 - (C) Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - (D) Type and amount of raw materials processed (average and maximum per day).
 - (E) Site plans, floor plans, mechanical and plumbing plans, and detail to show all sewers, floor drains, and appurtenances by size location, and elevation, and all points of discharge.
 - (F) Time and duration of discharges.
 - (G) The location for monitoring all wastes covered by the permit.
- (4) Flow Measurement. Information showing the measured average daily flow and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e).
- (5) Measurement of Pollutants.
- (A) The categorical standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Public Works Director, of regulated pollutants in the discharge from each regulated process.
 - (C) Daily Maximum and long-term average concentrations, or mass, where required, shall be reported.
 - (D) The sample shall be representative of daily operations and shall be analyzed in accordance with Section 23-203. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Public Works Director or the applicable standards to determine compliance with the standard.
 - (E) Sampling must be performed in accordance with procedures set out in Section 23-204.
- (6) Special studies may be required in the processing of an application, or a wastewater discharge permit update. In the event a special study is required, the Public Works Director shall notify the applicant or the user in writing, of the need for the special study, and what parameters the study should address. If the Public Works Director performs the study, the applicant or user shall deposit with the City the estimated cost of performing the study. All costs shall be borne by the applicant or user. Final costs will be based upon actual costs incurred by the City.
- (7) A time schedule for compliance with any provision of this article or categorical standard for which immediate compliance is not possible.
- (8) Any other information as may be deemed necessary by the Public Works Director to evaluate the permit application.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Sec. 23-219. Evaluation of application.

- (a) The Public Works Director shall evaluate the permit application based on the data furnished by the user and such other information as known to the Public Works Director or which is otherwise requested from the user, such as critical parameter reporting.
- (b) The Public Works Director shall issue a permit upon the determination that the information in the application demonstrates that the user's proposed activities will not cause harm to the POTW or unreasonably or inequitably burden the operation of the POTW.
- (c) The Public Works Director shall not issue a permit if he determines that the application demonstrates that the proposed activities have the potential to cause harm to the POTW or to unreasonably or inequitably burden the operation of the POTW. Upon making such a determination, the Public Works Director shall notify the applicant, in writing, specifying the reasons for denial and the applicable appeals process. The applicant shall be prohibited from undertaking the proposed activity but may immediately submit a revised permit application for the evaluation of the Public Works Director or appeal the decision pursuant to Section 23-21.

Sec. 23-220. Contents.

- (a) Wastewater discharge permits shall be subject to all provisions of this article and all other applicable regulations, charges and fees established by City resolution or ordinance. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Public Works Director to prevent pass-through or interference, protect the quality of the water body receiving the wastewater treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- (b) Permits shall contain at least the following:
 - (1) Statement of permit duration that indicates the wastewater discharge permit issuance date, expiration date and effective date, and which duration shall in no case exceed five years from the effective date of the permit.
 - (2) Statement of permit non-transferability.
 - (3) Effluent limits, including best management practices, based on applicable pretreatment standards.
 - (4) Specifications for self-monitoring, sampling, reporting, notification, and record-keeping requirements, which shall include identification of pollutants (or best management practice) to be monitored; sampling locations; frequency of sampling; sampling types based on federal, state, and local law; and which may include number, types and standards for tests; and reporting schedule; and may include total toxic organic monitoring.
 - (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (c) Permits may also contain the following:
 - (1) The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW.
 - (2) Schedule of penalty fees for noncompliance.
 - (3) Limitations on the average and maximum flow rates.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Requirements for installation and maintenance of spill containment systems.
 - (6) Requirements for submission of technical or discharge reports.

- (7) Requirements for maintaining and retaining plant records relating to the wastewater discharge, as specified by the Public Works Director.
- (8) Requirements to control and notify of slug discharges and discharges of hazardous waste.
- (9) Requirements for submittal of slug discharge control plans and solvent management plans.
- (10) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this article.

Sec. 23-221. Modifications.

The Public Works Director may modify a wastewater discharge permit for good cause, including, but not limited to the following reasons:

- (a) *Promulgation of categorical standards.* Within three months of the promulgation of a categorical standard, permits for users subject to such categorical standards shall be revised to require compliance within the time frame prescribed by such categorical standard. Where an affected user has not previously submitted an application for a permit as required by Section 23-218, the user shall apply for a permit within 180 days after the promulgation of the applicable categorical standard. In addition, users with existing permits shall submit to the Public Works Director, within 180 days after the promulgation of an applicable categorical standard, the information required by subsection 23-218(a)(7).
- (b) *Changes in operation.* Industrial users shall receive written approval from the Public Works Director prior to initiating any changes in the operation of the user's facility which may result in a change in quantity or quality of nondomestic wastewater contributed to the POTW. As a condition approving such changes, the Public Works Director may impose such conditions as may be necessary to ensure that the user's system, as modified, will not cause harm to the POTW or unreasonably or inequitably burden the operation of the POTW. For the purposes of this section, the word "changes" shall include but not be limited to the following: a positive or negative change of 25 percent in the quantity of industrial wastes discharged, additional processes, additional or different equipment, and an increase in production capacity.
- (c) *Changes in permit conditions.* The terms and conditions of the permit may be subject to modification by the Public Works Director during the term of a permit if limitations or requirements, as referenced in Division 4 of this article, are modified or the user violates a provision of this article, misrepresents or fails to fully disclose all relevant facts in the wastewater discharge permit or in any required reporting. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change and may appeal the modification pursuant to Section 23-21. Any changes or new conditions in a permit shall include a reasonable time schedule for compliance.
- (d) The Public Works Director receives information indicating that the permitted discharge poses a threat to the POTW, beneficial use of the biosolids, City or Control Authority personnel, or the receiving waters.
- (e) To correct typographical or other errors in the wastewater discharge permit.

Sec. 23-222. Transfer.

Wastewater discharge permits are issued to specific users for specific operations. A wastewater discharge permit shall not be transferable, either from one location to another, or from one person to another. Statutory mergers or name change shall not constitute a transfer or a change in ownership. Following a change in ownership, and upon application for a new nondomestic wastewater discharge permit, an interim permit may be issued by the Public Works Director. The new owner or operator is prohibited from discharging without a valid permit.

Sec. 23-223. Duration; reissuance

Wastewater discharge permits shall be issued for a time period specified by the Public Works Director, not to exceed five years from the effective date of the permit. The industrial user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of each permit may be subject to modification by the City during the term of the permit in accordance with Section 23-221.

Sec. 23-224 to 23-250 Reserved.

ARTICLE III SEWER CONNECTIONS; ON-SITE WASTE TREATMENT SYSTEMS

Sec. 23-251. Connection required for existing and new structures.

- (a) Connection of existing structures. The owner of any premises with an existing structure in or from which sewage is generated must connect the structure directly with the proper public sewer in accordance with the provisions of this chapter as follows:
 - (1) The owner of any building occupied by humans situated within the City and abutting on any street or easement in which there is now located or may in the future be located a public sewer of the City which will serve the building is hereby required, at the owner's expense, to connect the building directly with the proper public sewer, within 90 days after the date of official notice to do so, provided the public sewer is within two hundred feet (200') of the nearest point of the building. For purposes of this section, the house connection sewer shall be considered a portion of the public sewer.
 - (2) The owner of any property which is served by an OWTS must connect any structure served by that OWTS to the public sewer or obtain a permit to operate that OWTS from the Santa Ana Regional Water Quality Board if any of the following are true:
 - (A) The OWTS receives a flow of more than 10,000 gallons per day;
 - (B) The OWTS receives wastewater other than domestic wastewater from residential or commercial buildings; or
 - (C) The OWTS receives high-strength wastewater from commercial food service buildings that exceed 900 mg/L for biological oxygen demand or does not have a properly sized and functioning oil/grease interceptor (a.k.a. grease trap);
 - (D) The OWTS requires supplemental treatment under Tier 3 of the OWTS Policy;
 - (E) The OWTS requires and cannot comply with the corrective actions under Tier 4 of the OWTS Policy; or
 - (F) The OWTS consists of a cesspool.
- (b) Connection of new structures. The owner of any property on which a new structure is proposed for construction must connect the structure to the public sewer if sewage will be generated in or from the structure, unless all of the following are satisfied:
 - (1) the public sewer is not available. For purposes of this section, the public sewer is not available when the property boundary is more than two hundred feet (200') away from the public sewer; and
 - (2) the lot size is more than one-half acre (average gross) in size, or the owner obtains an exemption from this requirement from the Santa Ana Regional Water Quality Control Board; and
 - (3) the new structure will be served by an OWTS that satisfies the Tier 1 or Tier 3 standards under the OWTS Policy; and

- (4) if the new structure is a detached accessory dwelling unit or junior accessory dwelling unit or increases the size of an existing OWTS, the Santa Ana Regional Water Quality Control Board reviews and approves the proposed OWTS.
- (c) Permit Required. In accordance with Article IV of this chapter, no person shall connect to the sewer system or construct OTWS without first obtaining a written permit from the City and paying all fees and connection charges as required therein.

Sec. 23-252. Separate connection required for each building; exception.

- (a) No owners of separate properties shall be permitted to join in the use of the same building sewer or house connection sewer. Every property on which structures are situated and are to be connected with a public sewer shall be separately connected except as provided in this section.
- (b) Adjacent properties owned by the same property owner may be served by the same house connection sewer or building sewer so long as the properties remain under the ownership of the same property owner. If a property owner sells a portion of his property and any buildings on the property sold are not separately connected with a public sewer, they shall be so connected at no expense to the City. Following the sale of a portion of a property owner's property it shall be unlawful for the owner of the portion sold or the original property owner to continue to use or maintain a common building sewer or a connection to a common house connection sewer.

Sec. 23-253. Cleanouts.

Cleanouts in building sewers shall be provided where the building sewer joins the house connection sewer and in accordance with the rules, regulations and ordinances of the City. Two-way clean outs in conjunction with gravity separation interceptor are to be installed between the building and interceptor, and downstream of sample box.

Sec. 23-254. Sewage pump.

If any building sewer is too low to permit gravity flow to the public sewer, wastewater carried by such building sewer shall be lifted by artificial means approved by the Building Official and discharged to the public sewer at the expense of the owner.

Sec. 23-255. Location of connection.

- (a) If a public sewer is available in a street adjoining the property to be served, the connection of the house connection sewer to the public sewer shall be made at the public sewer main. The property owner shall construct one house connection sewer from the existing public sewer main to the property to be connected. The property owner shall obtain proper excavation permits and work is to be completed by a properly licensed contractor.
- (b) The house connection sewer shall be constructed in accordance with the standard specifications of the City which are in effect at the time of construction. If the applicant desires or requires an additional house connection sewer or any special construction, he shall pay for the cost of the additional sewer connection or additional cost of the special construction in accordance with City specifications, at no cost to the City.
- (c) If a public sewer is not available as described in Section 23-251, the owner shall either construct an OWTS in accordance with this article or shall extend the existing sewer system in accordance with Article VI of this chapter.

Sec. 23-256. Maintenance of house connection sewer.

- (a) Any stub-out and, following connection by the property owner to the sewer system, the house connection sewer shall be maintained and repaired by the City from the point of connection with the sewer main line to the property line closest to the sewer main; provided, however, it shall be the property owner's responsibility to repair such house connection sewer which is damaged as a

result of the negligent or intentional acts of the property owner, its tenants, lessees, subcontractors, agents, or employees.

- (b) The property owner shall defend, indemnify, save and hold harmless the City, its elected officials, officers, employees, agents and subcontractors from any and all fines, attorneys' fees, claims for loss, damage or personal injury, including wrongful death, which arise out of the City's maintenance and repair of the house connection sewer pursuant to subsection (a) of this section.

Sec. 23-257. Construction of local systems.

The City may, in its absolute discretion, construct a local system, which shall be placed, designed, and constructed in accordance with plans and specifications approved by the Public Works Director. At the time that a property owner elects to connect to the City's sewer system, the property owner shall be required to use the stub-out constructed as part of the local system for connection to the City's sewer system unless the Public Works Director, or his designee, determines in his reasonable discretion that connection to the City's sewer system may be made by alternate means.

Sec. 23-258. Construction of partial house connection sewer lateral.

At the time of the construction of any addition to or extension of the City's sewer system, the City may, in its absolute discretion, construct a stub-out, which shall be placed, designed, and constructed in accordance with plans and specifications approved by the Public Works Director. At the time that a property owner elects to connect to the sewer system, the property owner shall be required to use the stub-out constructed by the City for connection to the sewer system unless the Public Works Director, or his designee, determines in his reasonable discretion that connection to the sewer system may be made by alternate means.

Sec. 23-259. Record of local system construction costs.

The City shall keep a record of the costs of construction for a local system constructed pursuant to Section 23-257 and shall identify such record with each parcel of property to be served by such system. Costs of construction shall include, without limitation, the costs of construction directly attributable to the construction of the local system and the amount of indirect engineering, design and administrative costs, all of which shall be proportionally attributed to the property to be served in a manner determined in the reasonable discretion by the Public Works Director. The City shall maintain such records until such time as the property owner reimburses the City for such costs in accordance with Section 23-261.

Sec. 23-260. Record of partial house connection sewer lateral construction costs.

The City shall keep a record of the costs of construction for each stub-out constructed pursuant to Section 23-258 and shall identify such record with each parcel of property to be served by such stub-out. Costs of construction shall include, without limitation, the costs of construction directly attributable to the construction of the stub-out and the amount of indirect engineering, design and administrative costs proportionally attributed to the property to be serviced, as determined in the reasonable discretion by the Public Works Director. The City shall maintain such records until such time as the property owner reimburses the City for such costs in accordance with Section 23-262.

Sec. 23-261. Local system construction costs reimbursement and escalation.

- (a) If the property owner connects to the City's sewer system at any time within one year following the City's completion of a local system serving that particular property, the property owner shall pay the amount determined pursuant to Section 23-259. If the property owner connects to such system at a point past one year following the completion of the system serving that particular property, the owner shall pay an additional amount over and above the amount determined pursuant to Section 23-259. The additional reimbursement shall be a percentage of the construction costs determined pursuant to Section 23-259, which percentage reflects the change in the engineering news record construction cost index between the time that local system construction is completed for the particular property to be served and the date that the property owner applies to the City for a permit to connect to the City's sewer system. If the engineering

news record construction cost index ceases to be published, the City may, in its reasonable discretion, use a similar construction cost index to ascertain the additional reimbursement required.

- (b) The reimbursement required by this section shall be in addition to all other fees and charges imposed by this chapter.

Sec. 23-262. Partial house connection sewer lateral construction cost reimbursement and escalation.

- (a) If the property owner connects to the City's sewer system at any time within one year following the City's completion of the stub-out for that particular property to be served, the property owner shall pay the amount determined pursuant to Section 23-260. If the property owner connects to the City's sewer system at a point past one year following the completion of the stub-out for the particular property to be served, the owner shall pay an additional amount over and above the amount determined pursuant to Section 23-260. The additional reimbursement shall be a percentage of the construction costs determined pursuant to Section 23-260, which percentage reflects the change in the engineering news record construction cost index between the time that stub-out construction is completed for the particular property to be served and the date that the property owner applies to the City for a permit to connect to the City's sewer system. If the engineering news record construction cost index ceases to be published, the City may, in its reasonable discretion, use a similar construction cost index to ascertain the additional reimbursement required.

- (b) The reimbursement required by this section shall be in addition to all other fees and charges imposed by this chapter.

Sec. 23-263. Replacement OWTS.

- (a) The owner of any property served by an OWTS must submit an application to replace that OWTS in accordance with Section 23-288 and may, after receiving a permit, replace the OWTS when the following conditions are met:
 - (1) The existing OWTS is failing and must be replaced to meet the Tier 1 or Tier 3 OWTS standards or standards established in this Code. Under this condition, the owner must comply with the Tier 4 standards in the OWTS Policy for correcting or replacing the OWTS.
 - (2) The replacement OWTS will satisfy the requirements for Tier 1 or Tier 3 OWTS in the OWTS Policy.
 - (3) The size of the replacement OWTS must not be larger than the OWTS subject to replacement unless approved by the Santa Ana Regional Water Quality Control Board.
 - (4) Notwithstanding subsection (a)(1) of this section, replacement of the OWTS is proposed to allow additional flows resulting from additions to an existing single family residential dwelling unit without any increase in size to the OWTS. This subsection does not include any free-standing additional structures subject to subsection 23-251(b)(4). An existing development on land zoned single-family residential will be considered as a new development if the addition of any free-standing structures which result in additional wastewater flows to the septic system is proposed. Commercial and industrial developments will be considered as new development if an addition to an existing structure is proposed which will result in additional wastewater flows to the OWTS.

Sec. 23-264 to 23-280 Reserved.

ARTICLE IV PERMITS

Sec. 23-281. Generally.

- (a) No unauthorized person shall uncover, alter or disturb any portion of the sewer system without first obtaining a written sewer connection permit from the City.
- (b) No person shall connect any property to the sewer system until after a sewer connection permit shall have been issued. The sewer connection permit shall specify the property to be connected, and only the property so specified shall be connected.
- (c) No person shall place, discharge or dispose of any material, solid or liquid, into the sewer system or any part thereof, except by means of authorized connections; and no substance shall be placed, discharged or disposed of in the sewer system except substances or waste materials originating on the premises for which a sewer connection permit has been issued; except that authorized substances may be placed in the sewer system at places designated by the Public Works Director when a special sewer permit shall have been issued by the Public Works Director. Special sewer permits shall specify the terms and conditions under which substances may be placed in the sewer system.

Sec. 23-282. Sewer connection permit—Application; issuance.

- (a) Any person legally entitled to apply for and receive a sewer connection permit shall make such application on forms provided by the City for that purpose. The applicant shall describe the location, ownership, occupancy and use of the premises to be connected. The Public Works Director may require plans, specifications or drawings and such other information as he may deem necessary.
- (b) If the Public Works Director determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code and other ordinances, rules and regulations of the City, the permit applied for shall be issued upon payment of the required deposit and fees as fixed in this chapter.

Sec. 23-283. Same—Compliance with terms.

After approval of an application for a sewer connection permit, evidenced by the issuance of a sewer connection permit, no change shall be made in the location of the sewer, the grade or other details from those described in the sewer connection permit or as shown on the plans and specifications for which the permit was issued, except with written permission from the Public Works Director

Sec. 23-284. Special sewer permits—Application; issuance.

- (a) Any person legally entitled to apply for and receive a special sewer permit shall make application on forms provided by the City for that purpose. The applicant shall give a description of the character of the work proposed to be done or the use proposed to be made of the sewer, and the location, ownership, occupancy and use of any premises in connection with the special sewer permit. The Public Works Director may require plans, specifications or drawings and such other information as he may deem necessary.
- (b) If the Public Works Director determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the provisions of this Code and other ordinances, rules and regulations of the City, the permit applied for shall be issued upon payment of the required fees as fixed in this chapter.

Sec. 23-285. Same—Compliance with terms.

After approval of an application for a special sewer permit, evidenced by the issuance of the special sewer permit, no change shall be made to the conditions agreed to in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the Public Works Director.

Sec. 23-286. Permit for connections outside City.

- (a) No lot or parcel of land located outside the corporate limits of the City shall discharge to the sewer system unless a permit therefore is obtained and the connection is inspected and approved by the

Public Works Director. The applicant shall first enter into a contract in writing whereby he shall bind himself and his heirs, successors and assigns to abide by all of the provisions of this Code and other ordinances, rules and regulations in regard to the manner in which the sewer system shall be used and the manner of connecting therewith, and also shall agree to pay all fees required for securing the permit and a monthly charge in the amount set by the City Council.

- (b) Permit fees, sewer connection fees, deposits and monthly charges for properties or users located outside the corporate limits of the City shall be as agreed upon by the City Council and the applicant for service, but in no case shall be less than the fees, deposits or charges made within the corporate limits of the City.
- (c) The granting of permission for the connection to or use of the sewer system by properties or users located outside the corporate limits of the City, in any event, shall be optional with and in the discretion of the City Council.

Sec. 23-287. Agreement by permittee.

- (a) The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this chapter and other ordinances, rules and regulations of the City pertaining to the sewer system, and with any plans and specifications he has filed with his application, together with any corrections or modifications as may be made or permitted by the City.
- (b) Such an agreement shall be considered a guarantee that the bills for service to the property or to the occupant thereof will be paid and shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.

Sec. 23-288. Permit application required for new and replacement OWTS.

- (a) The owner of any property on which an OWTS will be installed or replaced must submit an application to the Public Works Director for a permit to install or replace the OWTS. No application shall be considered by the Public Works Director until the application is determined to be complete and all required fees have been paid to the City. No construction or replacement work may begin until the permit has been issued and all such work must be undertaken in accordance with the requirements of this Code and the permit.
- (b) The application required by this section must be submitted in a form provided by the City and must include, at a minimum, the following information:
 - (1) owner's name and contact information;
 - (2) property address or description;
 - (3) a topographical plot plan for the parcel showing the OWTS components, the property boundaries, proposed structures;
 - (4) the estimated wastewater flows;
 - (5) the intended use of proposed structure generating the wastewater;
 - (6) soil data, and estimated depth to seasonally saturated soils; and
 - (7) any other information required by the Public Works Director.

Sec. 23-289 to 23-310 Reserved.

ARTICLE V FEES, CHARGES AND BILLING

DIVISION 1. GENERALLY

Sec. 23-311. Fees, charges, generally.

- (a) Every person whose property in the City is served by a connection to the City's sewer system is subject to the fees and charges established in this chapter or by resolution or ordinance adopted by the City Council.
- (b) The City Council may, from time to time in its discretion, and by resolution or ordinance, alter, change, amend or revise the fees and charges for services and facilities in connection with the sewer system.
- (c) It shall be the duty of the Chief Financial Officer to collect all fees and charges provided for in this chapter.

Sec. 23-312. Sewer connection fee; sewer deposits.

- (a) An applicant for a new sewer connection shall pay a sewer connection fee prior to the issuance of a sewer connection permit. The fee is calculated in accordance with Section 23-316.
- (b) In addition to the sewer connection fee in subsection (a), commercial and industrial applicants shall deposit with the Chief Financial Officer an amount equal to four times the monthly charge set forth in Section 23-317 prior to the issuance of a sewer connection permit. The deposit shall be retained by the City and, in case of delinquency, it shall be applied as necessary to liquidate the cumulative amount of the delinquent charges plus penalties and the cost of collection.
 - (1) After a connection is established, if the monthly rate is increased or decreased, the owner shall be required to make a supplementary deposit equal to four times the increase in monthly rate in the case of an increase, and the City shall refund to the owner an amount equal to four times the decrease in the monthly rate in the case of a decrease.
- (c) Revenue collected under this section shall be used in a manner that is consistent with Article VIII, Division 3.

Sec. 23-313. Transfer of ownership of property.

- (a) Upon sale of the property, the former owner shall furnish the Chief Financial Officer with the correct name and mailing address of the new owner. The former owner shall be entitled to a refund of the unused portion of his deposit only after all bills and penalties and other charges have been paid and after the new owner has effected transfer of sewer service by applying for service, by guaranteeing that the bills for service to the property or to the occupant thereof will be paid, and by making the required deposit, which four actions shall constitute transfer of sewer service. Bills will continue to be sent to the former owner, or to the occupant in case the occupant is being billed, until the sewer service has been transferred or until such other date as may be agreed upon between the former owner and the new owner.
- (b) Notwithstanding any other provisions of this chapter, a former owner who has sold a property shall be entitled to a refund of any unused portion of his deposit after all bills, penalties and other charges for which he is responsible have been paid and when he has shown proof that the sale has been completed. For the purpose of this subsection, the former owner shall be responsible for bills, penalties and charges until the end of the month during which he shows proof of the sale, except that under unusual circumstances and upon written appeal by the former owner the City Council may determine some other appropriate date for the cessation of such responsibility.
- (c) If a new owner fails for one month to apply for service or make the guarantee or deposit required, the Chief Financial Officer will mail a copy of the sewer bill to the address of the new owner beginning the date the county reflects transfer of ownership up to two years in arrears of failure to create an account. If, after the payment has not been received after 60 days, a lien will be placed against the property, and any associated penalties and costs will be added.

- (d) If service has been disconnected or terminated it shall not be reconnected or restored until all charges, including penalties, have been paid as provided in Section 23-356 or in Section 23-357, except that, when the responsibility for the payment of delinquent charges plus penalties or accrued charges is in bona fide dispute, a new owner may obtain temporary service by paying the reconnection charge or restoration charge and by applying for service, guaranteeing that the bills for service to the property or to the occupant thereof will be paid, and making the required deposit. Temporary service shall be for a period not to exceed four months, by the end of which time all charges remaining unpaid shall have been paid or service shall be disconnected or terminated. Bills for temporary service shall be rendered in the same manner as for ordinary service. All rules and regulations pertaining to bills, delinquencies and disconnections shall apply to temporary services in the same manner as they apply to ordinary services.

Sec. 23-314. Change of classification.

- (a) Whenever the Chief Financial Officer finds that the use of a property has changed so that the classification to be used as a basis for determining monthly sewer charges has changed, they shall change the classification accordingly. The owner shall be notified of the change in classification. The effective date of change in classification shall be the first day of the month following the change.
- (b) If an owner believes his property is improperly classified, he may request a change in classification. This request shall be filed in writing with the Planning Department and shall state the reasons why the owner believes the classification should be changed. Upon receipt of a request for change of classification, the Planning Department shall investigate the request and either change the classification as provided in this section or, if a change is not justified, notify the owner of this fact.
- (c) If the use of the property has changed so that the monthly sewer charge will be decreased, the responsibility for notifying the City of the change shall rest with the owner and he shall not be entitled to a refund of sewer charges paid in excess of the proper charges as a result of his failure to notify the City of the change in use. If a change in use results in an increase in monthly sewer charge the responsibility for determining the change in use shall rest with the City and the owner shall not be liable for any back charges for increased sewer charges except where it can be shown that the owner has concealed the fact of the change in use or has knowingly withheld information which could have been used in determining the true circumstances.

Sec. 23-315. Reserved.

Editor's note— Ord. No. 1331, § 4, adopted September 19, 2000, repealed Section 23-315 in its entirety. Formerly, Section 23-315 pertained to the rate formula for monthly charges and derived from Code 1968, § 26-43; Ord. No. 998, § 11, adopted Dec. 18, 1990.

Sec. 23-316. Calculation of equivalent dwelling units for purposes of determining connection fee.

- (a) All sewer connection fees for residential, commercial and industrial uses shall be based upon the residential equivalent dwelling unit (EDU) service unit rate established in this section.
- (b) Residential. Each structure or part of a structure which is designed for the purpose of providing permanent housing for one family or tenant shall be one EDU. On average, this flow is two hundred seventy (270) gallons per day. Residential uses include without limitation single-family detached residences, apartments, townhouses, condominiums, mobile homes and trailer spaces.
- (c) Commercial. Commercial structures are those structures designed for the purpose of providing a permanent structure for enterprises engaged in the exchange of goods and services. This includes but is not limited to all private business and service establishments, schools, churches and public facilities. For purposes of establishing connection fee, commercial equivalent dwelling units shall be determined by multiplying the fixture units (as defined by the 2010 California Plumbing Code) shown on the approved building plans by the appropriate sewage factor from the following table

(Table I). Total equivalent dwelling units for commercial centers with various use categories will be the sum of the equivalent dwelling units computed for each use category.

(d) Industrial. Industrial structures are those designed for the purpose of providing a permanent structure for an enterprise engaged in the production, manufacturing or processing of material. For purposes of establishing industrial connection charges, equivalent dwelling units for industrial uses shall be determined as follows:

- (1) For domestic wastewater, multiply the fixture units (as defined by the 210 California Plumbing Code) as shown on approved building plans by a sewage factor of 0.0741 based upon a 20-gallon-per-fixture unit flow per day.
- (2) For nondomestic wastewater, compute from information contained on the Wastewater discharge permit using the following formula:

$$EDU = NDF/270 [0.37 + 0.31 (BOD)/230 + 0.32 (SS)/220]$$

Where:

EDU	=	Equivalent dwelling units
NDF	=	Estimated nondomestic wastewater flow
BOD	=	User's discharge—Biochemical oxygen demand (mg/l)
SS	=	User's discharge—Suspended residue (mg/l)

- (3) Combine the resultant EDU's derived from subsections (1) and (2).

TABLE I
Commercial Use Categories and Sewage Factors

Use Category	Type of Business	Sewage Flow (gallons/ day per FU)	BOD/SS	Sewage Factor (SF)
I.	Motel/hotel Recreation/amusement Restaurant (fast food) Office Retail store Market (without butcher shop) Bar/tavern	12	230/220	0.0444
II.	Market (with butcher shop) Bakery Mortuary	24	250/350	0.1081
III.	Convalescent home Hospital Health spa with pool Restaurant (full service)	42	250/300	0.1780
IV.	Laundromat (with non-efficient washing machines) Dry cleaner (processor)	43	350/500	0.2499
V.	Carwash (coin-operated)	102	150/500	0.4910
VI.	Church School Public facility	17	230/220	0.0630
VII.	Health spa without pool Laundromat (with high-efficient front loading machines)	42	230/220	0.1555

Sec. 23-317. Calculation of equivalent dwelling units for purposes of determining monthly charges.

Monthly sewer charges for residential, commercial and industrial uses shall be determined based upon the service unit rate formula:

Service Unit Assignment Formula

$$SU = F / (270) (0.37) + BOD / (230) \times (0.31) + SS / (220) \times (0.32)$$

$$\text{Monthly Sewer Service Charge} = SU \times \text{Service Unit Rate}$$

Where:

SU	=	Sewer units
F	=	Sewage flow in gallons per day based on sewage factor applied to water meter readings
BOD 5	=	User's discharge—Biochemical oxygen demand (mg/l)
SS	=	User's discharge—Suspended solids concentration (mg/l)
Q	=	Domestic water usage (gallons per day) taken directly from water meter readings.

Sec. 23-318. Monthly sewer charges.

- (a) Single-family dwelling, multi-family dwelling, church/social hall, public buildings and schools base sewer charge for property located within the City limits shall be based upon the City's operation, maintenance and replacement rate per the equivalent dwelling unit (EDU) as calculated in Section 23-317, plus any currently applicable, legally adopted monthly charge assessed by a Control Authority.
- (b) The commercial base sewer charges for property located within the City limits shall be the combined total of the following in accordance with the most current rates adopted by the City:
 - (1) The City's operation, maintenance and replacement rate per month per EDU;
 - (2) The City's administrative rate for supervising commercial uses within the City per month per EDU; and
 - (3) Any currently applicable, legally adopted monthly charge assessed by any agency or district providing sewer treatment service to the City.
- (c) The industrial base sewer charge for property located within the City limits shall be the combined total of the following in accordance with the most current rates adopted by the City:
 - (1) The City's operation, maintenance and replacement rate per month per EDU;
 - (2) The City's administrative rate for supervising industrial uses within City limits per month per EDU; plus
 - (3) Any currently applicable, legally adopted monthly charge assessed by any agency or district providing sewer treatment service to the City.

Sec. 23-319. Same—Outside City limits.

The City may charge an additional extraterritorial monthly charge per EDU for users outside the corporate limits of the City, as agreed upon by the City Council and the applicant for service.

Sec. 23-320 to 23-323 Reserved.

Sec. 23-324. Continuance of monthly charges.

After a property has been connected to the sewer system, the monthly sewer charge shall be imposed, whether the property is occupied or not, until such time as the structure using the sewer service is demolished or

unoccupied and the sewer connection is capped. The capping of the sewer service is to be inspected by the Building Official.

Sec. 23-325. Pass-through of rate increases.

Any increase in any currently applicable, legally adopted monthly charge assessed by a Control Authority shall be immediately passed through to the affected property owners. Any amounts over-collected by the City shall be applied first to the deficit recovery, if any, then to fund balance.

Sec. 23-326. Reserved.

Editor's note— Ord. No. 1221, § 1, adopted July 15, 1997, repealed § 23-326 in its entirety. Formerly, § 23-326 pertained to hardship allowance; application and determination for temporary assistance, and derived from Ord. No. 1059, § 3, 8-18-92. See the Code Comparative Table.

Sec. 23-327 to 23-350 Reserved.

DIVISION 2. BILLING PROCEDURES

Sec. 23-351. Authority to prescribe additional rules and regulations.

The City Council may, by resolution, adopt rules and regulations for the rendering and collecting of sewer bills. Unless otherwise provided, the rules, regulations and procedures contained within this division shall apply to the rendering and collecting of bills.

Sec. 23-352. Rendering of bills; liability for payment.

- (a) Sewer bills shall be rendered every two months and shall be due and payable upon presentation. The bill for each two-month period shall segregate amounts charged for collection and sewer treatment service. The agency responsible for the sewer treatment service shall be named on the bill. The bill shall be mailed not later than the tenth day of the second month for which service has been rendered and is billed. The commencement date for sewer bills for newly constructed structures shall be the first day of the month following the date upon which final inspection is given by the department of building and safety or the first day of the month following the date that the premises or any portion thereof are occupied, whichever occurs first. The commencement date for sewer bills for structures previously served by facilities other than the City sewer system shall be the first of the month following the date that the structure is connected to the City sewer system.
- (b) Sewer bills associated with industrial and commercial users shall be sent to the owner of the property served, who shall be responsible for the payment thereof. Property owners and occupants may make special arrangements with the Chief Financial Officer on application forms to be provided by him and signed by both the tenant and occupant for that purpose for bills to be sent to the occupant of the property rather than to the owner of the property. From the date of the signing and filing of the application by both parties, bills shall be sent to the occupant. Thereafter the property owner and the occupant shall be liable, jointly and severally, for the payment of sewer bills.

Sec. 23-353. Action on delinquent bills.

On the 15th day of the month following the month in which a sewer bill is mailed, the bill shall become delinquent if the bill or any portion thereof which is subject to a bona fide dispute remains unpaid. A delinquent bill shall be subject to a penalty charge of ten percent of the amount of the delinquent balance. After a bill has become delinquent, the Chief Financial Officer shall add the late fee to the next bill.

Sec. 23-354. Lien for delinquent charges.

Any sewer rates authorized pursuant to this article which remain unpaid for 60 days past the date upon which they were billed may be collected thereafter by the City, as provided as follows:

- (1) The City shall cause a report of delinquent sewer fees to be prepared periodically. The City Council shall fix a time, date and place for hearing the report and any objections or protests thereto. The report shall contain a list and description of each parcel of real property to which is attributed a delinquency in the payment of sewer rates, for a period of sixty (60) days or more, the names of the owners and the total amount of the delinquency attributable to that parcel.
- (2) The City Council shall cause notice of the hearing to be mailed to the owners of the property with delinquencies, as listed on the latest equalized assessment roll. Such notice shall be sent not less than fourteen (14) days prior to the date of the hearing and shall inform the recipients of the amount of unpaid sewer rates and penalties. Such notice shall inform the owners that the unpaid sewer rates and penalties will be assessed against and shall result in a lien on their property.
- (3) At the hearing, the City Council shall hear any objections or protests of the landowners who are to be assessed for delinquent fees. The City Council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
- (4) The delinquent sewer rates, and any penalties thereon, set forth in the confirmed report shall constitute a special assessment against the respective parcels of land and are a lien on the property for the amount of delinquent fees, the late charges, and cost of lien. The City clerk shall certify, over his signature, that the report has been adopted by the City Council in its final form and file the report with the county auditor. In addition, the City clerk shall also record the amount of unpaid charges with the county recorder.

Sec. 23-355. Termination of service.

- (a) If all structures in which sewage is produced are removed from a property served by the sewer system, or if the structure in which sewage is produced is demolished, then the City shall consider the service disconnected and shall provide a prorated adjustment of annual assessment based upon the first day of the month following the notification of removal or demolition of the structure by the City building official. The owner shall be entitled to a refund of the difference after full payment is received to the City. The owner shall be entitled to a refund of the deposit or to such portion of the deposit as may be unused, upon written application therefor. Termination of service shall be considered equivalent to disconnection.
- (b) Thereafter, the property shall not be inhabited by humans nor shall any sewage be produced thereon until service has been restored through payment of new connection and deposit fees.

Sec. 23-356. Reconnection.

After service to a property has been disconnected, the sewer connection permit issued for the property shall be considered cancelled. The permit and service shall not be restored until all delinquent charges plus penalties, all charges which have accrued since the time of disconnection, any supplementary connection charges, and the estimated cost of reconnection have been paid; the deposit required under Section 23-312 is restored to the required amount; and any required guarantee for the payment of bills has been made. All of the charges, deposits and other amounts required to be paid shall be paid before the building sewer is reconnected to the sewer system.

Sec. 23-357 to 23-385 Reserved.

ARTICLE VI *EXTENSION OF SEWER SYSTEM*⁴

Sec. 23-386. Applicability.

⁴ Cross reference(s)—Planning and development, ch. 21.

The provisions of this article shall apply to additions to and extensions of the sewer system, which extensions or additions are built at the direct expense of property owners, subdividers or other persons or groups of persons. Other provisions of this chapter that are not in conflict with the provisions of this article shall also apply. This article shall not apply to portions of the sewer system constructed by the City and paid for out of the sewer fund, except that nothing in this article shall prohibit the City from participating in the construction of an extension of the sewer system when the extension is of more than local benefit.

Sec. 23-387. Additions and extensions defined.

- (a) As used in this article, the word “addition” shall mean a system of sewer mains, house connection sewers and appurtenances built by property owners at their expense to serve their land, and which does not serve any other land adjoining the work by direct connection thereto.
- (b) As used in this article, the word “extension” shall mean a system of sewer mains, house connection sewers and appurtenances built by property owners at their expense to serve their land, and which may also serve other adjoining land, the owners of which have not shared in the cost of the work.
- (c) A single sewer project may include additions and extensions. The term “property owner,” as used in this article, shall include a single person, a group of persons, or a corporation, firm or other combination of persons.

Sec. 23-388. Acceptance of work; special consideration.

- (a) Following the satisfactory completion of any sewer project for the construction of an addition or extension, and upon the recommendation of the Public Works Director, the City Council shall, by resolution, accept the work, which shall then become a part of the City’s sewer system. The resolution of acceptance shall contain the terms of any special consideration which shall apply to the sewers so accepted.
- (b) Special consideration may include provisions for reimbursement and relief from the connection fee, but shall not include provisions for monthly charges different from those established elsewhere in this chapter, except as provided for service to property lying outside the corporate limits of the City. All provisions for special consideration shall terminate at the expiration of ten years following the date of the resolution of acceptance, or at such an earlier date as may be established in the resolution of acceptance.

Sec. 23-389 to 23-420 Reserved.

ARTICLE VII RESERVED

Sec. 23-421-23-455 Reserved.

ARTICLE VIII FINANCING OF FACILITIES⁵

DIVISION 1. GENERALLY

Sec. 23-456 to 23-475 Reserved.

DIVISION 2. SEWER FACILITIES EXPANSION FEE AND FUND

Sec. 23-476. Intent and purpose.

- (a) The City Council finds that new development and certain changes in use increase demand on sewage collection, transmission, treatment, and disposal facilities serving the City, including

⁵ **Cross reference**— Finance and taxation, ch. 10; planning and development, ch. 21.

facilities owned and/or operated by the Inland Empire Utilities Agency ("IEUA") and the City of Rialto.

- (b) The purpose of this Division is to ensure that applicants creating new or increased sewer capacity demands pay the sewer expansion fee required to fund capacity-related obligations imposed on the City under its regional sewer service agreements.

Sec. 23-477. Facilities expansion fee.

- (a) Fee established. A sewer expansion fee shall be imposed as a condition of approval of new connections to the City's community sewer system and for changes in use or expansions that create additional capacity demands, where such payment is required by its regional sewer service agreement.
- (b) Applicability. The sewer expansion fee shall be due for:
 - (1) Each new connection that will discharge to the City's sewer system; and
 - (2) Each change in use, expansion, or modification of an existing commercial or industrial connection that results in an increase in sewage volume or strength, fixture units (as defined by the California Plumbing Code), or equivalent demand, when such increase triggers a capacity-related payment under the applicable regional sewer service agreement.
 - (3) If dry sewers are installed for future connection to the sewer system, the fees shall be required even though an OWTS is to be utilized as an interim measure. In those cases where an OWTS is authorized for other than interim use, the fees shall not be required, provided that if any such structure so exempted connect to the sewer system in the future, the fees shall be payable by the then owner of record of the property.
 - (4) For residential structures with building permits issued prior to July 1, 1979, and that would discharge to IEUA's sewerage system, no sewer expansion fee will be levied.
- (c) Fee Determination. The sewer expansion fee shall be calculated based on the regional sewerage system to which the property is sewage will be transported for treatment/disposal:
 - (1) For properties discharging to IEUA's sewerage system, the sewer expansion fee shall include the capital capacity reimbursement payment calculated using equivalent dwelling units and the then-current rate established by the IEUA.
 - (2) For properties discharging to IEUA's sewerage system, the sewer expansion fee shall include the the treatment-capacity and/or sewer collection facilities development payments calculated using equivalent dwelling units and the then-current rate established by the City of Rialto.
- (d) Payment Due. The sewer expansion fee shall be paid prior to issuance of the building permit or sewer connection permit, or for changes in use prior to issuance of the permit required for such change.
- (e) Deposit and remittance. Fees collected under this section shall be deposited, credited, and remitted in the manner required by the applicable regional agreement.
- (f) Attachment of sewer use rights. Under certain situations, an existing discharger may want to relocate a business. The issue may then arise as to ownership of certain existing discharge rights in the regional system. All sewer capacity remains with the existing building and should be sold to building owners rather than tenants. In cases where an existing building is completely demolished, the transfer of capacity rights can be permitted provided that:
 - (1) Proof of building demolition can be documented;
 - (2) Payment for original system capacity can be documented;

- (3) The demolition occurs simultaneously with the transfer; and
- (4) The transfer occurs within the contracting agency who originally sold the capaCity.

Sec. 23-478 to 23-500 Reserved.

DIVISION 3. SEWER FUNDS

Sec. 23-501. Policy.

It is the policy of the City Council that the sewer service be operated as a utility, and that it shall be operated in a prudent manner with adequate reserves to meet emergencies and to replace parts of the system.

Sec. 23-502. Funds established.

The following sewer funds are to be created and maintained:

- (a) *Maintenance and operating fund.* The sewer maintenance and operating fund is to be created and maintained for the purpose of paying for the expenses associated with the maintenance and operation of the sewer system. Such expenses are to include direct sewage treatment costs, direct accounting and billing costs, and direct preventative and emergency sewage collection system maintenance costs, as well as general and departmental overhead as defined in Section 23-1. be sewer permit fees, interest earnings and sewer service charges. Refundable sewer deposits provided by property owners are accounted for within this fund, and the amount of such deposits shall not be reflected in the fund balance.
- (b) *Sewer replacement fund.* The sewer replacement fund is to be created and maintained for the purpose of paying for replacing parts of the sewer system as they wear out, deteriorate or become obsolete. All items deemed to be replacement of existing facilities shall be paid for from this fund. The source of the money for this fund is to be through City Council authorized transfers from the sewer maintenance and operating fund. Such transfers are to be authorized so that funds will be available to pay for future replacement of parts of the sewer system. The determination as to the amount of money to be held in this fund will be made by taking into consideration the estimated life and replacement cost of the various parts of the sewer system using the summation of the following formula:
$$\frac{(\text{Replacement cost of sewer system facility additions}) \times (0.10) \times (\text{Age of sewer system facilities})}{(75 \text{ years})}$$
- (c) *Sewer capital fund.* The sewer capital fund is to be created and maintained for the purpose of paying for new sewer facilities found necessary because of the development of the City. Such facilities could include, but are not limited to, pumping stations, sewer laterals, manholes, cleanouts, sewer mains, treatment facilities, interceptors, monitoring stations, and equipment. An annual appropriation shall be made from this fund for general and department overhead. The source of the money for this fund is to be sewer connection charges, interest earnings, sewer installation charges, property assessments, and government grants.
- (d) *Sewerage facilities expansion fund.* The sewerage facilities expansion fund is to be created and maintained for the purpose of paying for sewer facilities needed for the expansion of the City including, but not limited to, treatment plants and sewer interceptor lines. The source of the money for this fund is to be the sewerage facilities expansion fee collected pursuant to Section 23-477. This fund is to be used for those expansion fees and funds collected and held pursuant to contract with the Inland Empire Utilities Agency and the City of Rialto.

Sec. 23-503. Appropriations.

Appropriations from the various funds provided for in this article shall be pursuant to authorization in the annual budget or by special action of the City Council.

Sec. 23-504. Allocation of interest earnings.

Moneys in the sewer funds may be commingled with moneys in other funds for cash management and interest earnings purposes, but each sewer fund shall be credited with its pro rata share of all interest earnings based on the fund's average balance.

Sec. 23-505. Loans from sewer funds.

To the extent allowed by law, loans between sewer funds or to other funds may only be made pursuant to the authorization of the City Council and shall be for a specific time period not to exceed five years. During such time that monies are on loan from any fund, interest shall be paid annually to the fund. The interest rate during this loan period shall be at least the average rate for the City's interest-bearing deposits during the loan duration. No loans shall be made from the maintenance and operating fund and the sewer replacement fund. Existing loans shall be brought into compliance with this section within five years.

Sec. 23-506. Allocation of personnel and equipment costs.

- (a) *Personnel.* The total number of employees in the sewer maintenance and operating budget shall be determined using the following formula:

(Total number actual hours proposed to be charged to the sewer maintenance and operating fund for permanent employees for the proposed operating budget) ÷ (2,080 hours)

Personnel costs will be charged on the actual number of hours worked. Personnel costs include salaries and related benefits.

- (b) *Equipment.* The original purchase cost charged to the sewer capital fund shall be no more than its pro rata share of time used in sewer activities. The motor pool rental charges shall also be based on the actual hours used; the motor pool shall be responsible for the replacement of these capital items.