

ORDINANCE NO. 2008-02

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA TO AMEND
CERTAIN PROVISIONS OF CHAPTER 5-9
OF THE SAN JUAN BUATISTA MUNICIPAL CODE**

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WHEREAS, due to changes in regulatory provisions and evolving local conditions, the Council has learned that it is now necessary and appropriate to modify City's uniform waste water regulations, codified at Chapter 5-9 of the San Juan Bautista Municipal Code; and

WHEREAS, the attached, marked Exhibit A, consisting of 35 pages, is text of to be adopted hereby as the new Chapter 5-9; and

WHEREAS, certain provisions of the existing Chapter 5-9 are not modified and not rescinded by text in Exhibit A, and as to those provisions it is the Council's intent and direction that they are merely being carried over unchanged and unaffected from one edition of the Municipal Code to the next;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Subject to the recitals set out hereinabove, this Council hereby adopts Exhibit A, attached, as the new Chapter 5-9 of the San Juan Bautista Municipal Code.

SECTION 2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall go into effect sixty days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of January, 2008, and was adopted at a regular meeting of the San Juan Bautista City Council on the 18th day of February, 2008, by the following vote:

AYES: Dias, Edge, Laverone

NOES: None

ABSENT: Hill, Paradise

ABSTAIN: None

George Dias III, Mayor

ATTEST:

Trish Paetz, Acting City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney

EXHIBIT A

Chapter 5-9

UNIFORM WASTEWATER REGULATION

Article 1. Definitions

5-9-100 Definitions.

Unless the provision or context otherwise requires the following words and phrases shall have the meanings respectively ascribed to them.

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

“Approval Authority” shall mean California Regional Water Quality Control Board - Pretreatment Unit.

“Authorized Representative of Industrial User” shall mean an authorized representative of an Industrial User and may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

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

"BOD (biochemical oxygen demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) centigrade expressed in milligrams per liter.

"Building drains" shall mean the part of the lowest horizontal pipe of a drainage system which receives the discharge from soil, waste and other discharge pipes inside the walls of the building and conveys it to the building sewer. The building drain ends where it is connected to the building sewer five feet (5') outside the building wall.

"Building sewer" shall mean the extension of the building drain to the public sewer or other place of disposal.

“Categorical Standards” shall mean National Categorical Pretreatment Standards which apply to Industrial and Commercial Users in specific industrial categories determined by the EPA to be significant sources of toxic pollutants.

"City" shall mean the City of San Juan Bautista.

"City Council" shall mean the City Council of the City of San Juan Bautista.

"City Manager" shall mean the City Manager of the City of San Juan Bautista, or his authorized deputy, agent or representative.

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

“Compatible Pollutant” shall mean limited quantities of biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the City's National Pollutant Discharge Elimination System (NPDES) permit.

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

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

“Diluting Waters” shall mean water from cooling water sources, domestic sewage, potable water which is not normally from industrial processes and which does not contain constituents requiring pretreatment.

“Direct Discharge” shall mean the discharge of treated or untreated wastewater directly to the waters of the State of California.

"Dwelling unit" shall mean each single-family residence, house, apartment, motel, hotel or living quarter having its own separate kitchen and or sanitary facilities.

"Garbage" shall mean the putrescible solid waste from the domestic and partially prepared, cooking and dispensing of food and from the handling, storage and sale of produce.

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

“Holding Tank Waste” shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks, and sometimes referred to as septage.

“Incompatible Pollutant” shall mean any pollutant which is not a compatible pollutant as defined in this Section. The pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Federal Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitation guideline defining best practicable control

technology currently available pursuant to Sections 301(b) and 304(b) of the Federal Act, provided, that if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to Users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that even when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guideline to pretreatment.

“Indirect Discharge” shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act into the sewage collection and treatment system (including holding tank waste discharged into the system).

“Industrial User” shall mean a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act.

"Industrial waste" shall mean the water-carried putrescible waste from the industrial manufacturing and industrial processing as distinct from sanitary sewage and shall include trade wastes produced by, but not limited to, food processing and bottling plants, and food manufacturing plants.

"Industrial waste sewer" shall mean receiving industrial waste only.

“Interference” shall mean the inhibition or disruption of the Sewage Treatment Plant treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the Sewage Treatment Plant in accordance with 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. Sections 6901 et. seq.) the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Sewage Treatment Plant.

“National Categorical Pretreatment Standard or Pretreatment Standard” shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act which applies to a specific category of Industrial Users.

“National Pollution Discharge Elimination System or NPDES Permit” shall mean a permit issued pursuant to Section 402 of the Act.

“National Prohibitive Discharge Standard or Prohibitive Discharge Standard” shall mean any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

"Natural outlet" shall mean any outlet taken to a watercourse, pond, ditch, lake or other body of surface or ground water.

“New Source” shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

“Nuisance” shall mean any thing which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

"Person" shall mean 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. The masculine gender shall include feminine, the singular shall include the plural where indicated by the context.

"pH" shall mean the negative logarithm of the effective hydrogen-ion concentration.

“Pollution” shall mean an alteration of the quality of the Waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

“Pollutant” shall mean any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

“Pretreatment or Treatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Sewage Treatment Plant.

“Pretreatment Requirements” shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial User.

"Public sewer" shall mean a sewer in public owned land or easement controlled by the City of San Juan Bautista.

“Publicly Owned Treatment Works (POTW)” shall mean a treatment works as defined by Section 212 of the Act which is owned by the City including any sanitary sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of San Juan Bautista who are, by contract or agreement with the City, Users of the San Juan Bautista POTW.

“POTW Treatment Plant” shall mean that portion of the POTW designed to provide treatment to wastewater whether of industrial or domestic origin.

“POTW Sanitary Sewer” shall mean a system of pipes, ditches, mains and conduits designed and used for the transport of wastewater to the POTW.

"Sanitary sewage" shall mean the water-carried putrescible waste from residences, hotels, restaurants, eating houses or from business establishments or merchandise which contains garbage, human waste or animal waste.

Shall is mandatory; May is permissive.

"Sewage" shall mean a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with such ground surface and storm water as may be present.

"Sewage treatment plant" shall mean an arrangement of devices and structures used for treatment of sewage.

"Sewage works" shall mean all facilities for collecting, pumping, treatment and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Significant Industrial User" shall mean any industrial user of the City's wastewater disposal system who (i) has a discharge equal to or exceeding the concentrations of pollutants in 25,000 gallons or more of equivalent domestic sewage per average work day, or (ii) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (iii) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act of California's Statutes and rules or (iv) is found by the City, State of California Regional Water Quality Control Board, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

"Special sewer" is any sewer or storm drain constructed under the authority of the City of San Juan Bautista, the costs of which were not directly assessed to or borne by the abutting property and which have been or may hereafter be designated as such special sewer by resolution of the City Council.

"Special sewer fee" is the fee established by resolution of the City Council to be paid by any person upon issuance of a permit to connect to a special sewer.

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

"State" shall mean State of California.

"Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and industrial waste other than uncontaminable cooling water.

"Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Suspended solids" shall mean solids that either float on the surface or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtering.

"Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other applicable law.

"User" shall mean any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

"Waste" shall include sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing.

"Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

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

"Watercourses" shall mean the channel in which a flow of water occurs, either continuously or intermittently.

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

Abbreviations. The following Abbreviations shall have the designated meaning:

BOD	-	Biochemical Oxygen Demand.
CFR	-	Code of Federal Regulations.
COD	-	Chemical Oxygen Demand.
L	-	Liter.
mg	-	Milligrams.
mg/L	-	Milligrams per liter.
NPDES	-	National Pollutant Discharge Elimination System.
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification.
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	-	United States Code
TSS	-	Total Suspended Solids.

Article 2. Use of Public Sewers Required

5-9-200 Disposal of sewage to natural outlets prohibited.

It shall be unlawful for any person to place, or deposit, or permit to be placed or deposited, in any manner on any public or private property within the City, or in any area under the jurisdiction of the City, any human or animal defecation, or other objectionable waste.

5-9-205 Septic tanks, etc., prohibited.

It shall be unlawful to construct, maintain or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage except under, and in accordance with, a permit issued by the City Manager and the Public Health Officer of the County of San Benito.

5-9-210 Plumbing Code applicable to private sewage systems.

All private sewage disposal systems shall, at all times, conform to, and be in compliance with, the Plumbing Code of the City of San Juan Bautista then in effect.

Article 3. Building Sewers and Connections

5-9-300 Permits for sewer connection required.

No person shall uncover, make any connection to or with, or open, use, alter or disturb any public sewer, or appurtenance thereto, without first receiving a permit from the City Manager.

5-9-305 Building sewer permits.

A building sewer permit shall be obtained from the City Manager before installing a building sewer or connecting a building sewer to the public sewer. There shall be two (2) classes of building sewer permits: one (1) shall be for residential and commercial services, and one (1) shall be for services to establishments producing industrial waste.

5-9-310 Application for sewer permits.

Applications for building sewer permits shall be on forms provided by the City, which forms may be combined with forms for other permits required by the City. The applicant shall submit such forms, specifications, supplemental information and material as may be required by the City Manager. No permit shall be issued until all fees due the City have been paid.

5-9-315 Responsibility for costs and expenses.

All costs and expenses incurred in connection with the construction, installation and maintenance of a building sewer shall be discharged and paid by the lot owner who shall indemnify and hold harmless the City from any and all claims, damages or losses that may be directly or indirectly occasioned by the installation of such building sewer.

5-9-320 Building sewer required for each lot.

A separate and independent building sewer shall be provided for every lot; provided, however, at the discretion of the City Manager, joint use of building sewers may be permitted where provisions have been made to the satisfaction of the City, for joint maintenance by all owners served.

5-9-325 Existing building sewers.

Existing building sewers may be used in connection with new improvements and construction when, on examination and test by the City Manager, the same are found to meet all of the requirements of this Chapter.

5-9-330A Construction codes and standards.*

The size, slope, alignment, material of construction of a building sewer and the method to be used for excavating, placing the pipe, joining, testing, backfilling of the trench, shall conform to the requirements of the Plumbing Code of the City and the Standards and Standard Specifications of the City in effect at the time of construction and installation. Permits for building sewers that do not meet with requirements of the Plumbing Code of the City and the Standards and Standard Specifications of the City may be issued provided the plans and specifications for the same have been approved by the Engineer of the City of San Juan Bautista.

5-9-330B Building sewer elevation.*

Whenever possible, building sewers shall be brought to the building at an elevation below the basement floor. In all buildings which any building drain is less than thirty inches (30") higher than the invert of the public sewer, a back flow check device will be required and shall be maintained by the owner.

*These sections were both added to the code with the number 5-9-330. They have been editorially redesignated to omit the duplicate numbering. 5-9-335 Surface runoff prohibited in sewer.

5-9-335 Surface runoff prohibited in sewer.

No person shall make any connection of roof downspouts, exterior foundation drains, carry away drains or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to the public sanitary sewer.

5-9-340 Construction code for sewer connection.

The connection of a building sewer to the public sewer shall conform to the requirements of the Building and Plumbing Codes of the City and the Standards and Standard Specifications of the City in effect at the time of such connection. All such connections shall be made gastight and watertight. Any deviation from prescribed procedures and materials must be approved by the District prior to connection and installation.

5-9-345 Inspection of building sewer construction.

The permittee shall notify the City Manager when a building sewer is ready for inspection and connection to the public sewer. The connection of a building sewer to the public sewer shall be made only after inspection by, and in the presence of, the City Manager.

5-9-350 Protective devices.

All excavations and building sewer construction and installation shall be adequately guarded with barricades and lights so as to protect the public from injury. The permittee shall indemnify and hold harmless the City from any and all claims, damages or loss that may be directly or indirectly occasioned by the construction or installation. Streets, sidewalks, parkways and other public property disturbed in the course of construction and installation shall be restored in accordance with standards and standard specifications of the City.

5-9-355 Inspection and repairs of sewer laterals.

(A) Property owners shall inspect, and provide to the City a report of the results of an inspection of, the building sewers on their property prepared by a licensed plumber using closed circuit television (CCTV) inspection or other inspection or test method approved by the City Manager, and if found defective, repair the building sewers, as follows:

- (1) When building a new structure on property with an existing building sewer, when otherwise proposing to connect a previously unconnected structure to an existing building sewer;
- (2) As a condition of approval of any building remodel project that is estimated by the City to cost \$50,000.00 or more;
- (3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing, provided, the inspection and report requirement shall be excused if the buyer executes a release and waiver in a form approved by the City Manager;
- (4) Whenever the city finds that a sewage overflow emanating from a building sewer has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;
- (5) Whenever the City finds that a sewage overflow emanating from a building sewer presents a threat to public health, even if it has not flowed across a property line.

In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the City that such inspection is required. Existing building sewers shall not be used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the City Manager.

- (B) As part of its periodic construction and maintenance of sewer mains, the City may discover defective building sewers. The City may order the property owner to conduct an inspection, repair or replacement of any building sewer that the City knows or reasonably suspects to be defective.
- (C) The building sewer shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a blockage, or if, within a period of one year, suffers two or more blockages resulting in overflows.
- (D) Whenever defective building sewers are found, the property owner, at the sole expense of the property owner, shall repair or replace the building sewer. The City Manager shall determine the extent of repair required, and more limited repair than complete replacement of the building sewer may be permitted at the sole discretion of the City Manager. The following requirements shall be met.
 - (1) A replaced or repaired building sewer shall not be covered or backfilled until it has been inspected by a representative of the City.
 - (2) All new and repaired building sewers must pass an air pressure test as specified by the City Manager.

(3) All repaired or replaced building sewers shall be brought into compliance with the requirements of this Code. Overflow devices must be installed on all repaired or replaced building sewers, and backflow valves may be required to be installed on building sewers meeting the criteria of this Code.

(E) In the absence of a specific deadline established by the City Manager, all repair or replacement work shall be completed within sixty days of notification by the City that such repair or replacement is required.

(F) When a building sewer is completely replaced, the property owner is not required to inspect the building sewer upon sale of the property for ten years following the date of complete replacement of the building sewer.

(G) Roots, grease, or other material which have accumulated in a building sewer cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the building sewer. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the City for any fines or other expenses incurred by the City resulting from the spill.

(H) The City shall have the authority to recover from a property owner the City's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the City resulting from an overflow, the City, pursuant to Chapter 2-7, may impose civil administrative penalties for failing to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property. The City manager shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the City upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the building sewer to a degree sufficient to ensure avoidance of further violations.

Article 4. Use of Public Sewers

5-9-400 General discharge requirements.

No User shall contribute or cause to be contributed, directly or indirectly, an incompatible pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

5-9-401 Clear water prohibited from sanitary sewers.

No person shall discharge or cause to be discharged into any sanitary sewer any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process water.

5-9-405 Storm water disposal.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or natural outlets approved by the

City Manager. Industrial cooling water or uncontaminated process waters may be discharged on approval of the City Manager into combined sewers, storm sewers or natural outlets.

5-9-410 Materials prohibited in sewers.

No person shall discharge or cause to be discharged any of the following into any public sewer:

(A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State, or EPA has notified the User is a fire hazard or a hazard to the system.

(B) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes.

(C) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard.

(D) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(E) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State or local criteria applicable to the sludge management method being used and the sludge disposal site.

(F) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(G) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(H) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case shall wastewater with a temperature at the introduction into the POTW sanitary sewer system which exceeds 130° F be discharged.

(I) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour flow, concentration, or quantities, during normal operation.

(J) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager in compliance with all applicable State or Federal regulations.

(K) Any wastewater which causes a hazard to human life or creates a public nuisance.

(L) Any wastewater in such a quantity as to exceed the capacity allowed in the User's wastewater discharge permit.

5-9-415 Actions resulting from deposit of deleterious wastes.

When the City Manager determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the City Manager shall:

(A) Advise the User of the impact of the contribution on the POTW;

(B) Develop interim and ultimate effluent limitation(s) for such User to correct within a compliance time schedule the interference with the POTW; and

(C) In such an event where excessive flow discharge from a User presents a risk of sewer overflow, the City shall install a flow restriction device on the User's discharge sewer at the User's expense to limit the maximum flow rate to that provided for in the User wastewater discharge permit. The City Manager may pursue as well any and all enforcement actions described in this Chapter.

5-9-420 Authority to require special treatment facilities or measures.

Whenever deemed necessary by the City Manager, the owner shall at his or her own expense, provide such pretreatment or take such other measures as shall be required in order to reduce or eliminate objectionable waste characteristics or to reduce the volume of discharge of waters or wastes being deposited in the POTW sanitary sewer.

In the event pretreatment or special facilities are required to make the industrial wastes acceptable as provided under this Section, the owner shall be required to furnish a compliance schedule and plans, approved prior to construction, showing the method of collection and pretreatment proposed to be used. An interim operating permit shall not be issued until said compliance schedule, plans or modifications thereof have been approved by the City Manager. All such facilities shall then be installed in conformity with the aforementioned plans and other City codes or regulations.

5-9-425 Grease traps required.

Fats, oils, grease and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing grease,

flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the City Manager and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure to clean or maintain interceptors shall be grounds for discontinuance of service or other punitive action as provided in this Chapter. Specific requirements for fats, oils, and grease control are covered in Article 13 of this Chapter. Any use which requires a grease separator or trap is classified as a Significant User for permit purposes under this Chapter.

5-9-430 Screens required.

In plants processing fruits, vegetables and similar produce, screens shall be provided when, in the opinion of the City Manager, they are necessary to reduce the concentration of objectionable materials in the public sewers. Screens shall be of a type and capacity approved by the City Manager and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure to clean or maintain screens shall be grounds for discontinuance of service or other punitive action as provided in this Chapter.

5-9-435 Testing and sampling procedures.

All measurements, tests and analysis of characteristics of waters and wastes to which reference is made in this Chapter shall be made and determined in accordance with the latest edition of the "Standard Methods of Examination of Water and Waste Water" published by the American Health Association, and shall be determined at the control manhole or with samples taken from the control manhole. In the event that no special manhole has been provided, the control manhole shall be the nearest down stream manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constitutes on the sewer and to determine the existence of dangers or hazards to public health, safety and welfare.

5-9-440 Limitations on wastewater strength.

(A) No person shall discharge wastewater containing in excess of:

Toxicant	Maximum total Concentration Allowable Milligrams per Liter	
Arsenic.....	2.00	mg/L
Cadmium.....	1.00	mg/L
Chlorinated hydrocarbons.....	0.50	mg/L
Chromium, total.....	2.00	mg/L
Copper.....	3.30	mg/L
Cyanides.....	1.20	mg/L
Lead.....	1.00	mg/L
Mercury.....	0.05	mg/L
Nickel.....	4.00	mg/L
Phenolic compounds.....	10.00	mg/L
Silver.....	1.00	mg/L
Total toxic organics, excluding phenols..	2.10	mg/L
Zinc.....	5.00	mg/L

(B) No person shall discharge any wastewater:

(i) Containing more than 100 parts per million (ppm), by weight, of oil or grease of petroleum origin; containing more than 200 ppm, by weight, of fat, oil, or grease of animal or vegetable origin; or which contains grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 to 130 degrees F.

(ii) Having a pH lower than 6.0 or greater than 10.5.

(C) Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Section. Furthermore, State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

(D) The limitations on wastewater strength in this Section may be supplemented with more stringent limitations:

(i) If the City Manager determines that the limitations in subsections (A) or (B) above may not be sufficient to protect the operation of the City's sewerage system; or

(ii) If the City Manager determines that the limitations in subsection (a) or (b) above may not be sufficient to enable the City's domestic wastewater treatment plant to comply with water quality standards or effluent limitations specified in the City's NPDES permits.

(E) The collection of samples of wastewater for the measurement of constituents controlled by this Section shall be at the end of the industrial process sewer line and prior to the mixing of diluting waters.

5-9-445 Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. Although the City Manager will endeavor to notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12, if the City Manager does not, this does not relieve the Users of the responsibility of knowing and complying with the latest applicable Federal Categorical Pretreatment Standards and reporting requirements.

5-9-450 Modification of Federal Categorical Pretreatment Standards.

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

5-9-455 Wastewater volume determination and measured water supply.

When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources, unless, in the sole and exclusive opinion of the City Manager, significant portions of water received are not discharged to a City sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the User and approved by the City.

5-9-460 Metered wastewater volume and metered diversions.

When charges and fees are based upon water usage and when, in the sole and exclusive opinion of the City Manager, a significant portion of the water received from any metered source does not flow into the POTW sanitary sewer system because of the principal activity of the User or removal by other means, the User charges and fees will be applied against the volume of wastewater discharged from such premises into the POTW sanitary sewer system. Written notification and proof of the diversion of water must be provided by the User and approved by the City if the User is to avoid the application of the charges and fees against the total amount of water used from all sources. The User may install a flow meter of a type and at a location approved by the City and at the User's expense. Such meters shall measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be maintained at the expense of the User and be tested for accuracy at the expense of the User when deemed necessary by the City Manager.

Article 5. Special Sewers

5-9-500 Designation of special sewers.

Where the initial cost of installation and construction of any sewer, whether sanitary, storm or combined, was or is not directly assessed to or borne by abutting property, the City Council may, by resolution, establish such sewer as a special sewer.

5-9-505 Permits are required to connect.

No person shall connect to any special sewer without first obtaining a permit from the City Manager.

5-9-510 Application, issuance, fee.

(A)Application. Before a connection may be made to any special sewer, a permit shall be secured from the City Manager. Application for such permit shall be made on forms provided by the City Manager. The application and permit shall be in addition to the standard connection permit required under SJBMC 5-9-300, et seq.

(B)Issuance. Upon application being made, the City Manager shall issue a permit to make such sewer connection, which permit may contain such conditions, requirements and terms as the City Manager may determine to be necessary, upon payment of the fees provided for in this Chapter.

(C)Special Sewer Fee. Prior to the issuance of such permit, the applicant shall pay a special sewer fee in accordance with the rates fixed by the resolution of the City Council establishing such special sewer.

5-9-515 Establishment of fees.

The special sewer fee shall be fixed in the resolution of the City Council which establishes any special sewer. Such special sewer fee shall be determined as follows:

- (A) On a front foot basis;
- (B) On a square footage basis;
- (C) On a connection basis;
- (D) On a quantity or quality basis;
- (E) On the basis of benefit to the property served;
- (F) On a combination of any one (1) or more of the above.

Nothing herein contained shall affect or change the provisions of this, or any other, Chapter pertaining to inspection, permit or connection fees, or to any special sewer presently authorized or constructed.

Article 6. Connections

5-9-600 Outside the City – Approval required.

Except when authorized by resolution of the City Council, which resolution shall contain such terms and conditions and fix such fees as the City Council shall deem appropriate, no sewer connection permit shall be issued for, nor shall any sewer connection be made to serve, any premises or property located outside the corporate limits of the City.

5-9-605 Fees for equivalent residential connections.

Every application for a permit to connect to a sanitary sewer for the discharge of sanitary sewage and to the public water system shall be accompanied by a basic connection fee as follows:

Water Connection Fees – Cost Per Equivalent Residential Connection: \$14,223.00

5/8” – 1” meter :	\$14,223.00
1 ½” meter :	\$18,490.00
2” meter :	\$29,868.00
3” meter :	\$112,362.00
4” meter :	\$142,230.00

Wastewater Connection Fees – Cost Per Equivalent Residential Connection: \$3,266.00

Residential : \$3,266.00

Commercial/Industrial – Standard Strength

Water Meter Sizes Up To 1” :	\$3,266.00
Water Meter Sizes Over 1” :	\$3,266.00 per 227 gallons per day estimated daily discharge

Commercial/Industrial – Moderate Strength

Water Meter Sizes Up To 1” :	\$4,900.00
Water Meter Sizes Over 1” :	\$4,900.00 per 227 gallons per day estimated daily discharge

Commercial/Industrial – High Strength

Water Meter Sizes Up To 1” :	\$6,532.00
Water Meter Sizes Over 1” :	\$6,532.00 per 227 gallons per day estimated daily discharge”

5-9-620 Fees for special uses.

In addition to the basic connection fee, every application for a permit to connect any car wash, laundry, launderette, laundromat, bottling plant, metal plating shop or plant, cannery, creamery, distillery, slaughterhouse, paper recycling plant or similar uses, to a sanitary sewer for the discharge of sanitary sewage shall be accompanied by an additional fee as follows:

(A) Discharges of less than ten thousand (10,000) gallons, per month: one thousand five hundred dollars (\$1,500).

(B) Discharges of less than twenty thousand (20,000) gallons, per month: three thousand dollars (\$3,000).

(C) Discharges of twenty thousand (20,000) gallons or more, per month: three thousand six hundred dollars (\$3,600).

5-9-625 Fees for unclassified structures, sites and uses.

For any structures, sites or uses not hereinbefore classified, connection fees shall be computed and determined under the provisions of SJBMC 5-9-615.

5-9-630 Credit for previously paid connection fees.

When connection fees have been paid and thereafter service is disconnected or terminated, provided reuse or reconnection shall take place within three (3) years from and after the date of discontinuance or termination of service, connection fees theretofore paid shall be credited against connection fees due under the provisions of this Chapter.

5-9-635 Additional Industrial User fees.

The City Council shall by resolution adopt charges and fees which may include:

(A) Fees for reimbursement of costs of setting up and operation the City's Industrial Wastes Program.

(B) Fees for monitoring, testing, inspections and surveillance procedures.

(C) Fees for reviewing accidental discharge procedures and construction.

(D) Fees for permit applications and connections.

(E) Fees for filing appeals.

(F) Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards.

(G) Other fees as the City may deem necessary to carry out the requirements contained herein.

Article 7. Monthly Service Charge and Inspection Fees

5-9-700 Billing and delinquencies.

The provisions of Chapter 3-5 SJBMC shall govern the billing, collection, delinquency, termination, reconnection and related matters concerning sewer service. Service charges and fees shall be established by the City Council by resolution.

5-9-725 Fees.

The following inspection fees are hereby established:

(A) Four inch (4") connection: twenty-five dollars (\$25.00).

(B) Six inch (6") connection: thirty-five dollars (\$35.00).

(C) Connections in excess of six inches (6"): fifty dollars (\$50.00).

5-9-730 Payment of charges and fees prior to obtaining building permit.

Prior to the issuance of any building permit by the City Building Inspector or his duly authorized representative, the applicant therefor shall pay to the City all charges and fees provided for herein together with all other charges and fees as may be provided for by any ordinance or municipal code section then in effect.

5-9-735 Deposit and use of funds.

All connection fees, service charges, collection charges and special sewer fees, except as hereinafter specifically provided, shall be credited and deposited to the Sanitary Sewer Expansion Fund to be used for the payment of sewer bonds heretofore or hereafter issued, for the acquisition, construction, completion and improvement of public sewers, sewage works, sewage treatment plants and related appurtenances, and for the cost of maintenance and operation of public sewers, sewage works, sewer treatment plants and related appurtenances.

All inspection fees shall be credited and deposited to the general fund.

5-9-740 Change of charges and fees.

Any charge or fee established and fixed by this Chapter may be changed at any time by the City Council by resolution or ordinance.

Article 8. Wastewater Contribution Permit Administration

5-9-800 Wastewater Contribution Permit Application.

All Significant Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by the applicable fee. Existing Users shall apply for a Wastewater Contribution Permit within 60 days after the effective date of this Ordinance, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

(A) Name, address, and location, (if different from the address).

(B) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(C) Wastewater constituents and characteristics including but not limited to those mentioned in Article 3 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA.

(D) Average daily wastewater flow rates including daily, monthly, and seasonal variations if any.

(E) Site plans showing all building sewers and appurtenances (manholes, distribution boxes, etc.).

(F) A brief description of activities, facilities and plant processes on the premises including all materials that are or could be involved in discharges to the sewer.

The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

5-9-805 Permit conditions.

Wastewater Contribution Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, User charges, and fees established by the City. Permits may contain the following:

- (A) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a POTW sanitary sewer.
- (B) The permit fees as established yearly by City resolution.
- (C) Limits on the average and maximum wastewater constituents and characteristics.
- (D) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (E) Requirements for installation and maintenance of inspection and sampling facilities.
- (F) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.
- (G) Compliance schedules.
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto.
- (I) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (J) Requirements for notification of accidental or slug discharges.
- (K) The filing of an accidental discharge procedure for approval by the City as required by Section 3.20.
- (L) Requirement to conform to the minimum reporting requirements of Federal Categorical Pretreatment Standards for the particular industry per Section 5.6.
- (M) Granting of right of access to inspect, sample, and monitor the facility to insure compliance with the permit.
- (N) The requirement to pay for any retesting required by failure of normal testing.
- (O) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

5-9-810 Permit duration.

Permits shall be issued for a one (1) year period, and at the discretion of the City may be renewed for a period not to exceed five (5) years. An annual renewal fee is required independent of the length of time a permit is issued for. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article 3 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

5-9-815 Permit transfer.

Wastewater Contribution Permits are issued to a specific User for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

5-9-820 Reporting requirements for Permittee.

The City Manager may require that any person discharging into a POTW sanitary sewer file a periodic discharge report. The discharge report may include, but need not be limited to,

nature of process, volume, rates of flow, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged. In addition to discharge reports, the City may require information in the form of Wastewater Contribution Permit applications, self-monitoring reports, status reports, technical reports and final compliance reports.

5-9-825 Pretreatment compliance reports.

All industrial Users subject to categorical pretreatment standards must comply with the minimum quarterly reporting requirements contained in the General Pretreatment Regulations in Section 403.12 of Title 40 of the Code of Federal Regulations or as amended, or other Federal regulations as they apply. Additional reports may be required when Users are placed on a compliance schedule.

5-9-830 Monitoring Facilities.

The City shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. The User shall have any flow meters instrument calibrated at his own expense at least once every 12 months and full flow calibrated once every 3 years. Any electronic flow meters shall be calibrated annually by an independent technician. The meter shall bear a decal with the calibrator's initials, company name, meter identification number, date calibrated and method of calibration.

Whether constructed on public or private property, the sampling and flow monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

5-9-835 Inspection, sampling, and testing.

The City Manager shall inspect the facilities of any User to ascertain compliance with this ordinance. Occupants of premises where wastewater is discharged shall allow the City or its representatives access at all reasonable times to the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, the State, and the EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

All measurements, tests and analysis of characteristics of waters and wastes to which reference is made in this Ordinance shall be made and determined in accordance with the latest edition of the Standard Methods of Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the control manhole or with samples taken from the control manhole. In the event that no special manhole has been provided, the control manhole shall be the nearest downstream manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents on the sewer and sewage treatment works and to determine the existence of dangers or hazards to public health, safety and welfare.

5-9-840 Pretreatment.

Users shall provide necessary wastewater pretreatment as required to comply with this Ordinance and shall achieve compliance with all applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the State or EPA upon request.

5-9-845 Confidential information.

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Subject to the provisions of the Public Records Act (Government Code Sections 6250 et. seq.) information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the User.

Article 9. Appeals

5-9-900 Notice of appeal.

Any User, permittee, or other person aggrieved by any decision, determination, ruling or order of the City Manager may, within ten (10) days from and after the date of the same, appeal the same to the City Council by filing a written notice of appeal, in duplicate, which shall set forth specifically wherein the City Manager was in error.

5-9-905 Hearing.

Within thirty (30) days of the date of filing of a notice of appeal, the City Council shall set the appeal for hearing, which hearing may be continued from time to time. Not less than ten (10) days prior to the hearing, the City Clerk shall cause to be mailed to the appellant, and any other person who has filed written request therefor, written notice of the time, date and place of the hearing. On the hearing of the appeal, the City Council shall consider the record and such additional evidence as may be offered and may affirm, modify or reverse, in whole or in part, the decision, determination, ruling or order appealed from, or may make and substitute such additional or other decision, determination, ruling or order as it shall find warranted.

5-9-910 Decision.

A decision on the appeal shall be rendered within thirty (30) days from and after the date of the close of the hearing on the appeal and within ten (10) days thereafter the City Clerk shall cause to be mailed to the appellant and any other person who has filed written request therefor written notice of said decision. The decision of the City Council shall be final.

Article 10. Enforcement and Penalties

5-9-1000 Costs.

Any person violating any of the provisions of this Chapter shall be liable and responsible to the City for any and all costs, damages, expenses or losses incurred or suffered by the City by reason thereof.

5-9-1005 Discontinuance or termination of service.

The City Manager may discontinue or terminate sewer service to any premises occupied or owned by any person violating any of the provisions of this Chapter. Thereafter, no such discontinued or terminated service shall be reestablished until such violation shall have been corrected or discontinued and all costs, damages, expenses and losses incurred or suffered by the City by reason of such violation, including all costs and expenses incurred in connection with such discontinuance or termination and reestablishment of service, have been paid.

5-9-1010 Misdemeanor.

Any violation of the provisions of this Chapter shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each day, or portion thereof, during which any such violation is committed, continued or permitted, shall be a separate offense.

5-9-1015 Nuisance.

The maintenance and use of any sewer contrary to the provisions of this Chapter, or any violation of the provisions of this Chapter, shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City Attorney shall, on order of the City Council,

immediately commence an action or proceeding for the abatement, removal and enjoinder thereof in the manner provided by law.

5-9-1020 Emergency suspension of Wastewater Contribution Permit.

The City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop further discharge. In the event of a failure of the person to comply with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection. The City shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

5-9-1025 Revocation of Wastewater Contribution Permit.

In addition to the provisions of Section 5-9-1020, any User who violates the following provisions or applicable state and federal regulations, shall have his permit revoked in accordance with the procedures of this Chapter.

(A) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;

(B) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;

(C) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring;

(D) Violation of conditions of the permit;

(E) Making a prohibited discharge (Section 3.2) or exceeding the limitations on wastewater strength (Section 3.2); or,

(F) Failing to pay when due all sewer service charges.

5-9-1030 Notification of violation.

Whenever the City finds that any User has violated or is violating this Ordinance, its Wastewater Contribution Permit, or any prohibition, limitation or requirement contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the User.

5-9-1035 Show cause hearing.

The City may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served

personally or by registered or certified mail (return receipt requested) at least 10 (ten) days before the hearing. Service may be made on any agent or officer of a corporation.

5-9-1035 Conduct of hearing.

The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

(A) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(B) Take the evidence;

(C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the City Council has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate measures are taken to correct the violation(s). Further orders and directives as are necessary and appropriate may be issued.

5-9-1040 Appeals.

Appeals are covered under Article 9 of this Chapter.

5-9-1045 Penalties.

(A) Public Nuisance: Discharges of wastewater in any manner in violation of this ordinance or of any order issued by the City Manager as authorized by this ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person creating a public nuisance shall be subject to provisions of City or State codes or ordinances governing such nuisance.

(B) Injunction: Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

(C) Damage to Facilities: When a discharge of wastes causes an obstruction, damage, or any other impairment to City facilities, the City may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's charges and fees.

(D) Civil Penalties: Any person who violates any provision of this ordinance or permit condition, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable for civil penalties imposed by the City against which the violation occurs. The attorney of the City, upon order of the City's governing body, shall petition the Superior Court to impose, assess, and recover such sums as may be applicable.

(E) Criminal Penalties: Any person who intentionally or negligently violates any provision of this ordinance or permit condition, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard is guilty of a misdemeanor and shall be liable to penalties imposed by law.

The attorney of the City, upon order of the City's governing body, shall petition the Superior Court to impose, assess, and recover such sums as may be applicable.

(F) Falsifying of Information: Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the City or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be punished in accordance with the City codes or ordinances governing such falsifications. The attorney of the City, upon order of the City's governing body, shall petition the Superior Court to impose, assess, and recover such sums as may be applicable.

(G) Termination of Service: The City may revoke any Wastewater Discharge Permit, or terminate or cause to be terminated water service to any premise if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater cause or threatens to cause a condition of contamination, pollution, or nuisance as defined in this ordinance. This provision is in addition to other statutes, rules, or regulations, authorizing termination of service for delinquency in payment.

Article 11. Extension and Oversizing

5-9-1100 Extension and oversizing – Generally.

When it is necessary to construct a public sewer from any premises to an existing public sewer, or when, in the opinion of the City Manager, a public sewer should be constructed with a larger capacity than the minimum capacity needed to serve any premises, and where such extended or oversized public sewer can or may be used for the disposal of sewage from adjacent or adjoining premises, the City Council may establish such public sewer as a special sewer and contract with the owner of the premises so as to provide a means of reimbursement to such owner for the additional costs incurred in connection with such extension or oversizing.

5-9-1105 Reimbursement.

The costs of such extension or oversizing shall be apportioned against all premises which can or may use such extended or oversized public sewer for the disposal of sewage. All special sewer fees collected by and paid to the City shall be credited and deposited to a reimbursement account in the name of the owner of the premises. Semi-annually on the first days of January and July of each year, all funds credited and deposited to such reimbursement account shall be paid to the owner of the premises. The right to reimbursement shall terminate and such reimbursement account shall be closed and all funds credited and deposited to the same shall become the property of the City at such time as any of the following shall first occur:

- (A) Reimbursement of the full amount of the costs of such extension or oversizing.
- (B) At such time as the City is without authority to collect special sewer fees.
- (C) The lapse of fifteen (15) years from the date of the contract.

No interest shall accrue or be due and payable on funds credited and deposited to any reimbursement account.

5-9-1110 Filing of address.

Any person entitled to reimbursement under the provisions of SJBMC 5-9-1100, et seq., shall keep on file with the City Clerk his correct current mailing address. In the event the City Clerk is unable to locate any person entitled to reimbursement, he shall send written notice to such person by certified or registered mail, addressed to such person at the last address on file with him, which notice shall contain a statement of the amount of reimbursement due and that if

such person shall not demand the same within one (1) year of the date of such notice, all right to reimbursement shall be terminated and such reimbursement account closed and funds credited and deposited to such account paid to the City.

Article 12. Cross-Connection Control Program

5-9-1200 Purpose.

The purpose of this Article is to protect the public water supply system from contamination due to potential and actual cross-connections. This shall be accomplished by the establishment of a cross-connection control program as required by State regulations. This Article is adopted pursuant to Title 17, Sections 7583 – 7605, inclusive, of the California Code of Regulations, entitled "Regulations Relating to Cross-Connections."

5-9-1205 Responsibility.

The City Manager shall be responsible for implementing and enforcing the cross-connection program. An appropriate backflow prevention assembly shall be installed by and at the expense of the water user at each user connection where required to prevent backflow from the water user's premises to the domestic water system. It shall be the water user's responsibility to comply with the municipal water works' requirements.

5-9-1210 Cross-connection protection requirements.

The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water user's premises. Unprotected cross-connections with the public water supply are prohibited. The types of backflow prevention assembly that may be required are (listed in decreasing level of protection): air-gap separation (AG), reduced pressure principle backflow prevention assembly (RP), and a double check valve assembly (DC). The water user may choose a higher level of protection than required by the water supplier. The minimum type of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are listed in Table 1 of Section 7604, Title 17. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the water supplier or health agency.

5-9-1215 Backflow prevention assemblies.

Only backflow prevention assemblies which have been approved by the water supplier shall be acceptable for installation by the water user. A list of approved backflow prevention assemblies will be provided upon request to any affected customer. Backflow prevention assemblies shall be installed in a manner prescribed by Section 7603, Title 17. Location of the assemblies shall be as close as practical to the water user's connection. The water supplier shall have the final authority in determining the required location of a backflow prevention assembly.

Testing of backflow assemblies shall be conducted only by qualified testers and testing will be the responsibility of the water user. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by the water supplier. No assembly shall be placed back in service unless it is functioning as required. These assemblies shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user. Approval must be obtained from the water supplier prior to removing, relocating or replacing a backflow prevention assembly.

5-9-1220 Administration.

The cross-connection control program shall be administered by the City Manager. The water supplier will establish and maintain a list of approved backflow prevention assembly testers. The water supplier shall conduct necessary surveys of water user premises to evaluate the degree of potential health hazards. The water supplier shall notify users when an assembly needs to be tested. The notice shall contain the date when the test must be completed.

5-9-1225 Water service termination.

When the municipal water works encounters water uses that present a clear and immediate hazard to the potable water supply that cannot be immediately abated, the procedure for terminating water service shall be instituted. Conditions of water uses that create a basis for water service termination shall include, but are not limited to, the following:

- (A) Refusal to install or to test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
- (B) Direct or indirect connection between the public water system and a sewer line.
- (C) Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
- (D) Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For condition (A), the water supplier will terminate service to a water user's premises after proper written notification has been sent. If no action is taken within the allowed time period, water service shall be terminated.

For conditions (B), (C), or (D), the water supplier shall take the following steps:

- (1) Make reasonable effort to advise the water user in writing of intent to terminate water service.
- (2) Terminate water service and lock service valve. The water service shall remain inactive until correction of violations has been approved by the municipal water works.

Article 13. Fats, Oils, and Grease (FOG) Control

5-9-1300 Grease interceptor installation, maintenance, recordkeeping, and grease removal.

(A) Grease interceptors shall be installed and maintained at the User's expense when a User operates a food service establishment. Grease interceptors may be required in noncooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when the establishment generates wastewater containing fats, oils, or grease and the City Manager determines an interceptor is necessary to prevent contribution or accumulation of grease to the sanitary sewer collection and treatment system. Upon notification by the City Manager or designee that the User is subject to the terms of an enforcement action, as stipulated in the FOG Control Plan contained within the City's Sewer System Management Plan, said user shall not allow wastewater discharge concentration from subject grease interceptor to exceed an establishment action level of 200 milligrams per liter, expressed as Hexane Extractable Material. All grease interceptors shall be of a type, design, and capacity approved by the City Manager and shall be readily and easily accessible for maintenance and repair, including cleaning and for City inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every sixty (60) days or as permitted in a valid program

modification. Users who are required to pass wastewater containing FOG through a grease interceptor shall:

(1) Obtain a Wastewater Contribution Permit as required under Articles 4 and 8 of this Chapter.

(2) Provide for a minimum hydraulic retention time of 24 minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived materials to rise and accumulate, identified hereafter as a solids blanket and grease cap respectively."

(3) Remove any accumulated grease cap and solids blanket as required, but at intervals of not longer than sixty (60) days at the user's expense, or in accordance with a valid program modification or other City Manager's requirements. Grease interceptors shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this solids blanket and thereby reduce the effective volume of the grease interceptor.

(4) Operate and maintain the grease interceptor to achieve and consistently maintain any applicable grease action level. "Consistent" shall mean any wastewater sample taken from such grease interceptor must meet the terms of numerical limit attainment described in subsection (A) of this Article. If a User documents that conditions exist ("space constraints") on their establishment site that limit the ability to locate a grease interceptor on the exterior of the establishment, the User may request an interior location for the interceptor. Such request shall contain the following information:

a. Location of City sewer main and easement in relation to available exterior space outside building.

b. Existing plumbing layout at or in a site.

c. A Statement of Understanding, signed by the User or authorized agent, acknowledging and accepting conditions City Manager may place on permitting an identified interior location. Conditions may include requirements to use alternative mechanisms, devices, procedures, or operations relative to an interior location.

d. Such other information as may be required by the City Manager.

(5) The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the City Manager. Any User using biological or other additives shall maintain the trap or interceptor in such a manner that attainment of any grease wastewater, action level, solids blanket or grease cap criteria, goal or directive, as measured from the grease interceptor outlet or interior, is consistently achieved.

(6) The use of automatic grease removal systems is permissible only upon prior written approval of the City Manager. Any user using a grease interceptor located on the interior of the site shall be subject to any operational requirements set forth by the City Manager and County Health Department. Any User using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved as required in subsection (A) of this Article.

(7) The City Manager may make determinations of grease interceptor adequacy need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review by all regulatory reviewing agencies and may require repairs to, or modification or replacement of grease interceptors.

(B) The user shall maintain a written record of grease interceptor maintenance for three years. All such records will be available for inspection by the City at all times. These records shall include:

- (1) User name and physical location
- (2) Date of grease interceptor service
- (3) Time of grease interceptor service
- (4) Name of grease interceptor service company
- (5) Name and signature of grease interceptor service company agent performing said service
- (6) Established service frequency and type of service: full pumpout, partial pumpout, on-site treatment (type or nature of operations)
- (7) Number and size of each grease interceptor serviced at location
- (8) Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease interceptor
- (9) Total volume of waste removed from each grease interceptor
- (10) Destination of removed wastes, food solids, and wastewater disposal
- (11) Signature and date of User personnel confirming service completion
- (12) Such other information as required by City Manager

(C) No nongrease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.

(D) Access manhole covers shall have an installed diameter of 24 inches, a maximum weight of 50 pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as “risers” into the grease interceptor shall also be, at a minimum, 24 inches in diameter. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(E) A User may request a modification to the following requirements of this ordinance. Such request for a modification shall be in writing and shall provide the information set forth below.

(1) The user’s grease interceptor pumping frequency. The City Manager may modify the 60 day grease interceptor pump out frequency when the User provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the City Manager. Proposed alternatives may include: grease interceptor pumping or maintenance matters, bioremediation as a complement to grease interceptor maintenance, grease interceptor selection and sizing criteria, onsite grease interceptor maintenance, and specialized ware washing procedures

(2) Grease interceptor maintenance and service procedures. The City Manager may modify the method(s) or procedure(s) utilized service a grease interceptor when the User provides data, and performance criteria related to the overall effectiveness of a proposed alternate method or procedure and such can be substantiated by the City Manager. If a modification to maintenance and service procedures is permitted it shall be a conditional discharge permit approval.

(3) Any modification must be approved by the City Manager in written form before implementation by the User or the User’s designated service provider. The User shall pay applicable fees as set forth in this Chapter.

Article 14. Industrial sewer connection application; wastewater discharge permit.

5-9-1400 Application and permit forms.

Industrial sewer connection applications and wastewater discharge permits shall be in substantially the following forms:

INDUSTRIAL SEWER CONNECTION APPLICATION

To the City of San Juan Bautista:

The undersigned being the _____ of the property located at _____

does hereby request a permit to _____ an industrial sewer connection serving _____, which company is engaged in _____

at said location.

1. A plan to the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, representative analyses, and compliance with any applicable Pretreatment Standard or Requirements, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is: _____.

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the sewer connection for which this permit is sought as may be requested by the City.
2. To accept and abide by all provisions of the Sewer Use Ordinance and Wastewater Discharge Regulations of the City of Hollister, and of all other pertinent Ordinances or Regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times, and at no expense to the City.
4. To cooperate at all times with the City and its representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the City immediately in the event of any accident, or other occurrence that occasions the contribution of any wastewater or substances prohibited or not covered by this permit.

Date: _____ Signed _____
\$ _____ inspection fee paid _____

Application approved and permit granted:

Date: _____

Signed _____

City of San Juan Bautista
Department of Public Works
WASTEWATER DISCHARGE PERMIT

Permit No. _____

In accordance with all terms and conditions of the San Juan Bautista City Code, Part _____, Article _____, _____, Section _____, et. seq., and also with any applicable provisions of Federal or State law or regulation; Permission Is Hereby Granted To

Classified by SIC No. _____
For the contribution of _____
Into the City of San Juan Bautista sewer lines at _____

This permit is granted in accordance with the application filed on _____, 20____, in the office of the City Manager and in conformity with the plans, specifications, and other data submitted to the City Manager in support of the above application, all of which are filed with and considered as part of this permit, together with the following named conditions and requirements.

Effective this ____ day of _____, 20____

To expire ____ day of _____, 20____
