

## ELEMENT 3. LEGAL AUTHORITY

This SSMP element describes the City’s legal authority related to the SSMP. The major items discussed in this element are as follows:

- Regulatory Requirements
- Municipal Code

### REGULATORY REQUIREMENTS

**Table 3-1. Legal Authority Element Requirement**

WDR Paragraph Number	Description of Requirement	Required Component
D-13-(iii)	Legal Authority	The City must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
D-13-iii(a)	Illicit Discharges	Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);
D-13-iii(b)	Design and Construction Standards for Public Sewers	Require that sewers and connections be properly designed and constructed;
D-13-iii(c)	Access for Maintenance, Inspection, Repair	Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the City;
D-13-iii(d)	Fats, Oils, and Grease Control	Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
D-13-iii(e)	Enforcement	Enforce any violation of its sewer ordinances.

## MUNICIPAL CODE

The City of Vacaville Municipal Code establishes the City’s legal authority to maintain the sanitary sewer system as required by Section D-13 iii of the WDR’s. Table 3-2 lists the sections of the Municipal Code that fulfill the requirements grouped by Section D-13 iii requirements (a) through (e). The City’s Municipal Code sections relating to sewers are contained in Title 13, Chapter 13.08, entitled Sewers.

The Vacaville Municipal Code is current through Ordinance 1935, passed December 11, 2018. The entire Municipal Code can be accessed through the following link: <http://www.codepublishing.com/ca/vacaville/>.

**Table 3-2. City Municipal Code Sections that Fulfill Legal Authority Requirements**

<b>WDR Requirement</b>	<b>Description of Requirement</b>	<b>Relevant Municipal Code Section</b>
D-13-iii(a)	Illicit Discharges	Chapter 13.09, Article V. Building Sewers, Lateral Sewers and Connections 13.08.250: Connection – Application Chapter 13.08, Article VII. Use of Public Sewers 13.08.450: General discharge prohibitions 13.08.460 Specific pollutant limitations 13.08.470: Federal categorical pretreatment standards 13.08.480: State requirements 13.08.490: Excessive discharge 13.08.500: Accidental discharges 13.08.510: Permit required for certain discharges 13.08.520: Reports required for certain permittees 13.08.530: Monitoring facilities 13.08.540: Inspection and sampling 13.08.550: Pretreatment
D-13-iii(b)	Design and Construction Standards for Public Sewers	Chapter 13.08, Article V. Building Sewers, Lateral Sewers and Connections Chapter 13.08, Article VI. Public Sewer Construction
D-13-iii(c)	Access for Maintenance, Inspection, Repair	Chapter 13.08, Article II. Use of Public Sewers Required 13.08.080: Right of entry for inspection

<b>WDR Requirement</b>	<b>Description of Requirement</b>	<b>Relevant Municipal Code Section</b>
D-13-iii(d)	Fats, Oils, and Grease Control	<p>Chapter 13.08, Article V. Building Sewers, Lateral Sewers and Connections</p> <p>13.08.271: Connection – Grease Removal Devices</p> <p>Chapter 13.08, Article VII. Use of Public Sewers</p> <p>13.08.450: General discharge prohibitions</p> <p>13.08.451: Fats, Oils and Grease Control</p> <p>13.08.470: Federal categorical pretreatment standards</p> <p>13.08.480: State requirements</p> <p>13.08.490: Excessive discharge</p> <p>13.08.510: Permit required for certain discharges</p> <p>13.08.520: Reports required for certain permittees</p> <p>13.08.530: Monitoring facilities</p> <p>13.08.540: Inspection and sampling</p> <p>13.08.550: Pretreatment</p>

<b>WDR Requirement</b>	<b>Description of Requirement</b>	<b>Relevant Municipal Code Section</b>
D-13-iii(e)	Enforcement	<p>Chapter 13.08, Article II. Use of Public Sewers Required</p> <p>13.08.050: Sewer disconnection authorized</p> <p>13.08.060: Refusal of discontinuance – Director of Public Works</p> <p>13.08.070: Refusal of discontinuance – Sewer division</p> <p>Chapter 13.08, Article IV. Rendering and Payment of Bills and Charges</p> <p>13.08.240: Delinquency discontinuance</p> <p>Chapter 13.08, Article VII. Use of Public Sewers</p> <p>13.08.451: Fats, Oils and Grease Control</p> <p>13.08.570: Harmful contributions</p> <p>13.08.580: Revocation of permit</p> <p>13.08.590: Notifications of violation – Orders</p> <p>13.08.600: Show cause hearing</p> <p>13.08.610: Legal action – Injunction – Civil Penalties</p> <p>13.08.620: Administrative procedures and civil penalties</p> <p>13.08.630: Parameter discharge limit violations – Reporting violations – Administrative penalties</p> <p>13.08.640: Appeal of imposition of civil penalties or administrative penalties</p> <p>13.08.650: Other penalties</p> <p>13.08.660: Attorney’s fees</p> <p>13.08.670: Abatement</p> <p>13.08.680: Nonexclusive remedies</p> <p>13.08.690: Falsifying information</p>

**EXHIBIT 3-A**

## **Chapter 13.08 SEWERS**

Sections:

### ARTICLE I. GENERAL PROVISIONS

- 13.08.010 Purpose and policy.**
- 13.08.020 Definitions.**
- 13.08.030 Abbreviations.**

### ARTICLE II. USE OF PUBLIC SEWERS REQUIRED

- 13.08.040 Sewer required.**
- 13.08.050 Sewer disconnection authorized.**
- 13.08.060 Refusal or discontinuance – Director of public works.**
- 13.08.070 Refusal or discontinuance – Sewer division.**
- 13.08.080 Right of entry for inspection.**

### ARTICLE III. SERVICE APPLICATIONS AND RATES, AND SYSTEM CONNECTION AND LATERAL SERVICE CHARGES

- 13.08.090 Service application – Required.**
- 13.08.100 Service application – Use without.**
- 13.08.110 Rates – To be as set forth.**
- 13.08.120 Rates – Purpose.**
- 13.08.150 Rates – Contractual rates.**
- 13.08.180 Connection credit.**

### ARTICLE IV. RENDERING AND PAYMENT OF BILLS AND CHARGES

- 13.08.190 Billing and payment.**
- 13.08.200 Service deposit.**
- 13.08.210 Liability for bill.**
- 13.08.220 Connection – Charges – Payment in advance.**
- 13.08.230 Connection – Charges – Payment and receipt.**
- 13.08.240 Delinquency discontinuance.**

### ARTICLE V. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

- 13.08.250 Connection – Application.**
- 13.08.260 Connection – Standard requirements.**
- 13.08.270 Connection – Other than standard.**
- 13.08.271 Connection – Grease removal devices.**
- 13.08.280 Connection – Main extension – Adequate required.**
- 13.08.290 Connection – Change in size and type.**

- 13.08.300 Connection – Location change.
- 13.08.310 Connection – Inspection.
- 13.08.320 Connection – Required location.
- 13.08.330 Connection – Separate premises – Required.
- 13.08.340 Connection – Separate premises – Exception.
- 13.08.350 Connection – Approval required outside city.
- 13.08.360 Connection – Acceptance of sewage and maintenance of lines.
- 13.08.370 Connection – Subdivision.

#### ARTICLE VI. PUBLIC SEWER CONSTRUCTION

- 13.08.380 Permit required.
- 13.08.390 Design and construction.
- 13.08.400 Cost payment.
- 13.08.410 Rights-of-way.
- 13.08.420 “As-built” drawings.
- 13.08.430 Street work requirements.
- 13.08.440 Extension outside city.

#### ARTICLE VII. USE OF PUBLIC SEWERS

- 13.08.450 General discharge prohibitions.
- 13.08.451 Fats, oils and grease control.
- 13.08.460 Specific pollutant limitations.
- 13.08.470 Federal categorical pretreatment standards.
- 13.08.480 State requirements.
- 13.08.490 Excessive discharge.
- 13.08.500 Accidental discharges.
- 13.08.510 Permit required for certain discharges.
- 13.08.520 Reports required for certain permittees.
- 13.08.530 Monitoring facilities.
- 13.08.540 Inspection and sampling.
- 13.08.550 Pretreatment.
- 13.08.560 Confidential information.
- 13.08.570 Harmful contributions.
- 13.08.580 Revocation of permit.
- 13.08.590 Notification of violation – Orders.
- 13.08.600 Show cause hearing.
- 13.08.610 Legal action – Injunction – Civil penalties.
- 13.08.620 Administrative procedure and civil penalties.
- 13.08.630 Parameter discharge limit violations – Reporting violations – Administrative penalties.
- 13.08.640 Appeal of imposition of civil penalties or administrative penalties.
- 13.08.650 Other penalties.
- 13.08.660 Attorney’s fees.
- 13.08.670 Abatement.
- 13.08.680 Nonexclusive remedies.

## **13.08.690 Falsifying information.**

### **ARTICLE I. GENERAL PROVISIONS**

#### **13.08.010 Purpose and policy.**

The purpose of this chapter is:

- A. To prevent the introduction of pollutants in waste discharges which would adversely affect the sewer system, the operation of the treatment facilities, the quality of the effluent from the treatment plant, the quality of the receiving waters, or contaminate the resulting sludge through regulation and control of the quality and quantity of the waste discharged into the city's system by any discharger;
- B. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- C. To provide an equitable distribution of the costs of the wastewater system; and
- D. To provide procedures for complying with all requirements placed upon the city by all other regulatory agencies.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

This chapter shall apply to the city of Vacaville and to persons outside the city who are, by contract or agreement with the city, users of the city sewer system and treatment works. Except as otherwise provided herein, the director of public works of the city shall administer, implement, and enforce the provisions of this chapter. (Ord. 1097 (part), 1981).

#### **13.08.020 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

1. "Act" or "the Act" means the federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [33 U.S.C. 1251](#) et seq.
2. "Approval authority" means the state of California Central Valley Regional Water Quality Control Director in an NPDES State Board.
3. "Authorized representative of industrial user" may be: (a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).



5. "Building Official" means the Building Official of the City of Vacaville or a person designated by the Building Official to assume some or all of the Building Official's duties.
6. "Building sewer" means a sewer conveying wastewater from the premises of a user to the POTW.
7. "Chemical oxygen demand (COD)" means the equivalent quantity of oxygen utilized during oxidation of organic and inorganic matter in wastewater under the conditions of the COD test described in Standard Methods, expressed in milligrams per liter.
8. "Categorical Standards" means National Categorical Pretreatment Standards or Pretreatment Standard.
9. "Chlorine demand" means the amount of chlorine required to produce a free chlorine residual of 0.1 mg/l after a contact time of 15 minutes as measured by the iodometric method on a sample at a temperature of 20 degrees centigrade in conformance with Standard Methods.
10. "City" means the City of Vacaville or the City Council of the City of Vacaville.
11. "Compatible pollutant" means BOD, suspended solids, pH, fecal coliform bacteria, plus additional pollutants identified in the City of Vacaville's National Pollutant Discharge Elimination System (NPDES) permit.
12. "Contamination" means an impairment to the quality of the waters of the state by a 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.
13. "Control authority" refers to the "approval authority," defined hereinabove; or the Superintendent.
14. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
15. "Critical discharge" means a user who is required to obtain an industrial waste permit, as defined in Section [13.08.510](#).
16. "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of California.
17. "Director" means the Director of Public Works of the City of Vacaville.
18. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the agency.
19. "Food service establishments" means those establishments regularly engaged in activities of food preparation, food service, or the making available for consumption foodstuffs and that use one or more of the following preparation methods: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, or any other food preparation activity that produces a heated food product, whether served on or in washable and reusable plates or containers or

those of a disposable type. Food service establishments also include those establishments or facilities where foodstuffs are served or prepared for consumption or sale, including but not limited to cold dairy and frozen foodstuffs preparation and establishments that prepare or serve drinkable or edible products.

20. "Garbage" means solid wastes from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce. "Properly ground garbage" is the wastes from the preparation, cooking, and dispensing of foods which have been ground to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers.

21. "Grab sample" means 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.

22. "Grease" means greases, oils, fats, fatty acids, waxes, soaps or other matter which is so determined in accordance with the Standard Methods examination for grease in polluted matters.

23. "Grease removal device" means any device, unit, or installation for separating and retaining waterborne fats, oils, and greases, or grease complexes as well as settleable solids prior to discharge of wastewaters to the sanitary sewer system, including, but not limited to, a grease interceptor, grease trap, or other mechanical device approved by the Building Official or Director.

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

25. "Incompatible pollutant" means any pollutant not allowable to be discharged by any agency under the National Pollution Discharge Elimination System (NPDES) permit. The pretreatment standards for incompatible pollutants introduced into the City's treatment works by a major contributing user shall be, for sources within a corresponding federal industrial or commercial category, those established by a promulgated limitations guideline defining best practicable control technology currently available pursuant to the Act.

26. "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act into the POTW (including holding tank waste discharged into the system).

27. "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

28. "Industrial wastes" includes the liquid wastes from industrial processes as distinct from sanitary sewage.

29. "Interceptor" means a device used to separate and retain deleterious or undesirable matter from waste, including grease, oil and sand.

30. "Interference" means the inhibition or disruption of the POTW 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 POTW in accordance with Section 405 of the Act ([33 U.S.C. 1345](#)) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), 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 POTW.

31. "Mass emission rate" means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emissions rate shall mean pounds per day of a particular constituent or combination of constituents.

32. "National Categorical Pretreatment Standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act ([33 U.S.C. 1347](#)) which applies to a specific category of industrial users.

33. "National Prohibitive Discharge Standard" or "prohibitive discharge standard" means any regulation developed under the authority of the Act.

34. "Natural outlet" means any outlet into a watercourse, pond, ditch, creek, lake, or other body of surface water, or ground water.

35. "New source" means any building, structure, facility or installation from which there is or may be an indirect discharge of pollutants of concern, the construction of which commenced after promulgation of any proposed applicable Categorical Pretreatment Standard under Section 307(c) of the federal Clean Water Act. The proposed Section 307(c) Categorical Pretreatment Standards will be applicable to such source if such standards are thereafter promulgated as Pretreatment Standards for New Sources (PSNS) in accordance with that section.

36. "NPDES (National Pollution Discharge Elimination System) permit" means a permit issued pursuant to the Act.

37. "Nuisance" means anything 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 of 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.

38. "Pass-through" means the discharge of pollutants of concern through the City's wastewater treatment plant operations into navigable waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

39. "Person" means any individual, partnership, copartnership, 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 the feminine; the singular shall include the plural where indicated by the context.

40. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

42. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

43. "Premises" means any separate identifiable and transferable lot or parcel of real property, including the improvements thereon, excepting those portions thereof having well defined boundaries such as walls, fences, or hedges thus preventing the common use of the property by all occupants which shall also be considered as a separate premises.

44. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by [40 CFR Section 403.6\(d\)](#).

45. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

46. "Publicly owned treatment works (POTW)" or "treatment works" means a treatment works as defined by Section 212 of the Act ([33 U.S.C. 1292](#)) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

47. "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.

48. "Radioactive material" means any material containing chemical elements which spontaneously change their atomic structure with the emission of atomic energy.

49. "Reclaimed water" means water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur.

50. "Service" meanings are as follows:

a. "General service" means the furnishing of facilities for domestic, commercial, industrial and governmental sewer service; excepting industrial service as defined in this section.

b. "Industrial service" means the furnishing of sewer service to a commercial establishment, the use of such sewer facilities being a necessary and an integral part of the operation of that enterprise. Industrial services shall be divided into two separate classes: Class I and Class II services. Class I service means that sewer service for which the peak biochemical oxygen demand (BOD), or suspended solids (SS) content, or both does not exceed 300 milligrams per liter (mg/l) of sewage discharge and/or the volume of sewage discharge does not exceed 25,000 gallons per day. Class II service means that sewer service for which the peak biochemical oxygen demand (BOD), or suspended solids (SS) content, or both exceeds 300

mg/l of sewage discharge and/or the volume of sewage discharge exceeds 25,000 gallons per day.

51. "Sewage" means a combination of liquid or water-carried waste conducted away from residences, commercial establishments and institutions, which is known as domestic sewage, together with the liquid or water-carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning, cooling or drain water from such processes, which is known as industrial waste.

52. "Sewer division" means that division of the Public Works Department of the City designated to administer the sewerage system operated by the City. The term shall include the Director of Public Works and other employees of the City serving in such sewer division.

53. "Sewer line hot spot" means any part of the sewerage system or publicly owned treatment works that the Director has determined must be flushed at a frequency greater than or equal to once every 30 days to remove obstructions from the accumulation of fats, oil, and grease deposits.

54. "Sewer service areas A and B" means those areas designated and delineated on that map marked Exhibit A as adopted by Resolution 1960 B-2 on June 20, 1960, and placed on file in the City Clerk's office.

55. "Sewer service line" means any individual sewer lateral located on any private premises and/or extending from any structure to a sewer main located in any street, alley, or public utility right-of-way.

56. "Sewerage system" means the sewer mains and plants operated by the City together with such additions and improvements thereto as may be made from time to time.

57. "Significant industrial user" means any industrial user of the City's wastewater disposal system who (a) has a discharge flow of 25,000 gallons or more per average work day, or (b) has a flow greater than five percent of the flow in the City's wastewater treatment system, or (c) has in its waste toxic pollutants as defined pursuant to Section 307 of the Act or by the state of California statutes and rules, or (d) is found by the City, the Regional Water Quality Control Board, the State Department of Public Health, or 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, or (e) is an industrial user subject to National Categorical Pretreatment Standards.

58. "Standard Methods" shall mean the latest EPA-approved edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation on definitions, laboratory procedures of analysis, tests (including test samples) and measurements.

59. "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

60. "State" means the state of California.

61. "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

62. "Superintendent" means the Director of Public Works, or his duly authorized representative.

63. "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

64. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

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

66. "Wastewater" means any sewage which is contributed into or permitted to enter the sewerage system.

67. "Wastewater contribution permit" means a permit required by Section [13.08.510](#).

68. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Ord. 1821, Amended, 5/12/09; Ord. 1378, Amended, 1989; Ord. 1097, Added, 1981).

**13.08.030 Abbreviations.**

The following abbreviations and acronyms shall have the designated meanings:

Abbreviation/Acronym	Designated Meaning
BOD	- Biochemical Oxygen Demand.
CFR	- Code of Federal Regulations.
COD	- Chemical Oxygen Demand.
EPA	- Environmental Protection Agency.
FOG	- Fats, oils, and grease.
l	- Liter.
mg	- Milligrams.
mg/l	- Milligrams per liter.
NPDES	- National Pollutant Discharge Elimination System.

<b>Abbreviation/Acronym</b>	<b>Designated Meaning</b>
POTW	- Publicly Owned Treatment Works.
SIC	- Standard Industrial Classification.
SWDA	- Solid Waste Disposal Act, <a href="#">42 U.S.C. 6901</a> , et seq.
U.S.C.	- United States Code.
TSS	- Total Suspended Solids.

(Ord. 1821, Amended, 5/12/09; Ord. 1097, Added, 1981).

## **ARTICLE II. USE OF PUBLIC SEWERS REQUIRED**

### **13.08.040 Sewer required.**

All buildings within the city limits in which any sewage is produced and from which the nearest outlet of the plumbing system of such building can be connected to a public sewer by installation of a sewer service line lying entirely within the premises on which such building is situated, and any public easement of not more than two hundred feet in length shall dispose of such sewage only through the sewerage system. Every building so located and in which any sewage is produced shall be required to connect such building to the sewerage system within thirty days from the date the owner of such building receives written notice from the sewer division that a sewer main located within the distance specified in this section is completed and available for connection to such building. The city declares that further maintenance or use of cesspools or other local means of sewage disposal for any building so located shall constitute a public nuisance and may invoke any legal or police power to abate same pursuant to Chapter [8.10](#). (Ord. 1097 (part), 1981).

(Ord. 1721, Amended, 09/10/2004)

### **13.08.050 Sewer disconnection authorized.**

Every sewer user availing themselves of the sewer facilities shall be bound by this chapter, and whenever any one of the rules and/or regulations is violated, the right is reserved to disconnect the sewer service for noncompliance. The sewer division shall disconnect the sewer service if the sewer user either fails to comply or fails to appear and show cause before the city council why his sewer service should not be discontinued, within fifteen days after the date of written notice of violation. If such noncompliance affects matters of public health or safety, or affects the operation, maintenance or other costs of the sewer system, sewer service may be discontinued immediately and without notice. The sewer user whose service is thus discontinued shall forfeit all deposits made, and the sewer shall not be reconnected until all unpaid fees and charges are paid and the other requirements of this chapter are fulfilled. (Ord. 1097 (part), 1981).

### **13.08.060 Refusal or discontinuance – Director of public works.**

The director of public works, or his authorized representative, shall have the right to refuse sewer service or may discontinue service to any premises for the following reasons:

- A. To protect the city and/or sewerage system from fraud and abuse;
- B. The requested sewer service demand may be detrimental or injurious to the sewer service of other users; and
- C. The collection and disposal facilities are inadequate to supply the requested sewer service demand. (Ord. 1097 (part), 1981).

**13.08.070 Refusal or discontinuance – Sewer division.**

- A. The sewer division may discontinue service without notice to any premises where the use of the sewer thereon by apparatus, appliances, or equipment or otherwise is found by the sewer division to be detrimental or injurious to sewer service furnished to other sewer users.
- B. The sewer division may discontinue sewer service without notice to any sewer user when it is discovered that the customer has obtained sewer service for unauthorized use. The sewer division shall not restore service until the customer has complied with all rules and regulations of the sewer division and the sewer division has been reimbursed for the full amount of the service rendered and the actual costs incurred by the sewer division by reason of such fraudulent use.
- C. For nonpayment, as covered in Section [13.08.220](#). (Ord. 1097 (part), 1981).

**13.08.080 Right of entry for inspection.**

The director of public works or his duly authorized agents shall at all reasonable times have the right to enter or leave the sewer user's premises for any purpose properly connected with service to the sewer user. (Ord. 1097 (part), 1981).

**ARTICLE III. SERVICE APPLICATIONS AND RATES, AND SYSTEM CONNECTION AND LATERAL SERVICE CHARGES**

**13.08.090 Service application – Required.**

All persons or entities desiring service from the sewerage system shall make application therefor in conjunction with water service at the commercial office. Such application shall be in the manner prescribed by the director of public works and shall be signed by the applicant or his authorized agent. Receipt of such application shall not obligate the sewer division to provide service until the application has been approved by the director of public works or his authorized agent. The application, a request for sewer service, shall not obligate the applicant to take such service for any period of time in excess of that upon which the minimum charges for such account are based. (Ord. 1113 §1(part), 1981; Ord. 1097 (part), 1981).

**13.08.100 Service application – Use without.**

A person taking possession of premises and using sewer facilities without having made application to the commercial office for sewer service shall be held liable for all charges made for sewer service from the date of the last billing. If proper application for service is not made within seven calendar days after notification to do so by the director of public works or if accumulated bills for sewer service are not paid upon presentation, the sewer service shall be discontinued without further notice. (Ord. 1113 §1(part), 1981; Ord. 1097 (part), 1981).



**13.08.110 Rates – To be as set forth.**

All sewer service shall be at rates as adopted and set by resolution by the city council. (Ord. 1141 §2, 1982: Ord. 1113 §1(part), 1981: Ord. 1097 (part), 1981).

**13.08.120 Rates – Purpose.**

For the purpose of providing funds for payment at or before maturity of the principal and interest on all sewer revenue and general obligation bonds heretofore or hereafter issued by the city for the purpose of acquisition, construction, improvement and financing of the sewer system; for payment of the cost of additions to or improvements of the sewage system; for payment of the cost of maintenance and operation of the sewerage system; and thereafter for any lawful purpose, there is charged to all persons connected with the city sewerage system the sewer rates and charges set forth by resolution adopted from time to time by the city council. (Ord. 1572 §1, 1997: Ord. 1141 §3, 1982: Ord. 1113 §1(part), 1981: Ord. 1097 (part), 1981).

**13.08.150 Rates – Contractual rates.**

The city council reserves the right pursuant to Section [13.08.110](#) to negotiate by contract rates different than those expressed in this chapter and that such contractual rates shall take preference over any other rates or rate set forth in this chapter. (Ord. 1113 §1(part), 1981: Ord. 1097 (part), 1981).

**13.08.180 Connection credit.**

Credits for development impact fees shall be granted in accordance with Title [11](#) of this code. (Ord. 1495 §3, 1993: Ord. 1113 §1(part), 1981: Ord. 1097 (part), 1981).

**ARTICLE IV. RENDERING AND PAYMENT OF BILLS AND CHARGES**

**13.08.190 Billing and payment.**

A. All sewer charges shall be due at the commercial office upon presentation of the bill and shall become delinquent 30 days after presentation. All charges may be combined with charges for water service on bills or statements rendered by the commercial office for premises connected to the city water system. The bills shall state their purpose (sewer service), shall give the name and last known address of the person responsible for payment (as provided in this chapter), and shall list separately the charges for each service and the total charge for all services. No charge may be paid separately from the others. If the premises with sewer service are not connected with the water system, a separate bill shall be rendered for sewer service. All bills shall be for monthly or bimonthly periods or for such other period as shall be determined by resolution of the City Council; provided, however, that the Director of Public Works shall have the power to require any user to pay bills monthly if, in the Director of Public Works's opinion, monthly payments shall be required for the protection of the City. Failure to receive a bill does not relieve a customer of the liability for payment.

B. Opening bills, closing bills, and other bills requiring proration will be computed in accordance with applicable schedule. Should the total period of service be less than one month, proration will be made and no bill shall be less than the specified monthly fixed minimum charge. (Ord. 1097 (part), 1981).

(Ord. 1879, Amended, 12/9/2014)

**13.08.200 Service deposit.**

A. Deposits shall be required when a customer is unable to establish a satisfactory credit history as set forth in Subsection E of this section.

B. Amount of Deposit to Establish Service.

1. The minimum required deposit amount shall be set by the Finance Director or his or her designee in accordance with rules established by the Finance Director.

2. The Finance Director or his or her designee may reduce the deposit amount if, at the time of application, the applicant agrees to participate in the City's automatic electronic payment program. If the applicant subsequently terminates participation in the program or if the applicant's payment to the City is rejected or not otherwise honored by the applicant's financial institution, the applicant shall, within 15 days of receipt of notice from the City, increase the deposit by the amount of the reduction previously allowed.

C. Payment of Deposit. Deposits are due upon application for service and delinquent 14 days thereafter. If not received within that time period, service will be disconnected without further notice.

D. Refund or Credit of Deposit.

1. Upon discontinuance of service, the City shall refund all deposits to the customer without interest, less any charges then unpaid, provided the refund is more than ten dollars or, if less than ten dollars, the customer requests a refund; and, conversely, if there is a balance due the City of less than ten dollars, the City shall not bill for the unpaid balance.

2. After a customer has maintained a good payment record for 12 consecutive months, the City shall apply the deposit without interest to the customer's then-current bill.

E. Establishment of Credit. No deposit shall be required for customers having a satisfactory credit history, which shall include all of the following:

1. Having been a customer of record for City-provided water or sewer service for one year or more within the past two years without a history of delinquent payments in such customer's name,

2. Having no history of service disconnection for nonpayment of a bill or deposit within the past 12 months, and

3. Having no history of a returned check or failed electronic fund transfer to the City within the past 12 months. (Ord. 1097 (part), 1981).

(Ord. 1879, Amended, 12/9/2014)

**13.08.210 Liability for bill.**

After sewer service has commenced, the service applicant shall be liable for payment for all sewage discharged through the particular service and all other charges applicable to such service.

Whenever two or more persons jointly make application for service, they shall receive a single periodic bill but shall be jointly and individually liable for payment of all charges appearing on such bills. (Ord. 1097 (part), 1981).

**13.08.220 Connection – Charges – Payment in advance.**

Charges for new service connections, in size changes and location changes for the sewer user's benefit shall be due and actually paid before any work is commenced. Whenever such charges are to be the actual costs, the estimated costs shall be deposited with the commercial office before any work is commenced or material ordered, and upon completion of the work the actual cost shall be billed or refunded to the sewer user. (Ord. 1097 (part), 1981).

**13.08.230 Connection – Charges – Payment and receipt.**

All sums required to be paid under these rules shall be paid to the director of public works or his agent, and he shall issue a receipt therefore and pay the money into the city treasury and he shall thereupon procure all materials required therefor. (Ord. 1097 (part), 1981).

**13.08.240 Delinquency discontinuance.**

A. A sewer user's service may be discontinued for nonpayment for the bill for sewer service furnished if the bill is not paid within thirty days after presentation.

B. A sewer user's service may be discontinued for nonpayment of a bill for sewer service furnished at a previous or different location served by the sewer division if the bill is not paid within thirty days after presentation at the new location.

C. No sewer service will be discontinued under this section until at least fifteen days' written notice to the customer has been given as provided in Section [13.08.110](#).

D. The sewer division shall charge for disconnecting and restoring sewer service for noncompliance with any of these rules, the charges for which will be calculated on the basis of actual cost of materials, the standard labor rates of the city, and fifteen percent of all charges for overhead. (Ord. 1097 (part), 1981).

**ARTICLE V. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS**

**13.08.250 Connection – Application.**

No person whose premises are not now connected with the sewerage system shall connect any premises or cause any premises to be connected to the sewerage system without first obtaining approval from the Director of Public Works to do so.

No person shall connect any pipe, drain or sewer with, or open or penetrate any part of, the publicly owned treatment works in this City, or injure, break, remove or open any portion of any manhole, flush tank, inspection pipe or any other part of or appurtenant to any such publicly owned treatment works, unless such connection is made in conformance with this chapter. (Ord. 1821, Amended, 5/12/09; Ord. 1097, Amended, 1981).

**13.08.260 Connection – Standard requirements.**

A. The minimum size standard sewer service connection to a single family dwelling shall be a service line with an internal diameter of not less than four inches (ten centimeters). If a larger connection is requested the same may be installed provided other sewer users are not deprived of adequate service. Connections for multiple dwelling units and other users shall be in accordance with Section [13.08.270](#).

B. A cleanout, meeting the requirements of the director of public works, shall be installed on all service lines at or near the property line to allow for cleaning of the portion of the service line within the public right-of-way.

C. Backflow protection devices may be required to be installed in service lines, by the director of public works, to protect the served property from damage due to sewage backups in the main.

D. All work done in the public right-of-way shall conform to the provisions of Chapter [12.12](#). (Ord. 1097 (part), 1981).

**13.08.270 Connection – Other than standard.**

Whenever a sewer service connection or revision is requested for other than a standard connection, the director of public works shall determine the minimum size of the service to be installed. Such determination shall be based on the applicable sections of the plumbing and building codes and requirements of the State Department of Public Health or authority having jurisdiction. (Ord. 1097 (part), 1981).

**13.08.271 Connection – Grease removal devices.**

Any person operating a food service establishment, or a property owner of a parcel containing one or more food service establishments, may be required to install, operate and maintain an approved type and adequately sized grease removal device in accordance with the provisions of this section. The grease removal device shall be adequate to separate and remove fats, oils, and grease contained in wastewater discharges from the food service establishment prior to discharge to the City sewer system. Fixtures, equipment and drain lines located in the food preparation and clean-up areas of food service establishments that are sources of fats, oils, and grease discharges except for dish washing machines shall be connected to the grease removal device. Compliance shall be established as follows:

A. New Construction or Remodel of Food Service Establishments. New construction of food service establishments shall include the installation of a grease removal device of a type and capacity approved by the Building Official prior to commencing discharges of wastewater to the sewer system. Remodeled food service establishments may be required to install a grease removal device and will be determined by the Director or Building Official on a case-by-case basis based upon the nature of the remodel, the history of past performance, and the likelihood that installation of a grease removal device will reduce the discharge of fats, oils or grease from the food service establishment.

B. Existing Food Service Establishments/Commercial Properties. Existing food service establishment operators, or property owners with one or more food service establishments on their premises, shall install a grease control device upon written notice from the City where the Director has determined that a food service establishment is upstream of a sewer line hot spot, following the enactment of this chapter.

C. Mitigation of Imminent Threat of Sanitary Sewer Overflow.

1. Where the Director or Building Official has determined that an existing food service establishment's lateral line requires cleaning to avoid an imminent threat of a sanitary sewer overflow spill, the Director or Building Official is authorized to issue an order to the owner or operator to immediately clean the subject lateral line. If action is not taken in the time frame

stipulated by the Director or Building Official by either the business operator or the property owner, the business and property shall be deemed a nuisance and the building shall be considered a substandard building and is subject to abatement and enforcement, including but not limited to emergency abatement if necessary and all fines and penalties set forth in Vacaville Municipal Code Chapter [8.10](#) and/or this chapter.

2. The Director or Building Official shall issue his/her order in writing to the applicable party and shall designate a reasonable period of time for corrective action. (Ord. 1821, Added, 5/12/09).

**13.08.280 Connection – Main extension – Adequate required.**

In no event shall a sewer service connection be made unless a sewer main of adequate capacity extends in a public street, alley or public utility right-of-way across the entire width of the property to be served with a sewer. Wherever as a prerequisite to service a sewer main must be extended, the same shall be installed in compliance with the provisions hereinafter set forth. (Ord. 1097 (part), 1981).

**13.08.290 Connection – Change in size and type.**

Changes in size and types of service of existing service connections shall be made by and at the expense of the sewer user. (Ord. 1097 (part), 1981).

**13.08.300 Connection – Location change.**

When relocation of an existing sewer service connection has been requested for the sewer user's convenience, such relocation shall be made by and at the sewer user's expense. The relocation of existing service connections when done to protect the property of the sewerage system or the city's interest, will be done by the city without charge to the sewer user. (Ord. 1097 (part), 1981).

**13.08.310 Connection – Inspection.**

No sewer service connection shall be covered over until it has been inspected and approved by the director of public works or his agent. (Ord. 1097 (part), 1981).

**13.08.320 Connection – Required location.**

Sewer service connections shall be installed only in public streets, alleys or public utility easements or rights-of-way under the control of the sewer division. Where the premises to be served fronts on more than one street, alley or public utility right-of-way, the director of public works shall have the right to designate on which frontage the service connection shall be made. (Ord. 1097 (part), 1981).

**13.08.330 Connection – Separate premises – Required.**

A single service connection shall not serve more than one premises. Separate premises under a single ownership, control or management shall only be supplied with sewer service by separate service connections unless the director of public works, for good and sufficient reasons shall determine otherwise. (Ord. 1097 (part), 1981).

**13.08.340 Connection – Separate premises – Exception.**

Each separate user shall only be served by a separate service connection unless the director of public works determines otherwise:

A. Where more than one user is served by a single service connection and the property is under a single ownership on a single parcel of land, the owner of the property, or other person agreed upon, shall be liable for payment for all service furnished by such single connection.

B. In a planned unit development, developed under the provisions of Chapter 17.54, a single service connection for the development, or portions thereof, may be permitted by the director of public works subject to the following conditions:

1. The existence of, or provisions for, a homeowners, or similar, association;
2. Sizing in accordance with Section [13.08.270](#);
3. Submittal of plans indicating proposed location, alignment, grades, structures, materials, cleanouts, and other information necessary to determine service adequacy to all users, in lieu of a public main;
4. Maintenance of the service connection and lines shall be by the association;
5. Connection to the public main to be made at a manhole;
6. Inspection of the service lines to be performed by a building or public works construction inspector;
7. The homeowners, or similar association, or a person agreed upon, shall be liable for payment for all service furnished by such single connection;
8. All units served, except apartments, shall be considered as single-family units for the determination of service rates. (Ord. 1097 (part), 1981).

**13.08.350 Connection – Approval required outside city.**

Applications for new or revised service connections to supply sewer service to premises which are located wholly or partly outside the corporate limits of the city shall not be accepted or approved, nor shall the service connection be made until the owner of the premises has received authorization from the city council to do so. (Ord. 1097 (part), 1981).

**13.08.360 Connection – Acceptance of sewage and maintenance of lines.**

The sewer division will accept sewage at the sewer user's connection to the sewer main which may be located in any street, alley or public utility easement. No maintenance will be performed by the city on sewer service lines, outside of a city street right-of-way, except at the sewer user's expense. (Ord. 1097 (part), 1981).

**13.08.370 Connection – Subdivision.**

In any subdivision where and when the person so subdividing a complete subdivision or complete unit thereof, is installing sewer mains, such person hereinafter designated as "subdivider" shall install the sewer service connections to such mains under the following rules and regulations:

A. Subdivider shall install the sewer service connections to the mains in such subdivision at the sole cost and expense of subdivider with such work done either by subdivider or by contract made by subdivider; provided, however, that such installation shall at all times be made pursuant to such

specifications as may be furnished to subdivider by the city engineer, and unless such installation is approved by the city engineer in writing no service will be supplied to the premises in question.

B. In the event that pursuant to any rules or regulations adopted by the sewer division as hereinafter provided, the city has agreed to repay to any subdivider the cost of any sewer mains, the cost of any sewer service connections shall not be included in such payment. (Ord. 1097 (part), 1981).

## **ARTICLE VI. PUBLIC SEWER CONSTRUCTION**

### **13.08.380 Permit required.**

No person may construct or extends public sewer without first obtaining a written permit from the city, paying all fees, and meeting all other requirements imposed by the city. This requirement does not apply to a contractor constructing sewers and appurtenances under contract entered into with the city. (Ord. 1097 (part), 1981).

### **13.08.390 Design and construction.**

A. Design and construction of public sewers shall be in accordance with the latest edition of the standard specifications published by the city's department of public works.

B. The design of sewers shall be performed only by a licensed civil engineer.

C. The surveying and staking of alignment and necessary grades shall be performed by a licensed civil engineer or land surveyor.

D. Installation shall be by a contractor licensed by the state of California to perform the work, subject to the conditions of an encroachment permit or other agreement. (Ord. 1097 (part), 1981).

### **13.08.400 Cost payment.**

If the applicant is permitted to proceed with the sewer main extension and installation, he shall install the same at his own cost or expense. However, when the sewer main extension will be of benefit to properties other than that owned by the applicant, by means of an agreement with the city, a portion of the costs may be refunded according to a formula to be determined by the city council. (Ord. 1097 (part), 1981).

### **13.08.410 Rights-of-way.**

All public sewers shall be constructed in rights-of-way or easement owned by the city or conveyed to the city by the person initiating the construction or extension. The standards of rights-of-way or easements shall be determined by the director of public works. (Ord. 1097 (part), 1981).

### **13.08.420 "As-built" drawings.**

As a condition of final acceptance by the city, an acceptable reproducible "as-built" drawing showing the actual locations of all mains, structures, wyes, laterals and changes to the approved construction drawings shall be filed with the city. (Ord. 1097 (part), 1981).

### **13.08.430 Street work requirements.**

All persons engaged in construction or street work shall give at least ten days' written notice to the sewer division for the removal or displacement of the sewerage system facilities that may interfere or conflict with street work, and any damage resulting to such facilities from such failure to give notice shall be charged against the person engaged in such work. All costs involved in the removal

or displacing of sewer facilities shall be paid by the person engaged in such work, except where provisions of county or state encroachment permits or city permits or contracts state otherwise. (Ord. 1097 (part), 1981).

**13.08.440 Extension outside city.**

Anything in this chapter to the contrary notwithstanding, the extension and expansion of sewer service outside of the city limits may be made only upon the express approval of the city council. (Ord. 1097 (part), 1981).

**ARTICLE VII. USE OF PUBLIC SEWERS**

**13.08.450 General discharge prohibitions.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with or pass through the operation or performance of the treatment works. These general prohibitions apply to all such users of the treatment works whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

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 treatment works or to the operation of the treatment works. 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 nor any single reading over 10 percent 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, and the state or EPA has indicated is a fire hazard or 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 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 lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 5.5 or higher than 10.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the treatment works.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with or pass through any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment works, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.



E. 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.

F. Any substance which may cause the treatment works effluent or any other product of the treatment works 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 system cause the treatment works to be in noncompliance 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 criteria.

G. Any substance which will cause the treatment works to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

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

I. Any wastewater having a temperature of 60 degrees Celsius (140 degrees Fahrenheit) or more at the point of discharge into the sanitary sewer, or which may cause the temperature at the wastewater treatment plant to exceed 104 degrees Fahrenheit.

J. 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 treatment works. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

L. Any wastewater which causes a hazard to human life or creates a public nuisance.

M. Any stormwater, seepage, cooling water or unpolluted process water.

N. The contents of a swimming pool, except as approved by the Superintendent. When the Superintendent determines that a user(s) is contributing to the system, any of the above enumerated substances in such amounts as to interfere with the operation of the treatment works, the Superintendent shall: (1) advise the user(s) of the impact of the contribution on the treatment works; and (2) develop effluent limitation(s) for such user to correct the interference with the treatment works. (Ord. 1378 §1(part), 1989; Ord. 1097 (part), 1981).

#### **13.08.451 Fats, oils and grease control.**

A. The dumping, pouring, or otherwise disposing of fats, oils, or grease (FOG) by any user into any sewer drain is strictly prohibited. This includes but is not limited to oil and grease used in or generated by residential cooking activities. Any user found disposing of fats, oils or grease in any sewer drain in violation of this chapter may be subject to enforcement action and imposition of fines

and penalties including but not limited to payment for costs associated with any related remedial activities deemed necessary by the City.

B. No user shall introduce any additives, including but not limited to enzymes, microbes, or surfactants acting as grease emulsifiers, or degradation agents, into a grease removal device, unless prior written approval is obtained from the Director. Any user, if having been granted approval by the Director to use any of the methods described above for the abatement of grease, shall continue to maintain the grease removal device in such a manner that ensures compliance with the oil and grease wastewater discharge limits, as defined in this chapter, as measured from the outlet of the grease removal device, is consistently achieved.

C. Inspection and Sampling. City personnel may inspect the facilities of any food service establishment, to determine whether the requirements set forth in this chapter are being met. Owners, managers, employees, or any other occupants or operators of facilities where wastewater is generated and discharged to the City's sewer system through a grease removal device, shall allow City personnel access to all areas of the premises, at all reasonable times or during normal hours of operation, for the purpose of inspection, sampling, records review, or any other job-related duty to determine compliance with this chapter. The City shall have the right to set up on any user's property devices necessary for conducting wastewater sampling inspection, compliance monitoring and/or metering operations.

D. Discharge Limitations. No user discharging wastewater to the publicly owned treatment works through a grease removal device shall allow wastewater oil and grease concentrations discharged from the grease removal device to exceed 300 milligrams per liter of total oils and grease or 100 milligrams per liter of mineral/petroleum-based oils and grease.

E. Food Service Establishments. All food service establishments shall:

Implement best management practices in accordance with the requirements and guidelines established in this chapter and as may be established by the Director in an effort to minimize the discharge of FOG to the sewer system. At a minimum, all food service establishments shall be required to comply with the following best management practices:

1. Installation of Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation areas and cleaned at regular intervals.
2. Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels, drums, or bins. Such recycling receptacles shall be maintained properly to ensure that they do not leak.
3. All food service establishments shall use licensed waste haulers and licensed recycling facilities to dispose of waste cooking oil.
4. Disposal of Food Waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks or otherwise directly or indirectly into the sewer system.
5. Employee Training. Training in best management practices shall be provided by food service establishments to employees of the food service establishment upon commencement

of employment and at least annually thereafter, including, but not limited to, training on the following subjects:

- a. How to “dry wipe” pots, pans, dishware and work areas before washing to remove grease.
- b. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
- c. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
- d. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by City personnel.

6. Kitchen Signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

7. Containers. Grease rendering containers shall be installed and properly maintained.

F. Grease Removal Devices. Users who are required to install and maintain a grease removal device designed to separate and capture settleables or FOG of any kind shall comply with the following:

1. Food Grinders. The City may require the removal of food grinders from the plumbing system of a food service establishment where it is determined by the Director that excessive food debris is interfering with the proper operation of a grease removal device which is resulting in the discharge of food debris and/or FOG to the publicly owned treatment works.

2. Maintenance Requirements. All food service establishments shall maintain grease removal devices in good working condition and provide proper maintenance. At the user's expense, routine maintenance shall be performed on all grease removal devices. All accumulated grease and solids materials shall be removed from the site by a registered grease transporter licensed by the state of California. Decanting back into the grease removal devices shall not be permitted. Such removal of accumulated waste shall be performed on an as-needed basis, but not less than once every quarter, unless otherwise permitted to do so through a granted variance request issued by the City. “As needed” shall mean as necessary to ensure continued compliance with City's discharge limits for fats, oil, and grease. If it is determined by the Director that mainline flow restriction, e.g., a grease blockage or an obstruction, has resulted from the inadequate cleaning or maintenance of a user's grease removal device, or if, in the opinion of the Director, a need for increased grease removal device maintenance frequency exists, the Director may require user, by written notice, to implement a minimum routine cleaning frequency of more often than once every quarter.

3. Variance requests to extend the minimum cleaning frequency for a grease removal device from quarterly to a period of greater duration must be submitted to the Director in writing. The

user shall clearly state in detail the factual and/or technical basis for the variance request and the user's proposed cleaning schedule. All variance requests must be dated and signed by the user or his/her designee. The City may collect and require a variance request fee to be paid at the time the request is submitted. The fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total City costs incurred in the processing of the variance request including, but not limited to, staff time to process and handle the request. No variance request shall be granted without payment of the fee at the time the variance requested is submitted. The department head may waive or defer the fee upon written request for good cause shown. Good cause may include severe economic hardship. A variance request may be granted on a case-by-case basis if the applicant is otherwise in compliance with this chapter and if granting such a variance is not detrimental to the public health, safety or welfare. The City may deny variance requests or revoke any granted variances when it is determined by the Director to be in the best interest of the City or at any time the requirements set forth in this chapter are not being met by a user. Prior to revocation, a user that has been granted a variance under this section shall have the opportunity to meet with the Director to challenge the Director's decision.

4. Record Keeping. Document record keeping shall be maintained and shall include:

- a. Grease removal device maintenance and cleaning records;
- b. Plumbing maintenance records;
- c. Rendering grease disposal records;
- d. Name and contact information of waste hauler; and disposal site;
- e. Documents consist of, but are not limited to, logs, records, letters, blueprints, equipment instructions, specifications and operation information, receipts, and manifests. Such records are deemed to be environmental records and shall be retained by the user for a period of not less than three years and made available for review or duplication by the City upon request.

G. In the event that a user's grease removal device fails a visual inspection or effluent sample analysis inspection, the user shall be given written notice of the noncompliant condition and take immediate steps to bring the user's grease removal device into compliance. The user is responsible for all associated costs.

H. Noncompliance. Failure on the part of any user to maintain continued compliance with any of the requirements set forth in this section or Section [13.08.271](#) may result in the initiation of enforcement action. Such enforcement action may include, but is not limited to, the issuance of a verbal warning, written warning, notice of violation (NOV), administrative order, administrative civil liability, as defined in the Pretreatment Program Manual and/or Sections [13.08.580](#) through [13.08.690](#), and/or imposition of nuisance fines and penalties, emergency abatement, and abatement proceedings set forth in Vacaville Municipal Code Chapter [8.10](#).

I. If it is determined by the Director that due to a past or present noncompliant condition created or maintained by a user, maintenance or repairs to the City sewer system outside of normal scheduled maintenance or repair activities are necessary, the City may recover from user all maintenance

and/or repair costs, including but not limited to vehicle, equipment, parts, and labor costs incurred as a result of the past or present noncompliant condition. A user may also be responsible for all clean-up costs and fines or penalties imposed upon City associated with any sanitary sewer overflows and spills resulting from the failure to use or inadequate use, cleaning, maintenance, or performance of the user's grease removal device. (Ord. 1821, Added, 5/12/09).

**13.08.460 Specific pollutant limitations.**

No person shall discharge wastewater containing the following parameters in excess of the corresponding limits in milligrams per liter of discharge:

Discharge	mg/L
BOD	250
COD	400
Suspended solids	350
Total solids	1,500
Arsenic, total	2.0
Cadmium, total	1.0
Chlorinated hydrocarbons	0.5
Chromium, total	2.0
Copper, total	5.0
Cyanides, amenable and total	1.0
Lead, total	5.0
Mercury, total	0.05
Nickel, total	5.0
Total oil and grease	300
Mineral/petroleum oil and grease	100
Phenol, total	100
Silver, total	1.0
Zinc, total	1.0

(Ord. 1821, Amended, 5/12/09; Ord. 1378, Amended, 1989; Ord. 1097, Added, 1981).

**13.08.470 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 chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under [40](#) CFR, Section 403.12. (Ord. 1097 (part), 1981).

**13.08.480 State requirements.**

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 chapter. (Ord. 1097 (part), 1981).

**13.08.490 Excessive discharge.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or state, unless approved by the Superintendent as a condition on the permit. (Ord. 1097 (part)), 1981).

**13.08.500 Accidental discharges.**

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the treatment works after the effective date of the ordinance codified in this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City or treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Written Notice. Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

C. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 1097 (part), 1981).

**13.08.510 Permit required for certain discharges.**

A. General Permits. All significant users proposing to connect to or to contribute to the treatment works shall obtain a wastewater discharge permit before connecting to or contributing to the sewer system. All existing significant users connected to or contributing to the sewer system shall obtain a wastewater contribution permit within 180 (optional) days after the effective date of the ordinance codified in this chapter.

B. Permit Application. 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 a fee as may

be required by the city council. Existing users shall apply for a wastewater contribution permit within ninety days after the effective date of the ordinance codified in this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the treatment works. All permit applications and related correspondence shall be signed by a duly authorized representative of the user. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics including but not limited to those mentioned in Section [13.08.460](#) of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in [40](#) CFR, Part 136, as amended;
4. Time and duration of contribution;
5. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
9. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
  - b. No increment referred to in subsection B.(9)(a) of this section shall exceed nine months;

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent;

10. Each product produced by type, amount, process or processes and rate of production;

11. Type and amount of raw materials processed (average and maximum per day);

12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

13. Any other information as may be deemed by the city to be necessary to evaluate the permit application.

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.

C. Permit Modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standards. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection B of this section, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by subsections B.(9) and B.(10) of this section. All information and related correspondence shall be signed by a duly authorized representative of the user.

D. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

2. Limits on the average and maximum wastewater constituents and characteristics;

3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;

5. Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types, and standards for tests; and reporting schedules;



6. Compliance schedules;

7. Requirements for submission of technical reports or discharge reports (see Section [13.08.520](#));

8. Requirements for maintaining and retaining plant records for a minimum of the most recent three years relating to wastewater discharge as specified by the City, and affording City access thereto;

9. Requirements for notification of the City or 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;

10. Requirements for notification of slug discharges as per Section 13.08.500.B;

11. Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

E. Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 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 this section 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.

F. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. 1378 §1(part), 1989: Ord. 1097 (part), 1981).

**13.08.520 Reports required for certain permittees.**

A. Compliance Date Report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the treatment works, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

B. Periodic Compliance Reports.

1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the treatment works shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 13.08.510.B.5 of this chapter. All reports submitted according to this section shall be signed by a duly authorized representative of the user.

2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection B.(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in [40](#) CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Comment: Where [40](#) CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.) (Ord. 1378 § 1(part), 1989; Ord. 1097 (part), 1981).

**13.08.530 Monitoring facilities.**

A. 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.

B. 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.

C. Whether constructed on public or private property, the sampling and 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. (Ord. 1097 (part), 1981).

#### **13.08.540 Inspection and sampling.**

The City shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, reproduction of records or in the performance of any of their duties. The City, state, and 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, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. 1378 §1(part), 1989; Ord. 1097 (part), 1981).

#### **13.08.550 Pretreatment.**

A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all 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 chapter. 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.

B. The City shall annually publish in the Vacaville Reporter a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (Ord. 1097 (part), 1981).

#### **13.08.560 Confidential information.**

A. 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.

B. 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 chapter, 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.

C. 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 48-hour verbal notification is given to the user. This provision shall not be construed as requiring the user's consent for transmitting such information. Information transmitted in this manner may only be transmitted for the purposes of review under the Federal General Pretreatment Regulations. (Ord. 1378 §1(part), 1989; Ord. 1097 (part), 1981).

**13.08.570 Harmful contributions.**

The City may take all steps deemed necessary to immediately suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons to the environment, causes interference to the treatment works or causes the City to violate any condition of its NPDES permit. Any person notified of a suspension of the wastewater pretreatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system or endangerment to any individuals. The Superintendent shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written report 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 five days of the date of occurrence.

Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension. (Ord. 1768, Amended, 8/22/2006; Ord. 1097 (part), 1981).

**13.08.580 Revocation of permit.**

In addition to any other penalties or remedies, any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having its 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;  
or
- D. Violation of conditions of the permit.

Prior to revoking any permit, the Superintendent shall serve upon any user in violation of the above conditions, a notice pursuant to Section [13.08.590](#), specifying that if the user fails to correct and

discontinue the violation within the time parameters set forth it may subject the user to permit revocation.

In the event that a user does not comply with the notice, the Superintendent may commence revocation proceedings by scheduling a show cause hearing pursuant to Section [13.08.600](#). (Ord. 1768, Amended, 8/22/2006; Ord. 1097 (part), 1981).

**13.08.590 Notification of violation – Orders.**

Whenever the City finds that any user has violated or is violating this chapter, its wastewater contribution permit, or any prohibition, limitation or requirement contained herein, and except in the case of harmful contributions as set forth in Section [13.08.570](#), the Superintendent may serve upon such person written notice stating the nature of the violation. The notice may be in the form of a “warning notice,” “notice of violation,” “cease and desist order,” or other order. Within 30 days of the date of the notice, the user shall correct and discontinue the violation or, in cases where the correction and/or discontinuance of the violation cannot be completed within the 30 days the user within the same time period shall commence correction and discontinuance of the violation and submit to the Superintendent a plan to correct the violation and prevent future similar violations. (Ord. 1768, Amended, 8/22/2006; Ord. 1097 (part), 1981).

**13.08.600 Show cause hearing.**

A. A show cause hearing shall be conducted in any of the following circumstances, unless waived by the user:

1. A user fails to comply with a notification of violation and the Superintendent commences revocation proceedings;
2. An administrative complaint is issued pursuant to Section [13.08.620](#);
3. The decision of the Hearing Officer regarding an administrative complaint issued pursuant to Section [13.08.620](#) is appealed to the City Council; or
4. A user appeals the imposition of an administrative penalty pursuant to Section [13.08.630](#).

B. Unless otherwise specified, the Superintendent shall provide written notice of the hearing, setting forth the date, time and location of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Hearing Officer 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 days before the hearing. Service may be made on any agent or officer of a corporation.

C. At the time set for the hearing, the Hearing Officer shall proceed to hear the testimony of City staff, the subject user, and any other interested parties, and receive any evidence produced by any witness of compliance or noncompliance with the notice.

D. At any hearing held pursuant to this chapter, testimony taken shall be under oath and recorded either stenographically or by an audio or video recording device. Any transcript or other recording will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

E. After the Hearing Officer has reviewed the evidence, the Hearing Officer may:

1. In the case of a revocation proceeding either:
  - a. Issue, modify or dismiss an order revoking the permit and directing that the sewer service be discontinued; or
  - b. Issue an order directing that the sewer service be discontinued unless following a specified time period, adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities, devices or other related appurtenances are properly operated.
2. In the case of a hearing resulting from the issuance of an administrative complaint pursuant to Section [13.08.620](#) or an appeal of the imposition of a civil penalty or an administrative penalty pursuant to Section [13.08.640](#):
  - a. Uphold, modify or dismiss any civil or administrative penalties imposed; or
  - b. Issue, modify or dismiss any other orders or directives as are necessary and appropriate to ensure compliance with the notice, permit, this chapter and/or applicable state and federal regulations.

F. Except as set forth in Section 13.08.620.B, the decision of the Hearing Officer shall be final and subject only to appeal to the Superior Court by filing with the court a petition for writ of mandate within 30 days following the service of a copy of the Hearing Officer's decision. (Ord. 1768, Amended, 8/22/2006; Ord. 1097 (part), 1981).

**13.08.610 Legal action – Injunction – Civil penalties.**

A. In addition to any other penalties or remedies, except as specified in subsection A.(2) of this section:

1. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, any permit issued by the City, or any order of the City pursuant to this chapter, the City may commence an action in Superior Court seeking a preliminary and/or permanent injunction, as may be appropriate in restraining the continuance of any violation of the provisions of this chapter, federal or state pretreatment requirements, any permit condition, or any order of the City.
2. If any person violates any pretreatment requirement imposed or ordered by the City, or discharges industrial waste into the collection system or POTW, the City may commence an action in the Superior Court seeking civil penalties not to exceed twenty-five thousand dollars per day for each violation, in accordance with California Government Code Section [54740](#). The remedies under this subsection shall not be recoverable for any violation for which liability is recovered pursuant to Section [13.08.620](#). (Ord 1769, Amended, 8/22/2006; Ord. 1097 (part), 1981).

**13.08.620 Administrative procedure and civil penalties.**

A. Pursuant to the authority set forth in California Government Code Section [54740.4](#), the City may issue an administrative complaint to any person who violates any pretreatment requirement imposed or ordered by the City, or discharges industrial waste into the collection system or POTW.

The administrative complaint shall allege the act or failure to act that constitutes the violation of the City's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

B. The administrative complaint shall be served by personal delivery or certified mail on the person subject to the City's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. Service may be made on any agent or officer of a corporation. The hearing shall be before a Hearing Officer designated by the City Council, and unless specifically modified in this section, shall be conducted pursuant to the show cause hearing procedure set forth in Section [13.08.600](#). The person who has been issued an administrative complaint may waive the right to a hearing either in writing or by failing to appear at the time and date set for the hearing, in which case the City shall not conduct a hearing and the violations and penalties set forth in the administrative complaint shall become final. A person dissatisfied with the decision of the Hearing Officer may appeal to the City Council within 30 days of notice of the Hearing Officer's decision, in accordance with the appeal provisions set forth in Section [13.08.640](#).

C. If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the Hearing Officer or City Council may assess a civil penalty against that person. In determining the amount of the civil penalty, the Hearing Officer or City Council may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

D. Civil penalties may be imposed by the City as follows:

1. In an amount which shall not exceed two thousand dollars for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed three thousand dollars for each day for failing or refusing to timely comply with any compliance schedule established by the City.
3. In an amount which shall not exceed five thousand dollars per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the City.
4. In an amount which does not exceed ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders or prohibition issued, reissued, or adopted by the City.
5. The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections [683.110](#) to [683.220](#), inclusive, of the Code of Civil Procedure.

E. All moneys collected under this section shall be deposited in a special account of the local agency and shall be made available for the monitoring, treatment, and control of discharges into the local agency's sanitation or sewer system or for other mitigation measures.

F. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

G. The City may, at its option, elect to petition the Superior Court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections [1285](#) to [1287.6](#), inclusive, of the Code of Civil Procedure.

H. No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 13.08.610.A.2.

I. Any party aggrieved by a final order issued by the City Council under this section, after granting review of the order of a Hearing Officer, may obtain review of the order of the City Council in the Superior Court by filing in the court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the City Council. Any party aggrieved by a final order of a Hearing Officer issued under this section, for which the City Council denies review, may obtain review of the order of the Hearing Officer in the Superior Court by filing in the court a petition for writ of mandate within 30 days following service of a copy of a decision and order denying review by the City Council.

J. If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the City Council or a Hearing Officer shall not be subject to review by any court or agency, except that the City Council may grant review on its own motion of an order issued under this section after expiration of the time limits set forth herein.

K. The evidence before the court shall consist of the record before the City Council, including the Hearing Officer's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement policies of this division. In every such case, the court shall exercise its independent judgment on the evidence. (Ord. 1768, Amended, 8/22/2006; Ord. 1378 §1(part), 1989; Ord. 1097 (part), 1981).

**13.08.630 Parameter discharge limit violations – Reporting violations – Administrative penalties.**

A. Parameter discharge limit violation penalties may accompany a notice of violation pursuant to Section [13.08.590](#) and may be issued for each parameter discharge above the permit limit. The fine shall escalate if the occurrence is above the technical review criteria ("TRC") which indicates a more severe noncompliance episode. For purposes of this section, the TRC is a multiplier for the permit limit for a pollutant parameter that equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC. (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH.)

B. For purposes of this section, reporting violations consist of violations of Section [13.08.520](#) or violations of any reporting requirements included in an industrial user permit or any compliance order, compliance schedule or any other order, including, but not limited to, failure to provide within



30 days after the due date, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, or failure to accurately and timely report noncompliance.

C. Administrative Penalties. An administrative penalty of up to one thousand dollars may be imposed upon any user who commits a discharge limit violation, or a reporting violation.

D. The Superintendent shall have the authority to impose penalties pursuant to this section.

E. The Superintendent shall serve notice of imposition of an administrative penalty and any additional orders on the user. Service may be made on any agent or officer of a corporation. The notice shall contain:

1. A statement specifying the conditions which constitute a parameter limit violation or reporting violation;
2. The amount of the administrative penalty;
3. A statement of the action required to be taken to cure the violation;
4. A statement advising that the user may appeal the imposition of the administrative penalty by filing a written request for appeal hearing within 10 days from the date of the service of the notice; and
5. A statement that failure to appeal the notice and order will constitute a waiver of all right to an administrative hearing and will be a final determination of the matter.

F. A user may appeal the imposition of administrative penalties by filing a written request for appeal with the Superintendent within 10 days from the date of service of the notice in accordance with the appeal provisions set forth in Section [13.08.640](#).

G. Administrative penalties that are not appealed in accordance with the provisions of this chapter shall be paid within 30 days of the date of the notice. (Ord. 1768, Amended, 8/22/2006; Ord. 1097 (part), 1981).

**13.08.640 Appeal of imposition of civil penalties or administrative penalties.**

A. Form of Appeal. Any user subject to the imposition of civil penalties pursuant to Section [13.08.620](#) or administrative penalties pursuant to Section [13.08.630](#), may appeal from the notice by filing a written request for appeal hearing within applicable time limits. The request for appeal hearing shall contain:

1. A brief statement in ordinary and concise language of the specific violation or order protested, together with any material facts claimed to support the contentions of the appellant;
2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested violation or order should be reversed, modified, or otherwise set aside;
3. The signatures of all parties named as appellants and their official mailing addresses, with statements from each appellant that each agrees to accept service of the written notice of the

time and place of the appeal hearing and the decision of the Hearing Officer at such address;  
and

4. The verification by declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal.

B. Processing of Appeal. Upon receipt of any appeal filed, the sewer division shall transmit said appeal to a Hearing Officer, who shall calendar it for hearing.

C. Noticing of Appeal for Hearing. The appeal shall be scheduled within 30 days of receipt of the request for an appeal. Written notice of the time and place of the appeal hearing shall be given at least 10 calendar days prior to the date of the hearing, by causing a copy of such notice and report to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.

D. Appeal Fee. The sewer division may collect and require an appeal fee to be paid at the time the written notice of appeal is filed. The appeal fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total City costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, Hearing Examiner compensation, preparation and service of notices, and staff appearance in the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed; provided, that the department head may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with any notice or order, and other factors indicating good faith attempts to comply.

E. Effect of Failure to Appeal. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice, order, imposition of penalties, or any portion thereof.

F. Staying of Penalty Until Appeal. Enforcement of any civil or administrative penalty shall be stayed while an appeal therefrom, which is properly and timely filed, is pending.

G. Any appeal shall be conducted pursuant to the procedures set forth in Section [13.08.600](#), Show cause hearing. In the case of an appeal to the City Council pursuant to Section 13.08.620.B, the "Hearing Officer" shall be the City Council.

H. The decision of the Hearing Officer shall be final except as set forth in Section [13.08.620](#), and subject only to appeal to the Superior Court by filing with the court a petition for writ of mandate within 30 days following the service of a copy of the Hearing Officer's decision. (Ord. 1768, Added, 8/22/2006).

#### **13.08.650 Other penalties.**

In addition to any other penalties or remedies, any user who violates an order of the Hearing Officer or who fails to comply with any provision of this chapter, or any applicable rules, regulations and/or permits or other order issued hereunder, may be subject to enforcement in accordance with the provisions of Chapter [1.16](#) of this code for each offense.

Each day on which a violation occurs or continues shall be deemed a separate and distinct offense.

The director shall have the authority to issue fines in accordance with this section. (Ord. 1768, Added, 8/22/2006).

**13.08.660 Attorney's fees.**

In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (Ord. 1768, Amended, 8/22/2006; Ord. 1378 §1(part), 1989; Ord. 1097 (part), 1981).

**13.08.670 Abatement.**

A. Public Nuisance. Discharge of wastewater in any manner in violation of this chapter, or of any order issued by the Director as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person creating a public nuisance shall be subject to the notification of violation and show cause hearing procedures set forth in Sections [13.08.590](#) and [13.08.600](#), respectively, and shall be responsible for all of the costs incurred by the City to abate the nuisance. (Ord. 1768, Added, 8/22/2006).

**13.08.680 Nonexclusive remedies.**

The remedies provided for in this chapter are not exclusive except as specified in Sections [13.08.610](#) and [13.08.620](#). The Superintendent may take any, all, or a combination of the actions set forth in this chapter against a noncompliant user. (Ord. 1768, Added, 8/22/2006).

**13.08.690 Falsifying information.**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both. (Ord. 1768, Amended, 8/22/2006; Ord. 1097 (part), 1981).

[Mobile Version](#)