

ORDINANCE NO. 98-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DESIGNATING CHAPTER 14.04 OF THE AMERICAN CANYON MUNICIPAL CODE, REGARDING SEWER AND SANITATION SERVICES, AS DIVISION 1, OF TITLE 14 OF THE AMERICAN CANYON MUNICIPAL CODE, AND RENUMBERING TITLE 13, DIVISION 2 OF THE AMERICAN CANYON MUNICIPAL CODE, REGARDING SEWER SERVICES SYSTEM, TO TITLE 14, DIVISION 2 OF THE AMERICAN CANYON MUNICIPAL CODE

WHEREAS, the City Council of the City of American Canyon, does hereby ordain as follows:

Section 1. Chapter 14.04 of the American Canyon Municipal Code, regarding sewer service and connection charges, is hereby designated as Division 1 of Title 14 of the American Canyon Municipal Code, regarding sewer and sanitation services, to read as follows:

Title 14

**DIVISION 1
Chapter 14.04**

SEWER SERVICE AND CONNECTION CHARGES

Sections:

- 14.04.010 Sanitary sewer monthly service charge -- Single-family residential service.
- 14.04.020 Sanitary sewer monthly service charge -- Multiple-family residential or mobilehome service.
- 14.04.030 Sanitary sewer monthly service charge -- Commercial sanitation service.
- 14.04.040 Sanitary sewer monthly service charge -- Fire houses and churches.
- 14.04.050 Sanitary sewer monthly service charge -- Public and private school.
- 14.04.060 Sanitary sewer connection charge -- Residential service.
- 14.04.070 Sanitary sewer connection charge -- Commercial sanitation service.
- 14.04.080 Sanitary sewer connection charge -- Industrial sanitation service.
- 14.04.090 Rates and charges adjusted for inflation.

14.04.010 Sanitary sewer monthly service charge -- Single-family residential service.

A. As of September 1, 1995:

1. Each customer inside the city shall pay at the rate of thirty-six dollars and fifty cents per month (four hundred thirty-eight dollars per year) for each single-family unit connected to the facilities of the city.

2. Each customer outside the city shall pay at the rate of fifty one dollars and ten cents per month (six hundred thirteen dollars and twenty cents per year) for each single-family unit connected to the facilities of the city.

B. As of September 1, 1997:

1. Each customer inside the city shall pay at the rate of thirty-nine dollars per month (four hundred sixty-eight dollars per year) for each single-family unit connected to the facilities of the city.

2. Each customer outside the city shall pay at the rate of fifty-four dollars and sixty cents per month (six hundred fifty-five dollars and twenty cents per year) for each single-family unit connected to the facilities of the city.

14.04.020 Sanitary sewer monthly service charge -- Multiple-family residential or mobilehome service.

A. As of September 1, 1995:

1. Each customer inside the city shall pay at the rate of thirty dollars and fifty cents per month (three hundred sixty-six dollars per year) for each unit of the multiple-residential service or each mobilehome connected to the facilities of the city.

2. Each customer outside the city shall pay at the rate of forty-three dollars per month (five hundred sixteen dollars per year) for each unit of the multiple-residential service or each mobilehome connected to the facilities of the city.

B. As of September 1, 1997:

1. Each customer inside the city shall pay at the rate of thirty-two dollars and seventy-five cents per month (three hundred ninety-three dollars per year) for each unit of the multiple-residential service or each mobilehome connected to the facilities of the city.

2. Each customer outside the city shall pay at the rate of forty-five dollars and seventy-five cents per month (five hundred forty-nine dollars per year) for each unit of the multiple-residential service or each mobilehome connected to the facilities of the city.

14.04.030 Sanitary sewer monthly service charge -- Commercial sanitation service.

A. As of September 1, 1995:

1. The sanitary sewer monthly service charge for commercial uses with domestic strength discharge (not greater than two hundred milligrams per liter biochemical oxygen demand (BOD) and/or two hundred milligrams per liter total suspended solids (TSS)) shall be computed as set forth in subsections (A)(1)(a) and (b) of this section:

a. Each customer inside the city shall pay:

i. A monthly service charge of twenty-six dollars and fifty cents; and

ii. A quantity charge of not less than eight dollars per month based on each one hundred cubic feet of water consumed, as determined by the type of service to the structure, according to the following table:

**Quantity Charge Based on Water
Consumption (dollars per one
hundred cubic feet)**

Service Type (meter size in inches)	Estimated Ratio of Discharge to Consumption	Quantity Charge (Dollars per one hundred cubic feet)
5/8"	.90	.92
3/4"	.84	.87
1.0"	.72	.74
1.5"	.55	.57
2.0"	.43	.44

b. Each customer outside the city shall pay:

i. A monthly service charge of thirty-seven dollars and ten cents; and

ii. A quantity charge of not less than eleven dollars and twenty cents per month based on each one hundred cubic feet of water consumed, as determined by the type of service to the structure, according to the following table:

**Quantity Charge Based on Water
Consumption (dollars per one
hundred cubic feet)**

Service Type (meter size in inches)	Estimated Ratio of Discharge to Consumption	Quantity Charge (Dollars per one hundred cubic feet)
5/8"	.90	1.92
3/4"	.84	1.21
1.0"	.72	1.04
1.5"	.55	.80
2.0"	.43	.62

2. The sanitary sewer service charge for commercial uses with discharge strength exceeding two hundred mg/l BOD and/or two hundred mg/l TSS shall be computed as set forth in subsections (A)(2)(a) and (b) of this section:

- a. Each customer inside the city shall pay:
 - i. A monthly service charge of twenty-six dollars and fifty cents; and
 - ii. A quantity charge not less than eight dollars per month based on each one hundred cubic feet of water consumed, as determined by the following equation:

**Estimated Ratio of Discharge to
Consumption x**

$$[1.03 + \{(The\ greater\ of\ 200\ or\ the\ User's\ Peak\ BOD\ Loading\ in\ mg/l) - 200\} \times 0.001140 + \{(The\ greater\ of\ 200\ or\ the\ User's\ Peak\ TSS\ Loading\ in\ mg/l) - 200\} \times 0.001130 = Quantity\ Charge]$$

- b. Each customer outside the city shall pay:
 - i. A monthly service charge of thirty-seven dollars and ten cents; and
 - ii. A quantity charge not less than eleven dollars and twenty cents per month based on each one hundred cubic feet of water consumed, as determined by the following equation:

**1.4 x Estimated Ratio of Discharge to
Consumption x**

**[1.03 + {(The greater of 200 or the User's Peak BOD Loading in mg/l) - 200} x 0.001140
+ {(The greater of 200 or the User's Peak TSS Loading in mg/l) - 200} x 0.001130 =
Quantity Charge**

B. As of September 1, 1997:

1. The sanitary sewer monthly service charge for commercial uses with domestic strength discharge (not greater than two hundred milligrams per liter biochemical oxygen demand (BOD) and/or two hundred milligrams per liter total suspended solids (TSS)) shall be computed as set forth in subsections (B)(1)(a) and d(b) of this section:

a. Each customer inside the city shall pay:

i. A monthly service charge of twenty-eight dollars; and

ii. A quantity charge of not less than nine dollars per month based on each one hundred cubic feet of water consumed, as determined by the type of service to the structure, according to the following table:

**Quantity Charge Based on Water
Consumption (dollars per one
hundred cubic feet)**

Service Type (meter size in inches)	Estimated Ratio of Discharge to Consumption	Quantity Charge (Dollars per one hundred cubic feet)
5/8"	.90	1.03
3/4"	.84	.98
1.0"	.72	.83
1.5"	.55	.64
2.0"	.43	.49

b. Each customer outside the city shall pay:

i. A monthly service of thirty-nine dollars and twenty cents; and

ii. A quantity charge of not less than twelve dollars and sixty cents per month based on each one hundred cubic feet of water consumed, as determined by the type of service to the structure, according to the following table:

**Quantity Charge Based on Water
Consumption (dollars per one
hundred cubic feet)**

Service Type (meter size in inches)	Estimated Ratio of Discharge to Consumption	Quantity Charge (Dollars per one hundred cubic feet)
5/8"	.90	1.45
3/4"	.84	1.37
1.0"	.72	1.17
1.5"	.55	.89
2.0"	.43	.69

2. The sanitary sewer service charge for commercial uses with discharge strength exceeding two hundred mg/l BOD and/or two hundred mg/l TSS shall be computed as set forth in subsection (B)(2)(a) and (b) of this section:

- a. Each customer inside the city shall pay:
 - i. A monthly service charge of twenty-eight dollars; and
 - ii. A quantity charge not less than nine dollars per month based on each one hundred cubic feet of water consumed, as determined by the following equation:

**Estimated Ratio of Discharge to
Consumption x**

$$[1.16 + \{(The\ greater\ of\ 200\ or\ the\ User's\ Peak\ BOD\ Loading\ in\ mg/l) - 200\} \times 0.001250 + \{(The\ greater\ of\ 200\ or\ the\ User's\ Peak\ TSS\ Loading\ in\ mg/l) - 200\} \times 0.001230 = Quantity\ Charge]$$

- b. Each customer outside the city shall pay:
 - i. A monthly service charge of thirty-nine dollars and twenty cents; and
 - ii. A quantity charge not less than twelve dollars and sixty cents per month based on each one hundred cubic feet of water consumed, as determined by the following equation:

**1.4 x Estimated Ratio of Discharge to
Consumption x**

**[1.16 + {(The greater of 200 or the User's Peak BOD Loading in mg/l) - 200} x 0.001250
+ {(The greater of 200 or the User's Peak TSS Loading in mg/l) - 200} x 0.001230 =
Quantity Charge**

C. The quantity charges set forth in the tables and formulas in subsections A through B of this section are based on an estimated ratio of water discharge to water consumption or each service type. The city council may adjust the quantity charge for a particular customer upon application and a showing by the customer that the actual ratio of water discharge to water consumption of that customer is substantially different from the estimated ratio of discharge to consumption set forth in the tables and formulas in subsections A through B of this section. In no event may the city council reduce the quantity charge to an amount which is less than the minimum amounts set forth in subsections A through B of this section.

14.04.040 Sanitary sewer monthly service charge -- Fire houses and churches.

A. As of September 1, 1995: The monthly sanitary sewer service for fire houses and churches in the city's service area shall be thirty-six dollars and fifty cents per month (four hundred thirty-eight dollars per year).

B. As of September 1, 1997: The monthly sanitary sewer service for fire houses and churches in the city's service area shall be thirty-nine dollars per month (four hundred sixty-eight dollars per year).

14.04.050 Sanitary sewer monthly service charge -- Public and private school.

A. As of September 1, 1995: Each public and private school shall pay the rate of one hundred sixty-nine dollars per month (two thousand twenty-eight dollars per year).

B. As of September 1, 1997: Each public and private school shall pay the rate of one hundred ninety dollars per month (two thousand two hundred eighty dollars per year).

14.04.060 Sanitary sewer connection charge -- Residential service.

A. As of September 1, 1995: At the time of submission of an application to connection to the sanitary sewer service of the city, an applicant shall pay a sanitary sewer connection charge of seven thousand eight hundred dollars for each family unit to be connected. A family dwelling unit shall include each family unit in single-family homes, cluster-garden condominiums, town houses and other multi-family residential uses and each mobilehome space in a mobilehome park, and each second unit attached or detached from

an existing dwelling constructed and used in accordance with the provisions of Section 12412 of the Napa County Code, adopted by the city, where such second unit is connected to the city sewer.

B. As of September 1, 1996: At the time of submission of an application to connect to the sanitary sewer service of the city, an applicant shall pay a sanitary sewer connection charge of seven thousand nine hundred dollars for each family unit to be connected. A family dwelling unit shall include each family unit in single-family homes, cluster-garden condominiums, town houses and other multifamily residential uses and each mobilehome space in a mobilehome park, and each second unit attached or detached from an existing dwelling constructed and used in accordance with the provisions of Section 12412 of the Napa County Code, adopted by the city, where such second unit is connected to the city sewer.

14.04.070 Sanitary sewer connection charge -- Commercial sanitation service.

A. As of September 1, 1995: At the time of submission of an application to connect to the sanitary sewer facilities of the city, the applicant shall pay a sanitary sewer connection charge computed at the rate of four hundred fifteen dollars per fixture unit, as set forth in Plumbing Code published by the Western Officials Association, but in no event shall the sanitary sewer connection charge be less than seven thousand eight hundred dollars. The number of fixture units per plumbing fixture is shown on Appendix B to the schedule.

B. As of September 1, 1996: At the time of submission of an application to connect to the sanitary sewer facilities of the city, the applicant shall pay a sanitary sewer connection charge computed at the rate of four hundred fifty-five dollars per fixture unit, as set forth in Plumbing Code published by the Western Officials Association, but in no event shall the sanitary sewer connection charge be less than seven thousand nine hundred dollars. The number of fixture units per plumbing fixture is shown on Appendix B to the schedule.

Sanitary sewer connection charge -- Industrial sanitation service.

A. As of September 1, 1995:

1. At the time of submission of an application to connect to the sanitary sewer facilities of the city, the applicant shall pay a sanitary sewer connection charge calculated by using the following formula:

$$32,387,252 \times (\text{Expected Peak Flow, MGD}) + 3,472 \times (\text{Expected Peak BOD Loading, lbs/day}) + 3,352 \times (\text{Expected Peak TSS Loading, lbs/day}) = \text{Connection Charge}$$

2. If after connection to the city facilities and review of either the discharger's flow data or water use data for any given period it is determined by the city that the applicant is discharging at an increased flow, BOD or TSS level than requested at the time of submission of application, applicant shall be charged for increased flow, BOD or TSS at the then applicable rate as provided in the city's sanitary sewer connection charge ordinance.

B. As of September 1, 1996:

1. At the time of submission of an application to connect to the sanitary sewer facilities of the city, the applicant shall pay a sanitary sewer connection charge calculated by using the following formula:

$$35,408,938 \times (\text{Expected Peak Flow, MGD}) + 3,811 \times (\text{Expected Peak BOD Loading, lbs/day}) + 3,681 \times (\text{Expected Peak TSS Loading, lbs/day}) = \text{Connection Charge}$$

2. If after connection to the city facilities and review of either the discharger's flow data or water use data for any given period it is determined by the city that the applicant is discharging at an increased flow, BOD or TSS level than requested at the time of submission of application, applicant shall be charged for increased flow, BOD or TSS at the then applicable rate as provided in the city's sanitary sewer connection charge ordinance.

C. Sanitary sewer connection charges shall be paid directly to the city and shall be paid before any type of building or construction permit is granted to the real property served by the connection to the city sewer.

14.04.090 Rates and charges adjusted for inflation.

A. As of September 1, 1997 and each September 1 thereafter, all sanitary sewer service charges shall be increased by the previous year's inflation rate as established by the CPI, unless the council directs otherwise.

B. As of September 1, 1997, and each September 1 thereafter, all sanitary sewer connection charges shall be increased by the previous year's inflation rate as established by the Engineering New Record Construction Cost Index for San Francisco, unless the council directs otherwise.

Section 2. Title 13, Division 2, of the American Canyon Municipal Code, regarding Sewer Services System, is hereby renumbered as Title 14, Division 2 of the American Canyon Municipal Code to read as follows:

DIVISION 2. SEWER SERVICES SYSTEM

14.08	Definitions
14.12	General Provisions
14.16	Sewer Use Regulations
14.20	Private Sewage Disposal
14.24	Enforcement

Chapter 14.08

DEFINITIONS

14.08.010 Definitions.

The following terms, as used in this chapter, shall have the meaning designated in this section unless the context specifically indicates otherwise: "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended. (33 U.S.C. 1251 et seq. ref. 40 CFR 403.3(b).)

"Administrator" means the Administrator of the United States Environmental Protection Agency.

"Applicable pretreatment standard" means the federal, state or local discharge limit, whichever is most stringent.

"Applicant" means the person making application for permit for a sewer or plumbing installation and shall be the owner or his authorized agent of the premises to be served by the sewer for which a permit is requested.

"Approval Authority" means the state of California. (Ref. 40 CFR 403.3(c).)

"Approved laboratory procedure" means any method contained in 40 CFR Part 136 and amendments thereto or otherwise approved by EPA for the determination of flow measurement or pollution concentration of discharges to the public sanitary sewer system.

"Baseline monitoring report (BMR)" means a report submitted by categorical industrial users within one hundred eighty days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the categorical standard. (Ref. 40 CFR 403.12(b).)

"Bed and breakfast facility" means an existing single-family dwelling that has been converted to rental rooms with common restroom facilities, which rentals are usually fifty percent of that of a motel or hotel.

"Beneficial uses" means uses of the waters of the state that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible and intangible as specified by federal or state law.

"Best professional judgement (BPJ)" means the highest quality technical opinion of a permit writer, after consideration of all reasonably available and pertinent data or information, forming the basis for the terms and conditions of a permit.

"Bioassay or aquatic toxicity test" means a procedure in which the responses of aquatic organisms are used to detect or measure the presence or effect of one or more substances, wastes, or environmental factors, alone or in combination.

"Biochemical oxygen demand (B.O.D.)" means the results obtained using an approved laboratory procedure to measure the quantity of oxygen utilized in the biochemical oxidation of organic matter or in satisfying the oxygen demand of other materials present.

"Building lateral" means that portion of a side sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.

"Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility. (Ref. 40 CFR 403.17.)

"Categorical industrial user" means an industrial user subject to categorical pretreatment standards.

"Categorical pretreatment standards" means limitations to pollutant discharges to POTWs promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories. (Ref. 40 CFR 403.6 and Parts 405--471.)

"Chain of custody" means a written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times and procedures followed.

"Church" means a structure which is used as a place of worship for a congregation; but if the structure contains living quarters, these shall be regarded as a separate unit chargeable at a single-family dwelling rate.

"City" means city of American Canyon, California.

"City manager" means the person or persons appointed by the council to administer and enforce the rules and regulations of city.

"City rules and regulations" means the rules and regulations for sewer use adopted by the council and as amended from time.

"Clean Water Act (CWA)" (otherwise known as the Federal Water Pollution Control Act) enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq.; as amended by PL 95-217, December 28, 1997; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987, and future amendments.

"Code of Federal Regulations (CFR)" means a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

"Combined sewer" means a sewer designated to receive both surface run-off and sewage.

"Combined wastestream formula (CWF)" means the procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from a categorical industrial user is combined with other wastestreams prior to treatment. (Ref. 40 CFR 403.6(e).)

"Commercial unit" means a single business in a structure or structures on a parcel. A structure may contain several commercial units because each separate business shall be counted as a commercial unit.

"Compatible pollutant" means biochemical oxygen demand, suspended solids, Ph and fecal coliform bacteria, plus additional pollutants identified in Napa Sanitation District's National Pollutant Discharge Elimination System (NPDES) permit if the city's treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

"Concentration limit" means a limit based on the mass of pollutant per unit volume, usually expressed in milligrams per liter.

"Confidential information" means information and data on a discharger including products used, industrial processes or methods of projections, etc., which the discharger can demonstrate, to the satisfaction of the city manager or his designee, constitute trade secrets. Effluent constituents and characteristics shall not be considered confidential information.

"Contamination" means an impairment of the quality of the water of the state by waste to a degree which creates hazard to the public health through poisoning or through

the spread of disease. "Contamination" means any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

"Contractor" means an individual, firm, corporation, partnership or association duly licensed by the state to perform the type of work to be done under the permit.

"Contributing industry" means any wastewater contributor identified in the 1987 Standard Industrial Classification (SIC) Manual and subsequent revisions in any of its divisions.

"Control authority" means a POTW with an approved pretreatment program or the approval authority in the absence of POTW pretreatment program. (Ref. 40 CFR 403.12(a).)

"Conventional pollutants" means as defined by Federal law, include BOD, TSS, fecal coliform bacteria, oil and grease, and Ph. (Ref. 40 CFR, 401.16.)

"Council" means the city council of the city.

"County" means the county of Napa, California.

"Cyanide" means a substance when combined with some element or radical results in an extremely poisonous compound with an odor of bitter almonds, i.e., sodium cyanide, potassium cyanide, hydrogen cyanide.

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

"Development document" means detailed report of studies conducted by the U.S. EPA for the purpose of developing categorical pretreatment standards.

"Dilution" means the increase in use of water or any other attempt to dilute a discharge or a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard.

"Director" means the chief administrative officer of a state or interstate water pollution control agency with any NPDES permit program and state pretreatment program approved pursuant to Section 402(b) of the Clean Water Act and an approved state pretreatment program. (Ref. 40 CFR 403.3(e).)

"Domestic sanitary sewage" means water-carried wastes from residences, hotels, motels, restaurants and business establishments, but excluding all groundwater, surface water, storm water and industrial wastes.

"Environmental protection agency (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.

"Federal Act" means the Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the act.

"Federal categorical pretreatment standards" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317). (Ref. 40 CFR 403.3(j).)

"Flashpoint" means the minimum temperature of a liquid at which the liquid gives off a vapor in sufficient concentrations to ignite when tested under specific conditions.

"Flow proportional composite sample" means a sampling method which combines discrete aliquots of a sample collected over time, based on the flow of wastestream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals which vary based on the stream flow (i.e., two hundred milliliters (ml) sample collected for every five thousand gallons discharged). The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.

"Flow weighted averaging formula (FWA)" means a procedure used to calculate alternative limits where wastestreams regulated by a categorical pretreatment standard and nonregulated wastestreams combine after treatment but prior to the monitoring point.

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

"Government buildings" means buildings for governmental agencies, such as federal, state, county, city and special districts.

"Grab sample" means a sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

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

"Hotel or motel unit" means sleeping quarters where no cooking facilities are available, including combinations with office or offices, restaurants, bar or bars, shop or shops. If the hotel or motel contains units with cooking facilities available, each such unit shall be charged the fee applicable to a multiple-family dwelling unit.

"Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

"Indirect discharge or discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (e), or (d) of the Act. (Ref. 40 CFR 403.3(g).)

"Industrial discharger" means a source of discharge to the public sanitary sewer system from any nondomestic source as regulated under Section 307(b), (c), or (d) of the Clean Water Act.

"Industrial user (IU) or user" means a source of indirect discharge.

"Industrial user management practices" means schedules of activities, prohibitions or practices, maintenance procedures, and other management practices designed to prevent or reduce pollution discharges. These practices may address treatment requirements, operating procedures, and practices to control spills or leaks, sludge or waste disposal, or drainage from raw material storage.

"Industrial wastes" means the waste of producing, manufacturing and processing operations of every kind and nature. It does not include domestic sanitary sewage, such as might be discharged from residences, hotels, motels, restaurants or business establishments.

"Installation permit" means any written authorization required pursuant to this or any other regulation of city for the installation of any sewerage works.

"Instantaneous maximum limit" means the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" means any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW. Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW; its treatment processes or operations; or its sludge processes, use, or disposal; and therefore causes a violation of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with specified federal statutes, regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource

Conservation and Recovery Act (RCRA)), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act and the Marine Protection, Research and Sanctuaries Act.

"Lethal toxicity or lethal concentration (LC)" means toxicant concentration producing death of test organism.

"Local limits" means technically based, defensible numerical limits imposed on discharges to the POTW. These limits are developed to comply with the General Pretreatment Regulations.

"Lower explosion limit (L.E.L.)" means the point where the concentration of gas-in-air is sufficiently large enough to result in an explosion if an ignition source is present.

"Main sewer" means a public sewer designed to accommodate more than one lateral sewer.

"Manifest" means a manuscript identifying and tracking all hauled wastes. This includes, but is not limited to, industrial user identification, type and volume of waste, destination, required signatures.

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

"Material safety data sheet (MSDS)" means an information document regarding chemical products and their hazardous name.

"Monitoring facility" means a safely accessible facility located at the discharger's connection to the public sanitary sewer system or at the end of an industrial process or pretreatment system, which allows for the inspection, sampling and flow measurement of a discharge.

"Monthly average limit" means the maximum allowable value for the average of all observations obtained during one calendar month.

"Multiple-family dwelling" means any structure constructed for occupancy of more than one family, each separate living quarters to be referred to as a unit.

"National pretreatment standard or pretreatment standard" means any regulation continuing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to industrial users. This term includes

prohibitive discharge limits established pursuant to 40 CFR 403.5, including local limits. (Ref. 40 CFR 403.3(j).)

"National prohibited discharges" means prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTWs set forth in 40 CFR 403.5.

"Net/gross calculations" means an adjustment to categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water. (Ref. 40 CFR 403.15.)

"New source" means:

A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of the proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at the site at which no other source is located;

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,

3. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (A)(2), or subsection (A)(3) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program:

a. Any placement, assembly, or installation of facilities or equipment;

b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,

c. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time, options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph. (Ref. 40 CFR 403.3(k).)

"Ninety-day compliance report" means a report submitted by a categorical industrial user, within ninety days following the date for final compliance with applicable categorical standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, that documents and certifies the compliance status of the user. (Ref. 40 CFR 403.12(d).)

"Noncontact cooling water" means the water discharged from any system of heat transfer, condensation, air conditioning, refrigeration, or other sources to which no pollutant is added other than heat.

"Nonconventional pollutants" means all pollutants which are not included in the list of conventional or toxic pollutants in 40 CFR Part 401.

"Nondomestic waste" means the same as "industrial waste."

"Nondomestic wastewater discharger or nondomestic discharger" means any source of discharge of nondomestic waste to the public sanitary sewer system.

"NPDES" means National Pollutant Discharge Elimination System permit issued by a Regional Water Control Board of the state of California.

"NPDES state" means a state (as defined in 40 CFR 1222) or interstate water pollution control agency with a NPDES permit program approved pursuant to Section 402(b) of the Act. (Ref. 40 CFR 403.3(m).)

"Oil and grease (mineral based)" means any material recovered from an acidified sample as a substance soluble in a designated solvent.

"Oil and grease (vegetable and animal based)" means any material recovered from an acidified sample as a substance soluble in a designated solvent. This includes fats, oil and grease of all origins.

"Outside sewer" means a sanitary sewer beyond the limits of the city's sewer service area not subject to the control or jurisdiction of the city.

"Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (Ref. 40 CFR 403.3(n).)

"Periodic compliance report" means a report on compliance status submitted by categorical industrial users to the control authority at least semiannually. (Ref. 40 CFR 403.12(e).)

"Person" means any human being, individual, firm, company, partnership, association and private or public and municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies and mandatories thereof. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

"pH" means the logarithm of the reciprocal of the weight of hydrogenions in grams per liter of solution. Values above 7.0 represent alkaline conditions and those below 7.0 represent acid conditions.

"Phenols" means hydroxy derivatives of benzene and its condensed nuclei.

"Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

"Polynuclear aromatic hydrocarbons (PAHs)" means certain cyclic compounds having many nuclei, containing only hydrogen and carbon and a distinguishable odor. Often these are by-products of petroleum processing or combustion.

"POTW" pretreatment program or approved POTW pretreatment program" means a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11 (Ref. 40 CFR 403.3(d).)

"POTW treatment plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. (Ref. 40 CFR 403.3(p).)

"Premises" means any lot, parcel of land, building or establishment, either residential, commercial or industrial, both public and private, including schools, churches and institutes without limitation.

"Pretreatment" means the application of physical, chemical and/or biological processes to reduce the amount of pollutants, eliminate pollutants, or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater to the public sanitary sewer system. (Ref. 40 CFR 403.3(q).)

"Pretreatment standards and requirements" means all applicable federal rules and regulations found in 40 CFR subchapter N; as well as any nonconflicting or more stringent state or local standards and any substantive procedural requirement related to pretreatment imposed on an industrial user. (Ref. 40 CFR 403.3(r).)

"Pretreatment standards for existing sources (PSES)" means categorical standards and requirements applicable to industrial sources that began construction prior to the publication of the proposed pretreatment standards for that industrial category. (See individual categorical standards in 40 CFR Parts 405--471 for specific dates.)

"Priority pollutant" means the EPA list of one hundred twenty-six substances which are an environmental hazard and may be present in water. Because of the known or suspected hazards of these pollutants, industrial users of the substances are subject to regulation.

"Private sewer" means a sewer which is owned, operated and maintained by private persons or businesses, and which accommodates one or more buildings or industries.

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with, or results from the production of, or use of any raw material, intermediate product, finished product, by-product or waste product.

"Production-based standard" means a discharge limitation expressed in terms of allowable pollutant mass discharge per unit of production.

"Properly shredded garbage" means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-quarter inch in any dimension.

"Public nuisance" means continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the city.

"Public sewer" means a sewer which is owned, operated and maintained by a public agency.

"Publicly owned treatment works (POTW)" means treatment works as defined by Section 212 of the Clean Water Act which is owned by the state of California, municipal

corporations and other governmental agencies. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. (Ref. 40 CFR 403.3(o).)

"Receiving waters" means a natural water course or body of water into which treated sanitary sewage is discharged.

"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.

"Regional administrator" means the appropriate EPA regional administrator.

"Regulated wastestream" means an industrial process wastestream regulated by a national categorical pretreatment standard.

"Removal credit" means a revised pollutant limit given for a specified categorical industry as a result of a POTW's capability to consistently remove a specific pollutant. Removal credits are not granted by the city.

"Residential care facility" means any family home, group care facility, or similar facility which is occupied by seven or more persons not related by blood, which provides twenty-four-hour non-medical care of persons in need of personal services to sustain the activities of daily living, which facility has received licensing from the state of California.

"Resource conservation and recovery act (RCRA)" means a federal statute regulating the management of hazardous waste from its generation through ultimate disposal. The Act contains requirements for waste generators, transporters, and owners and operators of treatment, storage and disposal facilities. (41 USC 6901 et seq.)

"Roominghouse" means any structure which provides rental rooms for six or less persons which has not received licensing from the state of California.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

"Self-monitoring" means sampling and analysis performed by the industrial user to ensure compliance with the permit or other regulatory requirements. (Ref. 40 CFR 403.12(b)(g).)

"Service unit" means a service unit is defined as flow of two hundred ten gallons per day, BOD of one hundred seventy-five mg/l, and SS of two hundred mg/l.

"Sewage" means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewage works" means all facilities in which the city has an ownership interest of which the city controls except private sewers, for collecting, pumping, treating and disposing of sewage.

"Shall" is mandatory. "May" is permissive.

"Shell structure" means any single structure constructed wherein the actual number of rental units will depend on future use.

"Side sewer" means the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building lateral and street lateral together.

"Significant industrial user (SIU)" means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and any noncategorical industrial user that discharges an average of twenty-five thousand gallons per day or more of process wastewater to the POTW; or contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. (Ref. 40 CFR 403.3(t).)

"Significant noncompliance" means:

A. Chronic violations (exceeding the daily maximum limit or the average limit sixty-six percent of the time during a six-month period) of the same pollutant parameter;

B. Technical review criteria (TRC) violations (thirty-three percent or more of the measurements for each pollutant parameter taken during a six-month period equal or exceeding the product of the applicable limit and the TRC value [1.4 times the limit for a conventional pollutant or 1.2 times the limit for a toxic pollutant]);

C. A violation of pass through or interference;

D. A discharge of imminent endangerment to human health, welfare, or the environment, or which required the POTW to use its emergency authorities under 40 CFR 403.8(f) (1) (vi) (b);

E. Violations of a compliance schedule milestone by ninety days;

F. Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation deemed significant by the control authority. (Ref. 40 CFR 403.8(f) (2) (vii).)

"Single-family unit" means any structure constructed for occupancy of one single family. This classification includes trailers and mobile home units with plumbing hook-up.

"Slug discharge" means any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge. Also known as slug loadings, shock loads, or batch dumps of comparable or noncomparable pollutants from industries, whether accidental or on purpose.

"Slug load" means any pollutant (including biochemical oxygen demand) released in a discharge of a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) to 403.12(f).

"Solvent management plan" means a strategy for keeping track of all solvents delivered to a site, their storage, use and disposal. This includes keeping spent solvents segregated from other process wastewater to maximize the value of the recoverable solvents, to avoid contamination of other segregated wastes, and to prevent the discharge of toxic organics to any wastewater collection system or the environment.

"Spill prevention and control plan" means a plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

"Split sample" means portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

"Standard industrial classification (SIC) code" means a classification scheme based on the type of manufacturing or commercial activity at a facility; some facilities have several activities which will cause them to have more than one code number.

"Standard industrial classification manual" means prepared by the Executive Office of the President, Office of Management and Budget 1987 (NTIS Order No. PB 87-10001Z).

"Standard specifications" means a set of documents containing design and construction standards for all sewerage works within the city's jurisdiction.

"Storm sewer or storm drain" means a sewer which carries storm and surface or groundwaters and drainage, but excludes sewage and polluted industrial wastes.

"Stormwater" means the water running off or draining from the surface and subsurface of an area during and after a period of rain or irrigation.

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

"Submission" means a request by a POTW for approval of a pretreatment program to the EPA or a director; a request by a POTW to the EPA or a director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals; or a request to the EPA by an NPDES state for approval of its state pretreatment program. (Ref. 40 CFR 403.3(u).)

"TICH" means total identifiable chlorinated hydrocarbons.

"Time proportional composite sample" means a sampling method which combines discrete sample aliquots of constant volume collected at constant time intervals (i.e., two hundred milliliter (ml) samples collected every half hour for a twenty-four-hour period). This method provides representative samples only where the sample stream flow is constant, or where the volume is manually adjusted based on the stream flow variation prior to being added to the composite sample container.

"Total suspended solids (TSS)" or "nonfilterable solids" means the suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"Total toxic organics (TTO)" means the sum of the masses or concentrations of the specific toxic organic compounds regulated by specific categorical pretreatment regulations which is found in the discharge at specific quantifiable concentrations. (Refer to the specific categorical regulations to identify which compounds are regulated, what numeric value is considered "quantifiable," and what sampling or certification alternatives may be available.)

"Toxic organic management plan (TOMP)" means a written plan submitted by industrial users in accordance with some categorical pretreatment standards as an alternative to TTO monitoring which specifies the toxic organic compounds used, the method of disposal used, and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

"Toxic pollutants" means those pollutants identified pursuant to 307(a) of the Clean Water Act and 40 CFR 403 (App.B.). "Treatment works" means all facilities in which the city has an ownership, interest or which the city controls except private sewers used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; including the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal land industrial waste.

"Unpolluted water" means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal; to storm or natural drainage or directly to surface waters.

"Unregulated wastestream" means for purposes of the combined wastestream formula, a wastestream that is not regulated by a national categorical pretreatment standard and is not considered a dilute wastestream.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. (Ref. 40 CFR 403.16(a).)

"Use permit" means any written authorization required pursuant to this or any other regulation of the city for the discharge from a contributory industry.

"User classification" means a classification of user based on the 1987 edition of the Standard Industrial Classification (SIC) manual prepared by the Executive Office of Management and Budget.

"Volatile organic compounds (VOCs)" means as listed in 40 CFR 136.

"Waste" means sewage and any and all other waste substance, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

"Waste minimization" means the reduction or elimination, to the extent feasible, of any waste that is generated or subsequently treated, stored or disposed of. It is the elimination or reduction in the use of hazardous materials and the generation of hazardous wastes. It seeks to prevent pollutant releases to all environmental media; water, land or air.

"Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity and strength of wastewater.

"Wastewater discharge permit" means a permit for the discharge of nondomestic waste as set forth in this chapter.

"Wastewater treatment system" means any device, facility, structure or equipment owned or operated by the city for the purpose of transmission, storage treatment, recycling, or reclamation of nondomestic or domestic wastes, including intercepting sewers, outfall sewers, sewer collection systems, pumps, powerplants and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"Water management division director" means one of the directors of the Water Management Divisions within the regional offices of the Environmental Protection Agency or his/her delegated representative. (Ref. 40 CFR 403.3(f).)

"Waters of the state" means any water, surface or underground, including saline waters within the boundaries of the state.

Chapter 14.12

GENERAL PROVISIONS

Sections:

14.12.010	Rules and regulations.
14.12.020	Purpose.
14.12.030	Short title.
14.12.040	Publication.
14.12.050	Violation unlawful.
14.12.060	Relief on applications.
14.12.070	Relief on own motion.
14.12.080	City manager.
14.12.090	Installation permits and fees.
14.12.100	User Permit.
14.12.110	Plumbing and sewers on private property.
14.12.120	Disposal of wastes.
14.12.130	Treatment of wastes required.
14.12.140	Unlawful disposal
14.12.150	Occupancy prohibited.
14.12.160	Sewer required.
14.12.170	Sewer use regulations--Objective.
14.12.180	Sewer use regulations--Authority.
14.12.190	Sewer use regulations--Legal authority.
14.12.200	Protection from damage.
14.12.210	Powers and authorities of inspectors.

14.12.010 Rules and Regulations.

The following rules and regulations respecting disposal of sewage and drainage of buildings and connections to the sewage works of the city are adopted, and all work in respect thereto shall be performed as required in this chapter and not otherwise.

14.12.020 Purpose.

This chapter is intended to provide rules and regulations for the use of sanitary sewer facilities hereafter installed, altered or repaired within the city's jurisdiction. This chapter shall not apply retroactively, and in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used in this chapter.

14.12.030 Short title.

This chapter shall be known as the city sanitary sewer ordinance.

14.12.040 Publication.

Upon adoption, this chapter shall be entered in the minutes of the council and an excerpt needs to be published in the county, and the Napa Register, newspapers of general circulation printed and published in the city, within fifteen days following its passage and adoption, and shall take effect and be in force and effect immediately upon the expiration of thirty days after its passage.

14.12.050 Violation unlawful.

Following the effective date of this chapter, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in the city except by connecting to a public sewer in the manner specified in the ordinance codified in this chapter and in other applicable ordinances of the city.

14.12.060 Relief on application.

A. When any person, by reason of special circumstances, is of the opinion that any provision of this title is unjust or inequitable as applied to his premises, he may make written application to the city manager or his designee, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

B. If such application be approved, the city manager or his designee may, but only to the extent compatible with state and federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of application and continuing during the period of the special circumstances.

14.12.070 Relief on own motion.

The council may, on its own motion, find that by reason of special circumstances any provision of this regulation and the title should be suspended or modified as to a particular premise, but only to the extent compatible with state and federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, and may by resolution, order such suspension or modification for such premise during the period of such special circumstances or any part thereof.

14.12.080 City manager.

The council shall employ some fit and qualified person or persons to perform the duties of city manager. The city manager may delegate certain of his duties to other qualified officers of employees of the city.

14.12.090 Installation permits and fees.

No public sewer, side sewer, building lateral or other sewage facility shall be installed, altered or repaired within the city jurisdiction until a permit for the work has been obtained from the city and all fees paid in accordance with the requirements of the ordinances, rules and regulations of the city.

14.12.100 User permit.

No contributory industry shall be allowed to discharge wastewater until a user permit has been obtained from the city and all fees paid in accordance with the ordinances, rules and regulations of the city. Existing contributory industries shall obtain a user permit within one hundred twenty days after adoption of this title.

14.12.110 Plumbing and sewers on private property.

The installation, use, maintenance, repair and inspection of all plumbing and sewers inside private property shall be subject to and governed by the plumbing ordinance of the city and the county, now existing or as hereafter amended, except the city will inspect building sewers to insure proper line, grade and tightness of joints for infiltration/inflow control.

14.12.120 Disposal of wastes.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

14.12.130 Treatment of wastes required.

It is unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

14.12.140 Unlawful disposal.

Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

14.12.150 Occupancy prohibited.

No building, industrial facility, or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the city and/or applicable regulations of city, county or other applicable special district.

14.12.160 Sewer required.

The owner of any building situated within the jurisdiction of the city and abutting on any street in which there is now located or may in the future be located a public sewer of the jurisdiction of the city, is required at his expense to connect the building directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after date of official notice to do so, provided that the public sewer is within two hundred feet of the nearest point of the property; provided, however, that where territory is annexed to the city or jurisdiction of the city upon which existing improvements are located which are served by a satisfactorily operating and maintained septic tank, the owner may continue to dispose of waste to the septic tank so long as it remains in operating condition to the satisfaction of the county health officer or until any additional building or buildings or any division of the property is proposed at which time connection to the public sewer shall be required.

14.12.170 Sewer use regulations--Objective.

A. It is the objective of the city to regulate and control the quantity and quality of the discharges into the sewer system so that they will not adversely affect the various collection, transmission, treatment, discharge requirements or environmental conditions; enhance opportunities to recycle and reclaim treated effluent and wastewater to meet requirements of the federal government and the state of California and their designated agencies.

B. The adverse affects can include:

1. Health and safety of personnel employed in the operation and maintenance of the sewage collection, transmission and treatment facilities;

2. The operational cost, maintenance and durability of collection, transmission and treatment facilities;

3. The quality of the receiving waters with respect to requirements established by the federal government and the state of California through their properly designated and responsible agencies;

4. The air quality and pollution abatement requirements established by the federal government and the state of California through their properly designated and responsible agencies;

5. Damage, deterioration or excessive maintenance costs to sewage collection, pumping, treatment or disposal facilities;

6. It is the general intent of the city to provide collection and treatment of domestic sanitary sewage and for commercial and industrial wastewaters that do not adversely affect the objectives stated hereinbefore and to provide equitable charges for the costs incurred.

14.12.180 Sewer use regulations--Authority.

This regulation is adopted under authorization of the Government Code Section 38900 and the Health and Safety Code Section 5470 et seq.

14.12.190 Sewer use regulations--Legal authority.

Legal authority for the city industrial user permit program and permit issuance procedures. The city has authority over all industrial users contributing wastewater to the POTW. This title provides the authority to issue control mechanisms, conduct compliance monitor activities, and, when warranted, take appropriate enforcement action in response to noncompliance by users located within the city jurisdiction.

14.12.200 Protection from damage.

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the city sewerage works. Any person violating this provision shall be subject to the penalties provided by law.

14.12.210 Powers and authorities of inspectors.

A. The officers and any duly authorized employees of the city shall carry evidence establishing their position as authorized representatives of the city and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing and otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the city.

B. All plumbers shall be held strictly responsible for any and all acts of agents or employees done under this title. Upon being notified by the city manager or his designee of any defect arising therefrom in any sewer or of any violation of this title, the person or persons having charge of the work shall immediately correct the same.

Chapter 14.16

SEWER USE REGULATIONS

Sections:

14.16.010	City may deny new or increased contributions of pollutants.
14.16.020	Industrial users--Must comply with pretreatment standards.
14.16.030	Discharge permit elements.
14.16.040	Compliance schedule.
14.16.050	Right of entry.
14.16.060	Remedies for noncompliance.
14.16.070	Discharge permits.
14.16.080	Acceptable wastes--Domestic sanitary sewage.
14.16.090	Prohibited wastes.
14.16.100	Sewer use prohibitions.
14.16.110	Application of most stringent limitation.
14.16.120	Specific prohibitions--Fire or explosion hazard.
14.16.130	Specific prohibitions--Corrosive materials.
14.16.140	Specific prohibitions--Obstructions.
14.16.150	Specific prohibitions--Pollutant causing interference.
14.16.160	Specific prohibitions--Temperature.
14.16.170	Specific prohibitions--Mineral oil.
14.16.180	Specific prohibitions--Noxious and malodorous substances.
14.16.190	Specific prohibitions--Limitations on point of discharge.
14.16.200	Specific prohibitions--Pass through.
14.16.210	Local limits--Discharge limit development.
14.16.220	Local limits--Toxic substances.
14.16.230	General prohibitions--Rainwater or uncontaminated water.
14.16.240	General prohibitions--Groundwater from cleanup projects.
14.16.250	General prohibitions--Cooling water and swimming pool drainage.
14.16.260	General prohibitions--Garbage.
14.16.270	General prohibitions--Suspended solids.
14.16.280	Pretreatment sludges--Nondegradable wastes.
14.16.290	Pretreatment sludges--Chemical pesticides and similar toxicants.
14.16.300	Pretreatment sludges--Oxidizing and reducing agents.
14.16.310	Pretreatment sludges--Radioactive wastes.

14.16.320	Pretreatment sludges--Hospital wastes.
14.16.330	Pretreatment sludges--Unusual waste concentrations.
14.16.340	Restricted waste discharges.
14.16.350	Pretreatment.
14.16.360	Flow control.
14.16.370	Surcharge payment.
14.16.380	Damage caused by discharge.
14.16.390	Limitations of discharge quantity and rate of discharge.
14.16.400	Disposal of unacceptable wastes.
14.16.410	Hauled wastes--Septic tank pumpage discharges.
14.16.420	Hauled wastes--Holding tank waste.
14.16.430	Hauled wastes--RCRA wastes.
14.16.440	National pretreatment standards--Categorical standards.
14.16.450	Removal credits.
14.16.460	Procedures--Outlined.
14.16.470	Other implementing provisions--Outlined.
14.16.480	Reporting requirements--Baseline monitoring report.
14.16.490	Reporting requirements--Reports on progress in meeting compliance schedules.
14.16.500	Reporting requirements--Report on final compliance (ninety-day report).
14.16.510	Reporting requirements--Periodic reports on continued compliance.
14.16.520	Reporting requirements--Notice of slug loading.
14.16.530	Reporting requirements--Monitoring and analysis reports.
14.16.540	Reporting requirements--Reports required by noncategorical industries.
14.16.550	Reporting requirements--Annual POTW reports.
14.16.560	Reporting requirements--Notification of changed discharge.
14.16.570	Reporting requirements--Signatory requirements for industrial user reports.
14.16.580	Reporting requirements--Provisions governing fraud and false statements.
14.16.590	Reporting requirements--Recordkeeping requirements.
14.16.600	Reporting requirements--Hazardous waste notification.
14.16.610	Variance.
14.16.620	Confidentiality.
14.16.630	Net/gross calculation.
14.16.640	Statement of truthfulness--Required with all submissions.

14.16.010 City may deny new or increased contributions of pollutants.

The city may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its discharge permit. (Ref. 40 CFR 403.8(f)(1)(i).)

14.16.020 Industrial users--Must comply with pretreatment standards.

All industrial users must be in consistent compliance with applicable pretreatment standards and requirements. (Ref. 40 CFR 403(f)(1)(ii).)

14.16.030 Discharge permit elements.

Every significant industrial user and any other industrial deemed necessary by the city must be issued a permit. The minimum components contained with the permit are:

- A. Duration of permit (three years maximum);
- B. Nontransferability of permits;
- C. Applicable effluent limits (local, state, federal);
- D. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, identification of pollutants to be monitored, sampling location, sampling frequency, and sample type;
- E. Civil and criminal penalties;
- F. Compliance schedules which may not exceed the compliance date beyond applicable federal deadlines. (Ref. 40 CFR 403.8(f)(1)(iii).)

14.16.040 Compliance Schedule.

The city may require from any industrial user a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements and submit all notices and reports from industrial users including, but not limited to, the reports required in this chapter. (Ref. 40 CFR 403.8(f)(1)(iv).)

14.16.050 Right of entry.

Representatives of the city, bearing proper credentials and identification, shall be permitted to enter all properties served by the city for the purposes of inspection,

surveillance, observance, and monitoring procedures (including measurement, sampling and testing). This includes authority to enter any industrial user's discharge source, treatment system or recordkeeping location with authority to copy records. Such authority is provided under Section 308 of the Act.

14.16.060 Remedies for noncompliance.

The city may obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement including injunctive relief, civil and criminal penalties, judicial relief, termination of service, etc., as detailed in the enforcement provisions contained within this title. (Ref. 40 CFR 403.8(f)(1)(vi).)

14.16.070 Discharge permits.

A. Permits to discharge into the sewage system of the city will only be granted after considering all elements of this title.

B. Each user shall be classified as categorical industrial user, significant industrial user, nonresidential user (other commercial), or domestic user. Each user, with the exception of domestic user, may be required to possess a waste discharge permit issued by the city.

C. Nonresidential users may be exempted from the permit requirements of this title at the discretion of the city manager if they are known to discharge only domestic sanitary sewage (as defined).

D. Users required to obtain waste discharge permit shall complete, and file with the city, a permit application accompanied by any appropriate fees.

E. Permits will be issued to all significant industrial users, categorical industrial users and all non-residential users that the city deems necessary. A permit fee shall be established to recover administrative costs associated with each class of permitted user.

F. Within thirty days of receiving approval of the list of significant industrial users from the approval authority, the city will notify the significant industrial users of applicable pretreatment standards and requirements.

G. Upon determining that an industrial user (IU), meeting the definition of a significant noncategorical industrial user, has no reasonable potential for adversely affecting the city's operation or for violating any pretreatment regulations, the city may determine that such industrial user is not a significant industrial user (SIU).

H. Long-term permits shall be renewed yearly or as defined in each individual permit.

I. Short-term permits shall be renewed as defined in each individual permit.

14.16.080 Acceptable wastes--Domestic sanitary sewage.

The physical, chemical, and biological characteristics of domestic sanitary sewage shall be based on daily composite average of the discharge and shall conform to the following limits:

Waste Characteristic	Maximum Concentration
Hydrogen ion concentration	5.0--10.0
Total dissolved solids	500 milligrams/liter
Turbidity	250 JTU
Color	500 CU
Biochemical oxygen demand	175 milligrams/liter
Chemical oxygen demand	500 milligrams/liter
Suspended solids	200 milligrams/liter
Settleable solids	10 milligrams/liter
Sulfide	0.5 milligrams/liter
Grease (vegetable based)	75 milligrams/liter
Toxicity (LC Bioassay)	25%
Detergent (MBAS)	10 milligrams/liter
Ammonia	20 milligrams/liter
Phosphate (total)	25 milligrams/liter

14.16.090 Prohibited wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following water or wastewaters into public sewers as outlined in Sections 706.01 through 706.04.3.

14.16.100 Sewer use prohibitions.

A user may not introduce into any POTW any pollutant(s) which cause pass through or interference. These specific prohibitions and the general prohibitions apply to each user introducing pollutions into any POTW whether or not the user is subject to other national pretreatment standards or any national, state or local pretreatment requirements.

14.16.110 Application of most stringent limitation.

The most stringent regulations or standards: federal, state, regional or local shall apply.

14.16.120 Specific prohibitions--Fire or explosion hazard.

Pollutants which create a fire or explosion hazard in the POTW including wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius). (Ref. 40 CFR 403.5(b)(1).)

14.16.130 Specific prohibitions--Corrosive materials.

Any waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the city. (Ref. 40 CFR 403.5(b)(2).)

14.16.140 Specific prohibitions--Obstructions.

Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, resulting in interference with the proper operation of the sewerage works, such as, but not limited to, ashes, cinders, containers, cups, feathers, garbage, glass, grease, hair, hides, leaves, metal, mud, oil, paper dishes, plastics, rags, sand, sawdust, seeds, shavings, stems, straw, tar, wood, wool, etc. either whole or ground by a garbage grinder. (Ref. 40 CFR 403.5(b)(1).)

14.16.150 Specific prohibitions--Pollutant causing interference.

A. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW; its treatment processes or operations; or its sludge processes, use, or disposal; and therefore causes a violation of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with specified federal statutes, regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

B. A user shall have affirmative defense in any action brought against it alleging a violation of the general prohibitions established in 40 CFR 403.5(a)(2) if the user can demonstrate that:

1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

2. If city local limits for pass through and interference were not developed according to 40 CFR 403.5(c). (Ref. 40 CFR 403.5(2)(i)(ii).)

14.16.160 Specific prohibitions--Temperature.

Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees Celsius (one hundred four degrees Fahrenheit). (Ref. 40 CFR 403.5(b)(5).)

14.16.170 Specific prohibitions--Mineral oil.

Any waters or wastes containing petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through. (Ref. 40 CFR 403.5(b)(6).)

14.16.180 Specific prohibitions--Noxious and malodorous substances.

Any noxious or malodorous substances which themselves or by interaction with other wastes may result in toxic gases, fumes, or vapors in a quantity capable of causing a public nuisance or worker health and safety problems. (Ref. 40 CFR 403.5(b)(7).)

14.16.190 Specific prohibitions--Limitations on point of discharge.

No person shall discharge any substances directly into a manhole or other opening in a public sewer other than through an approved building sewer, unless he has been issued a wastewater discharge permit by the city designating the discharge location. If a wastewater discharge permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the city. (Ref. 40 CFR 403.5(b)(8).)

14.16.200 Specific prohibitions--Pass through.

A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (Ref. 40 CFR 403.3(n).)

14.16.210 Local limits--Discharge limit development.

As required in this section and pursuant to 40 CFR 403.8, the control authority, (the city) continually develops and enforces specific limits to implement the prohibitions listed in 403.5(a)(1) and 403.5(b) including the local limits.

14.16.220

Local limits--Toxic substances.

Any waters or wastes containing a toxic or poisonous substance in sufficient quantities to injure or interfere with or create any hazard in the sewage treatment process, effluent quality, sludge quality, or receiving water quality requirements to humans, animals or plant life. The following "local limits" comprise a partial list of toxic pollutants of concern (and others designated pursuant to Section 307(a)(1) of the Act) and their maximum concentration allowable by any discharger for admission into the sewerage system:

A. Any industrial user who discharges directly into the city service area or jurisdiction of the city shall not exceed the following discharge limits:

**Maximum Allowable Concentration
Milligrams/Liter**

Toxicant		
Ammonia	47.43	
Arsenic	0.05	
Cadmium	0.04	
Chromium--Total	1.91	
Copper	0.15	
Cyanide	0.09	
Dissolved sulfide	0.10	
Lead	0.10	
Mercury	0.0071	
Nickel	0.06	
Oil and grease (petroleum based)	50.00	
Oil and grease (vegetable & animal based)		75.00
pH	6.0--9.0	
Phenol	29.59	
Polynuclear aromatic hydrocarbons (PAH)		0.92
Selenium	0.13	
Silver	0.30	
Total toxic organics	1.00	
Volatile organic compounds (VOC)		10% LEL
Zinc	.98	

Additional Wastewater Constituents of Agronomic Importance

Recommended maximum concentration from the California State Water Resources Control Board, "Guidance manual, Irrigation With Reclaimed Municipal Wastewater." Report Number 84-1R.

Maximum Allowable Concentration Milligrams/Liters

Constituent	
Salinity	2.5 dS/m (mmhos/cm)
TDS	1.500
Chloride (Cl)	350 mg/l
Sodium (Na)	70 mg/l*
Boron (B)	1.5 mg/l
Mo	.01
V	0.1
Li	2.5
F	1.0
Co	.05
Be	.1

*(Na) 70 mg/l or if Sodium concentration exceeds this value then discharge must not have an SAR exceeding 6.

B. The maximum allowable concentration of toxic or potentially toxic material not listed above will be determined on an individual basis. No industrial waste shall be discharged which has a lethal toxicity as determined by a ninety-six-hour static bioassay using threespine stickleback of less than twenty-five percent concentration of wastewater.

14.16.230 General prohibitions--Rainwater or uncontaminated water.

No person shall discharge or cause to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water into any sewerage facility which directly or indirectly discharges to facilities owned by the city.

14.16.240 General prohibitions--Groundwater from cleanup projects.

Wastewater generated from the cleanup of spills, leaking underground storage tanks, monitoring wells or other similar source shall not be discharged through direct or indirect connections to a community sewer unless a temporary discharge permit is issued by the city. The city may approve the discharge of such water only when no reasonable alternative method of disposal is available.

14.16.250 General prohibitions--Cooling water and swimming pool drainage.

Uncontaminated cooling or swimming pool drains unless special permission has been granted by the city manager.

14.16.260 General prohibitions--Garbage.

Any garbage excepting properly shredded garbage from dwellings or restaurants engaged in preparation of foods and beverages for consumption. Properly shredded garbage shall contain less than five percent (dry weight basis) of material and able to pass a three-eighths-inch screen.

14.16.270 General prohibitions--Suspended solids.

Any industrial process water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant. Suspended solids discharged in industrial process wastewater shall have a dimension no larger than that of a one-fourth-inch mesh.

14.16.280 Pretreatment sludges--Nondegradable wastes.

Any water or wastes containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet any discharge requirements established by the state of California or the United States Federal Government shall not discharge to the city sewage system.

14.16.290 Pretreatment sludges--Chemical pesticides and similar toxicants.

No chlorinated hydrocarbon, organo-phosphate or similar chemical compounds used as algaecides, bactericides, fungicides, herbicides, insecticides, or pesticides shall be discharged into the sewerage system in any concentration except as specifically approved by a written wastewater discharge permit.

14.16.300 Pretreatment sludges--Oxidizing and reducing agents.

Strong oxidizing and reducing agents shall not be discharged into the sewage system at concentrations exceeding the following concentrations, except by special wastewater discharge permit.

Agent	Maximum Concentration
Chlorine, chlorine dioxide, potassium permanganate, ozone and other strong oxidants	5 Milligrams/liter
Sulfite, thiosulfate, nitrite and other strong reducing agents	5 Milligrams/liter

14.16.310 Pretreatment sludges--Radioactive wastes.

A. Radioactive wastes of any kind, except where:

1. The person is authorized to use radioactive materials by the state Department of Public Health, Atomic Energy Commission, or other governmental agency empowered to regulate the use of radioactive materials;

2. The waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) State Department of Public Health, Atomic Energy Commission, or other governmental agency empowered to regulate the use of radioactive materials;

3. The person discharging the radioactive waste assumes full responsibility for any injury to personnel, or damage to the sewerage system that may result from such discharge;

4. Radioactivity of the treated wastewater prior to disposal does not exceed limits established by the designated agencies of the state; and,

5. Residual radioactivity is within limits permitted by state or local regulation in final disposal.

B. Any person discharging a radioactive waste into the sewerage system in accordance with the provisions of the preceding paragraph shall apply for a wastewater discharge permit to discharge such wastes, and submit a periodic report of discharge occurrences and quantities. In the event of an accidental spill of any radioactive material into the sewerage system, the person responsible shall immediately notify the city manager or his designee.

14.16.320 Pretreatment sludges--Hospital wastes.

A. Hospitals, clinics, offices of medical doctors and convalescent homes shall not discharge to the sanitary sewer:

1. Equipment, instruments, utensils, hypodermic needles, syringes, and associated articles;

2. Any article that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease, which by the nature of the disease is required to be isolated;

3. Recognizable portions of the human anatomy;

4. Waste excluded by other provisions of these regulations.

B. Nothing in this section shall be construed to limit the authority of appropriate health agencies to define wastes as being infectious and to prohibit discharge to the sanitary sewer.

14.16.330 Pretreatment sludges--Unusual waste concentrations.

Materials which exert or cause:

A. Unusual concentrations of inert suspended solids;

B. Excessive discoloration;

C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant;

D. Unusual volume of flow, including slug discharges;

E. Oxygen demanding pollutants discharged at a concentration or volume that will cause interference;

F. Pollutants in quantities at a concentration or volume that may cause excessive foaming in the treatment works or POTW discharge.

14.16.340 Restricted waste discharges.

A. Any substance in any commercial or industrial waste discharge which may result in operational costs and maintenance of sewage collection and treatment facilities in excess of that required for normal domestic sanitary sewage or waste concentrations as listed in Section 705.01, or with any of the prohibited waste characteristics as listed in Sections 706.00 through 706.04.3, and/or having an average daily flow greater than one quarter of one percent of the average daily flow of the city shall be subject to the review and approval of the city manager.

B. The discharges shall comply with any of the following restrictions as approved by the city manager or his designee for acceptance of the wastewater into the sewer system.

14.16.350 Pretreatment.

Pursuant to Section 307(b) of the Clean Water Act (33 U.S.C. 1251 et seq.), as amended, all pretreatment for incompatible pollutants discharged at each industrial plant site to the public sewer shall be consistent with Federal Categorical Pretreatment Standards in 40 CFR Subchapter N.

14.16.360 Flow control.

Limitations of the volume and rate of flow discharging into the sewer system to limit and equalize extreme flow and waste concentration.

14.16.370 Surcharge payment.

Require a payment, in an amount established by the council to cover the added cost of handling and treating wastes. If the city manager or his designee requires pretreatment or equalization of flow, the design and installation of the plants and equipment shall be subject to the review and approval of the city and no construction of such facilities shall commence until the approval is obtained in writing.

14.16.380 Damage caused by discharge.

When the discharge of a commercial waste causes an obstruction, damage or other impairment to the sewage system, the city manager or his designee may assess a reasonable charge against the discharger for the work required to clean or repair the facility.

14.16.390 Limitations of discharge quantity and rate of discharge.

A. The city manager or his designee may limit the quantity and rate of any waste discharge, when in his judgment, the capacity of any part of the sewerage system would be overtaxed by the discharge, or the quantity or rate of discharge would impose a disproportionate cost to the operation of the sewerage system. In addition to commercial and industrial waste discharges, the provisions of this paragraph shall apply to septic tank pumpages, swimming pool drainage, cooling water, or other discharges from building, heating, cooling or air conditioning systems.

B. Discharge of any waste covered by this section shall not be discharged into the sewerage systems until after specific approval of the quantity and procedure proposed has been granted by the city manager or his designee.

14.16.400 Disposal of unacceptable wastes.

The disposal of wastes not permitted to be discharged into the public sewer, including, but not limited to, sludges, spent chemicals, and hazardous materials, shall be done in accordance with all applicable federal, state and local laws, regulations and ordinances including: Section 405 of the Clean Water Act (CWA); Subtitles C and D of the Resource Conservation and Recovery Act (RCRA); and Title 22, Division 4, Chapter 30 of the California Code of Regulations. A record or manifest of disposal shall be maintained and available for review by the city. The required "Waste Haulers Report" must be completed and a copy furnished within thirty days to the city by the discharger.

14.16.410 Hauled wastes--Septic tank pumpage discharges.

No septic tank pumpage discharges will be allowed directly or indirectly to the POTW.

14.16.420 Hauled wastes--Holding tank waste.

No person shall discharge any holding tank wastes or wastes from barrels, storage tanks, or any other such containers into a public sewer unless he has been issued a permit by the city. This permit will state the specific location of discharge, the times of day discharge can occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a city facility, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the city.

14.16.430 Hauled wastes--RCRA wastes.

No user may discharge any hazardous waste transported to the POTW by any means including truck, rail, or dedicated pipe (when the waste is not mixed with domestic sewage) that can subject the POTW to any RCRA hazardous waste requirements.

14.16.440 National pretreatment standards--Categorical standards.

A. Federal Categorical Pretreatment Standards. Standards and requirements under 40 Code of Federal Regulations 405 through 471 are accepted by reference.

B. Category Determination Request. An industrial user or the city may request, in writing, from the state a determination as to which category is most appropriate for the industrial user.

C. Application Deadline. All existing industrial users must submit a request to the city manager or his designee for subcategory determination within sixty days after the effective date of a pretreatment standard for a subcategory under which an industrial user may be included or when an industrial user adds or changes a process or operation. A "new source" must request this certification prior to commencing discharge.

D. Contents of Application. Each request must include a description of which subcategories might be applicable, evidence and reasons why a particular subcategory may or may not be applicable, and a signed statement of truthfulness as cited in 40 CFR 403.6(a)(2)(ii). (See sample "statement of truthfulness" at the end of this chapter.)

E. Deficient Requests. The city manager or his designee will only act on written requests for determination that contain all of the information required. Any requests having deficiencies that are not corrected within thirty days, or an extended period allowed by the city manager, shall be denied.

F. Requests for Hearing and/or Legal Decision. The requested industrial user may submit within thirty days of receipt of notice of the final determination, a petition to consider or contest the decision to the Regional Administrator.

G. Deadline for Compliance with Categorical Standards. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date of the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR, Chapter 1, Subpart N. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a "new source." New sources shall install and have in operating condition, and shall "start up" all pollution control equipment required to meet the applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety days), new sources must meet all applicable pretreatment standards.

H. Concentration and Mass Limits. Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, state or federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard, or as otherwise specified by the standard.

I. Dilution Prohibited as Substitute for Treatment. Except where expressly authorized to do so by an applicable categorical pretreatment standard, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

J. Combined Wastestream Formula.

1. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority or the industrial user with the written concurrence of the control authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical pretreatment standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical pretreatment standard(s).

2. The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant.

3. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate, new alternative categorical limits shall be calculated within thirty days. The calculations for the alternative concentration limit and/or the alternative mass limit, detection limits, and self-monitoring requirements must comply with 40 CFR 403.6(e) (1--4).

14.16.450 Removal credits.

Removal credits will not be granted to any indirect dischargers with the city service area.

14.16.460 Procedures--Outlined.

A. Identification. Identify and locate all industrial users subject to the POTW pretreatment program. Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under 403.8(f)(2)(i).

B. Notification. The city will notify the significant industrial user of applicable pretreatment standards and requirements.

C. Self-Monitoring Reports.

1. Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in 40 CFR 403.12.

2. Inspect and sample the effluent from each significant industrial user at least once per year. Determine if each significant industrial user needs a plan to control slug discharges at least once every two years.

D. Accidental Discharges.

1. Each discharger shall provide protection from accidental discharge of prohibited materials and/or other wastes regulated by this title. Where necessary, or as directed by the city manager, retention basins, dikes, storage tanks or other facilities designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or wastes discharged in violation of this title shall be installed.

2. Dischargers shall notify the city immediately when accidental discharges, including slug loads of wastes in violation of this title occur so that counter measures may

be taken by the city to minimize damage to the sewer system, treatment plant, treatment process and the receiving waters. Such notification of "Interference" will not relieve dischargers of liability for any expense, loss or damage to the sewer system, judgments imposed on the city on account thereof under Section 13000 et seq. of the California Water Code or for violation of Section 5650 of the California Fish and Game Code.

3. In the event of accident discharge in violation of this title, discharger shall furnish the city, within five days of the date of occurrence, a detailed written statement describing the causes of the accidental discharge and the measure being taken to prevent future occurrence.

4. Sewer connections within the discharger's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of any substance in violation of this title.

E. Slug Loading Control Plan. An industrial user must develop and implement a slug loading control plan whenever the city decides that a slug control plan is needed. The slug loading control plan shall contain, at a minimum, the following elements designed to prevent slug loading:

1. Description of discharge practices, including nonroutine batch discharges.

2. The description shall include a list of chemicals that are handled/stored, MSDS reports, volume of each chemical, and capacity of each tank.

3. Procedures for immediately notifying the POTW of slug discharges, including any discharges that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days.

4. Procedures to prevent adverse impact from slug loads, including inspection and maintenance of potential spill sources including storage areas, loading and unloading operations, control of plant site runoff, working training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents) with a list of measures, equipment, and materials available for spill response activities along with their location. A listing of commercial (or other) suppliers of spill response equipment and materials (indicating the types of equipment available) and their telephone numbers.

5. A list of the facility personnel (by name and title) that have an identified role to play in the implementation of a slug load response plan, indicating the responsibilities and authorities of each.

6. The plan containing all of the above prescribed elements must be submitted to the city for approval within two months from the date requested to develop

and implement a slug loading control plan. Full implementation of an approved slug loading control plan is not to exceed four months.

7. The industrial user "permittee" shall notify the city of any proposed changes to the plan by submitting proposed revised plan to the NSD and informing the NSD in advance of the date upon which the proposed revised plan will take effect (pending approval by NSD). (Ref. 40 CFR 403.8(f)(2)(v).)

F. Investigate Noncompliance. Investigate instances of noncompliance with pretreatment standards and requirements including but not limited to reports, notices, sample-taking and analysis, inspections and surveillance activities.

G. Public Participation (Significant Noncompliance). The procedures in this section and 40 CFR Part 25 in the enforcement of national pretreatment standards include provision. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations (exceeding the daily maximum limit or the average limit sixty-six percent of the time during a six-month period) of the same pollutant parameter;

2. Technical review criteria (TRC) violations (thirty-three percent or more of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the applicable limit and the TRC value (1.4 times the limit for a conventional pollutant or 1.2 times the limit for a toxic pollutant));

3. A violation of pass through or interference;

4. A discharge of imminent endangerment to human health, welfare, or the environment, or which required the POTW to use its emergency authorities under 40 CFR 403.8(f)(1)(vi)(b);

5. Violations of a compliance schedule milestone by ninety days;

6. Failure to accurately report noncompliance;

7. Any other violation deemed significant by the control authority. (Ref. 40 CFR 403.8(f)(2)(vii))

14.16.470 Other implementing provisions--Outlined.

A. Industrial Parks Notification. All owners of industrial parks are required to notify the city, at least annually, of all changes in tenancy and any known changes in industrial operations among their tenants.

B. Notice of Violation. Whenever the city manager or his designee finds that discharge of any waste is, or threatens to become, a public nuisance or a violation of established requirements, including but not limited to this title, other ordinances and resolutions, he may issue an order specifying such nuisance, violations, or threatened violations, and ordering compliance within the time schedule specified therein. Noncompliance with such order shall constitute a violation of this title.

C. Serious and Immediate Hazards. Notwithstanding the provisions of any other section of this title, whenever in the judgment of the city manager or his designee, it appears that any waste discharge is causing any condition constituting a hazard to the life, health or safety of any person, or the sewage system, the city manager or his designee is empowered to terminate service immediately.

D. Sampling Facilities. The discharger of any industrial waste shall, at his own expense, install sampling manhole and other metering and monitoring equipment to facilitate observation, sampling, and measurement of the discharger's waste. Such sampling facility shall be acceptable to the city manager or his designee for the purposes required, shall be safely located, accessible at all times and constructed in a manner and with materials in conformance with city regulations. These facilities shall be maintained in good condition at all times by the discharger at his expense. Sampling facilities shall be installed within ninety days after notice by the city manager or his designee.

E. Maintenance of Pretreatment Facilities. Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and to the satisfaction of the city.

F. Interceptors Required. Grease, oil and sand interceptors shall be provided when, in the opinion of the city manager or his designee, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for building used for residential purposes. All interceptors shall be of a type and capacity approved by the city manager or his designee, and shall be so located as to be readily and easily accessible for cleaning and inspection. Domestic waste from toilets, urinals, wash basins or any fixture receiving fecal material shall not flow through the removal device.

G. Maintenance of Interceptors. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Emulsifying chemicals may not be used to dissolve grease.)

H. Measurements and Tests. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this title shall be determined in accordance with the test procedures found in 40 CFR part 136 and amendments thereto whenever applicable. If the 40 CFR procedures must be approved by the EPA. Analysis shall be determined from samples collected at a predetermined manhole

or other sampling location (i.e., control manhole, end of process, end of pipe, or other location) identified and approved by the city manager. In the event that no special sampling location or manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

I. Special Agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial user concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by city. This agreement of waiver does not preclude any National Categorical Pretreatment Standard or requirement, or local limits.

J. Changes in Pretreatment and Waste Discharge Requirements.

1. The provisions contained in this chapter relating to pretreatment and to prohibited waste discharges and as to limitations and restrictions on waste discharges are subject to regulations by state and federal authorities and are subject to the terms and conditions of the National Pollution Discharge Elimination System Permit heretofore issued to the city and/or American Canyon Napa Wastewater Authority (NAC). Should the state and federal regulations be modified or should amended, the requirements of this title shall be suspended to the extent that such standards shall be immediately applicable upon the effective date of such state or federal regulations or of the amendment to the National Pollution Discharge Elimination System Permit.

2. Pursuant to Section 307(b) Clean Water Act (33 U.S.C. 1251 et seq.), as amended, all pretreatment for incompatible pollutants discharged at each industrial plant site to the public sewer shall be consistent with Federal Categorical Pretreatment Standards.

K. Notice to Employees. In order that employees of users be informed of city requirements, users shall post in a conspicuous place and make available to their employees, copies of these regulations together with such other wastewater information and notices which may be furnished by the city from time to time directed toward more effective water pollution control.

14.16.480 Reporting requirements--Baseline monitoring report.

A. Baseline Monitoring Report.

1. A baseline monitoring report must be submitted by existing and new industrial users subject to categorical standards and currently discharging or scheduled to discharge to the sewer system. Existing industrial users must submit the required information in this section within one hundred eighty days after the effective date of a categorical pretreatment standard or one hundred eighty days after the final administrative

decision made upon a category determination submission, whichever is later. New source industrial users must submit the required information at least ninety days prior to commencement of discharge.

2. The city manager or his designee may require additional information as part of the report if, in his/her opinion, insufficient information has been provided. (Ref. 40 CFR 403.12(b).)

B. Identifying Information. The user shall submit the name and address of the facility, including the name of the operator and owners.

C. Permits. The user shall submit a list of any environmental control permit held by or for the facility.

D. Description of Operation. The user shall submit a brief description of the nature of the process, average rate of production (flow, volume, substances and concentrations in the waste discharge). Also submit the standard industrial classification (SIC) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

E. Flow Measurement. Users shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams as necessary to allow use of the combined wastestream formula.

F. Measurement of Pollutants.

1. The industrial user shall identify the pretreatment standards applicable to each regulated process.

2. The industrial user shall submit the results of sampling and analysis from each regulated process to the city. The daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.

3. The proper and approved method of sampling (grab, flow-proportional composite, or time-proportional composite) will be utilized to obtain representative results.

4. A minimum of one representative sample will be taken to comply with the requirements of this section.

5. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no

pretreatment exists. All flows and concentrations must be measured to allow use of combined wastestream formula.

6. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where Part 136 procedures do not include sampling or analytical techniques or where Part 136 methods are deemed (by EPA administrator) to be inappropriate, sampling and analysis shall occur according to procedures approved by EPA.

7. The baseline monitoring report shall indicate the time, date and place of sampling and methods of analysis, and shall clarify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

8. A baseline monitoring report containing historical data may only be used upon approval by the city. (Ref. 40 CFR 403.12(b)(5).)

G. Certification. A statement reviewed by an authorized representative of the industrial user and certified to be a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and,

H. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

14.16.490 Reporting requirements--Reports on progress in meeting compliance schedules.

A. A schedule of events to achieve compliance is required. It 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 industrial user to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increments shall exceed nine months.

B. Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the city including, at a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the industrial user to return the

construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city. (Ref. 40 CFR 403.12(c).)

14.16.500 Reporting requirements--Report on final compliance (ninety-day report).

A. Within ninety days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city a report, with the same requirements as for the baseline monitoring 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 industrial user which are limited by such pretreatment standards and requirements.

B. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user who is a certified, qualified professional. (Ref. 40 CFR 403.12(b) and (d).)

14.16.510 Reporting requirements--Periodic reports on continued compliance.

Any industrial user subject to a categorical 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 POTW, shall submit to the city during the months of June and December, unless required more frequently in the pretreatment standard or by the city or the CRWQCB, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported, except that the city may require consideration of such factors as local high or low flow rates, holidays, budget cycles, etc. The city may agree to alter the months during which the above reports are to be submitted. (Ref. 40 CFR 403.12(e).)

14.16.520 Reporting requirements--Notice of slug loading.

The industrial user shall notify the city immediately of any slug loading, as defined in Section 14.08.010 of this division, by the industrial user. (Ref. 40 CFR 403.12(f).)

14.16.530 Reporting requirements--Monitoring and analysis reports.

A. Whenever sampling performed by an industrial user indicates a violation, the user shall notify the city within twenty-four hours of becoming aware of the violation. Repeat sampling and analysis by the user shall be performed and results submitted to the city within thirty days of becoming aware of the violation. (Ref. 40 CFR 403.12(g)(2).)

B. The city determines the frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Sampling for all significant industrial users for periodic reports must be performed during the period covered by the report. (Ref. 40 CFR 403.12(g)(3).)

C. Any industrial user subject to a categorical pretreatment standard that monitors any pollutant more frequently than required by the city, shall include the results of this monitoring in the periodic reports. (Ref. 40 CFR 403.12(g)(5).)

14.16.540 Reporting requirements--Reports required by noncategorical industries.

All significant noncategorical industrial users are required to sample their effluent at least once every six months (on dates specified by the city) and submit the results to the city. Sampling and analysis shall be performed in accordance with 40 CFR Part 136 and amendments thereto or other approved sampling or analytical techniques as determined by the administrator. All or parts of this report will not be required if the city elects to perform the sampling and analysis. (Ref. 40 CFR 403.12(h).)

14.16.550 Reporting requirements--Annual POTW reports.

A. An annual pretreatment report will be submitted to the approval authority summarizing the activities and effectiveness of the city's pretreatment program. The goals of the local pretreatment program are to regulate discharges from the industrial users (IUs) into the sewers.

B. The annual pretreatment report will include, at a minimum, the following: an updated list of industrial users; a summary of the status of industrial user compliance over the reporting period; a summary of compliance and enforcement activities (including inspections and samplings) conducted by the POTW during the reporting period; and any other relevant information requested by the approval authority. (Ref. 40 CFR 403.12(i).)

14.16.560 Reporting requirements--Notification of changed discharge.

All industrial users are required to notify the city in advance of any waste discharge changes, including hazardous wastes. (Ref. 40 CFR 403.12(j).)

14.16.570 Reporting requirements--Signatory requirements for industrial user reports.

All required reports shall include the certification statement as set forth at the end of this chapter, and shall be signed by an authorized representative of the industrial user. An authorized representative may be:

A. A responsible corporate officer (president, vice-president, or secretary-treasurer) in charge of a principal business function, etc.

B. A general partner or proprietor (if the industrial user submitting the reports is a partnership or sole proprietorship).

C. A duly authorized representative of the individual in 40 CFR 403.12(l)(1), if:

1. The authorization is made in writing;
2. The authorization specifies either an individual or position having responsibility for the overall operation of the facility or environmental matters for the company;
3. The written authorization is submitted to the control authority.

D. A reauthorized individual that satisfies the requirements in this section. (Ref. 40 CFR 403.12(l).)

14.16.580 Reporting requirements--Provisions governing fraud and false statements.

The reports required in 40 CFR 403.12 are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act. (Ref. 40 CFR 403.12(n).)

14.16.590 Reporting requirements--Recordkeeping requirements.

A. Any industrial user, subject to reporting requirements established in 40 CFR 403.12, shall maintain records of all information resulting from any monitoring activities required in the Code of Federal Regulations, this title, and waste discharge permit. Such records shall include for all samples:

1. The date, exact place, method, and time of sampling and the name(s) if the person(s) taking the samples;
2. The dates analyses were performed;

3. Who performed the analyses;
4. The analytical method and detection limit used;
5. The results of such analyses;
6. Chain of custody, when required.

B. Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required in the Code of Federal Regulations, this title, or waste discharge permit) and shall make such records available for inspection and copying by the city manager or his designee, regional administrator and POTW.

C. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user. This period of retention can be extended at the request of the state or the EPA. (Ref. 40 CFR 403.12(o).)

14.16.600 Reporting requirements--Hazardous waste notification.

All industrial users are required to notify the EPA, the state and the city within one hundred eighty days of the domestic sewage study (DDS) regulations effective date (or within one hundred eighty days for sources commencing discharge after the effective date of the regulations) of discharges of listed and characteristic hazardous wastes, the constituents of these wastes, and anticipated discharges of such wastes. Additionally, notification is not necessary if pollutants are already reported in periodic self-monitoring reports. (Ref. 40 CFR 403.12(p).)

14.16.610 Variances.

A request for variances from categorical pretreatment standards for fundamentally different factors must be made in accordance with the criteria set forth in 40 CFR 403.13(a--m).

14.16.620 Confidentiality.

A. EPA Authorities. In accordance with 40 CFR 403.14(a) and 403.14(b), any information submitted to Environmental Protection Agency, the state or to the city, may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, EPA, the state or the city may make the information available to the public without further notice.

If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information). (Ref. 40 CFR 403.14(a).)

B. Effluent Data. Information and data provided to the control authority or city which is effluent data shall be available to the public without restriction. (Ref. 40 CFR 403.14(b).)

C. State or City.

1. All other information which is submitted to the state or city shall be available to the public at least to the extent provided by 40 CFR 2.302. (Ref. 40 CFR 403.14(c).)

2. The city shall not be liable for damages to any permit applicant or user for any disclosure of any secret furnished to the city.

14.16.630 Net/gross calculation.

Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with the following:

A. The industrial user must make application to control authority to obtain credit for intake pollutants calculated on a "net" basis.

B. The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

1. Credit for generic pollutants such as BOD, TSS and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure of the intake water and the user's effluent are substantially similar.

2. Credit shall be granted only to the extent necessary to meet the applicable pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with adjusted standard(s) under this section.

3. Credit shall be granted only if the user demonstrates that the intake of water is drawn from the same body of water as that into which the city discharges or if the user is using reclaimed water supplied by the city. The Napa River is the body of water into which the city discharges.

C. The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis.

14.16.640 Statement of truthfulness--Required with all submissions.

All applications, reports, or information submitted to the city must contain the following certification statement and be signed as required:

Statement of Truthfulness

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

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Company Name _____

Address _____

Date: _____

Authorized Representative

Chapter 14.20

PRIVATE SEWAGE DISPOSAL

Sections:

- | | |
|-----------|-------------------------------|
| 14.20.010 | Sewer not available. |
| 14.20.020 | Permit required. |
| 14.20.030 | Inspection required. |
| 14.20.040 | Design requirements. |
| 14.20.050 | Abandonment of facilities. |
| 14.20.060 | Cost of maintenance by owner. |
| 14.20.070 | Additional requirements. |

14.20.010 Sewer not available.

Where a public sewer is not available under the provisions of Section 14.12.160, the building sewer shall be connected to a private sewage disposal system, consisting of a septic tank and leach field complying with the provisions of this chapter.

14.20.020 Permit required.

Before a commencement of construction of a private disposal system the owner shall first obtain a written permit from the health department of the city or county.

14.20.030 Inspection required.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city and/or county. City and/or county shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the city and/or county when the work is ready for final inspection, and before any underground portions are covered.

14.20.040 Design requirements.

The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state of California and the health department of county and/or city. No septic tank or cesspool shall be permitted to discharge to any stream or watercourse.

14.20.050 Abandonment of facilities.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 14.12.160, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of city, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by county and/or city health departments.

14.20.060 Cost of maintenance by owner.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

14.20.070 Additional requirements.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the health department of the state or the city or county.

Chapter 14.24

ENFORCEMENT

Sections:

Article I. Administrative Enforcement Remedies

14.24.010 Notification of violation.
14.24.020 Consent orders.
14.24.030 Show cause hearing.
14.24.040 Compliance order.
14.24.050 Cease and desist orders.
14.24.060 Administrative fines.

14.24.070 Emergency suspensions.
14.24.080 Monitoring facilities.
14.24.090 Termination of permit.
14.24.100 Disconnection.
14.24.110 Judicial remedies.
14.24.120 Injunctive relief.
14.24.130 Civil penalties.
14.24.140 Violations--Generally.
14.24.150 Falsifying information.

Article II. Supplemental Enforcement Remedies

14.24.160 Annual publication of significant violations.
14.24.170 Performance bonds.
14.24.180 Liability insurance.
14.24.190 Water supply severance.
14.24.200 Public nuisances.
14.24.210 Contractor listing.

Article III. Affirmative Defense

14.24.220 Treatment upsets.
14.24.230 Treatment bypasses.
14.24.240 Liability for violation.
14.24.250 Enforcement response plan.
14.24.260 Means of enforcement only.

Article I. Administrative Enforcement Remedies

14.24.010 Notification of violation.

Whenever the city manager or his designee finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the city manager or his designee may serve upon the user written notice of the violation. Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the city manager or his designee. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

14.24.020 Consent orders.

The city manager or his designee is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to Section 14.24.040.

14.24.030 Show cause hearing.

The city manager or his designee may order any industrial user which causes or contributes to violation of this chapter a wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate office. Whether or not a duly notified industrial user appears as notified, immediate enforcement action may be pursued.

14.24.040 Compliance order.

When the city manager or his designee finds that an industrial user has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to

address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

14.24.050 Cease and desist orders.

When the city manager or his designee finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the city manager or his designee may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

A. Comply forthwith;

B. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

14.24.060 Administrative fines.

Notwithstanding any other section of this chapter, any user who is found to have violated any provisions of this chapter, or permits and orders issued hereunder, shall be fined an amount of at least one thousand dollars per day. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city manager shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the city manager to reconsider the fine within ten days of being notified of the fine. Where the city manager or his designee believes a request has merit, he shall convene a hearing on the matter within fifteen days of receiving the request from the industrial user.

14.24.070 Emergency suspensions.

A. The city manager or his designee may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

B. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager or his designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the individuals. The city manager or his designee shall allow the user to recommence its discharge when the

endangerment has passed, unless the termination proceedings, as set forth in Section 14.24.090, are initiated against the user.

C. An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city manager or his designee prior to the date of the hearing described in subsection B of this section.

14.24.080 Monitoring facilities.

Any person who intentionally or negligently tampers with, falsifies, or knowingly renders inaccurate, any monitoring device shall be punished by a fine of not more than ten thousand dollars or imprisoned in a county jail for not more than six months or both.

14.24.090 Termination of permit.

A. Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the city. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state and federal law, is subject to permit termination:

1. Violation of permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge, including baseline monitoring report, within the required time frame;
3. Failure to report significant changes in operations or wastewater constituents and characteristics;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

B. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause (as set forth in Section 14.24.030) why the proposed action should not be taken.

14.24.100 Disconnection.

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the city manager or his designee shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection the city manager or his designee shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of

disconnection and reconnection before such user is reconnected to the system. The city manager or his designee shall refund any part of deposit remaining after payment of all costs of disconnection and reconnection.

14.24.110 Judicial remedies.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit

issued hereunder, the city manager or his designee, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the courts of Napa County.

14.24.120 Injunctive relief.

Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the city manager or his designee, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The city manager or his designee shall have such remedies to collect these fees as it has to collect other sewer service charges.

14.24.130 Civil penalties.

A. Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the city manager or his designee for a civil penalty of not more than twenty-five thousand dollars, but not less than one thousand dollars, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the city manager or his designee may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

B. The city manager or his designee shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

14.24.140 Violations--Generally.

A. Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars per violation per day or imprisonment for not more than one year or both.

B. In the event of a second conviction, the user shall be punished by a fine not to exceed three thousand dollars per violation per day or imprisonment for not more than three years or both.

14.24.150 Falsifying information.

A. Any industrial user who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, 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 per violation per day or imprisonment for not more than one year or both.

B. In the event of a second conviction, the user shall be punished by a fine not to exceed three thousand dollars per violation per day or imprisonment for not more than three years or both.

Article II. Supplemental Enforcement Remedies

14.24.160 Annual publication of significant violations.

The city manager or his designee shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in this chapter, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publications.

14.24.170 Performance bonds.

The city manager or his designee may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the city manager or his designee to be necessary to achieve consistent compliance.

14.24.180 Liability insurance.

The city manager or his designee may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

14.24.190 Water supply severances.

Whenever an industrial user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed by the water purveyor upon request by the city and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

14.24.200 Public nuisances.

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the city.

14.24.210 Contractor listing.

A. Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city.

B. Existing contracts for the sale of goods or services to the city held by an industrial user found to be in significant violation with pretreatment standards may be terminated at the discretion of the city.

Article III. Affirmative Defense

14.24.220 Treatment upsets.

A. Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the city manager or his designee thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

1. A description of the upset, its cause(s), and impact on the discharger's compliance status;

2. The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;

3. All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

B. An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the city manager or his designee for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

14.24.230 Treatment bypasses.

A. A bypass of the treatment system is prohibited unless all of the following conditions are met:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and,

3. The industrial user properly notified the city manager as described in subsection B of this section.

B. Industrial users must provide immediate notices to the city manager or his designee upon discovery of any unanticipated bypass.

If necessary, the city manager or his designee may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

C. An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the city manager or his designee at least ten days in advance. The city manager or his designee may only approve the anticipated bypass if the circumstances satisfy those set forth in subsection A of this section.

14.24.240 Liability for violation.

Any person violating any of the provisions of the ordinances, rules or regulations of the city shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

14.24.250 Enforcement response plan.

All users are subject to all the provisions of the city enforcement response plan.

14.24.260 Means of enforcement only.

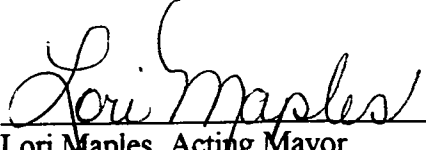
The city declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations and not as a penalty.

Section 3. Effective Date. This ordinance shall take effect 30 days after its adoption.

Section 4. Severability. This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable and are intended to have independent validity.

The foregoing ordinance was introduced and read at the regular meeting at the City Council at the City of American Canyon, State of California held on the 17th day of June, 1998, and was passed and adopted in the regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of July, 1998, by the following votes:


AYES:	Maples, Colcleaser, Kudrna, Anderson
NOES:	None
ABSTAIN:	None
ABSENT:	Cypher



 Lori Maples, Acting Mayor

ATTEST: 

 Mark Joseph, City Manager

APPROVED AS TO FORM:


 William D. Ross, City Attorney