

Chapter 23 - SEWERS AND SEWAGE DISPOSAL

Footnotes:

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

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

ARTICLE I. - IN GENERAL

Sec. 23-1. - Definitions.

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

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

Bedroom means any room exclusive of a living room, kitchen, dining room, laundry room or bathroom which is either regularly used for sleeping purposes regardless of size, or which may be used for sleeping purposes and has a floor area of not less than 60 square feet, and shall include any study, den, rumpus room or family room which has a floor area of not less than 60 square feet.

BOD or *biochemical oxygen demand* is the measurement of the dissolved oxygen used by microorganisms in the biochemical oxidation of the organic matter.

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

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

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

Depositor means the person making a deposit with the city.

Direct costs means any costs that are directly attributable to and for the sole benefit of a fund. Such costs include but are not limited to salaries and related benefits and departmental expenses for supplies, communications, utilities, rents and leases, equipment maintenance, professional services, insurance, memberships, conferences, training and employee educational requirements.

Floatable hydrocarbon oil means hydrocarbon oil floating to the surface of a sample of water when it is retained for one hour in a quiescent condition in a vessel with vertical walls filled to a depth of 30 centimeters.

Floatable oil and grease means oil and grease floating to the surface of a sample of water when it is retained for one hour in a quiescent condition in a vessel with vertical walls filled to a depth of 30 centimeters.

General and departmental overhead.

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

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

Industrial users means all users classified as industrial under the Federal Water Pollution Control Act (33 USC § 1251 et seq.), and shall include all dairies.

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

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

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

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

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

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

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

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

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

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

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

Service unit rate is the monthly charge per service unit.

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

Sewage factor (SF) is an assigned percentage used to calculate sewage flows from water meter readings derived statistically using methods established by the public works department.

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

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

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

Sewer superintendent means the person in charge of the sewer system, appointed by the city manager.

Sewer system means all facilities owned and operated by the city or owned or operated by others for the benefit of the city for collecting, pumping, treating and disposing of sewage.

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

Source means a point of discharge to the sewer system.

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

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

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

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

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

User means the recipient of wastewater collection and treatment services.

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

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

(Code 1968, § 26-1; Ord. No. 1060, § 8, 9-15-92)

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

Sec. 23-2. - Applicability.

- (a) This chapter shall apply only to sewer facilities constructed with the proceeds of the sewer revenue bonds of 1956 of the city, and additions, extensions and improvements thereto.
- (b) This chapter is intended to provide rules and regulations for the construction and use of sanitary sewer facilities installed, altered or repaired within the city after July 3, 1963. This chapter shall not apply retroactively except that it shall apply to bills, deposits and guarantees outstanding. In the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

(Code 1968, § 26-2)

Sec. 23-3. - Compliance.

- (a) All work with respect to sewer construction and disposal of sewage and drainage of buildings and connection to the sewer system of the city shall be done in conformity with this chapter and not otherwise.
- (b) No person shall connect to, construct, install, provide, maintain or use any means of sewage disposal from any building in the city other by connection to a public sewer, or inhabit or produce any sewage in any building not connected to a public sewer, except in the manner provided in this chapter.

(Code 1968, § 26-3)

Sec. 23-4. - Sewer superintendent.

- (a) The city manager shall appoint a sewer superintendent, which office shall be under the terms and subject to the provisions of chapter 20. The salary of the superintendent shall be fixed by the council from time to time by resolution.

(b) The superintendent shall have power and it shall be his duty to enforce all rules and regulations concerning the sanitary sewer system, to supervise the maintenance and operation of the system and to make necessary repairs thereto.

(Code 1968, § 26-4)

Sec. 23-5. - Connection required for certain premises.

(a) The owner of any building occupied by humans situated within the city and abutting on any street or easement in which there is now located or may in the future be located a public sewer of the city which will serve the building is hereby required, at his expense, to connect the building directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided the public sewer is within 200 feet of the nearest point of the building. For purposes of this section, the house connection sewer shall be considered a portion of the public sewer.

(b) Commercial, industrial and public buildings or institutions as well as residential buildings shall be required to connect to the sewer system upon notice as provided in this section.

(Code 1968, § 26-5)

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

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

(Code 1968, § 26-6)

Cross reference— Solid waste, ch. 24.

Sec. 23-7. - Pollution of waters.

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

(Code 1968, § 26-7)

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

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

(Code 1968, § 26-8)

Sec. 23-9. - Septic tanks, privies, etc.

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.

(Code 1968, § 26-9)

Sec. 23-10. - Notice of violation.

Any person found to be violating any provision of this chapter or any other ordinance, rule or regulation of the city pertaining to the sewer system shall be served by the sewer superintendent or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such time limit shall be not less than two and not more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this chapter or any other ordinance, rule or regulation of the city. Upon being notified by the superintendent of any defect arising in any sewer or of any violation of this chapter, the person having charge of such work shall immediately correct the defect.

(Code 1968, § 26-10)

Sec. 23-11. - Use of noncomplying building.

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this chapter or any other ordinance, rule or regulation of the city is hereby declared to be a public nuisance. The city may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

(Code 1968, § 26-11)

Sec. 23-12. - Disconnection of service.

As an alternative method of enforcing the provisions of this chapter or any other ordinance, rule or regulation of the city pertaining to the sewer system, the sewer superintendent shall have the power to disconnect the user from the sewer mains of the city. Upon disconnection, the superintendent 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. Any part of the deposit remaining after payment of all costs of disconnection and reconnection shall be refunded.

(Code 1968, § 26-12)

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

During the period of disconnection as provided for in section 23-12, habitation of such premises by human beings shall constitute a public nuisance, whereupon the city shall cause proceedings to be brought for the abatement for the occupancy of such premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the city a reasonable attorney's fee and cost of suit arising in such action.

(Code 1968, § 26-13)

Sec. 23-14. - Liability of city.

The city and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant for sewer service. The applicant shall be answerable for and shall save the city and its officers, agents and employees harmless from any liability imposed by law upon the city or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending such action or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

(Code 1968, § 26-14)

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

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

(Code 1968, § 26-15)

Secs. 23-16—23-40. - Reserved.

ARTICLE II. - INDUSTRIAL WASTE

DIVISION 1. - GENERALLY

Sec. 23-41. - Scope; objectives.

- (a) This article sets forth uniform requirements for all users of the city wastewater collection and treatment system which reside in the city and unincorporated areas of the county within the sphere of influence of the city. This article enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403). The objectives of this article are to:
 - (1) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into surface waters, groundwaters or the atmosphere, or otherwise be incompatible with the system;
 - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - (4) Protect and preserve the health and safety of the citizens and personnel of the city.
- (b) This article provides for regulation through issuance of permits to certain industrial users and enforcement of general requirements for the other users. The article also authorizes monitoring and enforcement activities and user reporting, and provides for the setting of fees for the equitable distribution of costs for sewer service.

(Ord. No. 998, § 1(26-16), 12-18-90)

Sec. 23-42. - Definitions and abbreviations.

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

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

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

Approval authority means the state water resources control board.

Authorized representative of industrial user means:

- (1) A responsible corporate officer, if the user submitting required reports is a corporation.
- (2) A general partner or proprietor if the user submitting the required reports is a partnership or sole proprietorship respectively.
- (3) The person in responsible charge, if the user is a governmental agency.
- (4) An individual with the same authority as stated in subsections (1), (2) and (3) of this definition if the individual is responsible for the overall operation of the facility from which the discharge originates.

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

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

Biochemical oxygen demand or *BOD* means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius expressed in terms of milligrams per liter and analyzed in accordance with the most recent publication of Standard Methods.

Building sewer means any sewer conveying wastewater from the premises of a user to the public sewer system.

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

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

City means the City of Fontana or the city council of the City of Fontana.

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

Control authority means the public works director of the city.

Cooling water means the water discharged from any use, including but not limited to air conditioning, cooling or refrigeration, during which the only pollutant added is heat.

Direct discharge means the discharge of wastewater to the storm drain system or waters of the state.

Director means the director of public works of the city or the duly authorized representative thereof.

Discharge to the ground means the discharge of wastewater to or into the soil and not contained in a facility approved by the director as being impermeable.

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

District means the Chino Basin Municipal Water District, owner and operator of the regional wastewater treatment facilities.

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

Effluent means the liquid outflow from any POTW facility.

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

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

Grab sample means a sample which is taken from a wastewater discharge on a one-time basis without regard to the volume of flow in the discharge.

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

Hazardous substance means any substance capable of creating imminent endangerment to health or the environment, including but not limited to any substance designated under the Clean Water Act, 33 USC section 1251 et seq., 40 CFR 307 and 311; or any imminently hazardous chemical substance subject to regulation under the Toxic Mixtures or Substances Control Act, 15 USC section 2601 et seq. In general, hazardous substance means substances which are toxic, explosive, corrosive, flammable or irritants, or which generate pressure through heat or decomposition.

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

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

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

Industrial user (IU) means any person who contributes, causes or permits the contribution of nondomestic wastewater into the POTW, or who stores any materials regulated under this article on the site. Households and private residences shall not be considered as industrial users.

Industrial wastewater permit means a permit issued by the city as provided in and subject to provisions of division 7 of this article and payment of fee requirements of section 23-51.

Interceptor sewer means a collecting sewer that intercepts and collects the sewage from a number of lateral or local public sewers.

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

- (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- (2)

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

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

Mass emission rate means the mass of material discharged to the sewer system during a given time interval unless otherwise specified, expressed in pounds per day of a particular constituent or combination of constituents.

National pollutant discharge elimination system permit or *NPDES permit* means a permit adopted for the POTW by the state regional water quality control board, Santa Ana region, pursuant to section 402 of the act.

National prohibitive discharge standard or *prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

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

Nondomestic wastewater means all wastewater except domestic wastewater and unpolluted water. Nondomestic wastewater shall include but not be limited to wastewater resulting from industrial, commercial, producing, manufacturing, processing, institutional, governmental and agricultural operations, and brine wastewater resulting from the regeneration of water conditioning devices. All liquid wastewater hauled by truck, rail or another means shall also be considered as nondomestic wastewater, regardless of the original source of the wastes. Hauled domestic wastewater is included in the category of nondomestic wastewater.

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

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

(3) Animal derived products, e.g., fats, greases, oils and lard.

Pass-through means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, cause a violation of the POTW's national pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation.

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

Plumbing official means the director of building and safety of the city or his authorized representative or deputy.

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

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

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

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

Public sewer means any sewer located in or maintained by the city in which all owners of abutting property have equal rights. The term does not include storm drains or channels for conveyance of natural surface waters.

Publicly owned treatment works or *POTW* means treatment works as defined by section 212 of the act (33 USC 1292). This definition includes any devices or systems used in the storage, treatment, recycling and reclamation of municipal sewage. It also includes sewers, pipes, lift stations and other conveyances which convey wastewater to wastewater treatment facilities.

Responsible corporate officer means:

- (1) A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

- (1) Is subject to categorical standards;
- (2) Has an average daily discharge of 25,000 gallons or more of process wastewater, excluding sanitary waste, unpolluted water and boiler blowdown discharges;
- (3) Has a discharge which makes up five percent or more of the average dry-weather hydraulic or organic capacity of the wastewater treatment facilities receiving the wastewater;
- (4) Has in its wastes toxic pollutants as defined pursuant to section 307 of the act; or
- (5) Is designated by the director to have a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

Significant noncompliance (SNC) means violations of pretreatment requirements, which include limits, sampling, analysis, reporting, meeting compliance schedules and regulatory deadlines, meeting one or more of the following criteria:

- (1) Violations of wastewater discharge limits:
 - a. Chronic violations: 66 percent or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.
 - b. Technical review criteria (TRC) violations: 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period exceed the product of the daily maximum limit or the average limit times the applicable TRC. There are two groups of TRC's:
 1. Group I for conventional pollutants (BOD, TSS, and fats, oil and grease): TRC = 1.4.
 2. Group II for all other pollutants, except pH: TRC = 1.2.
- c.

Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the city determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of the POTW personnel or the general public.

- d. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of schedule milestones for starting construction, completing construction or achieving final compliance, including such milestones specified in compliance time schedules or administrative orders issued by the city, by 90 days or more.
- (3) Failure to provide reports as specified or required by administrative orders, compliance time schedules, monitoring and reporting programs or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) or other reports within 30 days of the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations that the director determines will adversely affect the operation or implementation of the pretreatment program.

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

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

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

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

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

Stormwater system means all stormwater conveyance and treatment facilities located within the city, including but not limited to storm drains, catchbasins, storm drain manholes and manways and stormwater pumping facilities.

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

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

Total toxic organics (TTO) means the sum of the concentrations for each of the regulated toxic organic compounds which are found in the user's discharge at a concentration greater than ten micrograms per liter.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of the Clean Water Act 307(a) or other acts.

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

User means any person who contributes, causes or permits the contribution of wastewater into the POTW.

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

Wastewater discharge permit or permit means the regulatory procedure established and enforced by the director to control the flow of wastes into the public sewer or wastewater treatment facilities.

Wastewater effluent or effluent means the treated wastewater flowing from the wastewater treatment facilities.

Wastewater treatment facilities means the structures, equipment and processes maintained by the city or the Chino Basin Municipal Water District which are required to treat and dispose of domestic and nondomestic wastes.

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

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

Water supply means the water supply serving the area tributary to the POTW.

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

BOD	Biochemical oxygen demand
CBMWD	Chino Basin Municipal Water District
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EC	Electrical conductivity
EPA	Environmental Protection Agency
l	Liter
MBAS	Methylene blue activated substances
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SIU	Significant industrial user
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
TDS	Total dissolved solids
TRC	Technical review criteria
TSS	Total suspended solids
µg	Micrograms
µg/l	Micrograms per liter
µmhos/cm	Micromhos per centimeter
USC	United States Code

(Ord. No. 998, § 2(26-17.1, 26-17.2), 12-18-90)

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

Sec. 23-43. - Administration.

Except as otherwise provided, the director or his designee shall administer, implement and enforce the provisions of this article.

(Ord. No. 998, § 7(26-22.1), 12-18-90)

Sec. 23-43.1. - Regional pretreatment agreement.

There is hereby adopted by the city that certain agreement known as the Regional Pretreatment Agreement, entered into by and among CBMWD, the City of Fontana and the cities of Chino, Chino Hills, Upland, Montclair, Ontario and Cucamonga County Water District. Pursuant to this agreement, the City of Fontana allows and authorizes CBMWD to regulate industrial users within the corporate limits of the city who are tributary to the regional sewerage system and provides CBMWD fully enforceable legal authority as publicly-owned treatment works (POTW) to inspect, permit and control indirect discharges to the regional plans. Copies of the agreement are on file with the City Clerk of the City of Fontana. The agreement is hereby adopted and incorporated by reference as if fully set forth herein.

(Ord. No. 1162, § 2, 9-5-95)

Sec. 23-44. - Inspection and sampling.

- (a) The director shall inspect and sample each significant industrial user at least twice annually. The director may inspect facilities of any industrial user or any other user whom he has reason to believe may be a generator of nondomestic wastewater, to determine compliance with all provisions of this article. Persons or occupants of premises where nondomestic wastewater is created or discharged, or where the director has reason to believe that nondomestic wastewater may be created or discharged, shall allow the director ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and copying of records, taking photographs, and performance of any of his duties.
- (b) The director shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with its staff so that,

upon presentation of suitable identification, the director will be permitted to enter, without delay, for the purpose of performing inspection and sampling.

(c) The director shall exercise his rights under this article in a manner consistent with applicable law, and no inspections or other actions are authorized under this section if such action would violate the rights of the person which is the subject of the action.

(Ord. No. 998, § 7(26-22.2), 12-18-90)

Sec. 23-45. - Public access to information.

Information and discharge data provided to the city by an industrial user shall be available to the public without restriction, except where there is a claim of confidentiality by the industrial user. All other information which is submitted by the industrial user to the city shall be available to the public to the extent provided by 40 CFR 2.302 or as required by state law, including, without limitation, the Public Records Act (Government Code § 6250 et seq.). With the exception of government agencies, any person requesting this information from the city shall be required, prior to receipt of the information, to pay the reasonable costs of the data gathering, reproduction and transmission incurred by the city.

(Ord. No. 998, § 7(26-22.3), 12-18-90)

Sec. 23-46. - Designation of confidential information.

Any information other than discharge data submitted to the city pertaining to the pretreatment program may be claimed by the industrial user to be confidential. Any such claim must be asserted at the time of submission of the information or data to the city. The claim may be asserted by stamping the words "confidential business information" on each page containing such information or by other means; however, if no claim is asserted at time of submission, the city may make the information available to the public without further notice. If such a claim is asserted, the information will be treated in accordance with the procedure in 40 CFR 2 (Public Information).

(Ord. No. 998, § 7(26-22.4), 12-18-90; Ord. No. 1094, § 1, 10-19-93)

Sec. 23-47. - Slug discharge control plan.

The director shall evaluate, at least once every two years, whether each industrial user must submit a plan to control slug discharges as defined under 40 CFR 403.5(b) and section 23-193.

(Ord. No. 998, § 7(26-22.5), 12-18-90)

Sec. 23-48. - Time limits.

Any time provided in any written notice or any provision of this article may be extended only by a written directive of the director.

(Ord. No. 998, § 7(26-22.6), 12-18-90)

Sec. 23-49. - Sewer charges.

- (a) Every person whose premises in the city are served by a connection with the POTW whereby the sewage or nondomestic wastes are disposed of by the city through the regional sewage system or otherwise shall pay a sewer charge and any surcharge as established by and in accordance with section 23-311 or as established by resolution or ordinance adopted by the city council.
- (b) The charges provided for in this section shall be applicable only to premises to which a sewer main is connected.
- (c) The council may, from time to time in its discretion, and by resolution or ordinance, alter, change, amend or revise the charges and rates for services and facilities in connection with the sewer system.
- (d) It shall be the duty of the finance director of the city, or his authorized representative, to collect all charges provided for in this article.
- (e) It is required that any person liable to pay any sewer charges make a deposit as provided for in section 23-312 to ensure the collection of such charge.
- (f) If any person shall fail to pay any sewer charge or applicable surcharge when the charge or surcharge becomes due, the provisions of article V, division 2, of this chapter shall apply.
- (g) Any fines or charges imposed by a regulatory agency as a result of a violation of this article by a discharger shall be an additional sewer charge to the discharger.
- (h) All persons found to be in violation of this article shall be liable to the city for all costs incurred by the city to resolve the violation, including an administrative fee as fixed by the city manager based on the city's current overhead cost allocation percentage, and all other fines and penalties.

(Ord. No. 998, § 7(26-22.7), 12-18-90)

Sec. 23-50. - Pretreatment program fees.

(a) It is the purpose of this section to establish the mechanisms whereby the city may recover from industrial users the costs of the POTW for the implementation of the pretreatment program. The city may adopt charges and fees, by resolution, which may include:

- (1) Fees for the processing of applications.
- (2) Fees for reimbursement of costs of developing and operating the city pretreatment program.
- (3) Fees for monitoring, inspections, surveillance procedures and laboratory costs.
- (4) Fees for reviewing plans and construction inspections.
- (5) Fees for reviewing accidental discharge procedures.
- (6) Fees for filing appeals.
- (7) Non compliance fees as established by category by city council ordinance or resolution or, in the absence of a specific category, the actual costs incurred by the city in causing compliance.
- (8) Extra strength charges and surcharge fees. These fees shall be assessed based on the pounds discharged of a constituent above stated permit conditions or allowable limits. At no time shall any user affected by categorical standards be permitted to discharge wastewater to the POTW in violation of categorical standards.
- (9) Administrative fees for compensation for damages in accordance with section 23-81.
- (10) Other fees deemed necessary by the city to implement the provisions of this article.

(b) These fees relate exclusively to matters covered by this article, and are separate from all other fees chargeable by the city. The city may incorporate the equivalent amount of any of the fees provided for in this section into its sewer charges.

(Ord. No. 998, § 7(26-22.8), 12-18-90; Ord. No. 1428, § 1, 8-19-03)

Sec. 23-51. - Payment of fees.

Unless specified otherwise, all fees, charges and penalties imposed pursuant to this article are due and payable upon receipt of notice.

(Ord. No. 998, § 7(26-22.9), 12-18-90)

Sec. 23-52. - Conditional waivers.

- (a) If any discharge to the POTW contains or may contain constituents which will cause it to fail to conform to any of the requirements set forth in this article, but the director finds that the discharge will not cause harm to the POTW or unreasonably or inequitably burden the operation of the POTW and does not violate federal categorical discharge standards and that, when considered together with discharges by other users, such discharge will not materially affect the ability of the POTW to meet its requirements, he may grant approval for discharge to the POTW with waiver or modification of the requirement which could not be met.
- (b) In his letter of approval, the director shall include a statement regarding the requirement that is waived along with reasons as to why the waiver is issued. A copy of this letter shall be filed with the city clerk. Any waiver granted pursuant to this section shall be subject to withdrawal at any time the director makes a subsequent finding that the POTW is unreasonably burdened or the ability of the POTW to meet state regional water quality control board requirements is materially affected.

(Ord. No. 998, § 7(26-22.10), 12-18-90; Ord. No. 1094, § 2, 10-19-93)

Sec. 23-53. - Appeals.

Administrative orders, waivers, permit conditions, permit modifications or disapproval of permit applications made by the director or an administrative hearing officer pursuant to this article may be appealed to the city manager or his/her designee. The city manager may amend, modify, confirm or reject any such decision provided the purpose and intent of this article are not violated. The city manager's determination shall be the final administrative decision of the city.

(Ord. No. 998, § 7(26-22.11), 12-18-90; Ord. No. 1757, § 14, 2-14-17)

Secs. 23-54—23-80. - Reserved.

DIVISION 2. - ENFORCEMENT

Sec. 23-81. - Compensation for damages.

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

(Ord. No. 998, § 9(26-24.1), 12-18-90)

Sec. 23-82. - Revocation of permit.

Any industrial user who violates the following conditions of this article or applicable state and federal regulations is subject to having his permit revoked:

- (1) Failure of the user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Failure of the user to provide reasonable access to the user's premises for the purpose of inspection or monitoring as required by section 23-44;
- (4) Failure of the user to pay sewer service charges or pretreatment program fees; or
- (5) Violation of a condition of the permit.

(Ord. No. 998, § 9(26-24.2), 12-18-90)

Sec. 23-83. - Notice of violation.

Whenever the director finds that any user has violated or is violating this article, a nondomestic wastewater discharge permit or any prohibition, limitation or requirement contained in this article the director may serve upon such person a written notice stating the nature of the violation and stating the penalties for continued noncompliance. If required in the notice, the user shall submit to the director, within a

prescribed period specified in the notice, which period shall not be less than ten days unless an emergency situation dictates a shorter period, a plan indicating the cause of the violation, the corrective actions which will be taken to prevent recurrence and, if required, a proposed compliance time schedule indicating the dates those corrective actions will be completed.

(Ord. No. 998, § 9(26-24.3), 12-18-90)

Sec. 23-84. - Compliance time schedule.

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

(Ord. No. 998, § 9(26-24.4), 12-18-90)

Sec. 23-85. - Administrative orders.

The director may require compliance with permit conditions or limitations by issuing administrative orders that are enforceable in a court of law or by directly seeking court action. Administrative orders may include stop work orders, cease and desist orders, termination of service orders and immediate termination of service orders.

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

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

- (2) *Cease and desist order.* When the director finds that any industrial user has violated or threatens to violate any provision of this article or a nondomestic wastewater discharge permit, the director may issue a cease and desist order directing the user to:

- a. Comply immediately; or
- b. Comply in accordance with a time schedule specified in the cease and desist order.

A cease and desist order may include modifications in the frequency of monitoring, testing and submission of self-monitoring reports.

- (3) *Termination of service.* When the director finds that any industrial user has violated an administrative order, the director may terminate sewer service to that user. The user shall be liable for all costs for termination of sewer service incurred by the user and the city. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment, or for any other reason. Sewer service shall be reinstated by the director after the user has complied with all provisions in the administrative order. The user shall be liable for all costs for reinstating sewer service.
- (4) *Immediate termination of service.* The director may immediately suspend wastewater treatment service and any nondomestic wastewater discharge permit when such suspension is necessary, in the opinion of the director, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or which significantly interferes with the POTW. Any industrial user notified that wastewater treatment service and any nondomestic wastewater discharge permit has been suspended shall immediately stop and eliminate the applicable contributions to the POTW. In the event of failure to comply voluntarily with the suspension order, the director shall take steps as deemed necessary, including immediate severance of the sewer connection. The industrial user shall be liable for all costs incurred by the city in terminating sewer service. Sewer service shall be reinstated by the director after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the industrial user, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within 15 days of the date of sewer service termination.

(Ord. No. 998, § 9(26-24.5), 12-18-90)

Sec. 23-86. - Administrative hearing.

Any user may request or the director may order an administrative hearing, at which a user who causes or allows or who has caused or allowed an unauthorized discharge to enter the POTW shall show cause why the proposed enforcement action should not be taken. An administrative hearing officer who is a city officer not directly involved in the enforcement of this article shall preside over the administrative hearing, at which each party, including the user and the director, shall have the right to present evidence. A notice shall be served on the user

specifying the time and place of the hearing regarding the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the user to show cause before the hearing officer why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of the user.

(Ord. No. 998, § 9(26-24.6), 12-18-90)

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

In accordance with federal pretreatment regulations in title 40 CFR, the city shall publish annually a list of all industrial users in significant noncompliance with applicable promulgated categorical standards or the provisions of this article within the preceding year. Prior to publication, the city shall provide at least ten days' written notice to all industrial users to be included in the listing, and such industrial users shall be given the opportunity to comment on the proposed publication prior to publication.

(Ord. No. 998, § 9(26-24.7), 12-18-90)

Sec. 23-88. - Legal action.

- (a) If any person violates the provisions of this article, federal or state pretreatment requirements or any order of the city, the city attorney may commence an action for appropriate legal, equitable or injunctive relief in the municipal or superior court of the county.
- (b) In addition to the penalties provided in this article, the director may recover reasonable attorney fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit of law against the person found to have violated any of the provisions of this article or the orders, rules, regulations and permits issued thereunder.

(Ord. No. 998, § 9(26-24.8), 12-18-90)

Sec. 23-89. - Civil penalties.

Any industrial user who is found to have violated an administrative order to comply with any provision of this article and the orders, rules and regulations and permits issued under this article may be fined no more than a maximum civil penalty of \$25,000.00 per violation per day. Each violation shall be considered a separate and distinct offense, and each day on which a violation shall occur or continue shall be deemed a

separate and distinct offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In addition to the penalties provided in this article, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.

(Ord. No. 998, § 9(26-24.9), 12-18-90; Ord. No. 1428, § 2, 8-19-03)

Sec. 23-90. - Criminal penalties.

Any person who willfully violates any provision of this article or a permit condition; who knowingly violates any stop work order, cease and desist order, termination or immediate termination order, prohibition or effluent limitation; who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or a nondomestic wastewater discharge permit; or who falsifies, tampers with or knowingly causes inaccuracy in any monitoring device or method required or authorized under this article is guilty of a misdemeanor, which, upon conviction, is punishable by a fine not to exceed \$1,000.00 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this article is committed, continued or permitted by such person, and shall be punishable for that violation as provided by this section.

(Ord. No. 998, § 9(26-24.10), 12-18-90)

Sec. 23-91. - Effect of appeals.

Any decision of the director or the administrative hearing officer may be appealed pursuant to section 23-53. The imposition of fines or penalties shall be stayed during the appeal period unless the director or administrative hearing officer, as applicable, determines that such stay would threaten the public safety, health or welfare.

(Ord. No. 998, § 9(26-24.11), 12-18-90)

Sec. 23-92. - Administrative complaints.

- (a) In addition to any other remedies provided by this Code or available to the city by applicable law, the city may issue an administrative complaint to any person who violates any requirement adopted or ordered by the city pursuant to this article. The administrative complaint shall allege the act or failure to act that constitutes the violation of the city's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.
- (b) The administrative complaint shall be served by personal delivery or certified mail on the person subject to the city's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before a hearing officer designated by the city manager. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the city shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the city manager within 30 days of notice of the hearing officer's decision.
- (c) If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the hearing officer or city manager may assess a civil penalty against that person. In determining the amount of the civil penalty, the hearing officer or city manager may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.
- (d) Civil penalties may be imposed by the city as follows:
 - (1) In an amount that shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports.
 - (2) In an amount that shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any compliance schedule established by the city.
 - (3) In an amount that shall not exceed \$5,000.00 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the city.
 - (4) In an amount that does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the city.
 - (5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded

shall have the force and effect and priority of a judgment lien and continue for ten years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

- (e) All moneys collected under this section shall be deposited in a special account of the city and shall be made available for the monitoring, treatment, and control of discharges into the city's sanitation or sewer system or for other mitigation measures.
- (f) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy. Such service shall be accompanied by a written affidavit of service.
- (g) The city may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.
- (h) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under section 23-89.

(Ord. No. 1428, § 3, 8-19-03; Ord. No. 1757, § 15, 2-14-17)

Secs. 23-93—23-115. - Reserved.

DIVISION 3. - GENERAL RESTRICTIONS AND PROHIBITIONS

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

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

(Ord. No. 998, § 3(26-18.1), 12-18-90)

Sec. 23-117. - Prohibited discharges to sewer system.

No person shall, except as provided in this article, discharge or cause to be discharged to the POTW any of the following:

- (1) Any wastewater or substance which may cause pass-through or interfere with the normal operation or performance of the POTW.

- (2) Any solid, semisolid or viscous substances which may obstruct the flow of sewage, cause clogging of or adversely affect sewage pumps or sewage sludge pumps or the community sewer system or interfering with the operation of the POTW, such as but not limited to grease, garbage with particles greater than three-eighths inch in any dimension, dead animals, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, earth, sand, mud, gravel, rocks, plaster, concrete, spent lime, stone or marble dust, metal, metal filings, metal chemicals, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, paper containers or other paper products, wood, plastics, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, sharps, glass, or glass grinding or polishing wastes.
- (3) Any discharge which may, alone or in combination with other waste substances, result in the presence of toxic or poisonous solids, liquids, gases, vapors or fumes in the POTW in such quantities that would create a hazard, public nuisance or acute worker health and safety problems.
- (4) Any stormwater, rainwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from fountains, ponds or lawn sprays or any other type of surface water. Water from swimming pools, wading pools and therapy pools will be admitted to the sewer system between 8:00 p.m. and 6:00 a.m., subject to written authorization by the director.
- (5) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or in any other way be injurious to the POTW or to operation of the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius, using the test methods specified in 40 CFR 261.21, or which result in conditions where two successive readings on an explosion hazard meter at the point of discharge into the system, or at any point in the system, are more than five percent, or any single reading is over ten percent, of the lower explosive limit of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (6) Any wastewater having pH less than the minimum or greater than the maximum specified in section 23-137, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.
- (7) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, including sludge disposal, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW, including the maximum toxic pollutant concentrations set forth in section 23-136

or any applicable categorical standard. Toxic pollutants shall also include but not be limited to any pollutant identified pursuant to section 307(a) of the act (33 USC 1347).

- (8) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent access to the POTW for maintenance and repair.
- (9) Any substance which may cause the POTW's effluent, or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse. In no case shall a substance discharged to the POTW cause the POTW to violate applicable sludge use or disposal regulations developed under section 405 of the act (33 USC 1345) or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the Marine Protection, Research and Sanctuaries Act, or state regulations.
- (10) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.
- (11) Any wastewater or sludge removed from a cesspool, septic tank or chemical toilet, except chemical toilet wastes from mobile recreation units which are discharged to the POTW in accordance with a wastewater discharge permit issued by the city.
- (12) Any trucked or hauled pollutants or wastewater, except at such place and in such manner as prescribed by the director.
- (13) Any pesticides or fertilizers.
- (14) Any nonbiodegradable cutting oil, petroleum oil, refined petroleum products or products of mineral oil origin in amounts which could cause interference or pass-through.
- (15) Any nonbiodegradable cuttings oils, commonly called soluble oils, which form persistent water emulsions.
- (16) Any excessive quantities of dispersed biodegradable oils or fats such as lard, tallow or vegetable oil, or any other substances that may precipitate, solidify or become viscous at temperatures between 40 degrees Fahrenheit and 100 degrees Fahrenheit.
- (17) Any wastewater having a temperature which will inhibit biological activity at wastewater treatment facilities resulting in interference, but in no case wastewater with a temperature at the point of introduction into the POTW which exceeds 120 degrees Fahrenheit or which is below 40 degrees Fahrenheit.
- (18) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may cause violation of applicable state or federal regulations.

- (19) Any wastewater with pollutant concentrations in excess of the maximum concentration limitations presented in section 23-136.
- (20) Any pretreatment wastes. All pretreatment wastes shall be disposed of in accordance with all applicable federal, state, county, and local laws and regulations.

(Ord. No. 998, § 3(26-18.2), 12-18-90)

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

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

(Ord. No. 998, § 3(26-18.3), 12-18-90)

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

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

(Ord. No. 998, § 3(26-18.4), 12-18-90)

Sec. 23-120. - Point of discharge.

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

(Ord. No. 998, § 3(26-18.5), 12-18-90)

Sec. 23-121. - Dilution of flow.

No person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in division 4 of this article, in categorical standards, or in any other pollutant-specific limitations developed by the city.

(Ord. No. 998, § 3(26-18.6), 12-18-90)

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

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

(Ord. No. 998, § 3(26-18.7), 12-18-90)

Secs. 23-123—23-135. - Reserved.

DIVISION 4. - SPECIFIC POLLUTANT LIMITATIONS

Sec. 23-136. - Concentration limitations.

No person shall, except as specifically allowed by the director on a temporary basis or as provided in this article, discharge or cause to be discharged to the POTW any wastewater which contains pollutants in concentrations exceeding those shown in this section:

Pollutant	Maximum Concentration (mg/l)
Biochemical oxygen demand (BOD)*	300
Total suspended solids (TSS)*	300
Total dissolved solids (TDS at 25° C)**	700
Total hardness (as CaCO ₃)	320
Boron	3.0
Sodium	250

Chloride	360
Fluoride	5.0
Sulfate	140
Arsenic	0.4
Barium	5.0
Cadmium	0.1
Chromium, total	2.7
Cobalt	3.0
Copper	0.45
Iron	5.2
Lead	0.4
Manganese	1.4
Mercury	0.1
Nickel	0.25
Selenium	0.1
Silver	2.4
Zinc	2.4
Cyanide	0.5
Dissolved sulfides	0.10
Methylene blue activated substances (MBAS)	20
Phenolic compounds	0.56
Total oil and grease	100

*The director may authorize the discharge of nondomestic wastewater with BOD and TSS concentrations greater than 300 milligrams per liter subject to conditional waivers and payment of a surcharge fee to the city. Any surcharge fee assessed against the city by the district for discharge of city wastewater with surchargeable concentrations of BOD and TSS according to the regional sewer service contract shall be allocated to the industrial users who discharge wastewater with BOD or TSS concentrations above 300 milligrams per liter on the basis of total pounds of BOD or TSS discharged over the district's surcharge period. Additional surcharge fees may be authorized by resolution or ordinance adopted by the city council.

**The director may specify an electrical conductivity limit of 1,075 micromhos per centimeter in lieu of the TDS limit listed in this section if there is reason to believe that there may be significant interference with the analytical procedure to determine TDS.

(Ord. No. 998, § 4(26-19.1), 12-18-90; Ord. No. 1094, § 3, 10-19-93)

Sec. 23-137. - Limitations on pH.

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

(Ord. No. 998, § 4(26-19.2), 12-18-90)

Sec. 23-138. - Applicability of federal categorical pretreatment standards.

Upon the effective date of a federal categorical standard (subpart I of 40 CFR chapter 1, subchapter N, as it exists and as it may be amended, or other applicable federal standard for a particular industrial category), the categorical standard shall, if more stringent than limitations imposed under this article for sources in that category, supersede the limitations imposed under this article. The director shall notify all affected users of the applicable limitations and reporting requirements.

(Ord. No. 998, § 4(26-19.3), 12-18-90)

Secs. 23-139—23-160. - Reserved.

DIVISION 5. - SPECIAL RESTRICTIONS

Sec. 23-161. - Vehicle servicing facilities.

- (a) Any facility maintained for the servicing, washing, cleaning or repair of vehicles licensed by the state department of motor vehicles, construction equipment, industrial transportation or power equipment shall install and maintain a gravity separation interceptor in accordance with section 23-190. Wastewaters from toilets shall not be allowed to pass through this interceptor, but all wastewaters arising from the servicing and repair of vehicles shall pass through this interceptor before discharge to the POTW. If the vehicle servicing facility does not include facilities for the washing of more than one vehicle at a time, the interceptor shall have a fluid capacity of not less than 100 gallons. If the vehicle servicing facility has facilities for washing or cleaning more than one vehicle at a time, the interceptor shall be as large as necessary so that a seven-day accumulation of sand and oil together will not fill more than 25 percent of the fluid capacity. The interceptor shall be designed so as to retain any oil and grease which will float and any sand which will settle.
- (b) Any interceptor legally and properly installed at a vehicle servicing facility before December 7, 1973, shall be acceptable as an alternative to the interceptor specified in subsection (a) of this section, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained.
- (c) The plumbing official shall not approve the plumbing of a vehicle servicing facility if it does not have a gravity separation interceptor meeting the requirements of this section.

(Ord. No. 998, § 5(26-20.1), 12-18-90)

Sec. 23-162. - Water conditioning devices.

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

(Ord. No. 998, § 5(26-20.2), 12-18-90; Ord. No. 1656, § 1, 3-13-12)

Sec. 23-163. - Food processing facilities.

- (a) All restaurants or other food processing facilities shall direct all wastes from floor drains, sinks, waste container wash racks and dishwashers through a two-compartment gravity separation interceptor in accordance with section 23-190. All domestic wastewaters from restrooms, showers and drinking fountains shall be kept separate until the previously specified wastes have passed through the interceptor. The interceptor shall have a minimum fluid capacity of 750 gallons, or as required by appendix H of the latest edition of the Uniform Plumbing Code, whichever is greater. Any interceptor or grease trap legally and properly installed at a food processing facility before January 1, 1991, shall be acceptable as an alternative to the interceptor specified in this subsection, provided such interceptor or grease trap is effective in removing grease and is so designed and installed that it can be inspected and properly maintained.
- (b) Conditional waivers for the grease interceptor requirement may be granted by the director in accordance with section 23-52 for those restaurants determined not to have adverse effects on the POTW. Conditional waivers may be revoked for the following reasons:
 - (1) Changes in types of food prepared.
 - (2) Falsification of information submitted in the restaurant survey form.
 - (3) Changes in operating hours.
 - (4) Changes in equipment used.

(Ord. No. 998, § 5(26-20.3), 12-18-90)

Secs. 23-164—23-185. - Reserved.

DIVISION 6. - NONDOMESTIC WASTEWATER DISCHARGE REQUIREMENTS

Sec. 23-186. - Pretreatment.

- (a) All users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all applicable categorical standards (subpart I of 40 CFR chapter 1, subchapter N, as it exists and as it may be amended) within the time limitations specified therein. Any facilities required to pretreat wastewater to a level acceptable to the director shall be provided, operated and maintained at the user's expense.

(b) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before construction of the facility. The city's review of such plans and operating procedures will not relieve the user from the responsibility of modifying the facility as necessary to produce an effluent which complies with all provisions of this article.

(Ord. No. 998, § 6(26-21.1), 12-18-90)

Sec. 23-187. - Monitoring facilities.

(a) The city may require, at the user's expense, installation and operation of monitoring facilities to allow inspection of discharges to the POTW and collection of wastewater samples. The monitoring facilities, including sampling and monitoring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(b) Monitoring facilities shall normally be situated on private property, but the city may, when such a location would be impractical, allow the facilities to be constructed in a public right-of-way.

(c) There shall be ample room and a 120-volt power outlet in or near monitoring facilities to allow installation of portable sampling and monitoring equipment by the director.

(d) Construction drawings for proposed monitoring facilities shall be approved by the director prior to construction. The sampling and monitoring facilities shall be constructed in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written approval by the director.

(Ord. No. 998, § 6(26-21.2), 12-18-90)

Sec. 23-188. - Flow measuring equipment.

The director may require any significant industrial user to install and operate a continuous monitoring flow meter capable of measuring the industrial user's discharge to the city's sewer system as part of its monitoring facilities. The flow measurement device shall conform to standards established by the director.

(Ord. No. 998, § 6(26-21.3), 12-18-90)

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

Every person who discharges nondomestic wastewater to the POTW shall keep the domestic wastewaters separate from all nondomestic wastewaters until the nondomestic wastewaters have passed through any required pretreatment system or device, or the nondomestic wastewater monitoring manhole.

(Ord. No. 998, § 6(26-21.4), 12-18-90)

Sec. 23-190. - Gravity separation interceptors.

- (a) *Generally.* Any person so required by the director shall install and maintain a gravity separation interceptor. Domestic wastewater shall not be allowed to pass through this interceptor. This interceptor shall have an operational fluid capacity of not less than 100 gallons and shall be designed so as to retain any material which will float and any material which will settle. The interceptor shall be watertight, structurally sound and durable. Interceptors of less than 750 gallons capacity and interceptors for restaurants or food processing facilities shall have no less than two compartments. Interceptors of 750 gallons capacity or larger, except those designed for restaurants and food processing facilities, shall have no less than three compartments.
- (b) *Specifications.*
 - (1) All interceptor chambers shall be immediately accessible at all times for the purpose of inspection and cleaning. At no time shall any material, debris, obstacles or obstructions be placed in such a manner so as to prevent immediate access to the interceptor.
 - (2) All interceptors shall be equipped with a sample chamber located at the downstream end of the interceptor. The sample chamber shall have a minimum 22-inch-square clear opening for the temporary installation of the city's portable automatic sampling equipment.
 - (3) Any interceptor legally and properly installed before the effective date of the ordinance codified in this section shall be acceptable as an alternative to the interceptor specified in this section, provided such interceptor is effective in removing floatable and settleable material and is so designed and installed that it can be inspected and properly maintained.
 - (4) If the director finds that an interceptor is incapable of adequately retaining the floatable and settleable material in the wastewater flow, is structurally incomplete, or is undersized, he shall condemn such interceptor and declare that it does not meet the requirements of this section and shall require the user to install, at the user's expense, an acceptable interceptor.
- (c) *Approval.* If a gravity separation interceptor is required, the plumbing official shall only approve plumbing plans which include an interceptor which meets the requirements of this section.

(d) *Maintenance.* Any person who owns, operates or maintains a gravity separation interceptor shall maintain it properly. It shall be cleaned as often as is necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor. The use of chemicals to dissolve grease is specifically prohibited. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to the sewer. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition or if the operational fluid capacity has been reduced by more than 25 percent by the accumulation of floating and settled solids, oils and grease. The owner of any facility required to install an interceptor, the lessee and sublessee, if there be such, and any proprietor, operator or superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. If the interceptor is not properly maintained under the conditions of use, the director may require that the interceptor be resized and replaced.

(Ord. No. 998, § 6(26-21.5), 12-18-90)

Sec. 23-191. - Spill containment systems.

Each industrial user so required by the director shall install spill containment systems which conform to requirements established by the director. No person shall operate a spill containment system that allows incompatible liquids to mix thereby creating hazardous or toxic substances in the event of failure of one or more containers. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, secondary vessels or other devices designed to contain spillage of the liquid contents of containers. Spill containment systems shall be constructed of impermeable and nonreactive materials to the liquids being contained. Spill containment systems shall conform to local regulations and policies as to percent containment, container type and size.

(Ord. No. 998, § 6(26-21.6), 12-18-90)

Sec. 23-192. - Recordkeeping.

All industrial users shall keep records of waste hauling, reclamations, monitoring, pH and flow measuring device calibration reports, sample analysis data, flow and pH meter chart recordings, records of pretreatment equipment maintenance, interceptor and clarifier maintenance and cleaning, and correspondence with the city on the site of wastewater discharge. All these records are subject to inspection and shall be copied as needed. All records must be kept on the site of generation for a minimum period of three years. The records retention period may be extended beyond three years if criminal or civil action is taken or an extensive company history is required.

(Ord. No. 998, § 6(26-21.7), 12-18-90)

Sec. 23-193. - Reporting requirements.

Industrial users are required to submit the following reports:

- (1) *Reports of potential problems.* If, for any reason, pollutants are discharged at a flow rate or concentration which might cause interference with the POTW or pass-through or which might result in a violation of NPDES permit requirements or requirements of this article or a hazard to city or district personnel or the public, the industrial user shall verbally notify the director and POTW staff immediately. The verbal report shall be followed by a written report submitted to the director within five days. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violation.
- (2) *Self-monitoring reports.* Permittees may be required to submit periodic self-monitoring reports containing a description of the nature, concentration and flow of pollutants required to be reported by the city. Sampling for self-monitoring reports shall be performed during the period covered by the report. All required analyses shall be performed by a state certified laboratory using analytical methods as defined in this article. Significant industrial users shall be required to submit self-monitoring reports at least every six months.
- (3) *Periodic measurements.* Periodic measurements of flow, suspended solids and BOD for surcharge determination and other appropriate waste characteristics shall be made by those permittees specifically designated by the director.
- (4) *Categorical standards compliance reports.* Industrial users affected by categorical standards must submit initial baseline monitoring reports (BMR's) and periodic compliance reports, and, if necessary, schedule compliance reports and final compliance reports. Categorical standards compliance reports must be signed by an authorized representative of the user and shall specify if standards are being met on a consistent basis, and, if not, whether additional operation and maintenance or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
 - a. If immediate compliance with the categorical standard is not possible and additional pretreatment or operation and maintenance is necessary, the report must specify the shortest time necessary to achieve compliance. The completion date must not be later than that specified in the applicable categorical standards. New sources must achieve compliance with all applicable pretreatment standards within 90 days.
 - b.

Schedule compliance reports must be submitted at the completion of all major events necessary to achieve full compliance with categorical standards, but not less frequently than every nine months. Schedule compliance reports must be submitted within 14 days of a milestone date.

- c. Final compliance reports must be submitted within 90 days of achieving compliance with categorical standards. Final compliance reports from new sources must be submitted immediately after the facility use is initiated by the industrial user. The signature shall accompany the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- d. Initial baseline monitoring reports must be submitted by users affected by a categorical standard. New sources shall submit a baseline monitoring report at least 90 days prior to commencement of discharge. Baseline monitoring reports shall include all information listed in section 23-218 and a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment is performed prior to commencement of discharge. Final compliance reports shall include all information contained in a baseline monitoring report.
- e. Periodic compliance reports must be submitted, at a minimum, during June and December of each year after full compliance with categorical standards has been achieved. Sampling for periodic compliance reports shall be performed during the period covered by the report. The reports must include all monitoring data specified in the applicable categorical standard and any additional monitoring data obtained by the user. Analyses shall be performed by a state certified laboratory using analytical methods as defined in this article. Sampling shall be performed in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5).

(5) *Solvent management plans.* All industrial users subject to effective categorical standards which include a total toxic organic limitation shall be required to file a solvent management plan.

(6) *Slug discharge control plans.* All industrial users so required by the director shall file a slug discharge control plan. The plan shall contain at least the following elements:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c.

Procedures for prompt verbal notification of the city and district of slug discharges, including any discharge that would violate a specific prohibition under section 23-117 or 40 CFR 403.5(b), and procedures for followup written notification of the same agencies within five days;

- d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response; and
- e. If necessary, followup practices to limit the damage suffered by the treatment plant or the environment.

(7) *Notification of hazardous waste discharge.*

- a. All industrial users shall notify the city, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be classified as a hazardous waste pursuant to 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. The notifications required by this subsection must take place by February 19, 1991, for all industrial users who commence discharging on or before August 23, 1990. Industrial users who commence discharging after August 23, 1990, shall provide the notification no later than 180 days after the discharge of the hazardous waste.
- b. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted in accordance with 40 CFR 403.12(j).
- c. The hazardous waste discharge notification requirements specified in this subsection do not apply to pollutants already reported under the self-monitoring requirements of subsections (2) and (4) of this section. Industrial users are also exempt from such requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).
- d.

Discharges of more than 15 kilograms of nonacute hazardous wastes, as specified in 40 CFR 261.30(d) and 261.33(e), require a one-time notification. Additional notification is not required for subsequent months during which the industrial user discharges additional quantities of the same nonacute hazardous waste.

- e. In the case of new federal regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user shall notify the city, the EPA regional waste management division director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- f. In the case of any notification made under these requirements, the industrial user shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(8) *Other reports.* Industrial users shall file any other reports required by state law, including such reports as are required by Health and Safety Code ch. 6.95 (§§ 25500 through 25547.2).

(Ord. No. 998, § 6(26-21.8), 12-18-90)

Secs. 23-194—23-215. - Reserved.

DIVISION 7. - WASTEWATER DISCHARGE PERMIT

Sec. 23-216. - Required.

All significant industrial users proposing to connect to or discharge to the POTW and all other industrial users so required by the director shall obtain a nondomestic wastewater discharge permit before connecting to or discharging to the POTW, or at any other time as required by the director. The industrial user shall maintain a copy of the current permit readily accessible on the site of wastewater discharge at all times.

(Ord. No. 998, § 8(26-23.1), 12-18-90)

Sec. 23-217. - Classification.

Nondomestic wastewater discharge permits shall be classified as follows:

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

(Ord. No. 998, § 8(26-23.2), 12-18-90)

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

All industrial users proposing to discharge nondomestic wastewater to the POTW shall complete and submit a wastewater discharge permit application to the director. Any existing user shall apply for a wastewater discharge permit within 30 days after notification by the director. The application shall include the following information:

- (1) The name, address and location of the planned discharge, if different from the address of the user.
- (2) The SIC number according to the Standard Industrial Classification Manual, U. S. Office of Management and Budget, 1987, as amended.
- (3) Wastewater constituents and characteristics, as determined by a state certified analytical laboratory using analytical methods as defined in this article and sampling procedures in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5), including but not limited to those referred to in division 4 of this article.
- (4) Time and duration of discharge.
- (5) Average daily, peak daily and 15-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, including details showing all sewers, sewer connections, treatment facilities and appurtenances by the size, location and elevation.
- (7) An 8½-inch by 11-inch process flow schematic diagram.
- (8) Descriptions of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

- (9) Number and type of employees and hours of plant operation, and proposed or actual hours of pretreatment system operation.
- (10) A time schedule for compliance with any provisions of this article or categorical standard for which immediate compliance is not possible.
- (11) A list of any environmental control permits held by or for the user's facility, and a copy of the county business plan which addresses the location, type and quantity of hazardous materials handled by the user.
- (12) Any other information as may be deemed by the director to be necessary to evaluate the permit application.

(Ord. No. 998, § 8(26-23.4), 12-18-90)

Sec. 23-219. - Evaluation of application.

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

(Ord. No. 998, § 8(26-23.5), 12-18-90)

Sec. 23-220. - Contents.

- (a) Nondomestic wastewater discharge permits shall be subject to all provisions of this article and all other applicable regulations, charges and fees established by city resolution or ordinance.
- (b) Permits shall contain at least the following:
 - (1) Statement of permit duration.
 - (2) Statement of permit nontransferability.

- (3) Limitations on the average and maximum wastewater constituents and characteristics.
- (4) Specifications for monitoring programs, which may include pollutants to be monitored; sampling locations; frequency of sampling; sampling types; number, types and standards for tests; and reporting schedule; and may include total toxic organic monitoring.
- (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (6) Compliance time schedules, where required.

(c) Permits may also contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW.
- (2) Schedule of penalty fees for noncompliance.
- (3) Limitations on the average and maximum flow rates.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Requirements for installation and maintenance of spill containment systems.
- (6) Requirements for submission of technical or discharge reports.
- (7) Requirements for maintaining and retaining plant records relating to the wastewater discharge, as specified by the director.
- (8) Requirements for notification of slug or accidental discharges and discharges of hazardous waste.
- (9) Requirements for submittal of slug discharge control plans and solvent management plans.
- (10) Other conditions as deemed appropriate by the director to ensure compliance with this article.

(Ord. No. 998, § 8(26-23.5), 12-18-90)

Sec. 23-221. - Modifications.

- (a) *Promulgation of categorical standards.* Within three months of the promulgation of a categorical standard, permits for users subject to such categorical standards shall be revised to require compliance within the time frame prescribed by such categorical standard. Where an affected user has not previously submitted an application for a permit as required by section 23-218, the user shall apply for a permit within 180 days after the promulgation of the applicable categorical standard. In addition, users with existing permits shall submit to the director, within 180 days after the promulgation of an applicable categorical standard, the information required by section 23-218(10).

(b)

Changes in operation. Industrial users shall receive written approval from the director prior to initiating any changes in the operation of the user's facility which may result in a change in quantity or quality of nondomestic wastewater contributed to the POTW. As a condition approving such changes, the director may impose such conditions as may be necessary to ensure that the user's system, as modified, will not cause harm to the POTW or unreasonably or inequitably burden the operation of the POTW. For the purposes of this section, the word "changes" shall include but not be limited to the following: a positive or negative change of 25 percent in the quantity of industrial wastes discharged, additional processes, additional or different equipment, and an increase in production capacity.

(c) *Changes in permit conditions.* The terms and conditions of the permit may be subject to modification by the director during the term of a permit if limitations or requirements, as referenced in division 4 of this article, are modified or the user violates a provision of this article. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change and may appeal the modification pursuant to section 23-53. Any changes or new conditions in a permit shall include a reasonable time schedule for compliance.

(Ord. No. 998, § 8(26-23.6), 12-18-90)

Sec. 23-222. - Transfer.

Nondomestic wastewater discharge permits are issued to specific users for specific operations. A nondomestic wastewater discharge permit shall not be transferable, either from one location to another, or from one person to another. Statutory mergers or name change shall not constitute a transfer or a change in ownership. Following a change in ownership, and upon application for a new nondomestic wastewater discharge permit, an interim permit may be issued by the director.

(Ord. No. 998, § 8(26-23.7), 12-18-90)

Sec. 23-223. - Duration.

Nondomestic wastewater discharge permits shall be issued for a time period specified by the director, not to exceed five years. The industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of each permit may be subject to modification by the city during the term of the permit in accordance with section 23-221.

(Ord. No. 998, § 8(26-23.8), 12-18-90)

Secs. 23-224—23-250. - Reserved.

ARTICLE III. - BUILDING SEWERS AND CONNECTIONS

Sec. 23-251. - Connection permit required; payment of fees.

In accordance with article IV of this chapter, no person shall connect to the sewer system without first obtaining a written permit from the city and paying all fees and connection charges as required therein.

(Code 1968, § 26-26)

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

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

(Code 1968, § 26-27)

Sec. 23-253. - Cleanouts.

Cleanouts in building sewers shall be provided where the building sewer joins the house connection sewer and in accordance with the rules, regulations and ordinances of the city.

(Code 1968, § 26-28)

Sec. 23-254. - Sewage pump.

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

(Code 1968, § 26-29)

Sec. 23-255. - Location of connection.

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

(Code 1968, § 26-30)

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

- (a) Any stub-out and, following connection by the property owner to the city's sewer system, the house connection sewer shall be maintained and repaired by the city's community development department from the point of connection with the sewer main line to the property line closest to the sewer main; provided, however, it shall be the property owner's responsibility to repair such house connection sewer which is damaged as a result of the negligent or intentional acts of the property owner, its tenants, lessees, subcontractors, agents, or employees.
- (b)

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

(Ord. No. 1060, § 7, 9-15-92)

Sec. 23-257. - Construction of local sewer systems.

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

(Ord. No. 1060, § 1, 9-15-92)

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

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

(Ord. No. 1060, § 2, 9-15-92)

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

The city shall keep a record of the costs of construction for a local sewer system constructed pursuant to section 23-257 and shall identify such record with each parcel of property to be served by such system. Costs of construction shall include, without limitation, the costs of construction directly attributable to the construction of the local sewer system and the amount of indirect engineering, design and

administrative costs, all of which shall be proportionally attributed to the property to be served in a manner determined in the reasonable discretion by the city's community development director, or his designee. The city shall maintain such records until such time as the property owner reimburses the city for such costs in accordance with section 23-261.

(Ord. No. 1060, § 3, 9-15-92)

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

The city shall keep a record of the costs of construction for each stub-out constructed pursuant to section 23-258 and shall identify such record with each parcel of property to be served by such stub-out. Costs of construction shall include, without limitation, the costs of construction directly attributable to the construction of the stub-out and the amount of indirect engineering, design and administrative costs proportionally attributed to the property to be serviced, as determined in the reasonable discretion by the city's community development director, or his designee. The city shall maintain such records until such time as the property owner reimburses the city for such costs in accordance with section 23-262.

(Ord. No. 1060, § 4, 9-15-92)

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

- (a) If the property owner connects to the city's sewer system at any time within one year following the city's completion of a local sewer system serving that particular property, the property owner shall pay the amount determined pursuant to section 23-259. If the property owner connects to such system at a point past one year following the completion of the system serving that particular property, the owner shall pay an additional amount over and above the amount determined pursuant to section 23-259. The additional reimbursement shall be a percentage of the construction costs determined pursuant to section 23-259, which percentage reflects the change in the engineering news record construction cost index between the time that local sewer system construction is completed for the particular property to be served and the date that the property owner applies to the city for a permit to connect to the city's sewer system. If the engineering news record construction cost index ceases to be published, the city may, in its reasonable discretion, use a similar construction cost index to ascertain the additional reimbursement required.
- (b) The reimbursement required by this section shall be in addition to all other fees and charges imposed by this chapter.

(Ord. No. 1060, § 5, 9-15-92)

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

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

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

(Ord. No. 1060, § 6, 9-15-92)

Secs. 23-263—23-280. - Reserved.

ARTICLE IV. - PERMITS

Sec. 23-281. - Generally.

(a) No unauthorized person shall uncover, alter or disturb any portion of the sewer system without first obtaining a written permit from the city.

(b) No person shall connect any property to the sewer system until after a sewer connection permit shall have been issued. The sewer connection permit shall specify the property to be connected, and only the property so specified shall be connected.

(c) No person shall place, discharge or dispose of any material, solid or liquid, into the sewer system or any part thereof, except by means of authorized connections; and no substance shall be placed, discharged or disposed of in the sewer system except substances or waste materials originating on the premises for which a sewer connection permit has been issued; except that authorized

substances may be placed in the sewer system at places designated by the sewer superintendent when a special permit shall have been issued by the superintendent. Special permits shall specify the terms and conditions under which substances may be placed in the sewer system.

(Code 1968, § 26-32)

Sec. 23-282. - Connection permit—Application; issuance.

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

(Code 1968, § 26-33)

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

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

(Code 1968, § 26-34)

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

- (a) Any person legally entitled to apply for and receive a special sewer permit shall make application on forms provided by the city for that purpose. He shall give a description of the character of the work proposed to be done or the use proposed to be made of the sewer, and the location, ownership, occupancy and use of any premises in connection with the special sewer permit. The sewer superintendent may require plans, specifications or drawings and such other information as he may deem necessary.

(b)

If the superintendent determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the provisions of this Code and other ordinances, rules and regulations of the city, the permit applied for shall be issued upon payment of the required fees as fixed in this chapter.

(Code 1968, § 26-35)

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

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

(Code 1968, § 26-36)

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

- (a) No lot or parcel of land located outside the corporate limits of the city shall be connected to the sewer system unless a permit therefor is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself and his heirs, successors and assigns to abide by all of the provisions of this Code and other ordinances, rules and regulations in regard to the manner in which the sewer system shall be used and the manner of connecting therewith, and also shall agree to pay all fees required for securing the permit and a monthly charge in the amount set by the city council.
- (b) Permit fees, sewer connection charges, deposits and monthly charges for properties or users located outside the corporate limits of the city shall be as agreed upon by the city council and the applicant for service, but in no case shall be less than the fees, deposits or charges made within the corporate limits of the city.
- (c) The granting of permission for the connection to or use of the sewer system by properties or users located outside the corporate limits of the city, in any event, shall be optional with and in the discretion of the council.

(Code 1968, § 26-37)

Sec. 23-287. - Agreement by permittee.

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

(Code 1968, § 26-38)

Secs. 23-288—23-310. - Reserved.

ARTICLE V. - FEES, CHARGES AND BILLING

DIVISION 1. - GENERALLY

Sec. 23-311. - Connection charges established; purchase of connection rights.

- (a) *Permit fee.* The fee for a sewer connection permit or special sewer permit shall be \$10.00. After this fee has been paid, it shall not be refunded.
- (b) *Residential sewer capacity connection charge.* There shall be a connection charge of \$770.00 per equivalent dwelling unit (EDU), with a minimum amount of \$770.00/EDU, for residential connections. Sewer capacity connection charges shall not be refundable.
- (c) *Commercial sewer capacity connection charges.* There shall be a connection charge of \$770.00 per equivalent dwelling unit, with a minimum amount of \$770.00/EDU, for commercial connections. Flow estimates and strength factors may be based on comparisons to similar existing users or on engineering estimates.

The flow assignments would be revised as consumption records become available to the city. Sewer capacity connection charges shall not be refundable. Residential, commercial and industrial sewer capacity connection charges shall be reviewed annually in accordance with the ENR 20 Cities Construction Cost Index and the Consumer Price Index.

- (d) *Industrial sewer capacity connection charges.* There shall be a connection charge of \$770.00 per equivalent dwelling unit, with a minimum amount of \$770.00/EDU, for industrial connections. Service units shall be assigned based on a separate engineering/environmental review prepared for each industry prior to their connection to the system. This information would normally be part of the environmental review required of any industry by planning and other governmental agencies. Sewer capacity connection charges shall not be refundable.
- (e) *Use of sewer revenue.* In order that sewer service be self-supporting, any revenues from the fees collected over and above city council approved expenses or transfers shall be placed in a restricted reserve account in the sewer fund, to be used to offset any possible future increase in sewer charges.
- (f) *Timing of payment of sewer connection fees.* The sewer connection charges required under subsections (b), (c), and (d) of this section shall be due as provided for in article V of chapter 21 of this Code.
- (g) *Construction in-lieu option.* Pursuant to article VI of chapter 21 of this Code, the city may allow partial or complete satisfaction of the sewer connection fees required by subsections (b), (c) and (d) of this section through execution of an agreement requiring the construction of public improvements and/or dedication of property.

(Code 1968, § 26-39; Ord. No. 1236, § 7, 2-3-98; Ord. No. 1237, § 7, 2-3-98; Ord. No. 1381, § 2, 8-6-02)

Sec. 23-312. - Deposits.

- (a) Each property owner shall deposit with the accounting officer an amount equal to four times the monthly charge set forth in section 23-317. The deposit shall be retained by the city and, in case of delinquency, it shall be applied as necessary to liquidate the cumulative amount of the delinquent charges plus penalties and the cost of collection.
- (b) If, because of change of classification or for any other reason, the monthly rate is increased or decreased, the owner shall be required to make a supplementary deposit equal to four times the increase in monthly rate in the case of an increase, and the city shall refund to the owner an amount equal to four times the decrease in the monthly rate in the case of a decrease.

(Code 1968, § 26-40)

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

- (a) Upon sale of the property, the former owner shall furnish the finance director with the correct name and mailing address of the new owner. The former owner shall be entitled to a refund of the unused portion of his deposit only after all bills and penalties and other charges have been paid and after the new owner has effected transfer of sewer service by applying for service, by guaranteeing that the bills for service to the property or to the occupant thereof will be paid, and by making the required deposit, which four actions shall constitute transfer of sewer service. Bills will continue to be sent to the former owner, or to the occupant in case the occupant is being billed, until the sewer service has been transferred or until such other date as may be agreed upon between the former owner and the new owner.
- (b) Notwithstanding any other provisions of this chapter, a former owner who has sold a property shall be entitled to a refund of any unused portion of his deposit after all bills, penalties and other charges for which he is responsible have been paid and when he has shown proof that the sale has been completed. For the purpose of this subsection, the former owner shall be responsible for bills, penalties and charges until the end of the month during which he shows proof of the sale, except that under unusual circumstances and upon written appeal by the former owner the city council may determine some other appropriate date for the cessation of such responsibility.
- (c) If a new owner fails for one month to apply for service or make the guarantee or deposit required, the accounting officer shall post notice on the property and mail a copy thereof to the new owner that sewer service will be discontinued unless the new owner does apply for service and make the guarantee and required deposit. If, after the notice has been posted for 15 days, the new owner has not applied for service and made the guarantee and deposit, sewer service shall be discontinued.
- (d) If service has been disconnected or terminated it shall not be reconnected or restored until all charges, including penalties, have been paid as provided in section 23-356 or in section 23-357, except that, when the responsibility for the payment of delinquent charges plus penalties or accrued charges is in bona fide dispute, a new owner may obtain temporary service by paying the reconnection charge or restoration charge and by applying for service, guaranteeing that the bills for service to the property or to the occupant thereof will be paid, and making the required deposit. Temporary service shall be for a period not to exceed four months, by the end of which time all charges remaining unpaid shall have been paid or service shall be disconnected or terminated. Bills for temporary service shall be rendered in the same manner as for ordinary service. All rules and regulations pertaining to bills, delinquencies and disconnections shall apply to temporary services in the same manner as they apply to ordinary services.

(Code 1968, § 26-41)

Sec. 23-314. - Change of classification.

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

(Code 1968, § 26-42)

Sec. 23-315. - Reserved.

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

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

- (a) All sewer connection charges for residential, commercial and industrial uses shall be based upon the residential equivalent dwelling unit (EDU) service unit rate established in this section, as computed by the public works department.
- (b) Equivalent dwelling unit service units shall be based upon 270 gallons equals one equivalent dwelling unit for permanent housing for one family or tenant. Residential uses include without limitation single-family detached residences, apartments, townhouses, condominiums, mobile homes and trailer spaces.

(c) Commercial structures are those structures designed for the purpose of providing a permanent structure for enterprises engaged in the exchange of goods and services. This includes but is not limited to all private business and service establishments, schools, churches and public facilities. For purposes of establishing connection charges, commercial equivalent dwelling units shall be determined by multiplying the fixture units (as defined by the Uniform Plumbing Code) shown on the approved building plans by the appropriate sewage factor from the following table (table I). Total equivalent dwelling units for commercial centers with various use categories will be the sum of the equivalent dwelling units computed for each use category.

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

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

Sewage Factor Formula

$$SF = K ;mb=2q;[0.37 + 0.31 (BOD) / 230 + 0.32 (SS) / 220]$$

Where:

SF	=	Sewage factor
K	=	Gallons per fixture unit divided by the average domestic household flow of 270 gallons = 1 EDU
BOD ₅ mg/l	=	User's discharge—Biochemical oxygen demand (mg/l)
SS mg/l	=	User's discharge—Suspended residue (mg/l)
EDU	=	Estimated nondomestic flow [0.37 + 0.31 (BOD) / 230 + 0.32 (SS) / 220]

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

TABLE I
Commercial Use Categories and Sewage Factors

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

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

Monthly sewer charges for residential, commercial and industrial uses shall be determined based upon the service unit rate formula, as computed by the public works department according to the following formula:

Service Unit Assignment Formula

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

Monthly Sewer Service Charge = SU × Service Unit Rate

Where:

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

(Ord. No. 1021, § 1(26-43.2), 4-16-91)

Sec. 23-318. - Monthly sewer rates.

- (a) Residential, multi-residential, church/social hall, public buildings and schools base sewer rate for property located within the city limits shall be based upon the city's operation, maintenance and replacement rate of \$7.37 per month, per equivalent dwelling unit (EDU) plus any currently applicable, legally adopted monthly charge assessed by an agency or district providing sewer treatment service to the city.
- (b) The commercial base sewer rate for property located within the city limits shall be the combined total of the following amounts:
 - (1) The city's operation, maintenance and replacement rate of \$7.37 per month per EDU;
 - (2) The city's administrative rate for supervising commercial uses within the city of \$5.15 per month per EDU; plus
 - (3) Any currently applicable, legally adopted monthly charge assessed by any agency or district providing sewer treatment service to the city.
- (c) The industrial base sewer rate for property located within the city limits shall be the combined total of the following amounts:
 - (1) The city's operation, maintenance and replacement rate of \$7.37 per month per EDU;
 - (2) The city's administrative rate for supervising industrial uses within city limits of \$19.00 per month per EDU; plus
 - (3) Any currently applicable, legally adopted monthly charge assessed by any agency or district providing sewer treatment service to the city.

(Code 1968, § 26-44; Ord. No. 998, § 12, 12-18-90; Ord. No. 1021, § 2, 4-16-91; Ord. No. 1058, § 1, 8-18-92; Ord. No. 1059, § 1, 8-18-92; Ord. No. 1106, § 1, 3-15-94; Ord. No. 1127, § 1, 9-6-94; Ord. No. 1196, § 1, 8-6-96; Ord. No. 1198, § 1, 9-3-96; Ord. No. 1199, § 1, 9-17-96; Ord. No. 1258, § 1, 8-18-98; Ord. No. 1264, § 1, 9-15-98; Ord. No. 1265, § 1, 10-6-98; Ord. No. 1349, § 1, 7-17-01; Ord. No. 1869, 5-25-21)

Editor's note— Ord. No. 1869, adopted May 25, 2021, pertained to the sewer rates are adopted by reference as if fully set out in this Code. The rates are available in the offices of the city and may be amended by ordinance of the city from time to time.

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

The monthly charge for each user classification outside the corporate limits of the city shall be 1½ times the city rate, or as agreed upon by the city council and the applicant for service. All connections shall be inspected by the public works department prior to acceptance.

(Code 1968, § 26-45)

Sec. 23-320. - Additional charges for property outside improvement district C of Chino Basin Municipal Water District—Connection charge.

There shall be an additional connection charge imposed for property served which is located outside the boundaries of improvement district C of Chino Basin Municipal Water District (CBMWD). The charge shall be computed pursuant to section 12 of the Chino Basin regional sewage service contract. The charge shall be computed by multiplying the county assessor's appraised value of the property for each previous fiscal year from and including 1973-74 to 1977-78 by the respective CBMWD improvement district C tax rate plus the portion of the CBMWD general tax rate as applied each year to the regional and tertiary wastewater systems and to that portion of the tax rate allocated to district general administrative expenditures for the regional and tertiary wastewater systems. Starting with fiscal 1978-79, the property value for each previous fiscal year shall be multiplied by the respective CBMWD improvement district C tax allocation factor plus the portion of CBMWD general tax allocation factor as applied each year to the regional and tertiary wastewater systems and to district administrative expenditure for the regional and tertiary wastewater systems. Upon division of property into buildable parcels, a prorated additional connection charge shall be paid for the period of time between the last payment provided for in this section and the date of the division prior to recording any division documents; and subsequently, an interim additional connection charge shall be imposed pursuant to section 23-322.

(Code 1968, § 26-45.1)

Sec. 23-321. - Same—Monthly charge.

Upon commencement of billing for sewer service by the city, there shall be an additional monthly charge imposed for property served which is located outside the boundaries of improvement district C of the Chino Basin Municipal Water District. The total sewer charge for such properties shall be a combined total of the following amounts:

- (1) The city's operation and maintenance fund rate of \$6.53 per month per EDU;
- (2) Any applicable city administrative charges for supervising commercial uses at \$5.15 per month per EDU, or for supervising industrial uses at \$19.00 per month per EDU; plus
- (3) Any currently applicable legally adopted monthly charge assessed by any agency or district providing sewer treatment service for the property; plus
- (4)

A monthly fee for EDU for extra-territorial assessments as determined by the sewer treatment agency, and the monthly service charge assessed by the service to the property located outside improvement district C of the Chino Basin Municipal Water District.

(Code 1968, § 26-45.2; Ord. No. 1021, § 3, 4-16-91; Ord. No. 1058, § 2, 8-18-92; Ord. No. 1059, § 2, 8-18-92; Ord. No. 1106, § 2, 3-15-94; Ord. No. 1127, § 2, 9-6-94)

Sec. 23-322. - Same—Interim connection charge.

After such time that property is divided into buildable parcels and has paid its additional connection charge pursuant to section 23-320, the property shall be obligated to pay, on a monthly basis, an interim additional connection charge which is computed as one-third of the additional monthly sewer charge pursuant to section 23-321. To guarantee that such interim charges are paid, the property shall post cash or a bond with the city, as approved by the city engineer. The amount of the cash or bond shall be computed by the city based on the approved number of equivalent dwelling units and the estimated buildout period. In any case, occupancy of property shall not be allowed until all current and delinquent additional connection charges have been paid.

(Code 1968, § 26-45.3)

Sec. 23-323. - Same—Payment to Chino Basin Municipal Water District.

Revenues collected under sections 23-320, 23-321 and 23-322 shall be promptly forwarded to the Chino Basin Municipal Water District and shall be accompanied by adequate information to validate amounts paid.

(Code 1968, § 26-45.4)

Sec. 23-324. - Continuance of monthly charges.

After a property has been connected to the sewer system, the monthly sewer charge shall be imposed, whether the property is occupied or not, until such time as the structure using the sewer service is demolished or unoccupied and the sewer connection is capped. The capping of the sewer service is to be inspected by the building and safety department.

(Code 1968, § 26-46)

Sec. 23-325. - Annual review of rates; pass-through of rate increases.

- (a) The sewer rates established by this article shall be subject to annual review and evaluated in conjunction with annual fiscal year budget preparation. Sewer rates shall be set based upon the actual cost to the city for providing sewer service, capital reserve requirements, any administrative overhead allocation as determined by the annual review, plus any deficit recovery as determined by the city council. Administrative overhead cost shall be assessed for providing support services to the enterprise fund and shall be set annually by the city council through an adopted cost allocation plan.
- (b) Any increase in any currently applicable, legally adopted monthly charge assessed by an agency or district providing sewer treatment service to the city shall be immediately passed through to the affected property owners. Any amounts over-collected by the city shall be applied first to the deficit recovery, if any, then to fund balance.

(Ord. No. 1021, § 4(26-46.1), 4-16-91; Ord. No. 1058, § 3, 8-18-92; Ord. No. 1106, § 3, 3-15-94; Ord. No. 1127, § 3, 9-6-94)

Sec. 23-326. - Reserved.

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

Secs. 23-327—23-350. - Reserved.

DIVISION 2. - BILLING PROCEDURES

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

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

(Code 1968, § 26-47)

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

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

(Code 1968, § 26-48)

Sec. 23-353. - Action on delinquent bills.

On the 15th day of the month following the month in which a sewer bill is mailed, the bill shall become delinquent if the bill or any portion thereof which is subject to a bona fide dispute remains unpaid. A delinquent bill shall be subject to a penalty charge of ten percent of the amount of the delinquent balance. After a bill has become delinquent, the accounting officer shall notify the owner, or the occupant if the occupant has requested the bills be sent to him, of such delinquency. Notification shall be made by United States mail.

(Code 1968, § 26-49; Ord. No. 1021, § 5, 4-16-91)

Sec. 23-354. - Lien for delinquent charges.

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

(1)

The city shall cause a report of delinquent sewer fees to be prepared periodically. The city council shall fix a time, date and place for hearing the report and any objections or protests thereto. The report shall contain a list and description of each parcel of real property to which is attributed a delinquency in the payment of sewer rates, for a period of 60 days or more, the names of the owners and the total amount of the delinquency attributable to that parcel.

- (2) The city council shall cause notice of the hearing to be mailed to the owners of the property with delinquencies, as listed on the latest equalized assessment roll. Such notice shall be sent not less than 14 days prior to the date of the hearing and shall inform the recipients of the amount of unpaid sewer rates and penalties. Such notice shall inform the owners that the unpaid sewer rates and penalties will be assessed against and shall result in a lien on their property.
- (3) At the hearing, the city council shall hear any objections or protests of the landowners who are to be assessed for delinquent fees. The city council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
- (4) The delinquent sewer rates, and any penalties thereon, set forth in the confirmed report shall constitute a special assessment against the respective parcels of land and are a lien on the property for the amount of delinquent fees, the late charges, and cost of lien. The city clerk shall certify, over his signature, that the report has been adopted by the city council in its final form, and file the report with the county auditor. In addition, the city clerk shall also record the amount of unpaid charges with the county recorder.

(Code 1968, § 26-50; Ord. No. 1021, § 5, 4-16-91; Ord. No. 1058, § 4, 8-18-92)

Sec. 23-355. - Termination of service.

- (a) If all structures in which sewage is produced are removed from a property served by the sewer system, or if the structure in which sewage is produced is demolished, then the city shall consider the service disconnected and shall provide a prorated adjustment of annual assessment based upon the first day of the month following the notification of removal or demolition of the structure by the city building official. The owner shall be entitled to a refund of the deposit or to such portion of the deposit as may be unused, upon written application therefor. Termination of service shall be considered equivalent to disconnection.
- (b) Thereafter, the property shall not be inhabited by humans nor shall any sewage be produced thereon until service has been restored through payment of new connection and deposit fees. If the property is inhabited by human beings and any sewage is produced thereon before the service has been restored, the accounting officer shall have authority to disconnect the property without further

notice.

(Code 1968, § 26-51; Ord. No. 1021, § 5, 4-16-91)

Sec. 23-356. - Reconnection.

After a building sewer has been disconnected from the sewer system, it shall not be reconnected until all delinquent charges plus penalties, all charges which have accrued since the time of disconnection, any supplementary connection charges, and the estimated cost of reconnection have been paid; the deposit restored to the required amount; and any required guarantee for the payment of bills has been made. In addition to the connection charge, the deposit shall be paid or restored to the required amount as provided in this article. All of the charges, deposits and other amounts required to be paid shall be paid before the building sewer is reconnected to the sewer system.

(Code 1968, § 26-53)

Sec. 23-357. - Restoration of terminated service.

After service to a property has been terminated, the sewer connection permit issued for the property shall be considered cancelled. The permit and service shall not be considered as restored until all delinquent charges plus penalties, all charges which have accrued since time of termination, and a restoration charge of \$5.00 has been paid and the deposit restored to the required amount. In addition to the amount provided in this section, all of the charges, deposits and other amounts required to be paid shall be paid before the permit and service are restored.

(Code 1968, § 26-54)

Secs. 23-358—23-385. - Reserved.

ARTICLE VI. - EXTENSION OF SEWER SYSTEM

Footnotes:

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Cross reference—*Planning and development, ch. 21.*

Sec. 23-386. - Applicability.

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

(Code 1968, § 26-55)

Sec. 23-387. - Additions and extensions defined.

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

(Code 1968, § 26-56)

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

- (a) Following the satisfactory completion of any sewer project for the construction of an addition or extension, and upon recommendation of the superintendent, the city council shall, by resolution, accept the work, which shall then become a part of the city sewer system. The resolution of acceptance shall contain the terms of any special consideration which shall apply to the sewers so accepted.

(b) Special consideration may include provisions for reimbursement and relief from the connection charge, but shall not include provisions for monthly charges different from those established elsewhere in this chapter, except as provided for service to property lying outside the corporate limits of the city. All provisions for special consideration shall terminate at the expiration of ten years following the date of the resolution of acceptance, or at such earlier date as may be established in the resolution of acceptance.

(Code 1968, § 26-57)

Sec. 23-389. - Reimbursement of costs.

- (a) The provisions of this section shall apply only to extensions and shall not apply to additions. If the resolution of acceptance is to provide for reimbursement, the sewer superintendent shall, before the work is accepted, determine the cost thereof and prorate this cost against all of the land which, in his opinion, will ultimately benefit from the work. The proration shall be based upon frontage or such other method as, in the opinion of the superintendent, will provide an equitable sharing of cost. The cost of house connection sewers shall not be included in the determination of cost.
- (b) The superintendent shall further determine the cost incurred by each person who has participated in the expense of the work. After considering the pro rata share of each such person's cost as based upon the benefit derived from the work, the superintendent shall finally determine the total maximum amount which any person shall subsequently be entitled to receive as a reimbursement from persons connecting to the work.
- (c) Money which is to be paid as reimbursement shall be paid to each person entitled to receive it in proportion to the outstanding balance which each such person is entitled to receive. Any person entitled to receive reimbursement under the provisions of this article shall keep his correct mailing address on file with the superintendent. If the superintendent is unable to locate any person entitled to receive reimbursement, he shall send a written notice to that person by registered mail to the last address filed with the superintendent by that person. The notice shall contain a statement of the amount and purpose of the particular reimbursement and shall state that if the person receiving the notice does not claim his portion of the reimbursement within one year from the date of the notice all rights of that person to that particular reimbursement will be forfeited.
- (d) Any portion of a reimbursement which remains unclaimed for one year after the date of the notice mentioned in subsection (c) of this section shall be paid, as previously provided, to other persons who may be entitled to receive the reimbursement. If any money is available for reimbursement and remains unclaimed for one year after the date of such notice and no other person is entitled to

receive it, this money shall be paid into the sewer fund. The right to receive a reimbursement may be transferred by the person entitled to receive it by filing a statement of transfer with the superintendent on a form for transfer to be furnished by the superintendent.

(Code 1968, § 26-58)

Sec. 23-390. - Connecting to additions.

A property owner who desires to connect to an addition shall make application in the same manner as for an ordinary sewer connection.

(Code 1968, § 26-59)

Sec. 23-391. - Connecting to extensions.

A property owner who desires to connect to an extension shall make application in the same manner as for an ordinary sewer connection. If the owner has not shared in the cost of the sewer and if reimbursement provisions apply, the owner shall pay to the superintendent the amount which has previously been determined as the pro rata share of the cost of the sewer for his property. This amount shall be paid before the permit is issued.

(Code 1968, § 26-60)

Sec. 23-392. - Relief from connection charge.

A property owner who connects to an addition or extension shall, during the first ten years following the completion of the work and its acceptance into the sewer system, be relieved from part or all of the connection charge at the time he first connects his property to the sewer system if the owner has shared in the cost of the work. Unless otherwise provided in the resolution of acceptance, the amount of relief shall be the entire connection charge, except that no relief shall be given in excess of the cost of the addition or extension, including the house connection sewer, which was incurred by the owner and which applies to the property to be connected. The amount of the cost shall be determined by the sewer superintendent. Relief from connection charge shall not apply to any supplementary connection charge or any charges subsequently imposed for the reconnection of a disconnected sewer or the restoration of a terminated service.

(Code 1968, § 26-61)

Secs. 23-393—23-420. - Reserved.

ARTICLE VII. - PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 23-421. - Permitted use.

Where a public sewer is not available under the provisions of section 23-5, the building sewer shall be connected to a private sewage disposal system in accordance with the established requirements of the department of building and safety.

(Code 1968, § 26-62)

Sec. 23-422. - Abandonment.

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in section 23-5, a direct connection shall be made to the public sewer in compliance with this chapter and the rules and regulations of the city, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled in accordance with the requirements of the department of building and safety.

(Code 1968, § 26-63)

Sec. 23-423. - Maintenance.

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

(Code 1968, § 26-64)

Sec. 23-424. - Applicability of other requirements.

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

(Code 1968, § 26-65)

Secs. 23-425—23-455. - Reserved.

ARTICLE VIII. - FINANCING OF FACILITIES

Footnotes:

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

DIVISION 1. - GENERALLY

Secs. 23-456—23-475. - Reserved.

DIVISION 2. - SEWER FACILITIES EXPANSION FEE AND FUND

Sec. 23-476. - Intent and purpose.

The city council hereby declares that the fees required to be paid by this article are solely for the purpose of producing revenue. The continued increase in housing in the city, with the attendant increase in sewage, has created an urgent need to provide the necessary sewerage facilities and the financing thereof.

(Code 1968, § 26-66)

Sec. 23-477. - Facilities expansion fee.

(a) In addition to any other fees prescribed by this Code, sewerage facilities expansion fees shall be payable to the city for all new dwelling units and mobile home or trailer spaces which will make use of the sewerage facilities of the city. If dry sewers are installed for future connection to the sewerage system, the fees shall be required even though onsite disposal systems are to be utilized as an

interim measure. In those cases where onsite disposal systems are authorized for other than interim use due to the lot size and soil conditions, the fees shall not be required, provided that if any such dwelling units so exempted connect to the sewerage system in the future, the fees shall be payable by the then owner of record of the property.

(b) Every person constructing a dwelling to a different location or providing a new dwelling unit in a one-family or multi-family dwelling, dwelling group, apartment hotel or mobile home or trailer providing trailer spaces in a mobile home or trailer park, shall pay a sewerage facilities expansion fee of \$3,475.00 for each equivalent dwelling unit. Every person constructing an industrial or commercial building, moving an industrial or commercial building to a different location, providing a new industrial or commercial facility shall pay a sewerage facilities expansion fee of \$3,475.00 for each equivalent dwelling unit. The number equivalent dwelling units attributable to each industrial or commercial building shall be computed in accordance with article V, section 23-316 of the Code of the City of Fontana, as amended. The sewerage facilities expansion fee shall be paid prior to the issuance of the building permit for the subject unit or space.

For residential structures with building permits issued prior to July 1, 1979, no regional sewerage supplemental outlay fee will be levied. If the original building permit was issued on or after July 1, 1979, then the fees established at the date of permit issuance will apply as follows:

Date of Permit Issuance	EDU Rate
Prior to July 1, 1979	Exempt
July 1, 1979 to December 31, 1989, per EDU	\$ 950.00
January 1, 1990 to December 31, 1990, per EDU	1,700.00
January 1, 1991 to December 31, 1991, per EDU	1,805.00
January 1, 1992 to June 30, 1993, per EDU	1,837.00
July 1, 1993 to June 30, 1994, per EDU	1,914.00
July 1, 1994 to June 30, 1995, per EDU	3,350.00
After June 30, 1995—as established by CBMWD and adopted by resolution of the city council	

The CBMWD capital sewer fee will apply to all commercial and industrial development regardless of when the structure was constructed. When a nonresidential use requests connection to the system or to modify its use if already connected, the sewer expansion fee shall be based on the current fee in effect at the time of the building permit.

(c)

Those properties provided sewer service by the city, with treatment by the City of Rialto pursuant to that agreement entitled, "Extra Territorial Sewer Service Agreement," dated July 16, 1991, between the City of Rialto and the City of Fontana, as amended from time to time and hereafter, shall be charged sewer collection and treatment fees as established in sections 2.05, 2.06 and 3.01, as these sections are hereafter amended or substituted, of the agreement, plus all the other city administrative costs and fees set forth in this Code and by resolution of the city council. A copy of the agreement, as it may be amended from time to time, is on file with and available for inspection at the city clerk's office.

- (d) Sewer expansion fees to be levied on existing system users who expand or revise use. In some situations existing commercial and industrial users will expand uses to meet increasing demands. As a result, additional fixture units will usually be included within the expanded facility. Under these situations the following criteria will apply:
 - (1) Sewer expansion fees will only be levied on the fixture unit (FU) count difference between existing FU's and new FU's.
 - (2) The sewer expansion fee will be determined based on the fee in effect at the time of building or sewer permit issuance for the expanding development.
 - (3) A change in use, placing a commercial development in a different Table 1 category, will not result in the recalculation of sewer expansion obligation for the existing FU's. Only the new added FU's will be levied sewer expansion fees based on the Table 1 category which best defines the proposed use.
- (e) Attachment of sewer use rights; tied to property or structure. Under certain situations, an existing discharger may want to relocate a business. The issue may then arise as to ownership of certain existing discharge rights in the regional system. All sewer capacity remains with the existing building and should be sold to building owners rather than tenants. In cases where an existing building is completely demolished, the transfer of capacity rights can be permitted provided that:
 - (1) Proof of building demolition can be documented;
 - (2) Payment for original system capacity can be documented;
 - (3) The demolition occurs simultaneously with the transfer; and
 - (4) The transfer occurs within the contracting agency who originally sold the capacity.

(Code 1968, § 26-67; Ord. No. 1034, § 1, 10-1-91; Ord. No. 1060, § 9, 9-15-92; Ord. No. 1082, § 1, 7-6-93; Ord. No. 1108, § 1, 4-5-94; Ord. No. 1162, § 3, 9-5-95; Ord. No. 1287, § 1, 5-18-99)

Editor's note— It should be noted that Ordinance No. 1287, §§ 2 and 3, adopted May 18, 1999 state that the fee adopted in 23-477(b) shall take effect 60 days following the date of adoption and the provisions of 23-477(b) are not intended to amend, and will not be applied in any manner prohibited by, a development agreement.

Secs. 23-478—23-500. - Reserved.

DIVISION 3. - SEWER FUNDS

Sec. 23-501. - Policy.

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

(Code 1968, § 26-68)

Sec. 23-502. - Funds established.

The following sewer funds are to be created and maintained:

- (1) *Maintenance and operating fund.* The sewer maintenance and operating fund is to be created and maintained for the purpose of paying for the expenses associated with the maintenance and operation of the sewer system. Such expenses are to include direct sewage treatment costs, direct accounting and billing costs, and direct preventative and emergency sewage collection system maintenance costs, as well as general and departmental overhead as defined in section 23-1. The source of the money for this fund is to be sewer permit fees, interest earnings and sewer service charges. Refundable sewer deposits provided by property owners are accounted for within this fund, and the amount of such deposits shall not be reflected in the fund balance. The beginning fund balance as of July 1, 1984, is \$995,553.00.
- (2) *Sewer replacement fund.* The sewer replacement fund is to be created and maintained for the purpose of paying for replacing parts of the sewer system as they wear out, deteriorate or become obsolete. All items deemed to be replacement of existing facilities shall be paid for from this fund. The source of the money for this fund is to be through city council authorized transfers from the sewer maintenance and operating fund. Such transfers are to be authorized so that funds will be available to pay for

future replacement of parts of the sewer system. The determination as to the amount of money to be held in this fund will be made by taking into consideration the estimated life and replacement cost of the various parts of the sewer system using the following formula:

The summation of the following:

(Replacement cost of sewer system facility additions) \times (0.10) \times (Age of sewer system facilities) \div (75 years)

The beginning fund balance as of July 1, 1984, is \$309,056.00.

- (3) *Sewer capital fund.* The sewer capital fund is to be created and maintained for the purpose of paying for new sewer facilities found necessary because of the development of the city. Such facilities could include, but are not limited to, pumping stations, sewer laterals, manholes, cleanouts, sewer mains, treatment facilities, interceptors, monitoring stations, and equipment. An annual appropriation shall be made from this fund for general and department overhead. The source of the money for this fund is to be sewer connection charges, interest earnings, sewer installation charges, property assessments, and government grants. The beginning fund balance as of July 1, 1984, is \$978,415.00.
- (4) *Sewerage facilities expansion fund.* The sewerage facilities expansion fund is to be created and maintained for the purpose of paying for sewer facilities needed for the expansion of the city including, but not limited to, treatment plants and sewer interceptor lines. The source of the money for this fund is to be the sewerage facilities expansion fee collected pursuant to section 23-477. This fund is to be used for those expansion fees and funds collected and held pursuant to contract with Chino Basin Municipal Water District and the City of Rialto. The beginning fund balance as of July 1, 1984 is \$2,215,399.00.

(Code 1968, § 26-69; Ord. No. 1034, § 2, 10-1-91)

Sec. 23-503. - Appropriations.

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

(Code 1968, § 26-70)

Sec. 23-504. - Allocation of interest earnings.

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

(Code 1968, § 26-71)

Sec. 23-505. - Loans from sewer funds.

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

(Code 1968, § 26-72)

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

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

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

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

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

(Code 1968, § 26-73)

ARTICLE IX. - PREVENTING DISCHARGE OF POLLUTANTS INTO STORM DRAINS

Footnotes:

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Editor's note— Ord. No. 1442, § 2, adopted March 2, 2004, amended article IX in its entirety to read as herein set out. Formerly, article IX pertained to similar subject matter and derived from Ord. No. 1095, § 1, adopted October 19, 1993.

Sec. 23-507. - Purpose.

This article sets forth uniform requirements for all uses of the city's storm drain system.

The purpose of this article is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner consistent with federal, state and local laws and regulations, and to implement the requirements of the city's NPDES permit.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-508. - Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed below:

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

City engineer means that person designated as the city engineer of the City of Fontana or his or her designee.

City's NPDES permit means that permit issued to the city as co-permittee by the regional water quality control board, Santa Ana region, pursuant to the Federal Clean Water Act, as that permit currently exists or may hereafter be amended.

Construction activity means any new development, significant redevelopment or other project for which a building, grading or other local permit or approval is required. The term construction activity includes, but is not limited to, all projects that require a construction activity storm water permit.

Construction activity storm water permit means that permit issued by the state water resources control board for construction activities, specifically the general permit for discharges of storm water associated with construction activity, as that permit currently exists or may hereafter be amended.

Construction discharger means any person who contributes to, causes or permits any materials associated with construction activities to be discharged into the storm drain system.

Environmental manager means that person designated by the city manager to serve as the city's environmental manager or his or her designee.

Illegal discharge means any discharge into the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations, including, without limitation, any discharge that causes, has the potential of causing or contributes to a violation of the city's NPDES permit. The term illegal discharge includes all non-storm water discharges except discharges made pursuant to an NPDES permit, discharges that fall within the discharge exceptions identified in section 23-512 of this article or discharges authorized by the executive officer of the regional water quality control board, Santa Ana region.

Illicit connection means any connection to the storm drain system that is not authorized in writing by either the city engineer or the environmental manager.

Industrial activity means any activity associated with an industrial development. The term industrial activity includes, but is not limited to, those activities for which an industrial activity storm water permit is required.

Industrial activity storm water permit means that permit issued by the state water resources control board for industrial activities, specifically the industrial storm water general permit, as that permit currently exists or may hereafter be amended.

Industrial discharger means any person who contributes to, causes or permits any materials associated with industrial activities to be discharged into the storm drain system. Households and private residences shall not be considered industrial dischargers.

NOI (notice of intent (NOI)) means that notice which must be given to the state regional water quality control board, Santa Ana region, or the state water resources control board, which states that one intends to comply with a NPDES permit.

Non-storm water means any liquid, water or other agent which contains pollutants.

NPDES permit (national pollutant discharge elimination system (NPDES) permit) means those permits issued by the state water resources control board or the regional water quality control board pursuant to the Federal Clean Water Act, including without limitation, the city's NPDES permit, the construction activity storm water permit and the industrial activity storm water permit.

Person means an individual, association, partnership, corporation, municipality, state or federal agency, other legally recognized entity or an agent or employee thereof.

Pollutant means any agent that may cause, contribute to or increase the degradation of the water quality of the waters of the United States.

Significant redevelopment means the addition or creation of 5,000 or more square feet of impervious surface on an already developed site. This includes, but is not limited to, additional buildings and/or structures, extension of an existing footprint of a building and construction of parking lots.

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

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

Users means any person who discharges water into the storm drain system.

Waters of the United States means those waters that are more particularly described in Title 40, § 122.2 of the Code of Federal Regulations.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-509. - Severability.

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall continue in full force and effect.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-510. - Environmental manager.

The city manager shall appoint an environmental manager. The environmental manager shall have the power and duty to administer, implement and enforce the provisions of this article and all rules and regulations concerning the storm drain system. The environmental manager shall supervise the maintenance and operation of the storm drain system and insure that necessary repairs are made thereto.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-511. - Prohibited discharges.

No person shall:

- (1) Cause, allow, contribute to or facilitate an illegal discharge.
- (2) Establish, use or maintain any illicit connection, as more fully described in section 23-513.
- (3) Cause, permit or authorize any agent, employee or independent contractor to cause, allow, contribute to or facilitate an illegal discharge or establish, use or maintain any illicit connection.
- (4) Throw, deposit, abandon or maintain any refuse, rubbish, garbage, or other pollutant in or upon any street, alley, sidewalk, storm drain, catch basin, or other drainage structure, or upon any public or private piece of property.
- (5) Discharge or cause to be discharged into any fountain, lake, stream or any other body of water in the city any refuse, rubbish, garbage or other pollutant.
- (6) Cause, allow, contribute to or facilitate a violation of the city's NPDES permit, including, but not limited to, causing or contributing to a condition of nuisance as that term is defined in § 13050 of the California Water Code.
- (7) Fail or refuse to implement any BMPs when directed to do so by the environmental manager.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-512. - Discharge exceptions.

The following discharges shall not be considered illegal discharges, provided that the discharges do not cause or contribute to violations of water quality standards set by the state water quality control board, Santa Ana region, and do not significantly contribute to the pollution of waters of the United States:

- (1) Discharges composed entirely of storm water.
- (2) Discharges covered under an NPDES permit or written clearances issued by the state water resources control board or the regional water quality control board, Santa Ana region.
- (3) Discharges from potable water line flushing or other potable water sources.
- (4) Discharges associated with air conditioning condensate.
- (5) Discharges associated with landscape irrigation, lawn garden watering and other irrigation waters.
- (6) Discharges from foundation drains.
- (7) Discharges from passive footing drains.
- (8) Discharges of water from crawl space pumps.
- (9) Discharges of de-chlorinated water from swimming pools.
- (10) Discharges from non-commercial vehicle washing.
- (11) Discharges from diverted stream flows.
- (12) Discharges associated with rising ground waters and natural springs.
- (13) Discharges associated with groundwater infiltration as defined in 40 CFR 35.2005(20) and uncontaminated pumped groundwater.
- (14) Discharges associated with flows from riparian habitats and wetlands.
- (15) Discharges associated with emergency fire fighting flows.

If the city or any other federal, state or county governmental entity determines that any of the discharges listed above cause or contribute to violations of water quality standards or are significant contributors of pollutants to waters of the United States, the city shall adopt regulations prohibiting such discharges from entering the storm drain system.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-513. - Illicit connections to the storm drain system.

No person shall establish, use or maintain any illicit connection to the storm drain system. This prohibition shall apply retroactively regardless of whether the connection to the storm drain system was permissible under the law or practices applicable at the time of the connection.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-514. - Alterations to the storm drain system.

No person shall, without prior written approval of the environmental manager:

- (1) Construct or modify or cause to be constructed or modified any structure, facility, or items which may interfere with the normal operations of the storm drain system.
- (2) Alter the capacity, fall, or structural integrity of a storm drain, storm channel, or any portion of the storm drain system.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-515. - Prevention of illegal discharges; BMPs.

All users of the storm drain system shall implement such BMPs as are necessary to prevent illegal discharges.

All industrial and construction discharges shall establish operating procedures to protect against discharges of pollutants into the storm drain system. The operating procedures shall be submitted to the environmental manager for approval and shall be amended, if the environmental manager finds it is necessary.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-516. - Compliance with mandated best management practices (BMPs).

The environmental manager is authorized to impose BMPs on all users of the storm drain system, including users from existing residential or commercial development. All users of the storm drain system—including, but not limited to, users from existing residential or commercial development—must comply with all BMP's imposed on the user by the environmental manager.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-517. - Containing spills.

The environmental manager shall establish regulations to control and contain spills of hazardous or toxic substances which could pollute the storm drain system if not contained. Each industrial discharger shall install a spill containment system to conform to the requirements established by the environmental manager. No person shall operate a spill containment system that allows incompatible liquids to mix and create hazardous or toxic substances. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, secondary vessels, or other devices designed to contain spillage of the liquid contents of containers. Spill containment systems shall be constructed of impermeable and non reactive materials to the liquids contained. Spill containment systems shall conform to local regulations and policies as to percent containment and container size and type.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-518. - Notification of accidental discharge.

Any person who causes, participates in or has knowledge of a spill of any type of material that may lead to an illegal discharge shall report the spill to the environmental manager by phone, email or facsimile within 24 hours of the spill.

Within five working days following a spill which results in an illegal discharge, the person responsible for the spill shall submit a written report to the environmental manager. The report shall describe in detail the type and volume of the material spilled, the cause of the spill, clean-up actions taken, and measures to be taken to prevent future accidental spills.

All industrial and construction discharges shall post a notice at their place of business advising their employees to contact the city and applicable federal and state offices in the event of an accidental spill of any type of material that may lead to an illegal discharge.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-519. - Regulation of construction and industrial dischargers.

- (a) *Construction dischargers, including discharges from new development and significant redevelopment.* Any person causing or responsible for a construction activity, including a new development or significant redevelopment project, shall do all of the following:
 - (1) Comply with the construction activity storm water permit and file with the appropriate agency a notice of intent to be covered by that permit, if applicable. This includes development and implementation of a storm water pollution prevention plan.
 - (2)

Provide the environmental manager with a copy of the waste discharge identification number issued as evidence of coverage under the construction activity storm water permit, if applicable.

- (3) Apply for, obtain and comply with all building, grading and other local permits required for the construction activity.
- (4) Implement any BMPs necessary to prevent illegal discharges, any BMPs that are conditions of any building, grading or other local permit and any BMPs imposed by the environmental manager.
- (5) Prepare or implement a water quality management plan or equivalent as required by the city.
- (6) Refrain from violating or causing a violation of the city's NPDES permit.

(b) *Industrial dischargers.* Any person causing or responsible for an industrial activity shall do all of the following:

- (1) Comply with the industrial activity storm water permit and file with the appropriate agency a notice of intent to be covered by that permit, if applicable. This includes development and implementation of a storm water pollution prevention plan.
- (2) Provide the environmental manager with a copy of the waste discharge identification number issued as evidence of coverage under the industrial activity storm water permit, if applicable.
- (3) Apply for, obtain and comply with all building, grading and other local permits required for the industrial development.
- (4) Implement any BMPs necessary to prevent illegal discharges, any BMPs that are conditions of any building, grading or other local permit and any BMPs imposed by the environmental manager.
- (5) Prepare or implement a water quality management plan or equivalent as required by the city.
- (6) Refrain from violating or causing a violation of the city's NPDES permit.

The environmental manager shall adopt additional regulations to control illegal discharges when it appears that construction or industrial users may discharge pollutants into the storm drain system. All construction or industrial dischargers shall comply with regulations set forth by the environmental manager.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-520. - Compliance with federal regulations.

No person may engage in construction or industrial activities within the city which create non storm water discharges regulated by the United States Environmental Protection Agency, the state water resources control board and/or the state regional water quality control board, Santa Ana region and/or this article, unless that person conducts his or her activities pursuant to the rules and regulations set forth in Title 40, Parts

122, 123 and 124 of the Code of Federal Regulations.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-521. - Evidence of compliance.

No person shall engage in any construction or industrial activity, unless such person obtains all permits required by federal, state, county or city regulations and provides evidence to the environmental manager that he or she has taken measures to control illegal discharges and has obtained all necessary permits.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-522. - Falsifying information.

No person shall:

- (1) Knowingly make any false statement or representations to the environmental manager, or
- (2) File any false record report, plan, or other document with the city to avoid compliance with this article.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-523. - Damage to monitoring equipment and storm drain system.

No person shall break, damage, deface, destroy or tamper with monitoring equipment used to ensure compliance with this article. No person shall damage or interfere with the storm drain system. Any person who damages the storm drain system or monitoring equipment shall be liable to the city for all damages, including fines and penalties, and administrative costs related thereto.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-524. - Removal of potential pollutants.

The environmental manager may order a property or business owner to remove any materials, pollutants or substances on his or her property or business which may lead to an illegal discharge.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-525. - Inspection and sampling.

The environmental manager may:

- (1) Conduct inspections, sample waters and monitor construction, industrial commercial and other activities to determine compliance with the provisions of this article;
- (2) Review records, reports, test results or other information required to determine compliance with the provisions of this article;
- (3) Inspect any wastes, chemicals, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations.

All users shall allow the environmental manager ready access at all reasonable times to all parts of their premises for the purpose of making inspections, sampling dischargers, examining and copying of records, taking of photographs and carrying out his or her duties as set forth in this article.

If the environmental manager has reasonable cause to believe that non storm water discharge conditions on or emanating from certain premises are hazardous, unsafe, or dangerous and require immediate inspection to safeguard the public health or safety, the environmental manager shall have the right to immediately enter and inspect the property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied and whether or not formal permission to inspect has been obtained.

The environmental manager shall exercise his rights under this article in a manner consistent with the applicable law, and no inspections or other actions are authorized under this section if such action would violate the rights of the person which is the subject of the action.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-526. - Enforcement.

In addition to any other remedies provided by this Code or available to the city under applicable law, the city may enforce violations of this article through the administrative, civil or criminal procedures described herein.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-527. - Administrative procedures.

In addition to any other remedies provided by this Code or available to the city under applicable law, the city may enforce violations of this article through the administrative process described in sections 23-528—23-533.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-528. - Notice of violation.

Whenever the environmental manager determines that a user has violated or is violating any provision of this article, an NPDES permit or a city permit, the environmental manager shall serve upon such person a written notice stating the nature of the violation and the penalties which may apply.

If the notice so requires, the user shall submit a report to the environmental manager, indicating the cause of the violation, the proposed corrective actions and, if required, a proposed compliance schedule indicating the date(s) upon which the corrective actions will be completed. The user shall deliver this report to the environmental manager within ten working days after receiving the notice, unless otherwise specifically provided.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-529. - Administrative orders.

The environmental manager may issue written administrative orders ordering compliance with this article. These administrative orders shall be enforceable in a court of law. Administrative orders may include stop work orders, cease and desist orders, termination of service orders and immediate termination of service orders.

- (1) The environmental manager may serve a written stop work order on any person engaged in or supervising any activity which threatens to cause an illegal discharge, if:
 - a. A city permit is required to engage in the activity and the person has not obtained such permit(s) from the city; or
 - b. The activity was initiated without the prior written approval of the environmental manager; or
 - c. The environmental manager discovers that violations of this article are occurring at the site of the activity.

Any person served a stop work order shall stop the activity immediately and shall seek written authorization from the environmental manager to commence the activity after a permit or other approval is obtained or a violation is remedied.

- (2) If the environmental manager finds that any user has violated, or due to existing conditions will violate any provisions of this article, an NPDES permit or city permit, the environmental manager shall issue a cease and desist order directing the user to comply immediately or in accordance with a time schedule specified in the cease and desist order.
- (3) If the environmental manager finds that a user has violated an administrative order, the environmental manager may terminate storm drain service to the user. The user shall be liable for all costs for termination of storm drain service incurred by the user and the city. The environmental manager shall re-institute services after the user has complied with the administrative order.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-530. - Immediate termination of service.

The environmental manager may immediately suspend storm drain service or any city permit, if in his or her reasonable opinion such suspension is necessary to stop an illegal discharge which presents substantial danger to the health, safety or welfare of persons or the environmental.

The user shall be liable for all costs incurred by the city in terminating storm drain service. Storm drain service may be re-instituted by the environmental manager after the actual or threatened illegal discharge has been eliminated. The user shall submit a written statement describing the cause of the illegal discharge and the actions taken to prevent any future illegal discharge. The written statement shall be submitted to the environmental manager within 15 working days of the date storm drain service was terminated.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-531. - Administrative complaints and hearings; civil penalties.

In addition to any other remedies provided by this Code or available to the city by applicable law, the city may issue an administrative complaint to any person who violates any provision of this article. The administrative complaint shall allege the act or failure to act that constitutes the violation of this article and the proposed penalty.

The administrative complaint shall be served by personal delivery or certified mail on the person who is alleged to have committed the violation, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before a hearing officer designated by the city council. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the city shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the city council within 30 days of notice of the hearing officer's decision.

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

Civil penalties may be imposed by the city as follows:

- (1) In an amount that shall not exceed \$1,000.00 for each day a person fails or refuses to provide the city with any report or information request by this article.
- (2) In an amount that shall not exceed \$3,000.00 for each day a person fails or refuses to timely comply with any administrative order of the city imposed under this article or BMP imposed by the environmental manager pursuant to section 23-516.
- (3) In an amount that shall not exceed \$5,000.00 for each day on which a person violates any provision of section 23-511 of this article.

The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the person violating this article. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

All moneys collected under this section shall be deposited in a special account of the city and shall be made available for enforcement of this article.

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

The city may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of section 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-532. - Other administrative penalties.

In addition the other administrative penalties set forth herein, the city may revoke the business license or city permits of any user who is found to have violated an administrative order to comply with a NPDES permit or city permit or any provision set forth in this article.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-533. - Notices.

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

- (1) By messenger, as of the date delivered; and
- (2) By United States mail, first class, certified or registered, as of 72 hours after deposit in the United States mail.

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-534. - Civil remedies.

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

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

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-535. - Violations deemed a public nuisance.

Any violation of this article shall be and the same is hereby declared to be unlawful and a public nuisance and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions for the abatement thereof, in the manner provided by law.

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

(Ord. No. 1442, § 2, 3-2-04)

Sec. 23-536. - Criminal penalties.

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

(Ord. No. 1442, § 2, 3-2-04)