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**ORDINANCE NO. 872 (2008)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AND BOARD OF DIRECTORS OF THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO CLMSD FACILITIES; PROVIDING RATES AND SEWER USER CHARGES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF LAKEPORT, COUNTY OF LAKE, STATE OF CALIFORNIA; REPEALING LAKEPORT MUNICIPAL CODE CHAPTER 13.20.**

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The City Council of the City of Lakeport and Board of Directors of the City of Lakeport Municipal Sewer District, does ordain as follows:

## **CHAPTER ONE: GENERAL PROVISIONS**

### **Section 1.1. Purpose & Policy**

This Ordinance sets forth uniform requirements for contributors to the wastewater collection and treatment system of the City of Lakeport Municipal Sewer District (hereafter CLMSD) and enables the CLMSD to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 as amended and the General Pretreatment Regulations (40 C.F.R. Part 403).

The objectives of this Ordinance are:

- A. To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, disposal of hazardous wastes and pretreatment of industrial discharges to publicly owned treatment works.
- B. To prevent the introduction of wastes which will interfere with the operation of the system or other CLMSD operations.
- C. To prevent the introduction of wastes into the CLMSD wastewater system which will Pass-Through the system, inadequately treated, into receiving waters.
- D. To prevent the introduction of substances which would cause the CLMSD to fail to meet air quality goals of the Lake County Air Quality Management District.
- E. To prevent introduction of toxic substances to the CLMSD wastewater system which could reach the environment in toxic amounts.
- F. To prevent the introduction of wastes into the system which may affect the CLMSD ability to dispose of, recycle, or reclaim its sludge or other residuals.
- G. To reasonably maintain the opportunity to recycle and reclaim wastewater from the system.
- H. To prevent the introduction of wastes that the CLMSD Facilities are not designed to adequately treat and may therefore adversely affect the environment or may cause a violation of the CLMSD NPDES permit or may contribute to the need for modification of the CLMSD NPDES permit.
- I. To protect CLMSD personnel while conducting activities related to the collection, treatment and disposal of wastes through the CLMSD Facilities.

J. To prevent a public hazard or public nuisance arising from the collection, treatment and disposal of wastes through the CLMSD system.

K. To prevent the introduction of wastes to sewers connected to the CLMSD system that could result in the CLMSD being classified as a hazardous waste treatment, storage or disposal facility under the laws of the State of California or the United States.

This Ordinance provides for the regulation of contributors to the CLMSD wastewater collection system through the issuance of permits to certain Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, and requires User reporting.

This Ordinance shall apply to all discharges within the CLMSD and to discharges from other governmental bodies or agencies who are, by contract or agreement with the CLMSD, users of the CLMSD treatment plant. Except as otherwise provided herein, the Director of the CLMSD will administer, implement, and enforce the provisions of this Ordinance.

## **CHAPTER TWO: DEFINITIONS**

### **Section 2.1. Alphabetized Definitions**

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

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

*Authorized Representative of Industrial User* may be: (1) A principal executive officer, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates and if such representative is identified in writing by the individual designated in (1) or (2) above.

*Biochemical Oxygen Demand (BOD)* is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, over five (5) days at twenty degrees (20°) Celsius, expressed in terms of weight and concentration (milligrams per liter, mg/L).

*Building Sewer/Private Sewer Lateral* means the pipeline conveying sewage from the plumbing fixtures in the structure to a point where the private property ends and the public right-of-way begins. The building sewer is located on private property and is maintained by the property owner.

*Building Sewer Leakage Test* means the procedure approved by the CLMSD to determine the amount of leakage in the building sewer.

*Bypass* means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

*California Plumbing Code* means written guidelines, regulations and ordinances governing the plumbing criteria for type and use of plumbing systems in the State of California and its political subdivisions.

*Categorical Industrial User* means all Industrial Users subject to National Categorical Pretreatment Standards under 40 C.F.R. 403.6 and 40 C.F.R. Chapter I, Subchapter N.

*Categorical Standards* mean National Pretreatment Standards which specify quantities or concentrations of pollutants or pollutant properties that may be discharged by Industrial Users in specified industrial subcategories as defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

*Chemical Oxygen Demand (COD)* means the quantity of oxygen utilized, by a strong chemical oxidant, in the oxidation of organic and oxidizable inorganic material under standard laboratory procedures, expressed in terms of weight and concentration (mg/L).

*Class I User* means any User who is subject to National Categorical Pretreatment Standards.

*Class II User* means any nondomestic User of the CLMSD wastewater disposal system who is not subject to National Categorical Standards and (1) has an average discharge flow of twenty-five thousand (25,000) gallons or more per day, excluding sanitary, noncontact cooling water, and blowdown wastewaters; or (2) contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS) capacity of a treatment plant; or (3) has a reasonable potential, in the opinion of the CLMSD, to adversely affect CLMSD Facility operation or for violating a pretreatment standard, local limit, or discharge requirement; or (4) has been determined by the CLMSD to discharge wastewater having a potential variability in the character of the wastewater, or the potential for increased operational or administrative cost to the CLMSD due to the characteristics of the waste.

*Class III User* means any nondomestic User who is not designated as a Class I or a Class II User. Class III Users may include Users who are not industrial nor commercial Users and (1) have a reasonable potential to adversely affect the CLMSD ability to meet the objectives of this Ordinance; or (2) generate hazardous waste, whether or not said waste is discharged into the sanitary sewer system, or if, in the determination of the CLMSD, there is a potential for this waste to be discharged into the sewer, even through accident in nonprocess or process of handling of the waste; or (3) store or use hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the determination of the CLMSD, a potential exists for significant impact upon the CLMSD Facilities due to a release of these materials into the environment.

Class III Users may be individually designated by the CLMSD based on the criteria set forth above, or on categorization of the User as a member of a particular business category. A Class III User designation may include, but is not limited to, landfill operations, landfill leachate, or ground water cleanup sites.

*Class IV User* means any nondomestic User who is not designated as a Class I, Class II, or Class III User may be designated as a Class IV User if the User (1) has a reasonable potential to adversely affect the CLMSD ability to meet the objectives of this Ordinance; or (2) generates hazardous waste, whether or not said waste is, in the normal course of the industrial or commercial process, discharged into the sanitary sewer system, or if, in the determination of the CLMSD, there is a potential for this waste to be discharged into the sewer, even through accident in nonprocess or process of handling of the waste; or (3) stores or uses hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the determination of the CLMSD, a potential exists for significant impact upon the CLMSD Facilities due to a release of these materials into the environment. Class IV Users may be individually designated by the CLMSD based on the criteria set forth above or on categorization of the User as a member of a particular business category. The Class IV User designation shall include, but is not limited to, the following business categories: analytical laboratories, clinical laboratories, dry cleaners, laundries, vehicle maintenance facilities, vehicle repair facilities,

gasoline stations, printing shops, printing allied industries, photo processors, pesticide formulators, pesticide applicators, dental offices, dental laboratories and x-ray laboratories, and veterinary providers.

*Collection System* means the CLMSD pipelines, pump stations, manholes and other similar facilities which accept, collect and convey sanitary sewage to the Treatment Plant.

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

*City of Lakeport Municipal Sewer District* means the collective wastewater treatment system owned and/or operated by the City, including all devices, systems and appurtenances thereto used in the collection, storage, treatment, recycling, distribution and reclamation of municipal sewage, industrial wastes of liquid nature, or other wastewater. The City of Lakeport Municipal Sewer District is referred to herein as “CLMSD”.

*CLMSD Board* means the Board of Directors of the City of Lakeport Municipal Sewer District.

*CLMSD Facilities* mean all of the CLMSD system of collecting, conveying and treating; including, but not limited to, the collection system and treatment plant. This includes any publicly owned facility connected to the CLMSD collection system which generates wastewater treated at the CLMSD treatment plant.

*Cost Recovery* shall refer to costs associated with the clean up and/or decontamination of a site after discharge of substances into the sanitary sewer, storm sewer and/or to the environment that caused Interference, Pass-Through or a Sanitary Sewer blockage. This includes clean up and decontamination of all structures/areas including residential, commercial, surface waters and the environment.

*Director* means the CLMSD Board-appointed Director of the City of Lakeport Municipal Sewer District or his/her designee.

*Domestic Wastewater* means the liquid, solid, and water-carried waste derived from ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer by means of a private Building Sewer. The parameters by which domestic wastewater shall be distinguished from nondomestic wastewater or industrial or commercial wastewater is the concentration of BOD and suspended solids. The concentration shall be considered to have no more than 300 mg/L BOD and suspended solids.

*Domestic User* means any person, including those located outside the jurisdictional limits of the City, who contributes, or causes or permits the contribution of, wastewater into the CLMSD from ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer by means of a private Building Sewer. The parameters by which a Domestic User shall be distinguished from a Nondomestic Domestic User is the concentration of BOD and suspended solids. The concentration shall be considered to have no more than 300 mg/L BOD and suspended solids.

*Enforceable Best Management Practices (E-BMPs)* mean methods, tools, and techniques that have been determined to be the most effective and practical means of preventing or reducing pollution, including documentation of employee training, documentation of Grease Interceptor cleaning, removal and disposal of Grease.

*Environmental Protection Agency, or EPA* means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

*Fats, Oils, and Greases (FOG)* mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are measured using analytical test procedures established in 40 C.F.R. Part 136. Fats, oils, and greases are collectively referred to herein as “Grease”, “Greases”, and/or “FOG”.

*Food Service Facilities (FSF)* means those facilities primarily engaged in activities of preparing, serving, or making available food or foodstuffs for consumption by the public such as restaurant, commercial kitchen, grocery store, caterer, hotel, school, hospital, prison, correctional facility, or care institution. These facilities use one or more of the following preparation activities: frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot non-drinkable food product in or on a receptacle that requires washing.

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

*Grease Interceptor Minimum Design Capability* means the design features of a Grease Interceptor and its ability or volume to effectively intercept and retain Greases from grease-laden wastewater discharge to the sanitary sewer.

*Grease Interceptor* means a device for separating and retaining Greases and like compounds prior to entry into the CLMSD Facilities. These devices also serve to remove and collect settleable solids from Food Service Facilities prior to entry into the sanitary sewer. Such devices are collectively referred to herein as “Grease Interceptors.”

*Hazardous Pollutants* means any constituent or combination of constituents that is classified as hazardous under State or Federal regulations or is included on the Federal list of toxic pollutants as specified in 40 C.F.R. Part 403.

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

*Indirect Discharge* means the discharge or the introduction of pollutants from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the CLMSD treatment works (including holding tank wastes discharged into the system).

*Industrial User (IU)* means a source of Indirect Discharge. (See definition of Indirect Discharge)

*Industrial Waste or Wastewater* means all water-carried wastes and wastewater of the community, excluding Domestic Wastewater, derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation. Industrial wastewater may also include wastes of human origin similar to domestic wastewater which have been mixed with industrial wastes or wastewater prior to discharge to CLMSD Facilities.

*Interceptor* means a device for separating and retaining Greases and like compounds prior to entry into CLMSD Facilities. These devices also serve to remove and collect settleable solids prior to entry into CLMSD Facilities.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources:

- (a) both inhibits or disrupts the CLMSD, its treatment processes or its operations, use, or disposal; and, therefore, causes a violation of any requirement of the CLMSD National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or prevents 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 Act (33 U.S.C. 1345), the Clean Air Act, and the Toxic Substances Control Act.
- (b) is likely to endanger life, health, or property or otherwise cause a nuisance; or
- (c) in the opinion of the CLMSD, otherwise adversely affects the CLMSD ability to meet the objectives of Section 1.1 of this Ordinance.

*National Categorical Pretreatment Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to Industrial Users. These regulations are found in 40 C.F.R., Chapter I, Subchapter N, Parts 405-471.

*National Pollution Discharge Elimination System or NPDES Permit* means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

*New Source* means a facility from which there is, or may be, a discharge of pollutants, construction of which began after the publication of the proposed pretreatment standards pursuant to Section 307(c) of the Act, which will apply to the facility if the standards are promulgated, provided certain location and construction criteria are met as defined in 40 C.F.R. 403.3(k).

*Non-Cooking Facilities* means those facilities primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving facilities.

*Notice of Violation (NOV)* means a document informing the User that the User has violated the CLMSD Pretreatment Ordinance and requiring User to prescribe appropriate corrective action.

*Ordinance* referring to the term "this Ordinance" and/or "pretreatment ordinance" and similar uses of the term "ordinance" shall refer to the entirety of the CLMSD Ordinance Regulating Sewage and Nondomestic Wastes Discharged into the City of Lakeport Municipal Sewer District's System and Repealing Lakeport Municipal Code Chapter 13.20, as may be amended and modified.

*Owner* shall mean individual, firm, company, corporation, or group upon whose property the building or structure is located or will be constructed.

*Pass-Through* means a discharge which exits the CLMSD into waters of the United States in quantities or concentrations which cause, or in the determination of the CLMSD has a potential for causing, a violation of any requirement of the CLMSD NPDES permit (including an increase in the magnitude or duration of a violation).

*Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution. pH is a measure of the acidity or alkalinity of a solution.

*Pollutant* includes sewage or any characteristic of sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any commercial producing, manufacturing, or processing operation of whatever nature.

*Pollution* means an alteration of the quality of the waters of the United States by waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses or which creates a hazard to the public health.

*Pretreatment or Treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into CLMSD Facilities. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 C.F.R. Section 403.6(d).

*Pretreatment Requirement* means any substantive or procedural pretreatment requirement, other than a National Pretreatment Standard, applicable to Industrial Users (IUs).

*Pretreatment Standard* means any regulation of the CLMSD, State, or EPA containing pollutant discharge limits or other procedural or substantive requirements of all Users.

*RCRA* means the Resource Conservation and Recovery Act of 1976 (42 USC 6901, et seq.) and as amended.

*RUE* means the residential unit equivalent representing the average amount of sewage generated by a detached single-family dwelling in the City. The volume of the sewage flow generated by an RUE is approximately two hundred gallons per day which is equal to approximately eight hundred cubic feet per month. The RUE flow rate does not include the extraneous leakage that may occur in the piping between the property line and the plumbing fixtures inside and outside of the structure. (Ord. 764 (part), 1994)

*Sanitary Sewer* means a pipe or conduit intended to carry wastewater or waterborne wastes from homes, businesses, and industries to the CLMSD; a sewer collection system.

*Significant Industrial User (SIU)* means any Industrial User of the CLMSD Facilities which is:

- (a) A Categorical Industrial User (CIU); or
- (b) any other industrial user that:
  - i. Discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling water, and boiler blowdown wastewaters), or
  - ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS) capacity of the treatment plant, or
  - iii. Has a reasonable potential, in the opinion of the CLMSD, to adversely affect CLMSD Facility operation or for violating a pretreatment standard or requirement.
- (c) The CLMSD may determine that an Industrial User which has no reasonable potential for adversely affecting CLMSD Facility operation or for violating any pretreatment standard or requirement, is not a significant industrial user. 40 C.F.R. 403.3 (t)(2).

*Significant Noncompliance* means one or more of the following:

- (a) chronic violations, defined as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit for the average limit for the same pollutant parameter.
- (b) Technical Review Criteria (TRC) violations defined as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (c) any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the CLMSD determines has caused, alone or in combination with other discharges, interference or Pass-Through (including endangering the health of the CLMSD Facility, personnel or the general public).
- (d) any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment, or has resulted in the CLMSD exercise of its emergency authorities under 40 C.F.R. 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;
- (e) failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

*Slug Discharge* means a discharge capable of causing adverse impacts to the CLMSD, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the CLMSD sewerage system. The discharge will be considered a slug discharge if the flow rate or concentrations or quantities of pollutants exceed, for any time period longer than fifteen (15) minutes, more than five times the average twenty-four (24) hour concentration, quantity or flow during normal operations. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill, or a non-customary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within an Industrial User's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

*Standard Industrial Classification (SIC)* means a Federal classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States of America, Office of Management and Budget.

*State* means the State of California.

*Storm Water* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

*Toxic Pollutant* means any pollutant or combination of pollutants listed in Appendix A.

*Trap* means a cast iron or stainless steel containment device used for trapping substances and to prevent grease, sand or flammable liquids from entering the sewerage system.

*Treatment Plant* means any facility owned by the CLMSD that is designed to provide treatment to wastewater.

*Total Suspended Solids (TSS)* refers to a standardized water quality measurement that uses a filter to capture and weigh trapped particles from a water sample.

*User* means any person, including those located outside the jurisdictional limits of the City, who contributes, or causes or permits the contribution of, wastewater into the CLMSD.

*Variance for Cause Request* means a submittal provided by a Food Service Facility or other User to provide site-specific technical information which demonstrates why a grease interceptor is not feasible, practicable, and/or necessary for a particular use, activity and/or structure.

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

*Wastewater Discharge Permit* is set forth in Section 5.4 of this Ordinance.

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

*Waters of the US* means all portions of oceans within 12 nautical miles of baseline of any shore of any State in the US; streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which carry water across or share jurisdiction or rights with more than any single State within the United States of America.

## **Section 2.2. Abbreviations**

The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand

CCR - California Code of Regulations

C.F.R. - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

L - Liter

mg - Milligrams

mg/L - Milligrams per Liter

NPDES- National Pollutant Discharge Elimination System

SIC - Standard Industrial Classification

USC - United States Code

TSS - Total Suspended Solids

## **Section 2.3. Severability**

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

## **Section 2.4. Conflict**

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

## **CHAPTER THREE: REGULATIONS**

### **Section 3.1. Permissible Discharges**

Wastewater may be discharged into public sewers for collection, treatment, and disposal by the CLMSD provided that such wastewater discharge is in compliance with this Ordinance and/or conditions of any wastewater discharge permit; and further provided that the User pays all applicable CLMSD sewer fees and charges including any penalties or charges assessed under this Ordinance.

### **Section 3.2. General Discharge Prohibition**

No User shall contribute or cause to be contributed, any pollutant or wastewater which cause Pass-Through or Interference. These general prohibitions and the specific prohibitions contained in this Ordinance apply to each user introducing pollutants into CLMSD Facilities whether or not the user is subject to National Pretreatment Standards or any other National, State, or CLMSD pretreatment standards or requirements.

### **Section 3.3. Prohibited Discharges**

A User may not discharge, or cause to be discharged, wastewater into any CLMSD Facility if it contains substances or has characteristics which, either alone or by interaction with other wastewater, cause or threaten to cause:

- A. Damage to CLMSD Facilities.
- B. Interference or impairment of operation or maintenance of CLMSD Facilities.
- C. Obstruction of flow in CLMSD Facilities.
- D. Hazard to human life.
- E. Interference with treatment plant or disposal processes or any alteration of the CLMSD treatment plant processes.
- F. In no case shall substances discharged to the CLMSD Facilities cause the plant to be in noncompliance with Federal, State and local laws, rules and regulations pertaining to sludge, biosolids or effluent disposal.
- G. Unreasonable interference with recycling and reclamation of wastewater, residues, sludge or scum.
- H. The CLMSD to violate its NPDES permit or the receiving water quality standards.
- I. Flammable or explosive conditions.

J. A noxious or malodorous condition, a public nuisance, a hazard to life, or conditions sufficient to prevent normal entry into the sewers or other CLMSD Facilities for maintenance and repair.

K. Objectionable coloration or other condition in the quality of the CLMSD treatment plant influent which interferes with or passes through the treatment plant.

L. Conditions which violate any statute, rule, regulation, or ordinance of any public agency, relating to releases of hazardous wastes, hazardous substances or other pollutants to the environment when such release is to any portion of CLMSD Facilities.

M. Any alteration or change of the CLMSD NPDES permit or any additional regulatory supervision, intervention or oversight of the CLMSD operations.

N. Any significant alteration of CLMSD operations, including but not limited to, affecting the ability of the CLMSD to procure adequate insurance and/or subjecting the CLMSD operations to significantly increased potential liability.

### **Section 3.4. Prohibited Substances or Characteristics**

A. Any liquids, solids, or gases which by reason of their nature or quantity, are/or may be sufficient, either alone or by interaction with other substances, create a fire or explosion hazard or damage to CLMSD Facilities or be injurious to human health and safety or to the operation of CLMSD Facilities. At no time shall a waste stream exceed a closed cup flash point of less than one hundred forty degrees (140°) Fahrenheit or sixty degrees (60°) Celsius using the test method specified in 40 C.F.R. Part 261.21. At no time shall two (2) successive readings on a combustible gas meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. The meter shall be properly calibrated in accordance with the manufacturer's instructions using pentane as the calibration standard. The materials which may be prohibited if they cause explosive or fire dangers as defined herein include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

B. Any solid or viscous substance in amounts or concentrations which may cause or threaten to cause obstruction to the flow in a sewer or Pass-Through of, or interference with, the operations of any CLMSD Facilities such as, but not limited to, feathers, ashes, cinders, sand, cat litter, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, petroleum oil, non-biodegradable cutting or machine oils, products of mineral oil origin, mud, cement grout, glass, grinding or polishing wastes, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails or whole blood.

C. Any discharges having a pH less than 6.0 or equal to or greater than 12.0 or having any other corrosive property outside the specified range in Appendix A, or corrosive property capable of causing damage or hazard to structures, equipment, humans or animals.

D. Any wastewater containing hazardous pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to human or animal health or safety, to create an adverse effect on the Waters of the State, or to cause the CLMSD to exceed the limitations set forth in a National Pretreatment Standard.

E. Heat in amounts which will inhibit biological activity in the treatment plant resulting in interference or Pass-Through, but in no case heat in such quantities that the temperature at the introduction into the treatment plant exceeds forty degrees (40°) Celsius or one hundred four degrees (104°) Fahrenheit.

F. Any pollutants, including oxygen-demanding pollutants (BOD, COD, etc.) released at a flow rate and/or pollutant concentration, which alone or in combination with others, may cause interference or Pass-Through. Regardless of whether a slug discharge causes or will cause interference or Pass-Through, in no case shall a slug discharge have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration, quantities, or flow during normal operation.

G. Any discharge which results in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any CLMSD Facility.

H. Any noxious or malodorous liquids, gases, or solids.

I. Any wastewater containing any radioactive wastes unless:

1. The User is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
2. The waste is discharged in strict conformity with current California Radiation Control Regulations (California Code of Regulations, Title 17) for safe disposal; and
3. The User is in compliance with all rules and regulations of all other applicable regulatory agencies.

J. Any storm water, ground water, rain water, street drainage, subsurface drainage, yard drainage or diatomaceous earth filter backwash, unless a specific permit is issued by the CLMSD. The CLMSD may approve such discharge only when no other reasonable alternative for disposal is available and all other provisions of this Ordinance are met.

K. Any unpolluted water including, but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers or any other unpolluted water unless a permit for such has been obtained from the CLMSD prior to the discharge. The CLMSD may approve the discharge of such water only when no reasonable alternative method of disposal is available and all other provisions of this Ordinance are met.

L. Any waste defined as hazardous, by any definition set forth in Federal and/or State statutes or regulations, unless such waste has been delisted or decertified by the appropriate Federal or State agency, and/or a variance has been granted by the appropriate Federal or State agency, including provisions for discharge to a CLMSD Facility, and said variance provisions are approved by the CLMSD.

M. Any substance, waste, wastewater, or constituent thereof as may be specifically prohibited or prohibited by concentration levels as may be set forth in local limits adopted by resolution by the CLMSD Board.

N. Any substance, waste, wastewater or constituent thereof, which may by itself or in combination with other discharges cause the CLMSD to violate any permit conditions related to toxicity of the effluent or otherwise cause or contribute to the potential for toxic substances being released from CLMSD Facilities into the environment in toxic amounts.

O. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or Pass-Through.

P. Any trucked or hauled pollutants - except at discharge points designated by the CLMSD.

### **Section 3.5. Prohibited Discharge Location**

No User shall discharge any wastewater directly into a manhole or other opening in the CLMSD sewerage system other than through sewer laterals or other sewer connection approved by the CLMSD, unless a permit has been obtained for such discharge. A permit will be issued only for such direct discharge in the event the discharge is otherwise in compliance with provisions of this Ordinance and no other alternative is reasonably available in the opinion of the CLMSD.

### **Section 3.6. National Categorical Pretreatment Standards**

National Categorical Pretreatment Standards, found in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this Ordinance and made a part thereof.

### **Section 3.7. Specific Pollutant Limitations**

No person shall discharge wastewater to a CLMSD Facility which exhibits any characteristic which is specifically prohibited by an action of the CLMSD Board, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the CLMSD Board by Resolution.

Any violation of a specific pollutant limitation as may be set forth in a CLMSD Resolution shall subject the User to the same administrative actions, penalties, and/or enforcement actions as would be available for any other violation of this Ordinance. The term "Ordinance," as used elsewhere within this Pretreatment Ordinance, shall be read to include the specific pollutant limitations and/or waste characteristics as may be set forth by resolution. See Appendix A for maximum allowable concentrations as adopted by resolution. All specific pollutant limitations set by the CLMSD shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

### **Section 3.8. State and Federal Requirements and Standards**

In the event that either State or Federal standards and requirements for discharges to CLMSD Facilities are more stringent than the limitations, requirements, and standards set forth in this Ordinance, the most stringent standard or requirement shall apply. Modifications of the Federal or State standards and requirements which are more stringent than the limitations, standards, and requirements as set forth in this Ordinance and are promulgated subsequent to the adoption of this Ordinance shall be applied to discharges to CLMSD Facilities at such time and in such manner as is set forth in Sections 5.4 D and F and Section 10.4 of the Ordinance.

### **Section 3.9. CLMSD Right of Revision**

The CLMSD reserves the right to establish by Ordinance or Resolution more stringent standards or requirements on discharges to the CLMSD Facilities if deemed necessary to comply with the Objectives presented in this Ordinance. No revision of standards or requirements hereunder shall subject the CLMSD to civil liability or penalty for interference with a vested right of any User.

### **Section 3.10. Prohibited Dilution**

No User 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 the National Pretreatment Standards, in any other pollutant-specific limitation developed by the CLMSD or State, with this Ordinance, or the User's permit, or to establish an artificially high flow rate for permit mass emission rates. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in production, will not be considered an excessive discharge hereunder.

### **Section 3.11. Slug Discharges**

A. All Users shall be prohibited from allowing slug discharges, as elsewhere defined herein, from entering the CLMSD sewerage system.

B. Each User shall provide protection from slug discharges of restricted materials or other substances regulated by this Ordinance. Facilities to prevent slug discharges of restricted materials shall be provided and maintained at the User's own cost and expense.

C. In accordance with 40 C.F.R. 403.8(f)(2)(v), the CLMSD must evaluate, at least once every two years, whether each SIU needs a slug discharge control plan. Upon evaluation, certain Users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDCP) containing at least the following information:

1. A description of the discharge practices including non-routine batch discharges.
2. A description of stored chemicals.
3. The procedures for promptly notifying the CLMSD of slug discharges, including any discharge that would violate a specific discharge prohibition with procedures for follow-up written notification within five (5) days.
4. If required by the CLMSD, procedures to prevent adverse impact from accidental spills including maintenance and inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building or containment structures or equipment, measures for containing toxic pollutants (including solvents), and/or measures or equipment for emergency response.
5. If required by the CLMSD, follow-up practices to limit the damage suffered by the treatment plant or the environment.

These plans shall be submitted to the CLMSD for review and approval. All Users required to have SDCP plans shall submit such a plan within three (3) months and complete implementation within six (6) months of receiving notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.

D. In the case of a slug discharge, it is the responsibility of the User to immediately notify the CLMSD of the incident. The notification shall include location of the discharge, type of waste, concentration and volume and corrective action. The User shall provide the CLMSD with a detailed, written report of this incident in a manner and within the time frame as elsewhere provided in this Ordinance.

E. A notice shall be permanently posted on the User's premises advising the employees whom to call in the event of a slug discharge. The User shall ensure that all employees who may cause, or allow such slug discharge to occur, are advised of the emergency notification procedure.

F. Each User who violates any of the requirements of the slug discharge program, or allows a slug discharge to occur, shall be subject to the enforcement provisions of this Ordinance.

### **Section 3.12. Hazardous Waste Discharges**

All Industrial Users shall notify the CLMSD, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing, of any discharge to CLMSD Facilities

of a substance, which if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261 or as otherwise defined by State statute or regulation.

Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to CLMSD Facilities, the notification shall also contain the following information, if known: (1) an identification of the hazardous waste constituents contained in the waste; (2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimation of the mass constituents in the waste stream expected to be discharged during the following twelve (12) months. Industrial Users shall provide notification prior to obtaining a discharge permit.

In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the level of toxicity of hazardous waste generated to the degree it has determined to be economically practical. Nothing contained in this section of the Ordinance is intended to modify the prohibitions set forth in Section 3.4.N.

### **Section 3.13. Prohibition on Medical Waste**

A. No User shall discharge solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities to the sewerage system including, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature except where prior written approval for such discharges is given by the CLMSD Director.

B. The CLMSD shall have the authority to require that any discharge of an infectious waste to the sewer be rendered noninfectious prior to discharge if the infectious waste is deemed to pose a threat to the public health and safety, or will result in any violation of the applicable waste discharge requirements.

### **Section 3.14. Connection Requirements**

A. Every lot, block, tract or parcel of land occupied by a residence, building, structure or place of business, producing sewage within the CLMSD or area serviced by special agreement with the CLMSD, to which the nearest property line is within two hundred (200) feet of the point at which a lateral may be connected to the CLMSD, shall be connected to such, excepting only such lots, blocks, tracts or parcels of land served by an adequate, existing septic tank or disposal system in good working order.

B. Except as provided below, no septic tank or system shall be constructed or connected to any structure built, erected, moved or reconstructed, on any premises within the CLMSD, or on premises in any area contracting for discharge of sewage into the CLMSD, if the nearest line of such premises is within two hundred (200) feet of the point of connection to the system.

In the event that the CLMSD cannot immediately accommodate the flow from the premises for any reason, the use of a septic tank or system may be approved by the CLMSD provided that the following conditions are satisfied:

1. The appropriate sewage expansion fees for the premises are paid.
2. The appropriate sewage connection fees are paid.
3. The facilities needed to connect the premises to the CLMSD are in place or are guaranteed by a cash deposit in an amount of two hundred percent of the estimated installation cost for the facilities.
4. The monthly sewer service charges that normally would be paid by the premises are paid to the CLMSD during the period that the septic tank or system is in use.
5. The User(s) of the premises agree to conditions of use and abandonment of the septic tank or system as prescribed by the CLMSD.

C. No lateral service connection shall serve more than one ownership.

D. No existing septic tank or separate disposal system serving any property or area within such two hundred (200) foot distance which hereafter becomes defective, and requires major repair work or reconstruction, shall be so repaired or reconstructed, except by a special grant permitting a variance authorized by the CLMSD, upon application therefore; but such use or User shall be connected into the CLMSD. "Major repairs or reconstruction" is defined as any repair or reconstruction requiring the installation of a new tank, leaching field or equivalent, or such work as will exceed fifteen percent of the cost of all laterals and connections or appurtenances thereto, constructed on the property of any applicant, or on any area outside the CLMSD shall be inspected and approved by the CLMSD, prior to being covered or concealed and before the connection pursuant to a permit is made.

E. It is unlawful to lay any lateral or connection line appurtenance thereto on the property of any User or applicant other than with such materials as the CLMSD may prescribe by resolution.

F. It is unlawful for any person, other than the CLMSD, its agents or employees, to connect any pipe, drain or facility with, or cause the same to penetrate, break, injure, remove or open any portion of the sewerage system of the CLMSD, or any line, pipe, manhole, flush tank, pump, meter, motor inspection line or any other part of or appurtenance to such system, without a written permit therefore, issued by the CLMSD.

G. The City Council shall prescribe by resolution, the conditions, forms, fees and manner of connecting to the CLMSD.

### **Section 3.15. Extension of Mains**

The City Council shall prescribe by resolution the manner, financing, and provision for any refunds, to promote extension of collector mains in the CLMSD, except for ordinary costs

associated within subdivision boundaries or in areas served by the CLMSD, and except special districts organized for the purpose of such construction.

### **Section 3.16. Subdivision System Requirements**

- A. All new subdivisions within the CLMSD or in areas served by the CLMSD shall have an adequate collection system for sewage.
- B. The plan, design and size of mains must be approved by the CLMSD for such purpose. Such system shall include provision for future growth within the area or adjacent areas which will ultimately use mains within such subdivision, and shall comply with standards otherwise established within the city.
- C. The subdivider shall pay all costs, as described in this chapter, of such system.

### **Section 3.17. Annexation to District – Contract**

- A. Additional areas may be annexed to the CLMSD in the manner provided by law.
- B. All charges therefore shall be prescribed by resolution of the City Council.
- C. Contracts for acceptance and treatment of sewage shall be entered into only with areas which contemplate future annexation to the CLMSD. Such contracts shall require compliance with provisions of this chapter and any resolution adopted pursuant hereto and shall not provide for acceptance and treatment without annexation for a period of more than ten years, and shall be so drawn that they shall encourage and promote annexation at the earliest date after original construction.

## **CHAPTER FOUR: FACILITIES REQUIREMENTS**

### **Section 4.1. Spill Containment Facilities**

All Users shall provide spill containment for protection against discharge of prohibited materials or other wastes regulated by this Ordinance. Such protection shall be designed to secure the discharges and to prevent them from entering into the CLMSD sewer system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.

### **Section 4.2. Monitoring / Metering Facilities**

- A. The CLMSD may require the User to construct and maintain in proper operating condition at the User's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. Any sample taken from a sample box or other representative sampling location is considered to be representative of the discharge to CLMSD Facilities.

C. Monitoring or metering facilities may be required to include a security closure that can be locked to prevent unauthorized access.

D. The location of the monitoring or metering facilities shall be subject to approval by the CLMSD.

E. The User shall provide to the CLMSD immediate, clear, safe and uninterrupted access to the User's monitoring and metering facilities.

F. When required by the CLMSD, the User shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the CLMSD. The manhole shall be installed by the User at the User's expense, and shall be maintained by the User at their expense, and shall be maintained as to be safe and accessible at all times.

#### **Section 4.3. Drawing Submittal Requirements**

A. Detailed plans shall be submitted to the CLMSD for review of existing or proposed construction of pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. CLMSD approval of plans for proposed construction shall be received prior to commencement of construction. The review of the plans and procedures shall in no way relieve the User of the responsibility of modifying the facilities or procedures in the future, as necessary, to meet the requirements of this Ordinance or any requirements of other regulatory agencies.

B. Three copies of all drawings shall be submitted for review.

C. All drawings shall include the following:

1. North arrow;
2. Scale size;
3. User name, project site, address, and Assessor's Parcel Number;
4. Drawing name and drawing number;
5. Date drawn or revised;
6. Name of draftsman and name of person approving drawing.

D. The CLMSD may require drawings to scale depicting the manufacturing process (waste-generating sources), spill containment, pretreatment facilities, and/or monitoring/metering facilities.

E. The CLMSD may require a schematic drawing of the pretreatment facilities.

F. The CLMSD may require the drawings be prepared by a California Registered Chemical, Mechanical, or Civil Engineer.

#### **Section 4.4. Pollution Prevention Requirements**

User shall provide pollution prevention plans, and/or pollution prevention audits, and/or waste management plans, to identify and quantify waste streams, identify and evaluate source reduction measures. Evaluation and implementation measures may include, but are not limited to, input changes, operational improvements, production process changes, product reformulation, product substitution, recycling, inventory control, employee education and training, and other steps as necessary to avoid or reduce waste produced.

### **CHAPTER FIVE: ADMINISTRATION**

#### **Section 5.1. Wastewater Discharges**

It shall be unlawful to discharge any waste or wastewater to any CLMSD Facility without a CLMSD permit except as is authorized by the provisions of this Ordinance.

#### **Section 5.2. Responsibility of Users**

It shall be the responsibility of the User to comply with all of the provisions of this Ordinance. The omission to act by the CLMSD and/or the failure of the CLMSD to acknowledge the nature of the operation of the User and/or the properties of the User's wastewater, shall not relieve the User of responsibility to comply with the conditions of this Ordinance, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring and reporting. It shall be the responsibility of the User to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the User has been informed by the CLMSD of the requirements which may apply to the User regarding its discharge.

All Users must notify the CLMSD of changes to be made to processes or methods of operation which may affect the nature of the discharge. This information shall be reported to, and be approved by, the CLMSD prior to the User's initiation of the changes.

All Industrial Users who meet the definition of Class I, Class II, or Class III and who are currently connected or contribute to CLMSD Facilities, or who propose to connect or contribute to CLMSD Facilities, shall make application for a wastewater discharge permit. This application shall be made before connecting to or contributing to CLMSD Facilities, or within ninety (90) days after the enactment of this Ordinance in the event the User is currently connected and not currently permitted. All existing Industrial Users connected to or contributing to CLMSD Facilities and having a current wastewater discharge permit shall be required to obtain a new permit upon the expiration of their existing permit.

Class IV Users may be required to receive a permit in order to connect to the CLMSD Facilities or to continue to discharge to CLMSD Facilities. At such time as the CLMSD undertakes such a program to permit Class IV Users, existing Class IV Users will be required to apply for a permit within ninety (90) days of notice to said Users by personal service, mail or publication.

Thereafter it shall be the responsibility of all Class IV Users to obtain a permit prior to connection.

### **Section 5.3. Classes of Users**

The CLMSD will classify all Users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to CLMSD Facilities on the basis of each User's waste quality, quantity and flow. The classification will further provide a means of imposing an appropriate level of oversight, control and enforcement according to the source of the discharge. As set forth in the Definition section of this Ordinance, there are two (2) categories of Users; to wit, Domestic Users and Nondomestic Users. Nondomestic Users are categorized as Class I, II, III, or IV.

All Users are subject to the prohibitions set forth in this Ordinance, with such Federal and State statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the CLMSD Board either by ordinance or resolution.

Domestic Users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, provided that said domestic User discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

Nondomestic Users may be subject to wastewater discharge permit requirements depending on the volume, characteristics, and origin of their wastewater discharge. Industrial Users may be required to supply such information and data concerning their processes, including discharge samples, as may be necessary for the CLMSD to determine whether such User should be designated as Class I, II, III or IV. Industrial Users must, if requested, provide such other information regarding the nature of the entity, its operations, storage and use of chemicals and storage and use of hazardous substances, as may be reasonably necessary to make such determination as to the classification of said User. The CLMSD may also require information relating to potential for accidental discharges of hazardous or prohibited substances to a CLMSD Facility. Such inquiries may include information regarding the current disposal procedures of the User with regard to chemicals and/or substances which are not in the ordinary course of the User's operations discharge to a CLMSD Facility.

**Class I.** For the purpose of this Ordinance, any User subject to the National Categorical Pretreatment Standards, is a Categorical Industrial User (CIU), will be designated a Class I User.

**Class II.** The CLMSD may designate a nondomestic User who is not subject to a National Categorical Pretreatment Standard, but may be considered a Significant Industrial User (SIU), to be a Class II User, based on whether the discharge of wastewater is equal to or greater than twenty-five thousand (25,000) gallons per average work day flow, or whether it has in its untreated wastewater pollutants which are in excess of any pretreatment standard, including any standard identified in this Ordinance or local limit set by resolution of the CLMSD Board, or whether it may, in the opinion of

the CLMSD, have a significant impact, either singularly or in combination with other contributing industries, on the CLMSD ability to meet the objectives of this Ordinance.

In addition, the designation of a nondomestic User as a Class II User may be based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the CLMSD due to the unusual character of the waste. Any additional administrative costs to be considered may include increased potential for the administrative oversight by Federal, State and local agencies as well as the potential for increased liability exposure and associated legal costs. The CLMSD may also take into consideration difficulties in enforcement of the Pretreatment Ordinance under a wastewater discharge permit and the enforcement violation and compliance history of the User with the CLMSD, as well as other regulatory agencies.

**Class III.** The CLMSD may designate any nondomestic User, who is not designated as a Class I or Class II User, as a Class III User. Class III Users may include nondomestic Users who are not industrial nor commercial Users and (1) have a reasonable potential to adversely affect the CLMSD ability to meet the objectives of this Ordinance; or (2) generate hazardous waste, whether or not said waste is discharged into the sanitary sewer system, or if, in the determination of the CLMSD, there is a potential for this waste to be discharged into the sewer, even through accident in nonprocess or process of handling of the waste; or (3) store or use hazardous materials, whether or not a hazardous waste is produced in an industrial or commercial process if, in the determination of the CLMSD, a potential exists for significant impact upon CLMSD Facilities due to a release of these materials into the environment.

Class III Users may be individually designated by the CLMSD based on the criteria set forth above, or on categorization of the User as a member of a particular business category. A Class III User designation may include, but is not limited to, landfill operations, landfill leachate, or ground water cleanup sites.

**Class IV.** Any nondomestic User, who is not designated as a Class I, Class II, or Class III User, may be designated as a Class IV User if the User (1) has a reasonable potential to adversely affect the CLMSD ability to meet the objectives of this Ordinance; or (2) generates hazardous waste, whether or not said waste is, in the normal course of the industrial or commercial process, discharged into the sanitary sewer system, or if, in the determination of the CLMSD, there is a potential for this waste to be discharged into the sewer, even through accident in nonprocess or process of handling of the waste; or (3) stores or uses hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the determination of the CLMSD, a potential exists for significant impact upon CLMSD Facilities due to a release of these materials into the environment.

Class IV Users may be individually designated by the CLMSD based on the criteria set forth above or on categorization of the User as a member of a particular business

category. The Class IV User designation shall include, but is not limited to, the following business categories: analytical laboratories, clinical laboratories, dry cleaners, laundries, vehicle maintenance facilities, vehicle repair facilities, gasoline stations, printing shops, printing allied industries, photo processors, pesticide formulators, pesticide applicators, dental offices, dental laboratories and x-ray laboratories, and veterinary providers.

## **Section 5.4. Wastewater Discharge Permit**

### **A. Permit Application**

All Class I, Class II, and Class III Users are required to obtain a wastewater discharge permit by completing and filing with the CLMSD, an application in the form prescribed by the CLMSD. At such time as the CLMSD undertakes such a program to permit Class IV Users, existing Class IV Users will be required to apply for a permit within ninety (90) days of notice to said Users by personal service, mail or publication. Thereafter it shall be the responsibility of all Class IV Users to obtain a permit prior to connection. A Permit Fee may be assessed at the time of the application as set by the CLMSD Board by resolution. Existing Class I, Class II, and Class III Users shall apply for a wastewater discharge permit within ninety (90) days following the effective date of this Ordinance, and proposed new Users shall apply at least thirty (30) days prior to connecting to or contributing to CLMSD Facilities. In support of the application, the User may be required to submit, in units and terms appropriate for evaluation, some or all of the following information:

1. Name and address of the operator or owner and location of the facility for which the permit application is being made.
2. SIC number(s) according to the Standard Industrial Classification Manual, Executive Office of the President of the United States, Office of the Budget, 1972, as amended, for all operations conducted at the facility.
3. A list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility.
4. Time(s) and duration of all process discharges.
5. Average daily and fifteen (15) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any. Flow rates shall be provided for each regulated process stream.
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
7. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged. A description of any and all existing or proposed wastewater pretreatment facilities. Construction drawings and design criteria shall also be submitted.
8. The nature and concentration of any pollutants in the discharge which are limited by the CLMSD, State, or National Pretreatment Standards, or which are otherwise requested by the CLMSD. Pollutant data shall be provided for each regulated process stream. In the case of an existing User, a statement regarding whether or not the Pretreatment Standards are

being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards.

9. The nature and concentration of any pollutants in the discharge which are limited by State or Federal standards concerning the release or discharge of any hazardous substance or waste.

10. If additional pretreatment, housekeeping, process changes and/or operations will be required to meet the Pretreatment Standards; the shortest schedule by which the User shall provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established by the EPA, the State or the CLMSD for the applicable standard. The following conditions will apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the CLMSD Director including, as a minimum, whether or not the User complied with the increment of progress to be met on such date and, if not, the date on which the User expects to comply with the increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established.

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

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

13. Number, type and volume/amount of hazardous substances stored on the premises and a description of the method of storage and/or the containment device for such substance.

14. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.

15. Waste minimization plans or audits.

16. Number and classification of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

17. A certification statement that the information presented in the permit application is true and accurate to the best of the responsible person's knowledge.

18. Any other information as may be deemed by the CLMSD to be necessary to evaluate the permit application.

## B. Permit Application Evaluation

All new prospective Industrial Users shall arrange for a CLMSD representative to conduct a walk-through site inspection of the User's facilities during the ninety (90) day period prior to connecting to CLMSD Facilities. New Industrial Users shall submit to the CLMSD, within ninety (90) days after commencement of discharge to CLMSD Facilities, an analysis of said discharge delineating wastewater constituents and characteristics including, but not limited to, those mentioned in Section 3 of this Ordinance.

The CLMSD will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the CLMSD may determine that no wastewater discharge permit is required, or the CLMSD may determine that the User is either a Class I, Class II, Class III or Class IV User.

If the CLMSD determines that the User is a Class I, Class II or Class III User, the CLMSD will issue a wastewater discharge permit subject to the terms and conditions provided in this Ordinance. If the CLMSD determines that the User is a Class IV User, the CLMSD may issue a wastewater discharge permit subject to the terms and conditions provided in this Ordinance.

## C. Permit Conditions

Permits may contain provisions, requirements and standards appropriate to carry out the objectives of this Ordinance, including but not limited to, the following:

1. The unit charge or schedule of User charges and fees for the wastewater to be discharged to CLMSD Facilities.
2. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.
3. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
4. Requirements for installation and maintenance of sampling and flow metering facilities.
5. Requirements for monitoring programs which may include flow metering; sampling locations; methods of sampling; frequency of sampling; number; types and standards for tests; and reporting schedule.
6. Compliance schedules.
7. Requirements for submission of technical reports or Periodic Compliance Reports.
8. Requirements for maintaining and retaining, for a minimum of three (3) years, plant records relating to wastewater discharge, hazardous waste manifests and chemical inventories as specified by the CLMSD.

9. Requirements for notification of the CLMSD of any new introduction of pollutants or any change in plant processes or in the volume or character of the wastewater constituents being introduced into CLMSD Facilities.
10. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the pretreatment facility.
11. Requirements for providing the CLMSD with design and construction plans and specifications of the wastewater pretreatment facility whether proposed or in existence.
12. Requirements for providing the CLMSD with plans and specifications of the User's industrial or commercial operation and/or processes, including such other information as the CLMSD may reasonably request that pertains to the Industrial User's operation.
13. Requirements for providing the CLMSD with waste minimization audits/plans.
14. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system.
15. Requirements for the notification of the CLMSD of planned alterations of the operations processes of the Industrial User, which could result in an alteration of the User's process discharge or the potential for an accidental spill or slug discharge.
16. Requirements prohibiting bypass of the wastewater pretreatment facility, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury or severe property damage.
17. Requirement that the User notifies the CLMSD prior to any proposed bypass other than due to accident or emergency.
18. Requirements to have emergency spill plans on file with the CLMSD.
19. Requirements to certify that the Industrial User has not discharged through a CLMSD Facility hazardous substances without a permit, which substances have been stored or used in the User's process and which the User contends will not, in the ordinary course of the User's operation, enter the sewer system.
20. Requirements for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that have been or shall be taken to prevent a recurrence of the violation.
21. Requirements for providing access to CLMSD personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to waste stream, including the actual wastewater discharge.
22. Requirements for providing the CLMSD with operation and maintenance records for the wastewater pretreatment facility, including periodic updates, as appropriate.
23. The prohibition of dilution as partial or complete substitute for adequate treatment to achieve compliance with permit conditions.
24. Signatory requirements specifying the responsible corporate officer for the Industrial User.

25. Other conditions as deemed appropriate by the CLMSD to ensure compliance with this Ordinance.

26. Technical provisions or requirements related to the wastewater pretreatment facility which, in the opinion of the CLMSD, may be necessary to insure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.

#### D. Duration of Permits

Permits will be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the CLMSD during the term of the permit as limitations or requirements as identified in Chapter 3 are modified or other just cause exists. The User will be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit will include a reasonable time schedule for compliance.

#### E. Wastewater Discharge Permit

The CLMSD will require Class I, Class II, and Class III Users to have a wastewater discharge permit for connecting to or contributing wastewater to CLMSD Facilities. At such time as the CLMSD undertakes such a program to permit Class IV Users, existing Class IV Users will be required to apply for a permit within ninety (90) days of notice to said Users by personal service, mail or publication. Thereafter it shall be the responsibility of all Class IV Users to obtain a permit prior to connection. The wastewater discharge permit will incorporate the provisions of this Ordinance by reference including all requirements and standards as may be set forth herein or promulgated by the CLMSD Board by resolution. In addition, the permit may contain additional provisions, including but not limited to, the following:

1. Provisions for liquidated damages for discharges in violation of the discharge prohibitions and limitations of this Ordinance and/or of such special prohibitions or limitations as may be set forth in the permit. These liquidated damages provisions may be proposed without regard to proof of pass-through, damage to the environment, or interference with CLMSD Facilities or operations and may be assessed on a strict liability basis for violation of the noted provisions.
2. Requirements for providing proof of insurance, indemnification of the CLMSD, and bonding in order to adequately protect the CLMSD, in its judgment, from the potential of the increased exposure to liability due to the User's discharge.

3. Provisions for revocation of the permit and wastewater sewer service for violation of this Ordinance or other wastewater permit condition(s).
4. Any and all other conditions as may be deemed appropriate by the CLMSD to ensure compliance with all provisions of this Ordinance and the objectives set forth herein.

#### F. Permit Modifications.

Within 90 days of promulgation of a National Pretreatment Standard, the wastewater discharge permit of Users subject to such standards shall be revised, to require compliance with such standards within the time frame prescribed by such standard. When a User, subject to a National Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by Section 5.4.B. of this Ordinance, the User shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National Pretreatment Standard. In addition, the User with an existing wastewater discharge permit shall submit to the CLMSD Director, within one hundred eighty (180) days after the promulgation of an applicable National Pretreatment Standard, the information required by Section 5.4.A.

In the event the CLMSD determines that it is necessary in order to comply with the objectives of the Ordinance to impose more stringent limitations or requirements on discharges to the CLMSD Facilities than are set forth in an existing permit (for reasons other than issuance of a new National Pretreatment Standard), the CLMSD shall have the right to require such reasonable modifications of an existing permit to incorporate such more stringent limitations or requirements. In the event such permit modification is required, the User will be provided with reasonable time to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. After consultations with the User, a Compliance Schedule Agreement will be issued which would set forth a reasonable schedule for the User to comply with the more stringent standards. If the permit modification will require construction or acquisition of equipment related to pretreatment, the Compliance Schedule Agreement will provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the CLMSD Director or CLMSD Engineer that good cause exists for an additional period. To the extent that the User remains in compliance with the permit conditions in effect prior to amendment during the compliance period, the User shall not be liable pursuant to the terms of this Ordinance for noncompliance with the more stringent standards or requirements during the period of the Compliance Schedule Agreement, provided that the User is also complying with the terms of said Compliance Schedule Agreement.

#### G. Permit Transfer

Wastewater discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the prior

approval of the CLMSD. However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other as signs of an existing contract of permit holder.

## **Section 5.5. Reporting Requirements**

### **A. Notification of Slug Discharge or Accidental Discharge or Accidental Spill.**

It is the responsibility of all Users to immediately telephone and notify the CLMSD of any slug discharge or accidental discharge or accidental spill as defined in Section 3.2. of this Ordinance. Notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

#### **1. Written Notice**

Within five (5) days following the accidental discharge, accidental spill, or slug discharge, the User shall submit to the CLMSD Director a detailed written report describing the cause of the incident and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to CLMSD Facilities, fish kills, or any other damage to person or property; nor shall notification relieve the User of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

#### **2. Notice to Employees**

Users who are employers shall permanently post a notice on their bulletin board or other prominent place advising employees of the User whom to call in the event of such a discharge. The User shall ensure that all employees who may cause or suffer such discharge to occur are advised of the emergency notification procedure.

### **B. Baseline Monitoring Report**

All Industrial Users, subject to Categorical Pretreatment Standards, shall submit to the CLMSD a Baseline Monitoring Report (BMR) within one hundred and eighty (180) days of the effective date of a Categorical Pretreatment Standard or one hundred and eighty (180) days after final decision on a category determination by EPA or the State, whichever is earlier. The BMR shall contain the information specified in 40 C.F.R. 403.12(b), including a statement, reviewed by an authorized representative of the Industrial User, and certified by a qualified professional indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the User to meet the Pretreatment Standards and Requirements. The information required for application for a

permit under Section 5.4.A. and/or for modification of a permit under Section 5.4.F. of this Ordinance may fulfill the requirements of the Baseline Monitoring Report. If in submitting information to apply for or modify a permit, the User also intends to fulfill the requirements for the BMR, the User shall so state.

### C. Compliance Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards and Requirements or, in the case of a new User connection, following commencement of the introduction of wastewater into CLMSD Facilities, any User subject to Pretreatment Standards and Requirements shall submit to the CLMSD, per 40 C.F.R. 403.12 (b), a report which includes the following information:

1. Name and address of facility, including the name of the operator and owners.
2. List of any environmental permits held by and for the facility.
3. Description of operations, including:
  - a. Nature of operations
  - b. Average rate of production
  - c. SIC code
  - d. Diagram of discharge points to the sanitary system.
4. Flow measurement, in gallons per day.
5. Measurement of pollutants
6. Certification statement signed by an authorized representative of the Industrial User.
7. Compliance schedule, if additional pretreatment and/or actions that will be required to meet Pretreatment Standards.

Filing of this Compliance Report does not relieve the User of any fines, civil penalties or other liability which may be imposed by this Ordinance or other applicable law or failure to meet the applicable Pretreatment Standards and Requirements subsequent to the date for final compliance with such applicable standard.

### D. Compliance Schedule Reports

Compliance Schedule Reports must include the following per 40 C.F.R. 403.12(c):

1. A schedule containing increments of progress leading to construction and operation of additional pretreatment required for compliance of categorical standards.
2. Increments of progress shall not be greater than 9 months.
3. Progress report shall be submitted to the CLMSD, not later than 14 days following the end date in the schedule, whether or not it complied with the increments of progress set forth in the schedule.

### E. Periodic Compliance Reports

1. Class I and II Users and SIUs shall submit a report to the CLMSD twice a year or more frequently as specified in the permit. Unless otherwise specified in the Permit, reports for Class I and II Users and SIUs are due on the 30th of January and December of each year. Class III Users may be required to submit Periodic Compliance Reports depending on the nature of their discharge. Periodic Compliance Reports shall be submitted within forty-five (45) days of collection of the wastewater samples. The Compliance Report shall contain such information as may be deemed by the CLMSD to be necessary to insure compliance with the provisions of this Ordinance. Compliance Reports shall, at a minimum, contain the following:

- a. The results of sampling and analysis showing the nature and concentration of pollutants which are limited by Pretreatment Standards or which are specified in the permit for each regulated stream.
- b. A record of average and maximum daily flows for the reporting period for each regulated stream.
- c. Such other wastewater effluent data as the User has obtained since the last compliance report, whether or not that data is specifically required by the User's permit.
- d. Methods utilized by the User in collecting the wastewater sample for analysis, including but not limited to the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- e. For those CIUs subject to production-based pretreatment standards, the user's actual average production rate for the reporting period.

2. Resampling Requirement. In the event a sample from a Periodic Compliance Report indicates that a constituent is in violation of the allowable concentration levels as set forth in the User's permit, the User shall inform the CLMSD within 24 hours of becoming aware of the violation, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within five (5) days of discovering the violation, with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a recurrence.

3. The CLMSD may also at any time require a signed statement by the User setting forth management practices and/or material usage practices which have an effect on the nature, volume and quality of the wastewater

discharge and/or which potentially will affect the ability to comply with Pretreatment Standards and Requirements.

4. The CLMSD may impose mass limitations on Users where the imposition of mass limitations are appropriate. In such cases, the report required under Section 5.4.E.1.a of this Ordinance shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of all sampling and analysis of the discharge, including the flow, concentration and mass of pollutants regulated by the applicable Pretreatment Standard. The User shall provide the actual average production rate of the regulated processes during the reporting period.

## **Section 5.6. Monitoring**

### **A. Monitoring Requirements**

Any User may be required to provide wastewater samples and/or monitoring results or to submit to monitoring by the CLMSD in order to assist the CLMSD in establishing the appropriate class of the User and/or to evaluate compliance with the standards and requirements of this Ordinance.

1. **Classification Sampling.** All Industrial Users may be required to sample and analyze their discharge to determine the appropriate class of the User. Classification sampling shall be at the CLMSD request. The number and type of samples and pollutants analyzed shall be as specified by the CLMSD in order to adequately characterize the Users discharge(s).

2. **Baseline Sampling.** All Class I, Class II and Class III Users shall sample and analyze their discharge as part of a permit application or modification of a permit as specified in Sections 5.4.A. and 5.4.F. of this Ordinance. In addition, all Users subject to Categorical Pretreatment Standards who are required to submit Baseline Monitoring Reports, as specified in Section 5.5.B. of this Ordinance, shall sample and analyze their discharge in accordance with the requirements of 40 C.F.R. 403.12(b). Samples shall be analyzed for constituents or characteristics including, but not limited to, those mentioned in Chapter 3 of this Ordinance and/or in applicable State or National Pretreatment Standards or as otherwise required by the CLMSD.

3. **Initial Compliance Sampling.** All Class I, Class II and Class III Users shall sample and analyze their discharge for the Compliance Report as specified in Section 5.5.C. of this Ordinance. Samples shall be analyzed for those pollutants regulated in the applicable Pretreatment Standard or as otherwise required by the CLMSD.

4. **Periodic Compliance Sampling.** All Class I, Class II and Class III Users shall sample and analyze their discharge to evaluate compliance with the User's permit. Periodic Compliance Sampling shall be conducted at least twice each year unless specified more frequently in the User's permit or in the applicable National Pretreatment Standard. Samples shall be analyzed

for those pollutants regulated in the applicable Pretreatment Standard or as otherwise required by the CLMSD.

5. Confirmation Sampling. Whenever sampling results indicate that the User's discharge is in violation of any Pretreatment Standard, the User shall collect a second sample to assess the degree of violation. For the second sample, the User need only analyze for the pollutant(s) found to be in violation. The User shall provide the CLMSD with the results from the confirmation sampling within thirty (30) days of the date the violation was discovered.

6. Sampling and Evaluation Program (SEP). If confirmation sampling indicates a second violation, then the CLMSD may initiate a SEP. The SEP will be conducted by the CLMSD and may include collection of from three (3) to five (5) samples. The SEP will establish whether there is continued noncompliance by the User. Samples collected during the SEP may be analyzed for other pollutants in addition to the pollutant(s) in violation.

7. Other Compliance Sampling. All Class I, Class II and Class III Industrial Users may be required by the CLMSD to conduct compliance sampling in addition to those described above. This could include, but is not limited to, sampling required by the CLMSD in an Enforcement Compliance Schedule Agreement.

8. CLMSD Sampling. The CLMSD may collect and analyze samples on its own or request the User to split samples to evaluate compliance with this Ordinance or the User's permit. The CLMSD also reserves the right to conduct all sampling and analysis for the User with all costs to be paid by the User. In the event that data obtained by the CLMSD differs from data provided by the User, the CLMSD data shall be presumed accurate unless and until the User provides substantial evidence otherwise. In the event that the CLMSD performs the sampling, whether announced or unannounced, the User may request that the CLMSD split its samples and provide one of the split samples for the User's independent analysis.

## B. Sampling Procedures

All sampling and testing undertaken for the purpose of compliance with the requirements of this Ordinance shall be undertaken in the manner set forth herein. Except as otherwise provided in this section, each sample shall be a composite, discrete sample which reflects the discharge of the User's regulated waste stream(s) throughout the entire work day or twenty-four (24) hour period. Samples for pH, cyanide, sulfide, phenols, oil and grease, and volatile organics shall be grab samples. Minimum frequency for composite samples shall be each hour, and for grab samples, at least every four hours. Each regulated waste stream shall be sampled and analyzed separately unless the User's permit allows for sampling and analyzing the combined waste streams.

The methods of obtaining the sample shall be specified by the CLMSD in the User's permit. As an alternative, a sampling program proposed by the User shall be submitted to

the CLMSD for review prior to initiating said program. The CLMSD may state special sampling requirements as needed to insure compliance with this Ordinance.

#### C. Sampling and Analytical Procedures

All samples shall be collected, preserved, and analyzed in accordance with the procedures presented in 40 CFR 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Unless approved otherwise by the CLMSD, all analyses shall be performed by laboratories certified by the State for the specific pollutants and matrix to be analyzed.

#### D. Sampling Records

For each sampling event the User shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.
4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques/methods used.
7. The results of such analyses.

#### E. Monitoring Facilities

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the CLMSD requirements and all applicable local construction standards and specifications.

#### F. Obtaining a Sewer Lateral Certificate of Compliance for the Privately owned Portion of a Sewer Lateral/Building Sewer.

Setting forth the minimum standards to which Private Sewer Laterals will be repaired, replaced, or re-lined for the purpose of obtaining a Sewer Lateral Certificate of

Compliance. The CLMSD requires the cleaning, inspection, and testing of private sewer laterals connected to public sewers and serving residential, multi-family residential, commercial or industrial use properties upon the occurrence of stipulated property events. The CLMSD assumes that all sewer laterals, not meeting the requirements set forth in this section and not subject to the exemptions provided herein, allow Inflow and Infiltration into CLMSD Facilities.

1. In the CLMSD, the exempted transactions or events requiring the cleaning, inspection and testing of a private sewer lateral are:
  - a. The application for a new connection to the sewer collection system,
  - b. The application for a building permit for a remodel of any structure being served by the private sewer lateral where the cost of the cumulative value of applicable improvements over the past five years exceeds \$45,000 in 2007 dollars and adjusted every year for inflation,
  - c. The application for a building or plumbing permit to install additional toilet facilities on the property served
  - d. The application for a change of use on property served from residential to commercial or from non-restaurant commercial to restaurant commercial,
  - e. Any repair or replacement of the main sewer to which the private sewer lateral is connected,
  - f. A determination by the Director that the cleaning, inspection, and testing is required for the protection of the public health, safety, and welfare, or
  - g. The User chooses to close and stop payment for an existing Sewer Account without the transfer of such account to another User.
3. The property owner is responsible for the repair or replacement of the privately owned sewer lateral which has been found through testing and inspection to exhibit conditions which would permit excessive infiltration to enter the sewer collection system or excessive exfiltration. The privately owned sewer is defined as that part of the sewer lateral that is required to be maintained by the property owner in accordance with ordinances adopted by the CLMSD and described in the definitions of this ordinance under, "Building Sewer/Private Sewer Lateral". Upon completion of the repair or replacement of the private sewer lateral, re-inspections are to be conducted until the private sewer lateral passes the required testing. Excessive infiltration or exfiltration is defined as exceeding the allowable amount as specified herein. Once the private sewer lateral has successfully passed the inspection and testing procedure, the Director shall execute a Sewer Lateral Certificate of Compliance which shall be filed with the Director and the Building Department having jurisdiction and recorded with the County Recorder of Lake County.

4. There are two categories of Sewer Lateral Certification of Compliance for the continued service of a lateral based upon materials and performance:

a. A 10 year certificate for existing laterals that do not conform to the current material standards for new laterals as established in the California Plumbing Code adopted by the CLMSD and does not exfiltrate at a rate greater than that established in the exfiltration pressure test for existing laterals (refer to the provisions specified in Specified Pressure Tests of these Standards).

b. A 25 year certificate for existing, existing repaired or existing replaced private sewer laterals that meet the current material and testing standards for new laterals as established in the California Plumbing Code adopted by the CLMSD. For a 25 year certificate, the private sewer lateral must be watertight. An alternative testing and inspection procedure for a 10 year certificate consisting only of a CCTV inspection of the private sewer lateral is applicable when the potential for hydrostatic conditions around the private sewer lateral do not exist.

5. Currently, all property served by the CLMSD is within the zone designated as having the potential for hydrostatic pressures. In the CLMSD there are four (4) exemptions to the cleaning, inspection, and testing requirements set forth in this Ordinance other than certain transfers of interest in real property and they are:

a. Private sewer laterals that have been inspected within the last twenty five (25) years where the lateral is made of PVC, metal, or other modern material meeting the California Plumbing Code

b. Private sewer laterals that have been inspected within the last ten (10) years where the lateral is not made of PVC, metal, or other modern material meeting the California Plumbing Code

c. Private sewer laterals that were last installed or replaced within the last twenty five (25) years where the lateral is made of PVC, metal, or other modern material meeting the California Plumbing Code, and

d. Any building where the Director determines that testing and or repairs have been made in accordance with the ordinance within the last five (5) years.

6. Certificates of Compliance will be issued indicating that the private sewer lateral is exempt from the inspection and testing provisions of the Ordinance if the private sewer lateral meets the exemptions stated above. However, the Certificate of Compliance for an exemption expires upon the occurrence of an event requiring the inspection or testing or upon the occurrence of another exempted event.

#### G. Approved Repair Methods and Materials for Privately Owned Sewer Laterals

1. Materials used in the repair or replacement of existing private sewer laterals which have failed to pass an inspection and/or test shall be made of pipe materials, fittings, couplings, and other joining materials which have been approved for use pursuant to the current edition of the California Plumbing Code at the time of the inspection and/or testing, and as modified and specified in these Standards.
2. Private sewer laterals constructed of an approved pipe material which have cracked pipe sections where the pipe has retained its original shape and does not show excessive deflection and is not subjected to hydrostatic pressures either outside or inside the pipe may be repaired with an approved cured in place spot repair lining.
3. Private sewer laterals which are subjected to hydrostatic water conditions either inside or outside the pipe and which have not passed a required pressure test, may be repaired with an approved cured in place pipe lining system installed within the entire length of the sewer lateral from the wye in the sewer main to the private sewer lateral cleanout closest to the building footing or replaced in its entirety with approved pipe materials. At the conclusion of the repair, replacement, or relining the complete sewer lateral must pass specified pressure tests.
4. The replacement of damaged pipe sections with approved materials, fittings, and couplings is only acceptable where the private sewer lateral is not subjected to hydrostatic pressures either inside or outside of the pipe unless the complete private sewer lateral can pass the required pressure test after the repairs are complete.
5. Whenever 50% or less of the private sewer lateral is repaired, replaced, or re-lined (Minor or No Repair), cleanouts shall be provided to grade to facilitate the inspection and testing at either the junction of the building drain and the private sewer lateral at a point approved by the permitting agency, typically within 2 feet of the structure being served by the lateral, or at or near the property line at a point and in a manner approved by the City of Lakeport Community Development Department if in the public right-of-way, or, at a point and in a manner approved by the permitting agency if not in the public right-of-way and on private property. For that portion of the private sewer lateral being repaired, replaced, or re-lined, cleanouts shall also be provided to grade at intervals not to exceed 100 feet in run of a cleaning snake to reach the adjacent run of a cleaning snake, and for each aggregate horizontal change in direction exceeding 135 degrees in accordance with the California Plumbing Code.
6. Whenever a private sewer lateral is more than 50% replaced or re-lined (Major Repair or Replacement), cleanouts shall be provided to grade in accordance with the California Plumbing Code which include all of the following locations:
  - a. At the junction of the building drain and the private sewer lateral at a point approved by the permitting agency, typically within 2 feet of the structure being served by the lateral.

- b. At intervals not to exceed 100 feet in run of a cleaning snake to reach the adjacent run of a cleaning snake, and for each aggregate horizontal change in direction exceeding 135 degrees.
- c. At or near the property line at a point and in a manner approved by the City of Lakeport Community Development Department if in the public way, or, at a point and in a manner approved by the permitting agency if not in the public way and on private property.
- 7. Approved trenchless technologies such as “pipe bursting” may be utilized to replace private sewer laterals.
- 8. Spot repairs consisting of the placement of metal or other sheeting materials and concrete or mortar will not be accepted.
- 9. Re-mortaring of joints as a repair method is not acceptable without prior approval of the permitting agency.
- 10. Pipe and pipe couplings shall be joined and installed in accordance with the manufacturer’s recommendations. Pipe repairs shall be made in a manner which provides the least number of pipe joints.
- 11. Damaged wyes at the sewer main shall be replaced by the CLMSD.

#### H. Backfilling Methods in the Public Right of Way for Privately Owned Sewer Laterals

Backfilling methods utilized in the public right of way shall conform to the Standards and Specifications adopted by the Agency having jurisdiction of the public right of way and in accordance with the provisions of the encroachment permit issued by the permitting agency.

#### I. Types of Pipe Damage that Must Be Repaired or Pipe Sections Replaced for Privately Owned Sewer Laterals

1. Where the private sewer lateral is not subjected to hydrostatic conditions and the exfiltration test is not required (allowed CCTV Inspection), the pipe repairs must be made for the following pipe conditions:
  - a. A separation or offset in the pipe joint including any fish mouth condition at the joint.
  - b. Holes or cracks in the pipe bell, barrel, or coupling.
  - c. For PVC pipe, a deflection in the pipe cross-section exceeding 1/4“.
  - d. Failed trench section causing excessive belly or sump condition in a pipe section causing retention of water of one inch or more.
  - e. Root penetration into the pipe.
2. Where the private sewer lateral is subjected to hydrostatic conditions and the pipe repair option selected is pipe lining, repairs shall be made to the private sewer lateral prior to the installation of the liner and the repair shall correct the following deficiencies:

- a. A separation or offset in the pipe joint including any fish mouth condition at the joint which the lining system cannot bridge based on the liner manufacturer's recommendations.
- b. Holes in the pipe bell, barrel, or coupling that the lining system cannot bridge.
- c. For PVC pipe, a deflection in the pipe cross-section exceeding 1/4".
- d. Failed trench section causing excessive belly or sump condition in a pipe section causing retention of water of one inch or more.
- e. Root penetration into the pipe.
- f. Other lateral defects which the manufacturer of the lining system recommends be corrected prior to the placement of the liner.

#### J. Hydrostatic Pressure Conditions Defined for Privately Owned Sewer Laterals

- 1. Hydrostatic pressures exist around the private sewer lateral when the lateral is completely or partially submerged by groundwater or exists within the lateral when discharges to the lateral exceeds the capacity of the pipe or is subject to water head.
- 2. The following circumstances shall be prima facia evidence that the private sewer lateral is subject to hydrostatic pressures:
  - a. The property being served by the CLMSD is located within a special flood hazard area as defined by the latest Flood Insurance Rate Map Issued by the National Flood Insurance Program; and if any portion of the property is located within 100 feet of the bank of a stream, creek or drainage ditch and any portion of the lateral is below the elevation of the nearest bank.
  - b. For commercial or industrial uses, at any time the discharge to the private sewer lateral exceeds the following flows for a 3 inch diameter sewer pipe at the indicated slopes or if there exists on the property a plumbing fixture that has the indicated capacity:
    - 1. 50 gpm w/ slope of .2" per ft
    - 2. 35 gmp w/ slope of 1/8" per ft
  - c. For commercial or industrial uses, at any time the discharge to the private sewer lateral exceeds the following flows for a 4 inch diameter sewer pipe at the indicated slopes or if there exists on the property a plumbing fixture that has the indicated capacity:
    - 1. 100 gmp w/ slope of .2" per ft
    - 2. 75 gpm w/ slope of 1/8" per ft
  - d. For commercial or industrial uses, at any time the discharge to the private sewer lateral exceeds the following flows for a 6 inch diameter sewer pipe at the indicated slopes or if there exists on the property a plumbing fixture that has the indicated capacity indicated:
    - 1. 310 gpm w/ slope of .2" per ft
    - 2. 215 gpm w/ slope of 1/8" per ft

- e. Verification from a closed circuit television inspection that clear water is being discharged into the sewer main from the private sewer lateral.
  - f. Evidence that a basement sump pump is utilized on the property being served.
3. All pressure laterals shall be pressure tested at 1.5 times the operating pressure and no more than a 1% pressure loss shall be detected within a 10 minute test

#### K. Specified Pressure Tests for Privately Owned Sewer Laterals

When Hydrostatic pressure conditions can exist outside or inside of the private sewer lateral at any time, the private sewer lateral shall be pressure tested by the exfiltration method by plugging the end of the private sewer lateral at its point of connection to the public sewer and completely filling the private sewer lateral with water from the lowest to the highest point thereof. To perform a pressure test, the private sewer lateral must have a cleanout located near the building footing which is served by the private sewer lateral or at the property line. If the cleanout does not exist, one must be installed by a qualified owner/builder or by a licensed contractor under a plumbing permit issued by the Agency having jurisdiction over the property as part of the test procedure. The contractor or qualified owner may perform preliminary pressure tests prior to completing the backfill operations; however, the final pressure test shall be performed after the completion of the backfill operations. A video inspection of the downstream side of the test plug must be performed during the exfiltration pressure test to confirm that the test plug has sealed.

1. The exfiltration pressure test for a gravity private sewer lateral shall be performed with potable or recycled water by filling the private sewer lateral to a level 3” below the lowest floor drain or fixture connection to the building drain system up to a maximum water column of 33 feet above the test plug in the lateral at the lateral wye fitting below the property line cleanout. If necessary, a stand pipe shall be fitted to the top of the cleanout to achieve the required testing water level. The testing water level shall also be at least higher than the elevation of the back edge of the public sidewalk at the point above the approximate location of the private sewer lateral, or the top of curb if there is no public sidewalk or the edge of pavement if there is no curb or public sidewalk. An approved backwater valve and cleanout shall be installed at the property line if there is any gravity drained plumbing fixture in the structure being served that is below the elevation of the back edge of the public sidewalk at the point above the approximate location of the sewer lateral, or the top of curb if there is no public sidewalk or the edge of pavement if there is no curb or public sidewalk. A lateral may be tested in segments subject to the approval of the inspector. When segmental pipe testing is performed, each tested pipe segment must not exceed the allowed leakage rate.
2. The private sewer lateral will have passed the pressure test if the testing water level within the testing standpipe does not drop more than the

indicated rate for the given diameter of testing standpipe indicated below. The allowed leakage per sewer lateral is 212.5 gpd or 8.85 gph or .15 gpm or 34.08 cubic inches per minute.

- a. 3" Diameter: 5 inches per minute
- b. 4" Diameter: 2.5 inch per minute
- c. 6" Diameter: 1.5 inch per minute

#### L. The Metering of Pumps

All Users operating pumps that convey any discharge to the CLMSD shall meter such pumps. All pumps and meters shall be maintained at all times in a safe and proper operating condition at the expense of the User and be located as to allow safe and continuous access at all times. Such meters may be read by CLMSD representatives.

### **Section 5.7. Signatory Requirements**

All applications, reports or other information submitted to the CLMSD must contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and in accordance with the system designed to insure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those 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 knowingly submitting false information, including the possibility of fine and imprisonment for knowing violations."

This statement shall be signed by an authorized representative of the User as defined in 40 C.F.R. 403.12(l)(1-4). BMRs and 90-day Compliance Reports shall also be certified by a qualified professional in accordance with 40 C.F.R. 403.12(b)(6).

### **Section 5.8. Rights of Entry**

The CLMSD has the right of inspection of the facilities of any User to ascertain whether the objectives of this Ordinance are being met and all standards and requirements are being complied with. Persons or occupants of premises where wastewater is generated or discharged, or where hazardous substances or hazardous wastes are present, shall allow the CLMSD or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, photographing, analysis, records examination, records copying or performance of any of their duties. The CLMSD, or its authorized representative, accompanied by such other representatives of other public agencies as may be appropriate, shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

Where a User has security measures in force which would require proper identification and clearance before entry onto their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the CLMSD, along with other authorized representatives, shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Such inspection(s) will be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of Part 3 of the California Code of Civil Procedure; provided, however, that in the event of an emergency affecting public health or safety, such inspection may be made without consent or the issuance of a warrant. To the extent that the owner or possessor of the premises requires that a warrant be received, the CLMSD may, in its discretion, suspend the permit and/or any other right to discharge to sanitary facilities immediately, and such suspension may continue until such time as a warrant has been received and the inspection has been completed. If no violation of this Ordinance is found, the suspension will be lifted. In the event that violations of this Ordinance or CLMSD permit, if applicable, are found, then the suspension may, in the discretion of the CLMSD, be continued, or permit and/or right to discharge to CLMSD Facilities terminated, or other enforcement remedies may be sought.

The CLMSD may choose to inspect the facility to determine compliance with all standards set forth in this Ordinance, the CLMSD permit, if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the User.

### **Section 5.9. Pretreatment**

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

### **Section 5.10. Publication of Users in Significant Noncompliance**

Pursuant to federal requirements, the CLMSD shall annually publish, in the highest circulated daily newspaper in the CLMSD service area, a list of the Users who were in significant noncompliance with any Pretreatment Requirements or Standards at any time during the twelve (12) previous months. The notification will also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

### **Section 5.11. Records Retention**

All records relating to compliance with Pretreatment Requirements and Standards shall be made available to officials of the EPA, State, and CLMSD, or their authorized representatives. Such records shall include for all samples: 1) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples; 2) the dates analyses were performed; 3) who performed the analyses; 4) the analytical techniques/methods used; and 5) the results of such analyses. These records shall be retained for a minimum of three (3) years, or longer in the case of unresolved litigation, enforcement action, or when requested by the CLMSD, State or EPA.

### **Section 5.12. Confidential Information**

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

When requested by a User furnishing information to the CLMSD, the portions of that information which might disclose trade secrets or secret processes will not be made available for inspection by the public but will be made available upon written request to other governmental agencies for uses related to this Ordinance, and/or the National Pollutant Discharge Elimination System (NPDES). Those portions of the information will also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the User furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information.

Information and data requested from a User which the User believes to be proprietary and the release of which to the public would substantially impair the operations of the User, may alternatively be provided to the CLMSD for its review at the facility of the User rather than provided to the CLMSD for its keeping, at the discretion of the CLMSD. The burden will be on the User to demonstrate to the satisfaction of the CLMSD that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the CLMSD from properly carrying out the objectives of this Ordinance.

Information accepted by the CLMSD, which is demonstrated to be confidential, will not be transmitted to anyone other than a governmental agency without prior notification to the User.

## **CHAPTER SIX: ENFORCEMENT**

### **Section 6.1. Enforcement Mechanisms**

It is the intent of this Enforcement section to provide adequate mechanisms to achieve a maximum degree of compliance with this Ordinance by all Users. These enforcement provisions apply to all classes of Users to the extent such User violates any provision of this Ordinance or administrative order of the CLMSD pursuant to this Ordinance. In order to achieve the maximum degree of compliance desired, the CLMSD will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The CLMSD may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Ordinance is intended to prevent State and/or Federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Ordinance which also constitutes a violation of State and/or Federal statutes and regulations.

The enforcement mechanisms available to the CLMSD for violations of the provisions of this Ordinance, applicable CLMSD resolutions and permit provisions are the following:

- A. Informal administrative action (including Notices of Violation and warning notices).
- B. Administrative orders, compliance schedules, and other reports.
- C. Imposition of fines and fees for noncompliance with permit requirements.
- D. Imposition of penalties for noncompliance with administrative orders.
- E. Assessment of charges for obstruction or damage to CLMSD Facilities or operations.
- F. Suspension or termination of services.
- G. Civil action.
- H. Criminal action.

### **Section 6.2. Informal Administrative Actions**

CLMSD staff may, on an informal basis, take action against a User for minor violations or technical or clerical shortcomings of a User or a User's compliance submittals. These informal administrative actions may include informal notices (i.e. telephone calls to the User's representative), Notices of Violation (NOVs), informal meetings or warning letters. Such action will not prevent a subsequent or concurrent imposition of noncompliance fees or other enforcement mechanisms.

### **Section 6.3. Administrative Orders and Compliance Schedules**

When the CLMSD finds that a User has violated the prohibitions or requirements of this Ordinance, or the provisions of a wastewater discharge permit, or applicable State or Federal regulations, the CLMSD may issue an administrative order directed at those Users not complying with such prohibitions, limitations, requirements or provisions to (1) cease to discharge immediately (suspension of service); (2) comply with requirements immediately; or (3) make such changes to their pretreatment facility and procedures immediately as to insure full compliance.

The CLMSD may also issue, under the circumstances set forth above, an order containing a compliance schedule or a time schedule setting forth dates by which specific corrective actions must be completed. Any User subject to a compliance schedule shall submit to the CLMSD, for each compliance step in the schedule, a report stating whether or not compliance was achieved. Where compliance is not achieved, the report must state the reasons for noncompliance, steps being taken to comply with the schedule, and the date when compliance with the increment in question is expected. Each report must be submitted not later than fourteen (14) days after the date of the compliance step specified in the compliance schedule.

All Users shall submit to the CLMSD any other reports as deemed reasonable and necessary by the CLMSD, in addition to those described above to demonstrate compliance with this Ordinance, their wastewater discharge permit, or any applicable State or Federal regulations. Such reports include, but are not limited to, any reports or plans required by State, Federal or local laws or regulations, including this Ordinance.

#### **Section 6.4. Noncompliance Fees**

##### **A. Noncompliance fees for Pollutant limitation violations**

If a periodic compliance sampling performed by the User or the CLMSD reveals non-compliance by the User with the prohibitions or specific pollutant limitations contained in this Ordinance, the permit, resolutions by the CLMSD Board, or which violates specific National Pretreatment Standards or State standards on discharges, then the User is liable for fees of up to One Thousand Dollars (\$1,000) for each day of violation per violation. The purpose of these fees is to compensate the CLMSD for additional costs of sampling, monitoring, laboratory analysis, treatment, disposal and administrative processing incurred as a result of the noncompliance. These fees will be in addition to, and not in lieu of, any penalties as may be assessed pursuant to Sections 6.7, 6.8 and 6.9.

1. For the purpose of this section, a fee of Three Hundred Dollars (\$300) shall be imposed for each violation of the constituent limit for the first violation of that constituent limit during the term of the permit.
2. Second or subsequent violations of this same constituent limit during the term of the permit may result in increased fees for each violation of the constituent limit resulting from a single day's sample. The maximum fee which shall be imposed for multiple violations of any constituent limits from a single day's sample, where one or more of the individual

constituent violations constitute second or subsequent violations of that constituent shall be One Thousand Dollars (\$1,000) per day.

3. Whenever periodic compliance samples or the CLMSD unannounced samples indicate a significant noncompliance (SNC), the CLMSD may undertake a Sample and Evaluation Program. This program will consist of CLMSD sampling of the User's wastewater at the first opportunity convenient to the CLMSD. Daily samples may be taken each day for up to five (5) days. The CLMSD or outside laboratory will analyze these samples for the violating constituents and provide notice to the User in regard to the results of said sampling. Violations that may occur during the Sample and Evaluation Program shall constitute subsequent violations under this Ordinance or under any applicable law.

4. In the event a sampling and evaluation program indicates a need for corrective actions to be undertaken, the CLMSD may place the User on a compliance schedule or undertake another sampling and evaluation program. A compliance schedule shall provide for minimum required actions to be undertaken by the User to alleviate the violation and a schedule for completion of said actions. This compliance schedule may include interim constituent level maximums. All violations of constituent maximums or other requirements set forth in the compliance schedule, including failure to meet schedule dates, shall subject the violator to a fee of One Thousand Dollars (\$1,000) per violation. Each day in which the User fails to meet a schedule date may, in the discretion of the CLMSD, constitute a separate violation. Any violation of a constituent limit during the compliance schedule period may also result in the implementation of an additional Sample and Evaluation Program.

B. In addition to the penalty fees set forth in Section 6.4.A. above, a "significant" violation of the discharge standard may result in the immediate termination of the User's permission to discharge, at the discretion of the CLMSD. The termination of permission to discharge may be for a set period or for the entire remaining term of the permit, at the discretion of the CLMSD. Any violation of the discharge standards where a constituent concentration is determined to be five times the concentration standard set forth in Appendix A shall be determined to be a "significant" violation. Any series of three or more violations of the same constituent within a one-year period, shall constitute a "significant" violation.

C. Preliminary Determination of Noncompliance with Permit Requirements.

Noncompliance with permit discharge requirements may be determined by an analysis of a sample of the effluent of a User for a constituent or condition specified in the User's permit. If the effluent of a User is found by the analysis of the sample to be in excess of the concentrations or conditions specified in the permit, or concentrations or conditions incorporated by reference therein, noncompliance fees as set forth in Section 6.4A shall be levied. The User shall notify the CLMSD, as specified in Section 6.10B of this Ordinance, of the violation and shall collect a second sample of the effluent for analysis. Pursuant to Section 5.6.A.5 of this Ordinance, the User shall provide the CLMSD with

the results of the second sample within thirty (30) days of the date the violation was discovered. If the second sample reveals noncompliance, then the Sampling and Evaluation Program may be initiated by the CLMSD.

#### D. Sampling and Evaluation Program

1. If the Sampling and Evaluation Program (SEP) reveals noncompliance by the User with the prohibitions or specific pollutant limitations specified in this Ordinance or in the User's permit, the User shall pay fees as specified above and may be assessed all other costs incurred during the SEP for sampling and analysis, including labor, equipment, materials, outside services and overhead.
2. If noncompliance by the User with the prohibitions or limitations of this Ordinance or of the User's permit is determined following the initiation of an SEP, the CLMSD may implement one of the following enforcement actions:
  - a. Amend the existing permit through an Enforcement Compliance Schedule Agreement (ECSA). This may be done after consultation with the User and when the User has shown good faith in trying to comply but requires additional time for construction and/or acquisition of equipment related to pretreatment. The permit may be amended with the ECSA for a period up to one hundred and eighty (180) days; however, this period may be extended for a period not to exceed an additional one hundred and eighty (180) days upon determination by the CLMSD Director that good cause exists for an additional period. No further extensions shall be granted except upon approval of the CLMSD Board.
  - b. If a User remains in noncompliance because corrective action is not taken within a reasonable time after completion of the SEP or the expiration of the ECSA, then an Administrative Order may be issued. Additionally, any of the other enforcement actions as outlined in this chapter may also be commenced. The payment of noncompliance fees will not bar the CLMSD from undertaking such enforcement procedures as are otherwise set forth herein.

#### **Section 6.5. Assessment of Charges for Obstruction or Damage to CLMSD Facilities or Operations**

When a User's discharge, whether due to negligence, accident, spill or otherwise, causes an obstruction, damage or any other impairment to CLMSD operation or facilities, the CLMSD may impose a charge on the User for the cost to clean or repair the facility, or costs incurred to resume normal operations. An administrative service fee of twenty-five percent (25%) of the CLMSD costs may be added to these charges. The total amount shall be paid within thirty (30) days of invoicing by the CLMSD. If it can be shown that the User's discharge caused or significantly contributed to the CLMSD violating its discharge requirements or incurring additional expenses or suffering loss or damage to the operation or facilities, then the User shall

be responsible for any costs or expenses, or a prorated portion of such expenses, including assessments or penalties imposed by other agencies or the court on the CLMSD.

## **Section 6.6. Suspension or Termination of Service**

### **A. Suspension of Service.**

The CLMSD may suspend the wastewater treatment service and/or a wastewater discharge permit by issuance of a Cease and Desist Order when the CLMSD makes the determination that such suspension is necessary. A suspension shall be justified in order to prevent an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of individuals or the environment, causes or may cause interference to the treatment plant or other CLMSD operations, or causes or may cause the CLMSD to violate any condition of its NPDES permit. Additionally, a permit may be suspended for any of the conditions justifying revocation of permit as set forth in Section 6.6.B. Nothing in this paragraph shall limit the rights of the CLMSD to suspend or terminate service pursuant to specific permit conditions which may be more stringent.

The CLMSD may take steps to immediately halt or prevent a discharge that threatens the health and welfare of individuals. Any User notified of a suspension of service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the User to comply voluntarily with the administrative order, the CLMSD will take such steps as deemed necessary to prevent or minimize damage to CLMSD Facilities or endangerment to persons or the environment. The CLMSD may reinstate the wastewater discharge permit, and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

### **B. Revocation of Permit.**

Any User who violates the following conditions is subject to having its permit revoked:

1. Any User who knowingly gives or provides a false statement, representation, record, report, plan or other document to the CLMSD or falsifies, tampers or knowingly renders inaccurate any monitoring device or method required under Section 5.6 of this Ordinance;
2. Failure of a User to factually and completely report the wastewater constituents and characteristics of his/her discharge;
3. Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
4. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring;
5. Failure of a User to notify the CLMSD immediately of accidental discharge and/or take appropriate corrective action to prevent a recurrence;
6. Failure of a User to file a Periodic Compliance Report in such time and in such manner as is required by this Ordinance;

7. Significant violation(s) of the permit requirements or conditions and/or violation of this Ordinance. Any violation of discharge standards where a constituent concentration is determined to be five times the limit for that constituent or any series of three or more violations of the same constituent within a one-year period shall constitute a significant violation;
8. Failure to pay fees and charges, including noncompliance fees or other penalties established pursuant to this Ordinance.

### C. Immediate Termination of Discharge

In the case of an actual or threatened discharge which reasonably appears to present an imminent danger to the health or welfare of persons, the CLMSD may, after reasonably attempting to informally notify the User, take all necessary steps to halt or prevent such discharge including, but not limited to the disconnection of the User's water service, the disconnection of the User's access to CLMSD Facilities and all associated punitive actions described in the most recent addition of the California Building Code.

### **Section 6.7. Administrative Civil Penalties**

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the CLMSD or CLMSD staff may issue administrative complaints, conduct administrative hearings and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the CLMSD requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the CLMSD collection system or treatment works.

These penalties shall be as follows:

- A. In an amount which shall not exceed Two Thousand Dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- B. In an amount which shall not exceed Three Thousand Dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the CLMSD.
- C. In an amount which shall not exceed Five Thousand Dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the CLMSD.
- D. In an amount which shall not exceed Ten Dollars (\$10) per gallon for discharges in violation of any suspension, Cease and Desist Order or other orders, or prohibition issued, reissued, or adopted by the CLMSD.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.

As to court actions authorized by the above-referenced sections, CLMSD Council, or other special council designated by the CLMSD Board, will institute appropriate actions to effect statutory authorized remedies, upon order of the CLMSD Board.

## **Section 6.8. Civil Action**

The CLMSD Board may direct the City of Lakeport Council or other special council to bring such civil actions as may be available by law or in equity in any court of competent jurisdiction to enforce the provisions of this Ordinance and to recover such charges, fees, penalties and/or damages as may be assessed or may be incurred under the provisions of this Ordinance.

### **A. Injunction**

Whenever a discharge of wastewater is in violation of or has the reasonable potential to violate any provision of this Ordinance, permit condition, or any Federal Pretreatment Standard and Requirement as set forth in 40 C.F.R. Section 403.8 et seq., or User fails to submit required reports, or refuses to allow the CLMSD entry to inspect or monitor the User's discharge, the CLMSD may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation or to prevent threatened violations by the User.

### **B. Civil Actions for Penalties**

Any User who violates any provision of this Ordinance, permit condition, Cease and Desist Order, prohibition or effluent limitation, shall be liable civilly for a penalty not to exceed Twenty-Five Thousand Dollars (\$25,000) for each day in which such violation occurs pursuant to California Government Code Section 54740. CLMSD Council, or other special council designated by the Board, upon order of the CLMSD Board, will institute such actions as may be appropriate in the Superior Court to impose, assess and recover such sums.

### **C. Other Civil Actions**

The CLMSD may require compliance with permit conditions or limitations by issuing administrative orders, including Cease and Desist Orders, and compliance schedules. Said orders are enforceable in a California court of general jurisdiction. The CLMSD, however, may directly undertake any court action available by law or equity, including but not limited to a civil action for penalties without first seeking an administrative order or making use of a compliance schedule, and it may concurrently undertake such administrative and court actions as deemed appropriate.

## **Section 6.9. Criminal Action**

### **A. General Criminal Penalties**

Any person who violates any provision of this Ordinance, permit, Administrative Order, prohibition or effluent limitation, is guilty of a misdemeanor, and upon conviction is punishable by a fine of One Thousand Dollars (\$1,000) per day per violation or imprisonment of up to thirty (30) days in the County jail, or both. Each day a violation occurs may constitute a new and separate offense and may subject the violator to an additional full measure of penalties as set forth herein.

#### B. Falsifying Information

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction be punished by a fine of not more than One Thousand Dollars (\$1,000) or imprisonment for not more than thirty (30) days in the County jail, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate information shall constitute a new and separate offense and shall be subject to the penalties contained herein.

Nothing in this section is intended to exclude the potential for prosecution under the applicable perjury statutes of the State of California to the extent such falsification was incorporated in a document signed under the penalty of perjury.

### **Section 6.10. Notification Procedures**

#### A. Notification to User

Whenever the CLMSD finds that any User has violated or is violating the provisions of this Ordinance, a wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the CLMSD may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of this notice, a plan for the satisfactory correction of the violation shall be submitted to the CLMSD by the User. Failure to respond to the violation shall be considered a separate violation.

Whenever the CLMSD assesses a noncompliance fee, penalty or other form of enforcement action under the provisions of this Ordinance, the CLMSD will serve upon such User a written notice stating the nature of the enforcement action being taken.

#### B. Notification to CLMSD

When a User discovers that he has violated or is violating a provision of the Ordinance, wastewater discharge permit, or any prohibition, limitation or requirement contained therein, including a violation as may be caused by accidental discharge or spill, the User shall immediately notify the CLMSD upon discovery of such violation. Thereafter, within five (5) days following the accidental discharge or discovery of a violation, the User shall submit to the CLMSD a detailed, written report, describing the accidental

discharge or violation, and the measures taken by the User to prevent similar future occurrences. This written report regarding the violation may be included as a part of a Periodic Compliance Report, or other report as may be required under this Ordinance, as long as the written report is provided within the five (5) days of discovery. Said notification shall not relieve the User of any expense, penalty, fee or other liability which may be incurred as a result of the violation.

### **Section 6.11. Costs**

All costs associated with the CLMSD undertaking of enforcement actions pursuant to this Ordinance, including attorney's fees for civil actions undertaken, shall be paid by the User. These costs may include, but not be limited to, the costs for termination of service, reinstatement of service, compliance sampling and analysis and administrative activities undertaken by the CLMSD. However, if the User prevails in an appeal to the CLMSD Board or a civil action taken to nullify an enforcement action pursued by the CLMSD under this Ordinance, the User shall not be responsible for the costs incurred by the CLMSD in pursuing said enforcement action.

### **Section 6.12. Responding to Significant Noncompliance**

Any violation of pretreatment requirements, including limits, sampling, analysis, reporting and meeting compliance schedules, and regulatory deadlines, is an instance of noncompliance for which the Industrial User is liable for enforcement including penalties. The CLMSD is required to identify violations or patterns of violations by Industrial Users that are deemed to be instances of Significant Noncompliance (SNC). To the extent that a violation or pattern of violations is determined to be SNC, the CLMSD will give additional priority to enforcement actions with regard to that Industrial User. Additionally, the determination of SNC will be used as the basis for reporting same to the regulatory authorities and the publishing of the list of Users who are in significant non-compliance as is required of the CLMSD by law. The following are criteria for significant noncompliance which will be used in determining instances of SNC.

#### **A. Violations of Wastewater Discharge Limits**

1. **Chronic Violations.** Chronic violations shall be deemed to be present when sixty-six percent (66%) of all the measurements taken during a six month period exceed the daily maximum limit or the average limit for the same parameter (any magnitude of exceedence).
2. **Technical Review Criteria Violations.** A technical review criteria (TRC) violation occurs if at least thirty-three percent (33%) of all the measurements taken for each pollutant parameter during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the TRC. TRC is defined as 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.
3. **Other Effluent Limit Violations.** Any other violation(s) of an effluent limit (average or daily maximum) that the CLMSD determines has caused, alone or in combination with other discharges, interference (e.g., slug discharges) or pass-through (including adverse effect on any toxicity

testing); or endangered the health of CLMSD Facilities, personnel or the general public.

4. Danger to Human Health or Welfare. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the exercise of CLMSD emergency authority to immediately halt or prevent such a discharge.

#### B. Violation of Compliance Milestones

Failure to meet any compliance schedule milestone, contained in any order given to the User by the CLMSD, including an ECSA for starting and completing construction, or attainment of final compliance, by ninety (90) days or more after scheduled date shall result in additional enforcement mechanisms including a suspension or termination of service and/or civil action.

#### C. Failure to Provide Proper Data

Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days after the date such reports or other data are due shall result in an imposition of fines and fees for noncompliance as described in Section 6.4 of this Ordinance.

#### D. Failure to Accurately Report

Failure of a User to accurately and promptly report any noncompliance, and any attempt to circumvent the reporting requirements or otherwise withhold noncompliance data from the CLMSD shall result in an imposition of fines and fees for noncompliance as described in Section 6.4 of this Ordinance.

#### E. Other Violations

Any other violation or group of violations that the CLMSD determines may adversely affect its operations or the accomplishment of the objectives of this Ordinance shall result in administrative action as described in Chapter 6 of this Ordinance.

## **CHAPTER SEVEN: HEARINGS AND APPEALS**

### **Section 7.1. Availability of Administrative Appeal**

Any User, permit applicant or permit holder affected by any decision, enforcement action or determination made by the CLMSD, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the CLMSD Director a written request for reconsideration of a staff decision, action or determination within fifteen (15) days of notification of said staff decision, action or determination. The written request for reconsideration shall detail facts supporting the User's request and such facts shall include a

statement listing all relevant facts which shall be considered including such facts as may not have been known or available to the CLMSD at the date of such action. The CLMSD Director will render a decision on the request for reconsideration within fifteen (15) days of receipt of the request, unless the CLMSD Director requests additional information from CLMSD staff or the User. The CLMSD Director will concur with, modify or rescind the action, decision or determination previously made or may grant a show cause hearing regarding such decision, action or determination. If the ruling on the request for reconsideration made by the CLMSD Director is unacceptable, the User may, within ten (10) days after the date of notification of the CLMSD Director's determination, file with the CLMSD Secretary a request for appeal to the CLMSD Board.

A User shall not have a right to an appeal to the CLMSD Board unless the User has complied with the procedures concerning the request for reconsideration by the CLMSD Director as set forth above.

When a written request for appeal to the CLMSD Board has been properly filed with the CLMSD Secretary, the CLMSD Secretary shall schedule the matter to be heard by the CLMSD Board within forty-five (45) days from the date of the filing of the written request. The CLMSD Board will make a ruling on the appeal within fifteen (15) days from the date of the hearing unless the Board requests additional information from CLMSD staff or the User.

## **Section 7.2. Show Cause Hearings**

A. The CLMSD may order any User who violates any of the provision(s) of this Ordinance, or permit condition(s), to appear before a designated hearing officer to show cause why a proposed enforcement action should not be taken. Notice will be provided to the User specifying the time and place of the hearing. A notice for a show cause hearing will set forth the violation, the reasons why an action is to be taken, the proposed enforcement action, and such other information as will notify the User of the nature of the hearing. The User has the burden of proof to demonstrate that the proposed action should not be taken or that the decision, action or determination previously made should be rescinded or modified. A notice of hearing will be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service of the notice may be made on an agent of the User or officer of the User's business entity.

B. A CLMSD employee or officer may conduct the hearing and take evidence, or the CLMSD may designate another independent person to do so. The CLMSD will not, as a matter of course, provide for stenographic recording of the hearing, however, the User may provide for such stenographic recordation at its own expense.

C. After the hearing officer has reviewed the evidence, administrative orders may be issued which specifically relate to the issues set forth in the notice of show cause hearing. If the User is dissatisfied with the determination of, or the administrative order issued by the hearing officer, the User may file a written request for appeal to the CLMSD Board. The request for appeal shall be filed with the CLMSD Secretary within ten (10) days of the issuance of the determination order of the hearing officer. The CLMSD Secretary will

calendar the matter before the CLMSD Board within forty-five (45) days of the date of filing of the written request for appeal to the CLMSD Board.

## **CHAPTER EIGHT: FEES**

### **Section 8.1. Purpose**

It is the purpose of this Chapter to provide for both the recovery of costs from Users of CLMSD Facilities and related programs established herein and to provide for a Sewer Service Charge to be imposed on all Users of the CLMSD sewerage system. The applicable charges or fees will be set forth in the CLMSD Schedule of Rates, Fees and Charges

### **Section 8.2. Sewer Service Charges**

All Users shall pay a Sewer Service Charge for the CLMSD wastewater disposal services. The Sewer Service Charge shall reflect the quantity, quality and flow of the wastewater of the User and will be based on the CLMSD operating costs to intercept, treat and dispose of the wastewater.

The Sewer Service Charge will be set from time to time by the CLMSD Board.

### **Section 8.3. Scope of Rates, Fees and Charges**

The CLMSD may adopt charges and fees to compensate the CLMSD for its activities under this Ordinance which may include:

- A. Setting up and operating the CLMSD Sewer Use & Pretreatment Program, septage program, Industrial User notification program and slug discharge program.
- B. Monitoring, sampling, inspection and surveillance procedures.
- C. Reviewing accidental discharge procedures and construction.
- D. Processing permit applications.
- E. Implementation of administrative and legal enforcement measures.
- F. Other fees as the CLMSD may deem necessary to carry out the requirements of the programs contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the CLMSD. These fees and charges may include staff costs, as well as legal, consulting and laboratory costs, associated with the CLMSD activities in implementation of these programs. See Appendix B for more details.

### **Section 8.4. Payment of Fees, Charges and Delinquencies**

A. Except as otherwise provided, all fees, charges and penalties made pursuant to the provisions of this Ordinance are due and payable upon receipt of notice thereof. All such amounts shall become delinquent thirty (30) days after the date of invoice.

B. A penalty for delinquent accounts will be charged in accordance with the following:

1. Thirty (30) days after the date of invoice, a penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of One Thousand Dollars (\$1,000).
2. Ninety (90) days after the date of invoice, an additional penalty of ten percent (10%) of the base invoice amount shall be imposed, the cumulative total of the penalties will not exceed a maximum of Four Thousand Dollars (\$4,000).

C. Any invoice outstanding and unpaid after ninety (90) days will be cause for immediate initiation for permit revocation proceedings.

D. Penalties charged under this section shall not accrue to those invoices successfully appealed, provided the CLMSD receives written notification of said appeal prior to the payment due date. Payment of disputed charges is still required during CLMSD review of any appeal submitted by Users.

### **Section 8.5. Reinstatement Deposit**

Permitted Users who have been subject to enforcement proceedings may be required to deposit with the CLMSD an amount determined by the CLMSD Director prior to permission being granted for further discharges to CLMSD Facilities. The deposit shall be provided as a security to ensure that the requirements of this title are complied with, and all fees and charges associated with the User's permit are paid. The security may be returned after one (1) year, provided that the User has not been subject to any enforcement actions or enforcement fees within that one (1) year period. The deposit shall be cash or other security acceptable to the CLMSD.

### **Section 8.6. Connection Fee – Construction Fund**

A. All connection fees collected from applicants within the CLMSD shall be deposited in an appropriate construction fund, and shall be expended for major repair, improvement and expansion of the facilities of the CLMSD.

B. All such funds collected from applicants outside the CLMSD shall be placed in a separate fund for such area, and pending annexation or termination of the contract with such area shall be expended only as provided by such contract. Upon annexation, any balance in such special fund shall be transferred to the CLMSD connection fee fund. Upon termination of the contract, such fund balance shall be disbursed as provided by such contract. (Ord. 427 §12(part), 1967)

### **Section 8.7. Maintenance Fees – Maintenance Fund**

All maintenance charges collected by the CLMSD whether collected from Users within or without the CLMSD, shall be placed in the maintenance fund of the CLMSD and shall be expended for operation and normal maintenance of the existing facilities of the CLMSD, and the facilities of such areas outside the CLMSD as the contracts with such areas may provide for the CLMSD to maintain; provided, however, that the CLMSD may collect from Users from outside the CLMSD, in areas served by the CLMSD, such additional charges along with the normal maintenance charges as such contracts may provide, which additional charges shall be deposited, maintained and expended as provided by such contracts. (Ord. 427 §12(part), 1967)

## **CHAPTER NINE: FATS, OILS, AND GREASE PROGRAM**

### **Section 9.1. FOG Purpose**

The purpose of this Chapter is to outline the wastewater pretreatment requirements for Food Service Facilities and other commercial facilities that discharge FOG in their wastewater flow. All new and existing facilities that generate and discharge FOG in their wastewater flow shall install, operate and maintain a FOG pretreatment system. The requirements of this Chapter shall supplement and be in addition to the requirements of the City of Lakeport Municipal Sewer District's Sewer Use Ordinance (Chapter 13.20. Lakeport Municipal Code)

### **Section 9.2. Application to Install a FOG Pretreatment System**

Properly sized Grease Interceptors are required for all commercial food and restaurant facilities connected to the CLMSD, and all facilities described in Section 9.2.B of this document unless otherwise designated by the Director. The CLMSD does not accept waste products with FOG into the sanitary sewer system or any of the wastewater treatment facilities.

#### **A. Interceptors Required**

1. Grease, oil and sand interceptors shall be provided when in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing Grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for buildings used solely for residential purposes. All Grease Interceptors shall be of a type and capacity approved by the Director, meet minimum design capability and follow all E-BMPs. Grease Interceptors shall be so located as to be readily and easily accessible for User cleaning and CLMSD inspection.

#### **B. Maintenance of Interceptors**

1. All Grease Interceptors shall be maintained by the User, at his/her expense, in continuously efficient operation at all times. Grease Interceptors shall be installed by Users as required by the Director. Grease Interceptors shall be installed at the User's expense, when such User operates a Food Service Facility, school, child care facility

with 20 or more children, deli, meat market, grocery store, bakery, entertainment club, caterer, church and fraternal organization, or when deemed necessary by the Director for the proper handling of liquid wastes containing Grease or any other substance deemed harmful to the City of Lakeport Municipal Sewer District.

2. The sizing of Grease Interceptors will be based on the number of seats (EPA 1 Procedure) or the number of meals served in a single day (EPA 2 Procedure) or other methods approved by the Director. All such Grease Interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the Grease Interceptor, but not less often than once every sixty (60) days or more often, as determined by the Director. Indoor Grease Interceptors shall be cleaned a minimum of once every fourteen (14) days. Users who are required to, based on solids, pass water through a Grease Interceptor shall:
  - a. Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with twenty (20) percent of the total volume of the Grease Interceptor being allowed for sludge to settle and accumulate, identified hereafter as a “sludge pocket”.
  - b. Remove any accumulated sludge pocket as required, but at intervals of not longer than once every sixty (60) days or more often, as determined by the Director at the User’s expense. Grease Interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the Grease Interceptor.
  - c. Accept the following conditions: If any skimmed or pumped wastes or other materials removed from Grease Interceptor are treated in any fashion onsite and reintroduced back into the Grease Interceptor as an activity of and after said onsite treatment, the User shall be responsible for the attainment of established Grease numerical limit consistent with and contained in Section 9.3 on all discharges of wastewater from said Grease Interceptor into the City of Lakeport’s sanitary sewer collection and treatment system.
  - d. Operate the Grease Interceptor in a manner so as to maintain said device such that attainment to the Grease limit is consistently achieved. “Consistent” shall mean any wastewater sample taken from said Grease Interceptor shall

be subject to terms of numerical limit attainment described in Section 9.3. If legitimate space constraints (as determined by the Director) exist that prohibit the sewer User from installing a Grease Interceptor, a Variance for Cause request, may be submitted. (Section 9.6)

e. Understand and agree that: the use of biological additives as a Grease degradation agent is conditionally permissible, upon prior written approval by the Director. Any Food Service Facility using this method of Grease abatement shall maintain the Interceptor in such a manner that attainment of the Grease wastewater discharge limit, as measured from the Interceptor's outlet, is consistently achieved.

f. Understand and agree that: the use of automatic Grease removal systems is conditionally permissible, upon prior written approval by the Director. Any Food Service Facility using this equipment shall operate the system in such a manner that attainment of the Grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

g. Understand and agree that: The Director reserves the right to make determinations of Grease Interceptor adequacy and need based on review of all relevant information regarding Grease Interceptor performance. The Director reserves the right to conduct facility site and building plan review and to require repairs to, modification, or replacement of such Interceptors.

3. All Users shall provide a written record of Interceptor maintenance and/or pumping to the Director within five working days after such work has been completed.
4. Non-grease-laden sources shall not be connected to sewer lines upstream of the Grease Interceptor. Grease Interceptors are intended only for grease-laden sources.
5. Should an obstruction of a CLMSD sewer main(s) occur that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of Grease in the CLMSD sewer main(s), the CLMSD will take appropriate enforcement actions, as stipulated in Sections 9.4 and 9.5, against the generator or contributor of such Grease.

#### C. Facilities to install Interceptors

1. All facilities described in Section 9.2.B.1 shall be required to install Grease Interceptors within one year of written notification by the Director, or file a Variance for Cause request within six months of

the same notification (Section 9.6). If the variance is not granted by the Director the User will have six months, from written notification of denial, to complete said installation as directed.

2. If an overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of Grease from an existing FSF without a Grease Interceptor, the CLMSD will require the FSF to install a Grease Interceptor within one-hundred eighty (180) days of written notification. Any additional fixtures that are added to the existing FSF, that discharge grease-laden waste streams, shall be plumbed into the Interceptor. If said fixtures cause the Interceptor to exceed its minimum design capability, a new Interceptor may be required by the Director.
3. Except as provided herein, for a period of one year following adoption of this Ordinance, although installation of Grease Interceptors will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on Grease discharges from Grease Interceptors. If, during this one year period an obstruction of a CLMSD sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of Grease in a CLMSD sewer main(s), the CLMSD will take appropriate enforcement actions, as stipulated in Sections 9.4 and 9.5, against the generator or contributor of such Grease.
4. Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable lids and inflow and infiltration saucer covers in order to facilitate inspection, allow for Grease removal, and permit wastewater sampling activities.

#### D. Design Requirements for Grease Interceptors:

1. As per California Plumbing Code requirements, Grease Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, shall be of substantial construction, watertight, and equipped with easily removable covers. The Grease Interceptor shall contain a baffle system, which adequately diverts and slows the flow to avoid short-circuiting. Grease Interceptors located in roadways or parking lots shall be traffic rated.
2. Since the FSF is liable for the condition of their pretreatment devices, the FSF owner/representative should witness all cleaning

/maintenance activities in order to verify that the Grease Interceptor is being fully cleaned and properly maintained.

#### E. How to Determine the Size of an Exterior, In-ground Grease Interceptor.

As determined by the Director the User installing a Grease Interceptor may be required to use either the sizing criteria of the Manning Formula or the formula described in the most recent edition of the California Plumbing Code to determine the size of said Grease Interceptor:

#### The Manning Formula for calculating Grease Interceptor sizing is:

*Gallons of interceptor* = [(**(1)** = GPM/fixture (derived from Manning formula) x **(2)** = total # fixture ratings of grease-laden waste streams] + **(3)** direct flow from a dishwasher, laundry washer, glass washer (in GPM)] x **(4)** = 24 minute retention time

*Components of equation* =

**1. GPM/fixture** – The following examples are derived from the Manning Formula. It takes into account the slope; roughness of the pipe (plastic) used, and pipe diameter size. When applying the Manning Formula, we arrive at the drainage rates of various pipe diameter sizes:

0.5 inch pipe diameter	= 0.8 GPM/fixture
1.0 inch pipe diameter	= 5.0 GPM/fixture
1.5 inch pipe diameter	= 15 GPM/fixture
2.0 inch pipe diameter	= 33 GPM/fixture
2.5 inch pipe diameter	= 59 GPM/fixture
3.0 inch pipe diameter	= 93 GPM/fixture

**2. Fixture Ratings of Grease-Laden Waste Streams:** In the data below, fixtures that have a heavy grease-laden waste stream received higher values, while fixtures with a light grease-laden waste stream received lower values.

#### Common Commercial Kitchen Fixtures and their Corresponding Rating (each):

2, 3, or 4 compartment pot sink	= 1.0
1 or 2 compartment meat prep sink	= 0.75
Pre-rinse sink	= 0.5
1 or 2 compartment vegetable prep sink	= 0.25
Can wash	= 0.25
Mop sink	= 0.25
Floor drain	= 0.00

**3. Direct Flow from Dishwashers, Laundry washers, and Glass washers:** These flows must be added directly to the GPM flow because of their potential for discharging large

quantities of water in a short time period. Since these appliances have pumps, the Manning Formula cannot be applied to predict flow. Make sure to use the manufacturer's discharge rate for flow in GPM but not less than the draw down rate.

**4. Twenty-four minute retention time:** Engineers have determined that when applying several criteria to determine proper Grease (animal and vegetable lipids) separation (using Stokes's Law, specific gravity of lipids, etc.), a twenty-four minute retention time is required.

**Example #1:** A restaurant has the following fixtures in their kitchen (all fixtures have a 1.5 inch pipe diameter):

- (1) 3-compartment pot sink
- 1 pre-rinse sink
- (1) 2- compartment vegetable prep sink
- 1 dishwasher that discharges 10 GPM

Using the formula to size exterior grease interceptors, we get:

$$\begin{aligned} & \text{Gallons needed for grease interceptor} \\ &= [(15 \text{ GPM} \times [1 + 0.5 + 0.25]) + 10 \text{ GPM}] \times 24 \text{ minutes} \\ &= [(15 \text{ GPM} \times 1.75) + 10 \text{ GPM}] \times 24 \text{ minutes} \\ &= 26.25 \text{ GPM} + 10 \text{ GPM} \times 24 \text{ minutes} \\ &= 36.25 \text{ GPM} \times 24 \text{ minutes} \\ &= 870 \text{ gallons round up to the next size} = \end{aligned}$$

***A 1,000 gallon Grease Interceptor is required***

**Example #2:** A restaurant has the following fixtures:

At 0.5 inch pipe diameter: Pre-rinse sink

At 1.5 inch pipe diameter:

- (1) 3-compartment pot sink
- 1 pre-rinse sink
- 1 meat prep sink
- 1 vegetable prep sink

At 3.0 inch pipe diameter:

- 1 can wash

Using the formula to size exterior grease interceptors, we get:

For the pre-rinse sink, we take

$$0.8 \text{ GPM} \times 0.5 = 0.4 \text{ GPM}$$

For the 1.5 inch pipe diameter fixtures:

$$15 \text{ GPM} \times [1 + 0.5 + 0.75 + 0.25] = 37.5 \text{ GPM}$$

For the can wash:

$$93 \text{ GPM} \times 0.25 = 23.25 \text{ GPM}$$

Add  $0.4 \text{ GPM} + 37.5 \text{ GPM} + 23.25 \text{ GPM} = 61.15 \text{ GPM} \times 24 \text{ minutes} = 1,468 \text{ gallons}$ ; round up to the next size =

***A 1,500 gallon Grease Interceptor is required.***

F. How to Determine the Size of an indoor point of use Grease Interceptor:

**Step 1**

- a. Determine the cubic contents of the fixture by multiplying length x width x depth
- b. Number of compartments times 24" long by 24" wide by 14" deep.  
Cubic contents:  $3 \times 24 \times 24 \times 14 = 24,192$  cubic inches

**Step 2**

- a. Determine the capacity in gallons 1 gallon = 231 cubic inches
- b. Contents in gallons:  $24,192 / 231 = 104.7$  gallons

**Step 3**

- a. Determine actual drainage load. The fixture is usually filled to about 75 percent of capacity with wastewater. The items to be washed displace about 25 percent of the fixture content. Actual drainage load = 75 percent of fixture capacity.
- b. Actual Load:  $.75 \times 104.73$  gallons = 78.55 gallons

**Step 4**

- a. For design considerations, it is good practice to calculate the flow rate in GPM equal to or greater than 75 percent of the fixture capacity
- b. Calculated flow rate for design capacity in GPM on 75 percent of fixture capacity: 75 percent of fixture capacity = 78.55 gallons Flow Rate = 78.55 GPM

**Step 5**

- a. Select the Grease Interceptor that matches the calculated design flow rate Note: Select the next larger size when the flow rate falls between two sizes.
- b. Hence, any value greater than 78 but less than or equal to 79 should be considered 79. In this example, a Grease Interceptor with a minimum design capability of 79 GPM is needed.

G. Notification of Change in Ownership or Closure of a Food Service Facility

1. A change in ownership of a FSF shall be reported to the Director in writing within thirty (30) days of the ownership change. Failure to comply will result in a *Minor Violation, Failure to Submit Records* Section 9.5.
2. Any FSF that goes out of business shall report such closure to the Director in writing within thirty (30) days of closure and shall ensure that any Grease Interceptor shall be cleaned and pumped before the building is vacated. Failure to comply shall result in an *Intermediate Violation, Failure to Maintain Necessary Equipment* Section 9.5.

**Section 9.3. FOG Discharge Limits**

A. Types of Wastes Prohibited

1. Any water or waste which may contain more than 100 parts per million, by weight, of FOG.

**Section 9.4. FOG Prohibitions and Violations**

- A. No User shall contribute or cause to be contributed into the sanitary sewer collection system any of the following:
  - 1. Hot water running continuously through a Grease Interceptor.
  - 2. Discharge of concentrated alkaline or acidic solutions into a Grease Interceptor.
  - 3. Discharge of concentrated detergents into a Grease Interceptor.
  - 4. Discharge of FOG into the sanitary sewer system.
  
- B. It shall be a violation of this Ordinance for any person or User to:
  - 1. Modify a Grease Interceptor’s structure without consent from the Director.
  - 2. Provide falsified data and/or information to the CLMSD, including but not limited to Grease Interceptor maintenance and/or cleaning records.
  - 3. Violate or fail to comply with any applicable section or provision of this Chapter.

<b>Violations</b>	<b>Days from Notification to Correct Violation</b>
Equipment Not Registered	30 days
Equipment Not Properly Installed	90 days
Major Violations	30 days
Intermediate Violations	60 days
Minor Violations	90 days

**Section 9.5. FOG Fines**

A. Any User that is identified, in whole or in part, as the source of a sanitary sewer blockage and/or overflow, shall be assessed a fine of no less than \$500 and no more than \$25,000 per incident, plus Cost Recovery, in addition to any fines dispensed from the State of California. Users committing one or more of the offenses listed herein will be assessed the corresponding amounts on a calendar year basis. The User will have no more than 180 days from written notification by the Director to surrender said moneys to the CLMSD.

The fines associated with all violations of this chapter including Minor, Intermediate, and Major Violations and subsequent violations will be set from time to time by the CLMSD Board.

**Section 9.6. FOG Variance for Cause Request/Appeals**

**A. Variance**

- 1. A variance to deviate from any/all requirements set forth in Section 9.2 may be requested of the CLMSD upon submission of sufficient documentation. Such documentation shall provide a written explanation for the need to vary from the requirements of Section 9.2 of this Ordinance. After submission of a request to the CLMSD, the CLMSD will review all information submitted and will notify the User in writing of its acceptance or denial of the variance request. All Users

requesting a variance shall agree to submit to a variance study and the associated fee.

2. The CLMSD has the right to discontinue the variance study at any time the FSF or other Director-designated facility adversely affects the sanitary sewer collection system or treatment works. Fees associated with the variance request will be set from time to time by the CLMSD Board, which includes estimated costs associated with processing and conducting the variance study. All fees are non-refundable and shall be paid in advance.

3. A variance to exceed the interval requirement for scheduled maintenance set forth in this ordinance may be granted if the accumulated grease cap and sludge pocket measurements remain below twenty-five (25) percent of the total depth from the Grease Interceptor's interior floor to the static or working water level, at any point between the influent and effluent pipes/baffles of the Grease Interceptor.

4. No variance will be granted to exceed a one-hundred eighty (180) day maintenance interval, with the exception of schools and seasonal event facilities that may exceed a one-hundred eighty (180) day maintenance interval upon submitting a variance application to the Director and receiving written permission from the Director.

5. Any User who is found to violate the twenty-five (25) percent rule as set forth in Section 9.6.B.6 herein below, may be required to pump more frequently than monthly.

#### **B. Variance Study Procedure.**

*Once a variance has been granted, a variance study shall be conducted in accordance with the following procedures:*

1. Prior to a variance study, the Grease Interceptor shall be completely pumped and sufficiently cleaned by a servicing company at the User's expense. A variance study cannot be conducted unless the Grease Interceptor is properly serviced, as determined by the Director.

2. The User shall contact the CLMSD a minimum of two (2) working days prior to the scheduled Grease Interceptor cleaning.

3. Once the Grease Interceptor is cleaned properly and refilled with water from the establishment, the CLMSD will conduct a visual inspection of the Grease Interceptor and verify that all components of the device are in place and in proper working order. If a Grease Interceptor fails the visual inspection, the User shall correct all inadequacies at the User's expense. The User shall notify the CLMSD in writing of all corrected measures upon completion. Such notification shall be mailed to the address set forth in Section 9.6.G.

4. Two (2) weeks after initial pumping, the CLMSD will measure the grease cap and sludge pocket to obtain data to determine Grease Interceptor performance.

5. Four (4) weeks after the initial pumping, the CLMSD will re-measure the Grease cap and sludge pocket to further evaluate Grease Interceptor performance.

6. This process will continue on a biweekly frequency until the accumulated Grease cap and sludge pocket reach twenty-five (25) percent of the total depth of

the Grease Interceptor. Variance studies shall not exceed a period of one-hundred eighty (180) days.

7. The CLMSD will review all data obtained and submit in writing the results of the variance to the User. The result will only be furnished to the User requesting the variance.

8. The CLMSD will not be responsible for any Grease discharge, odor, or blockage during or after the variance study. At no time during the variance study shall the Grease Interceptor be pumped, except by direct approval of the Director.

### **C. Variance Revocation.**

1. A variance to deviate from the interval requirement for scheduled maintenance may be revoked by the CLMSD, at its discretion, if at any time after a variance is granted one or more of the following occurs:

- a. Grease Interceptor discharge adversely affects the CLMSD as determined by the Director.
- b. Grease and solids accumulation is greater than twenty-five (25) percent of the total depth from grease interceptor's interior floor to the static or working water level, at any point within the Grease Interceptor.
- c. A User increases food service production by more than 33%.
- d. A User increases seating capacity by more than 25%.
- e. A User enacts a menu change that increases grease-laden waste to an amount no longer applicable to the original variance.
- f. A User causes or contributes to a sanitary sewer blockage or overflow.

### **D. Reconsideration Petition**

1. Any User may petition the Director to reconsider the terms of any enforcement action within thirty (30) calendar days of issuance.
2. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal process.
3. The petition shall indicate the terms objected to, the reasons for the objection and any additional information that should be considered.
4. If the Director fails to act within fifteen (15) days of receipt, the request for reconsideration shall be deemed as denied.

### **E. Final Appeal Hearing with the CLMSD**

1. Any User whose Reconsideration Petition to the Director has been denied shall have the right to a final hearing before the CLMSD Board upon making written demand to the Director within thirty (30) days of receipt of the Reconsideration Petition denial. The written demand shall identify the specific enforcement action issues to be contested and any additional information that should be considered.
2. Unless such written demand is made within the time specified herein, the action of the Director shall be final and binding.
3. The CLMSD Board shall conduct the hearing and make a final decision on the enforcement action within fifteen (15) days of the hearing. The User shall be notified of the decision by certified mail.

4. The decision of the CLMSD Board shall be considered the final administrative action for purposes of judicial review.

#### **F. Appeal of FOG Chapter**

1. Any User may appeal a fine that has been assessed for failure to comply with this Ordinance. The User must submit a written request, identifying the specific issues to be contested, to the Director within thirty (30) days following receipt of the bill, assessment of fine, or Notice of Violation. Unless such written request is made within the time frame specified, the fine subject to appeal shall be final and binding. The Director shall evaluate the information and shall make a written decision within fifteen (15) days of receipt of the appeal request. Failure to make a written demand within the specified time herein shall bar further appeal. The Director shall make a decision on the appeal within ninety (90) days of the date that the appeal was filed.

#### **G. Mailing Address for all FOG Appeals**

1. Address the letter according to the type of Appeal and Body. For Example:

*“Attn: Variance for Cause Request, to CLMSD Director”*

2. After addressing your letter and envelope, mail all correspondence to:

City of Lakeport Corporation Yard  
591 Martin Street  
Lakeport, CA  
95453

### **CHAPTER TEN: SPECIAL PURPOSE DISCHARGE PERMIT**

#### **Section 10.1. Special Purpose Discharge Permit Application**

Special purpose discharge permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the CLMSD. The conditions of special purpose discharge permits will be enforced by the CLMSD in accordance with this Ordinance and applicable State and Federal Regulations, sludge management criteria, or the reuse potential of the water by the CLMSD.

A. Users seeking a special purpose discharge permit shall complete and file with the CLMSD, prior to commencing discharge, an application in the form prescribed by the CLMSD. This application shall be accompanied by any applicable fees, plumbing plans, a detailed analysis of the alternatives for water disposal, or other data as needed by the CLMSD for review.

B. After evaluation of the data furnished, the CLMSD may issue a special purpose discharge permit when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard.

C. The permit application may be denied when the applicant has failed to establish to the CLMSD satisfaction that adequate pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

### **Section 10.2. Conditions and Limitations**

A. Monitoring requirements resulting from a special purpose discharge permit shall be for those noncompatible pollutants known to exist in the discharge. At least one analysis prior to sewer discharge shall be performed for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list.

B. The CLMSD may specify and make part of each special purpose discharge permit specific pretreatment requirements or other terms and conditions determined by the CLMSD Director to be appropriate to protect the CLMSD facilities, to comply with Regulatory Agencies' requirements, to ensure compliance with this Ordinance, and to assess User charges.

### **Section 10.3. Permit Fee**

The special purpose discharge permit fee shall be paid by the applicant in an amount adopted by resolution of the CLMSD Board. Payment of permit fees must be received by the CLMSD prior to issuance of either a new permit or a renewed permit. Each permittee shall also pay delinquent invoices in full prior to permit renewal. See Appendix B.

### **Section 10.4. Permit Modifications of Terms and Conditions**

A. The terms and conditions of an issued special purpose discharge permit may be subject to modification and change in the sole determination by the CLMSD during the life of the permit based on:

1. The User's current or anticipated operating data;
2. The CLMSD current or anticipated operating data;
3. Changes in the requirements of Regulatory Agencies;
4. A determination by the CLMSD Director that such modification is appropriate to further the objectives of this Ordinance.

B. A permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The CLMSD will review the request, make a determination on the request, and respond in writing.

C. A permittee will be informed of any changes in the permit at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**Section 10.5. Permit Duration**

Special purpose discharge permits will be issued for a period not to exceed one (1) year, but may be renewed as determined by the CLMSD Director. Users seeking permit renewal shall comply with all provisions of this Chapter 10.

**Section 10.6. Discharge Fees**

A charge for use to cover all costs of the CLMSD for providing sewerage service and monitoring will be established by the CLMSD Director. A deposit determined by the CLMSD Director to be sufficient to pay the estimated charges for use shall accompany the special purpose discharge permit application, and said deposit shall be applied to the charges for use.

**Section 2.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declare unconstitutional on their face or as applied.

**Section 3.** This Ordinance shall take effect 30 days after the date of its adoption and the City Clerk shall cause the ordinance to be published as required by law.

This ordinance was introduced before the City Council of the City of Lakeport and Board of Directors of the City of Lakeport Municipal Sewer District at a regular meeting thereof on the 5th day of February, 2008, by the following vote:

AYES: Council/Board Members Parmentier, Rumfelt, Bertsch, and Irwin  
and Mayor/Chairman Bruns  
NOES: None  
ABSENT: None  
ABSTAINING: None

This Ordinance was duly enacted by the City Council of the City of Lakeport and the Board of Directors of the City of Lakeport Municipal Sewer District at a regular meeting thereof on the 4th day of March, 2008, by the following vote:

AYES: Council/Board Members Parmentier, Rumfelt, Bertsch, and Irwin  
NOES: None  
ABSENT: Mayor/Chairman Bruns  
ABSTAINING: None

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WILLIS H. BRUNS, Mayor

ATTEST:

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JANEL M. CHAPMAN, City Clerk

APPROVED AS TO FORM:

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STEVEN J. BROOKES, City Attorney

## Appendix A

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### Specific Pollutant Limitations

#### **MAXIMUM POLLUTANT ALLOWABLE CONCENTRATION(mg/L)**

Arsenic 0.37

Cadmium 0.5

Chromium 2.0

Copper 3.0

Cyanide 0.4

Lead 2.0

Mercury 0.02

Nickel 0.8

Phenolic Compounds 8.0

Selenium 1.0

Silver 0.3

Zinc 5.0

pH 6.0 - 12.0 units

BOD No limit

TSS No limit

Chloroform 3.34

Methylene Chloride 0.18

Tetrachloroethylene 14.26

Tributyltin 0.19

The maximum allowable concentration of other toxic, or potentially toxic, materials not listed herein and/or the upward or downward adjustment of the above-noted maximum allowable concentrations may be determined by the CLMSD on a case-by-case basis and will be included in the individual User's permit.

## Appendix B

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### Description of Fees

All discharges to the CLMSD Facilities shall be subject to the terms and conditions of this Ordinance and to the terms, conditions, fees, and fines as described below. CLMSD shall have the authority to assess and collect fees for cost recovery purposes. The fees are cumulative and may include, but are not limited to, the following:

1. Sampling Fee: The purpose of this fee is to recover CLMSD costs for sampling, lab fees, travel, equipment, administration, labor or any other costs accrued by the CLMSD to complete sampling as required by this Ordinance, the waste discharge permit, or under directive of the CLMSD Director to demonstrate compliance.
2. Noncompliance Fees: These are fees resulting from violations of this Ordinance or the wastewater discharge permit. The fees, delineated in Section 6.4, may include any or all of the following, dependent upon the severity of the violation or violations.
  - a. Inspection Cost: This portion of the fee is to reimburse the CLMSD for any inspection costs as necessary and reasonable to demonstrate compliance with this Ordinance and/or the wastewater discharge permit, following a violation.
  - b. Additional Sampling Cost: This portion of the fee is to recover CLMSD costs for sampling, lab fee, travel, equipment, labor and any other costs incurred by the CLMSD, to complete sampling and to demonstrate compliance with this Ordinance and/or wastewater discharge permit.
  - c. Damage Cost: This portion of the fee is to recover cost incurred by the CLMSD for the protection from or repair of damage to the water pollution control system because of a harmful or hazardous discharge in violation of this Ordinance by any User.
  - d. CLMSD Violation Cost: This portion of the fee is to recover costs assessed to the CLMSD as a result of a User discharge violation causing Pass-Through or interference such that the CLMSD is unable to meet the requirements of its NPDES Permit or any other permit requirements, including an increase in the magnitude or duration of a violation. The fee will include the amount of any fine(s) levied against the CLMSD by the EPA or any other regulatory agency issuing a fine, due to a violation of the CLMSD permit. The fee will also include reimbursement of costs for sampling, travel, labor and any other expenses incurred by the CLMSD as a result of the User's discharge causing the CLMSD to be in violation of its permit.

e. Administrative and Processing Costs: This portion of the fee is to recover costs to the CLMSD for administrative, clerical and incidental labor costs.

The fees listed and described above, shall be payable to the CLMSD only and do not include any additional fees which may be levied by CLMSD member agencies, if any.