

**ORDINANCE NO. 001-22**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING CHAPTER 5 (WASTEWATER COLLECTION AND TREATMENT) OF TITLE 6 OF THE YUBA CITY MUNICIPAL CODE**

WHEREAS, the City Council of Yuba City ("City") is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council has adopted the Yuba City Municipal Code, which it periodically updates to protect the public health, safety, and welfare; and

WHEREAS, City Council desires to update and amend the Yuba City Municipal Code Title 6 Chapter 5 (Wastewater Collection and Treatment) in a fair manner that best addresses the public health, safety, and welfare.

NOW THEREFORE, the City Council of the City of Yuba City does ordain as follows:

**Section 1.**

The above recitals are all true and correct and are hereby adopted as findings.

**Section 2.**

The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that the proposed ordinance is not a "project" for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it promotes environmental conditions by providing improved processes and programs for the collection and treatment of wastewater, and will not result in direct or indirect substantial, adverse physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purposes of CEQA, there is no possibility that this project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

**Section 3.**

Chapter 5 (Wastewater Collection and Treatment) of Title 6 of the Yuba City Municipal Code hereby is amended to read in its entirety as follows:

**CHAPTER 5. - WASTEWATER COLLECTION AND TREATMENT<sup>(1)</sup>**

**Article 1. - General Provisions**

**Sec. 6-5.101. - Purpose and policy.**

The purpose of this chapter is to provide for the maximum possible beneficial public use of City facilities through the adequate regulation of sewer construction, sewer use, and industrial wastewater discharges; to provide for the equitable distribution of City costs; and to provide

procedures for complying with the requirements placed upon the City by other regulatory agencies.

This chapter sets forth uniform requirements for dischargers to the publicly owned treatment works and enables the City to comply with the administrative provisions of the Clean Water Grant Regulations; water quality requirements of the Regional Water Quality Control Board and the applicable effluent limitations; State Water Resources Control Board's Sanitary Sewer Systems Waste Discharge Requirements (WDR) and Monitoring and Reporting Requirements for the Sanitary Sewer System in reference to the City's sewer system management plan (SSMP); national standards of performance, toxic, and pretreatment effluent standards; and all other applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). In the event that state and/or federal wastewater discharge or treatment regulations and/or standards exist or are subsequently adopted which are more stringent and/or restrictive than the requirements of this chapter, the more stringent and restrictive regulations shall apply. The primary objectives of this chapter include:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (b) To prevent illicit discharges (e.g., infiltration and inflow, chemical dumping, unauthorized debris, etc.) into the sanitary sewer system;
- (c) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (d) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (e) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (f) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works;
- (g) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject;
- (h) To require that sanitary sewers and connections are properly designed, constructed, and maintained;
- (i) To ensure access in easements, rights-of-way, and any other areas where sanitary sewer system facilities are installed for maintenance, inspection, or repairs of the sanitary sewer system and any portions of the service laterals and satellite collection system;
- (j) To limit discharge of fats, oils, grease, and other debris that may cause blockages; and
- (k) To enforce any violations of this chapter.

This chapter shall apply to all users of the publicly owned treatment works. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, inspections, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Revenues derived from the application of this chapter shall be used to defray the City's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service cost, capital improvements, depreciation, and/or capital replacement.

Sec. 6-5.102. - Scope.

This chapter shall be interpreted in accordance with the definitions set forth in Section 6-5.106. of this article.

The provisions of this chapter shall apply to the direct or indirect discharge of all liquid-carried wastes to the facilities of the City. This chapter, among other things, provides for the regulation of sewer construction in areas within the City, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste discharge fees to provide for the equitable distribution of costs, the approval of plans for sewer construction, the issuance of permits for industrial wastewater discharges and of other miscellaneous permits, and the establishment of penalties for violations of this chapter.

Sec. 6-5.103. - Administration.

Except as otherwise provided in this chapter, the City Manager shall administer, implement, and enforce the provisions of this chapter by coordinating the actions of the Public Works Director, the Finance Director, and any other necessary City department. The primary responsibility for the administration, implementation, and enforcement of the parts of this chapter which relate to billing, collecting, and accounting for the fees and charges established by this chapter is assigned to the Finance Director. The primary responsibility for the administration, implementation, and enforcement of the parts of this chapter related to the operations of the Wastewater Treatment Facility, wastewater collection system, Sewer System Management Plan, pretreatment program, and Water Treatment Plant is assigned to the Public Works Director. The primary responsibility for the administration, implementation, and enforcement of all other parts of this chapter is assigned to the Public Works Director. Any powers granted to, or duties imposed upon, the City Manager, Public Works Director, or Finance Director may be delegated by them to persons acting in the beneficial interests of or in the employ of the City.

Sec. 6-5.104. - Use of revenues.

The revenues derived under the provisions of this chapter shall be placed in a fund entitled "Wastewater Fund." The accounting of revenues shall be in accordance with the applicable state and/or federal laws and regulations, and revenues may be used for any purpose so authorized.

Sec. 6-5.105. - Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

AHL	Allowable headworks loading
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BMP	Best management practices
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
CIU	Categorical industrial users
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
ERP	Enforcement response plan
FOG	Fats, oils, and grease
FSE	Food service establishment
gpd	Gallons per day
GRD	Grease removal device(s)
IU	Industrial user
MAHL	Maximum allowable headworks loading
MAIL	Maximum allowable industrial loading
mg/l	Milligrams per liter
NAICS	North American Industrial Classification System
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SIU	Significant industrial user
SNC	Significant Non-compliance
SSMP	Sewer System Management Plan
SSO	Sanitary sewer overflow

TBLDD	Technically based local limit development document
TRC	Technical review criteria
TSS	Total suspended solids
USC	United States Code

Sec. 6-5.106. - Definitions.

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

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

*Administrative order.* For the purposes of this chapter, an order issued by the City of Yuba City, City Attorney, or an Administrative Judge of the Superior Court of California, County of Sutter, compelling a user of the City's POTW to perform in some manner. Administrative orders are issued in response to a violation of this Code and state water or health and safety laws, with the legal jurisdiction dictating which legal official issues the order. The orders are generally issued in the form of show cause, compliance, or consent orders depending on the nature and circumstance of noncompliance.

*Allowable headworks loading (AHL).* The estimated maximum loading of a pollutant received at a POTW's headworks that should not cause the POTW to violate a particular treatment plant or environmental criterion. AHLs are developed to prevent interference or pass through.

*Approval authority.* The State of California, Regional Water Quality Control Board, Central Valley Region.

*Authorized representative of the user.*

(a) If the user is a corporation:

- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

- (c) If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in paragraph (a)(1) and paragraph (a)(2) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

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

*Best management practices (BMP).* The term "best management practices" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. In addition, BMP means activities, prohibitions, maintenance procedures, and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.

*Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° Celsius, usually expressed as a concentration (e.g., mg/l).

*Building sewer or lateral sewer.* A sewer conveying the wastewaters of a discharger from a residence, building, or other structure to a community sewer, including direct connections to a community sewer where permitted by the City.

*Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) of the Act (33 U.S.C. § 1317) which applies to a specific category of users and which appear in 40 CFR 405—471.

*Cesspool.* A tank, box, or sump used for the receipt of crude sewage, containing no provision for the nitrification, clarification, or disposal of the sewage, or which discharges such sewage upon the open ground.

*Chemical oxygen demand (COD).* The measure of chemically decomposable materials in domestic or industrial wastewaters as represented by the oxygen utilized as determined by the appropriate procedure described in "Standard Methods."

*Chlorine demand.* The amount of chlorine required to produce a free chlorine residual of 0.1 mg/l after a contact time of 15 minutes as measured by the Idiometric Method on a sample at a temperature of 20° Celsius in conformance with "Standard Methods."

*City.* The City of Yuba City public organization.

*City Manager.* The City Manager of the City of Yuba City.

*Collecting sewer.* Any City-owned sewer line discharging to another City-owned sewer line such as a trunk line.

*Collection system.* The portions of the public sewer/collecting sewer consisting of all pipes, sewers, and conveyance systems conveying wastewater to the POTW, excluding service lateral line connections which are not owned by the City.

*Commercial building.* Any structure, building, or enclosure designed primarily for commercial use other than residential or industrial.

*Commercial user.* Any user not defined as a residential or industrial user.

*Community sewer system.* The sewers owned and operated by the City. "Community sewer" shall mean that portion of the community sewer system which receives wastewaters from the service lateral of a discharger.

*Compatible pollutant.* The biochemical oxygen demand, suspended solids, and pH and fecal coliform bacteria, plus additional pollutants identified in the City's NPDES permit.

*Connection.* The joining of any structure, building, or facility to any sewer line entering the sewer system of the City for the purpose of discharging sanitary or industrial sewage or wastes.

*Contamination.* Any impairment of the quality of the waters of the State by wastes to a degree which creates a hazard to the public health through poisoning or the spread of disease.

*Council or City Council.* City Council of the City of Yuba City.

*County.* The County of Sutter.

*CPC.* California Plumbing Code book, California Code of Regulations Title 24, Part 5.

*Daily discharge.* Daily discharge is defined as either:

- (1) The total mass of the constituent discharged over the calendar day (12:00 a.m. through 11:59 p.m.) or any 24-hour period that reasonably represents a calendar day for purposes of sampling, for a constituent with limitations expressed in units of mass; or
- (2) The unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if one day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

*Daily maximum.* The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

*Discharger.* Any person who discharges or causes a discharge to a public sewer.

*Dissolved solids.* The solid matter in solution in the wastewaters, which shall be obtained by the evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."

*Dwelling unit.* Any residence, apartment, habitation, or other structure customarily occupied by a single person or family and which contains facilities for the preparation of meals.

*Effluent.* The liquid outflow of any facility designed to treat, convey, or retain wastewaters.

*Environmental Protection Agency (EPA).* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of the agency.

*Existing source.* Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Fats, oils, and grease (FOG).* Any substance such as a vegetable or animal product that is used in or is a byproduct of the cooking or food preparation process and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

*FOG control program.* A document prepared and implemented by the City to control FOG (fats, oils, and/or grease).

*Food service establishment (FSE).* Any facility which prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences, including but not limited to food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, bars, hospitals, hotels, nursing homes, churches, and schools.

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

*Grab sample.* A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

*Grease-removal device(s).* All food service establishments that discharge wastewater to the City's wastewater collection system are required to have City-approved and properly sized grease-removal devices, also commonly referred to as "grease traps" or "grease interceptors."

Both devices are primary grease-removal devices that separate and retain free-floating FOG. The differences between the two types of grease-removal devices are primarily the size and physical location of the unit.

*Indirect discharge or discharge.* The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

*Industrial wastewater or industrial user (IU).* Shall mean as defined in Article 4 of this chapter.

*Insignificant violation.* Any violation that is not by definition defined as Significant Non-compliance (SNC).

*Inspector.* A person authorized by the Public Works Director to inspect wastewater generation, conveyance, processing, and disposal facilities.

*Instantaneous maximum allowable discharge limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or



composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference.* A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use, or disposal, and, therefore, is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or causes the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*Lot or parcel.* A lot or parcel of land consisting of one lot of record in one ownership.

*Main sewer or sewer main.* A portion of the community sewer system located in a street or public easement which receives wastewater from the service lateral of a discharger and is designated to accommodate more than one service lateral.

*Maximum allowable concentration.* The maximum concentration of a pollutant which may be discharged from an IU into the City's collection system. Unless dictated by superseding regulations (i.e. national pretreatment or categorical standards), the maximum allowable concentration may be taken as a grab or composite sample at the discretion of the Public Works Director.

*Maximum allowable headworks loading (MAHL).* The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the AHLs estimated for a pollutant.

*Maximum allowable industrial loading (MAIL).* The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and controlled sources without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled wastewater, and growth allowance.

*Medical waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Monthly average.* The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

*Monthly average limit.* The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. *New source.*

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

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located;

- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(1) or (a)(2) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - (1) Begun, or caused to begin, as part of a continuous onsite construction program:
      - (i) Any placement, assembly, or installation of facilities or equipment; or
      - (ii) Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
    - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Non-contact cooling water.* Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*North American Industrial Classification System (NAICS).* US Census Bureau business classification system.

*Outside user.* Any person responsible for the payment of sewer service fees for premises served outside the City limits.

*Pass through.* A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

*Person.* 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. This definition includes all federal, state, and local governmental entities.

*pH.* A measure of the acidity or alkalinity of a solution, expressed in standard units.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal wastes,

agricultural wastes, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Premises.* Any lot, piece, or parcel of land, any building or other structure, or any part of any building or structure used or useful for human habitation or gathering or carrying on any business or occupation.

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

*Pretreatment standard or standard.* The terms "national pretreatment standard," "pretreatment standard," or "standard" mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Section 403.5.

*Private sewer.* That portion of a sewer serving an independent sewage disposal system, not connected with a public sewer, and which accommodates one or more buildings or industries.

*Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 6-5.207.

*Publicly owned treatment works (POTW).* A "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

*Public sewer.* The main line sewer constructed in a street, highway, alley, place, or right-of-way dedicated to public use. "Public sewer" shall not include a house connection sewer or service lateral.

*Public Works Director or Director.* The Public Works Director of the City or such other person as may be designated by the Public Works Director to perform the services or make the determinations permitted or required under this chapter to be made by the Public Works Director.

*Radioactive material.* A material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays, or energy forms.

*Receiving water quality standards.* The requirements for City treatment plant effluent established by law or by state or federal regulatory agencies for the protection of receiving water quality. Said standards shall include effluent limitations and waste discharge standards, requirements, limitations, or prohibitions which may be established, amended, or adopted by state or federal laws or regulatory agencies.

*Residential user.* Any user whose premises are used solely for residential purposes.

*Sanitary sewage.* The waste discharging into the City sewage system which contains human or animal excreta.

*Sanitary sewer overflow (SSO).* Any overflow, spill, release, discharge, or diversion of untreated or partially-treated wastewater from a sanitary sewer system, including overflows or releases that reach waters of the United States, overflows or releases that do not reach the waters of United States, and backups into buildings and/or private property caused by conditions within the publicly owned portion of the sewer system.

*Septic tank system.* A system of reservoirs or tanks which receive sanitary sewage and by septic bacterial action affect the decomposition and settlement of settleable solids and the diversion of the septic liquid for clarification and purification which take place by further bacterial action in percolation ducts extending into natural or prepared porous subsoil beds.

*Septic tank waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Service lateral.* A sewer conveying the wastewaters of a discharger from a residence, building, or other structure(s) to a community sewer, including direct connections to a community sewer where permitted by the City.

*Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.), which is a constituent of wastewater.

*Sewage lift station.* Any facility designed and constructed to raise wastewaters in elevation or to overcome head losses due to pipeline friction.

*Sewage treatment plant.* Any arrangement of devices and structures for treating sewage.

*Sewer System Management Plan (SSMP).* A document prepared by the City that describes the activities to manage the wastewater collection system.

*Sewerage system or sewer system.* The services and facilities for the treatment and disposal of industrial wastes and sanitary sewage.

*Shall and may.* "Shall" is mandatory and "may" is permissive. *Significant industrial user (SIU).*

- (a) A user subject to categorical pretreatment standards; or a user that:
  - (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
  - (2) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (b) The City may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
  - (1) The industrial user, prior to the City's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

- (2) The industrial user annually submits the certification statement required in Section 6-5.402.F(b), together with any additional information necessary to support the certification statement; and
  - (3) The industrial user never discharges any untreated concentrated wastewater.
- (c) Upon finding that a user meeting the criteria in subsection (b). has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Slug load or slug discharge.* Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article 2 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

*Standard Industrial Classification (SIC).* A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

*Standard Methods.* The procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Elements of wastewater strength shall be measured by "Standard Methods" unless otherwise expressly stated.

*Standard specifications.* A set of documents including standard details and special provisions containing design and construction standards for all sewerage works within the City. The edition of standard specifications in place at the time of permit issuance/approval shall rule.

*Stormwater.* Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

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

*Trade secrets.* Any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented and is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

*Trailer court.* Any parcel of land designed for residential use with two or more mobile homes, travel trailers, pickup campers, or motor homes.

*Trunk sewer.* A sewer constructed, maintained, and operated by the City which conveys wastewaters to the City's treatment facilities and into which service laterals and collecting sewers discharge.

*Uncontaminated water.* Any wasted water of the community not contaminated or polluted with wastewaters and which is suitable or could readily be made suitable for discharge to the municipal stormwater drainage system.

*User or industrial user.* A source of indirect discharge. Also defined as any person responsible for the payment of the sewer service charges for premises served as provided in this chapter.

*Waste.* Sewage and any and all other waste substances, including gaseous or radioactive substances, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

*Wastewater.* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

*Wastewater strength.* The quality of wastewaters discharged as measured by its elements, including its constituents and characteristics.

*Wastewater treatment plant, wastewater treatment facility, or water reclamation facility treatment plant.* That portion of the POTW which is designed to provide treatment of municipal sewage/wastewater and industrial waste.

## Article 2. - Rules and Regulations

### Sec. 6-5.201. - Discharge into streams prohibited.

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

### Sec. 6-5.202. - Privies and septic tanks prohibited.

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

### Sec. 6-5.203. - Occupancy prohibited.

No building, industrial facility, or other structure shall be occupied until the owner of the premises has complied with all the rules and regulations of the City and this chapter.

### Sec. 6-5.204. - New buildings requiring sewers.

Before a building permit may be issued for any new building to be situated within the City which requires sewage disposal, provisions shall be made by the applicant and/or the property owner to connect the building with the City public sewer system, all in accordance with the requirements of this chapter. Provisions to connect the building to the public sewer may include extension of the main sewer line at the property owner's expense if necessary to adequately serve the building as determined by the Public Works Director. The property owner shall be responsible for the proper maintenance of the service lateral, at property owner's expense, from the building(s) to the collecting sewer/community sewer, including the connection of the service lateral to the collecting sewer/community sewer.

- (a) The Public Works Director may determine that extension of the public sewer to the new building is unfeasible due to distance and, upon approval, may allow the property owner to

obtain authorization by the County Health Department to construct a septic system. In such cases, Section 6-5.207. shall then apply.

Sec. 6-5.205. - Existing buildings requiring sewage disposal.

Existing buildings situated within the City and requiring sewage disposal shall be required to be connected to the public sewer system of the City at the property owner's expense provided such public sewer is within 200 ft of the nearest point of the structure. Exceptions to this requirement may be permitted when the County Health Official finds that an existing septic tank system and/or private sewage disposal system is properly and adequately functioning; however, once the private sewage disposal system and/or septic tank system fails for the structure which is within 200 ft of the serviceable public sewer line, a connection to the public sewer system shall be required at the property owner's expense. All fees shall be paid prior to issuance of a building permit. The property owner shall be responsible for the proper maintenance of the service lateral, at property owner's expense, from the building(s) to the collecting sewer/community sewer, including the connection of the service lateral to the collecting sewer/community sewer.

Sec. 6-5.206. - Ownership of the service lateral.

Every user of the community sewer system shall be connected to the City sewer main by a sewer service lateral. Sewer service laterals shall be installed, properly maintained, and repaired by the owner of the property which the lateral serves. The entire sewer service lateral from the building connection to and including the wye connection to the sewer main shall be the owner's responsibility to install, properly maintain, and repair.

All persons using the community sewer system of the City shall pay for such service and for the privilege of connecting to the sewer at the rates, at the times, and under the conditions set forth in this chapter and shall comply with all of the regulations set forth in this chapter relating to the use of such sewer system

All sewer service laterals connecting a user, whether a single-family residence, commercial building, or other structure, to a City-owned sewer main located in the public right-of-way or easement shall be owned, maintained, and repaired by the owner of the property being served, from and including the lateral's connection point at the City sewer main to the building or other point of use on the property. This includes both the portion on private property and the portion located beneath the sidewalk and street or any other public right-of-way or easement areas such as alleys, trails, and landscape areas, up to and including the point where the lateral connects to the City sewer main.

The City shall have the right to conduct maintenance inspection and/or repairs to the service lateral if needed, and it shall be the property owner's obligation to reimburse the City for the actual cost of such repair and inspection. The City may enforce the obligation to reimburse under Article 7 of this chapter, as well as Chapter 2 of Title 1 of this Code.

Sec. 6-5.207. - Private sewage disposal systems.

- (a) *Private sewer system allowed.* When it has been determined by the Public Works Director that a building may be connected to a private sewage disposal system, the private system shall comply with the provisions of this chapter.
- (b) *Permits required.* Before the commencement of the construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Public Works

Director, the County Health Department, and any other agency or person(s) required by the permit.

- (c) *Inspections required.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director and the County Health Department. The City shall be allowed to inspect the work at any stage of the construction, and, in any event, the applicant for the permit shall notify the City and County Health Department when the work is ready for final inspection and before any underground portions are covered.
- (d) *Design requirements.* The type, capacities, locations, and layout of a private sewage disposal system shall comply with all the recommendations of the Department of Public Health of the State and the County Health Department. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or watercourse. In addition, the private sewage disposal system shall meet all of the applicable local, state, and federal design requirements at the time of construction.
- (e) *Abandonment of facilities.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with the laws, rules, and regulations of the City, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the Public Works Director and County Health Department. In addition, all other applicable local, state, and federal requirements shall apply to appropriately abandon the facility.
- (f) *Costs of maintenance by owners.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
- (g) *Additional requirements.* No statement contained in this chapter shall be construed to interfere with any additional requirement that may be imposed by any law, ordinance, rule, or regulation, or by the City or the County Health Department or the State.

Sec. 6-5.208. - Prohibited discharge standards.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through, interference, or blockage(s) in the sanitary sewer system. These general prohibitions and the specific prohibitions in paragraph (b) below apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR 261.21;
  - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or more than 11.5, unless the works is specifically designed to accommodate such discharges;
  - (3) Solid or viscous pollutants in amounts, as determined by the City, which will cause obstruction of the flow in the POTW resulting in interference but in no case, solids with a diameter greater than 1/4 in;



- (4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature at the point of discharge which will inhibit biological activity in the treatment plant resulting in interference, but in no case, wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° Fahrenheit (40° Celsius);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Public Works Director in accordance with Section 6-5.406.D of this chapter;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Works Director;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Public Works Director in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than 100 mg/l; or which will cause interference or pass through at the POTW or which will cause (i) any visible sheen on the surface of the discharged wastewater; (ii) any buildup of fats, oils, or grease in any portion of the POTW; or (iii) any obstruction of the POTW;
- (18) FOG, as defined by the City's FOG control program and/or Public Works Director;
- (19) Wastewater causing two readings on an explosion hazard meter at the point of discharge, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter;

- (20) Releases of pollutants which, either singly or by interaction with other pollutants, cause contamination of sludge which prevents its use or disposal in accordance with the City's NPDES permit;
  - (21) Cementitious materials;
  - (22) Any solid or viscous substance or particles in a quantity, either by itself or in combination with other wastes, that is capable of obstructing flow or impairing the performance of the POTW;
  - (23) Any wastewater containing strong acid iron pickling, or concentrated plating solutions, whether neutralized or not;
  - (24) The discharge of any radiological, chemical, or biological warfare agent or high-level, radiological waste.
  - (25) Rags, non-flushable wipes, diapers, and other hygiene products which do not biodegrade effectively which therefore may obstruct flow or impact performance of the POTW in quantity or in combination with other wastes.
- (c) The foregoing discharge prohibitions are not exclusive and shall be in addition to any prohibitions or requirements specified in any other provision of this Code or any other applicable statute, regulation, ordinance, or other governmental requirement.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW or stormwater collection system.

Sec. 6-5.209. - Pretreatment local limits.

- (a) The Public Works Director is authorized to establish local limits pursuant to 40 CFR 403.5(c).
- (b) In addition to general and specific prohibitions and other regulatory requirements listed in Chapter 5 of Title 6 of this Code, pretreatment local limits are established to protect against pass through and interference. These constituents and their MAIL limit can be found in the latest technically based local limit development document (TBLDD). Constituents listed in the TBLDD will be apportioned according to flow volume discharge limitations defined in individual wastewater discharge permits. All loadings for metals are for "total" metals unless indicated otherwise. Categorical discharge limits apply at the discharge point from each specified regulated process. The Public Works Director will impose mass-based, concentration-based, and/or production-based limitations for controlling pollutant loading to the POTW. Maximum allowable quantities of pollutants not listed in this subsection may be determined by the Public Works Director based on applicable water quality criteria or as determined by legally established and approved scientific methods.
- (c) The Public Works Director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of Section 6-5.208.
- (d) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWTF operation, performance, and processes, the industrial user base, potable water quality, and domestic wastewater characteristics.

Sec. 6-5.210. - National categorical pretreatment standards.

The categorical pretreatment standards found in 40 CFR 405—471 are hereby incorporated.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (e) Discharging categorical industrial users (CIUs) shall monitor for all constituents listed in the Code of Federal Regulations (40 CFR 405—471). Wastewater discharged from such users shall be subject to any limitations therein which are not included in the local limits section of this chapter.
- (f) Any non-discharging (excluding sanitary, non-contact cooling, and boiler blow down wastewater, unless specifically included in the pretreatment standard) industrial user subject to the national categorical pretreatment standards found at 40 CFR 403 et seq. may be issued zero-discharge permits.

Sec. 6-5.211. – State of California pretreatment standards.

State of California pretreatment standards located at CCR Title 23, Division 7, Chapter 5.5, Sections 13370 through 13389 of the Porter Cologne Water Quality Control Act are hereby incorporated.

Sec. 6-5.212. - Right of entry: inspection and sampling.

The Public Works Director and/or designee shall have the right to enter the premises of any user, upon providing proper credentials and identification, to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Public Works Director or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Access shall be provided at any time the premises are staffed with production underway.

- (a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Works Director and/or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The Public Works Director and/or designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

- (c) The Public Works Director and/or designee may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at their own expense. All devices used to measure wastewater flow and quality shall be calibrated annually or more often as deemed necessary by the POTW.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Public Works Director and/or designee and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (e) Unreasonable delays in allowing the Public Works Director and/or designee access to the user's premises shall be a violation of this chapter.

Sec. 6-5.213. - Search warrants.

If the Public Works Director and/or designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause indicating a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Public Works Director may seek issuance of a search warrant from the Superior Court of California, County of Sutter.

Sec. 6-5.214. - City of Yuba City's right of revision and right to deny or condition increased contribution of changes in nature of pollutants.

The City reserves the right to establish, by ordinance or in wastewater discharge permits, additional or more stringent standards or requirements on discharges to the POTW. Additionally, the City reserves the right to deny or condition new or increased contributions of pollutants flow or changes in the nature of pollutants to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions may cause the POTW to violate its NPDES permit.

Sec. 6-5.215. - Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Sec. 6-5.216. - Excessive sewer maintenance expense.

No person shall discharge, or cause to be discharged either directly or indirectly, any waste that creates a stoppage, plugging, breakage, any reduction in sewer capacity, or any other damages to the sewers or sewerage facilities of the City. Any excessive sewer or sewerage maintenance expense, or any other expense attributable thereto, will be charged to the offending discharger by the City.

Any refusal to pay excessive maintenance expenses duly authorized by the Public Works Director shall constitute a violation of this chapter, and may be enforced as authorized by this Code.

Sec. 6-5.217. - Outside sewers.

- (a) *Permits and fees.* Permission shall not be granted to connect any lot or parcel outside the City to any public sewer in or under the jurisdiction of the City unless a permit therefore is obtained from the City. Such permits shall be approved by the Council. The connection impact fees shall be paid at the option of the developer/applicant at either the issuance of the building permit or at certificate of occupancy for a proposed development project, not at the date of application for a permit. The amount of the impact fees to be paid shall be those fees in effect at the time the fees are paid at either the issuance of a building permit or certificate of occupancy. Exceptions to this requirement may be negotiated between the developer and the City as part of the entitlement and agreement process, subject to City Council approval. The City may require the developer/applicant to pay, as determined by the Public Works Director, inspection fees at the time of building permit.
- (b) *Connection agreements.* In no event shall such permission be granted unless the applicant shall first enter into a contract in writing whereby they shall bind themselves, and their heirs, successors, and assigns, to abide by all laws, rules, and regulations in regard to the manner in which such sewer shall be used and the manner of connecting therewith, and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set forth by the City for the privilege of using such sewer.
- (c) *Special outside agreements.* Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the City, subject to approval by the City Council.

Sec. 6-5.218. - Containment and notification of prohibited discharge.

Any person owning or occupying premises in the City who has knowledge of any discharge from the premises that is prohibited by the provisions of this article and that has entered or will enter the public sewer system, shall immediately take all reasonable action to contain and abate the discharge and shall notify the City immediately.

Sec. 6-5.219. - Disclaimer of liability.

The requirements set forth herein are minimum standards and this chapter does not imply that a wastewater discharge that complies with this chapter will necessarily comply with all other applicable statutes, regulations, ordinances, or other governmental requirements. This chapter shall not create or impose any liability on the City, its officers, or employees for any damages that result from reliance on this Code or any administrative decision lawfully made hereunder.

Sec. 6-5.220. - Interceptor for other businesses.

The Public Works Director and/or designee may require businesses other than food service establishments to install FOG and/or sand interceptors in accordance with the City's FOG control program and/or when, in the opinion of the Public Works Director, interceptor(s) and/or clarifier(s) are necessary for the proper handling of liquid wastes containing fat, oil, or grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Such interceptor(s)/clarifier(s) shall be installed, operated, and maintained at no cost to the City, shall

be of a type and capacity approved by the Public Works Director and/or designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

Clarifier(s) and/or interceptor(s) utilized at a commercial automotive service facility or commercial vehicle washing facility or automotive wash rack shall be pumped out by a licensed hauler at a minimum of every 365 days. The Public Works Director or designee may require an increased pump out frequency as deemed necessary.

Sec. 6-5.221. - Discharge of groundwater into the City sewer system.

The Public Works Director may at his or her sole discretion approve a request to discharge groundwater into the City sewer system, upon execution by the person proposing the discharge of a written agreement signed and approved by the Public Works Director, specifying the terms and conditions that apply to the discharger and the discharge, and subject to the payment of any applicable charges and fees and such other requirements as may be imposed by the City or any other public agency. Any person violating any provision of the agreement shall be subject to administrative penalties pursuant to appropriate sections of this Code, in addition to any other penalty or remedy provided by the agreement, this Code, or any other provision of any applicable statute, regulation, or ordinance.

Sec. 6-5.222. - Food service establishment (FSE) requirements.

All FSEs shall comply with such BMP requirements as outlined in the FOG control program and/or may be established from time to time by resolution of the City Council and/or Public Works Director.

Sec. 6-5.223. - Operations and maintenance of sanitary sewer system assets located within sewer easements.

The City shall have the right to operate, inspect, maintain, and repair sewer system assets located within the sewer easements.

Article 3. - Sewer Construction

Sec. 6-5.301. - Building sewers, service laterals, and connections.

- (a) *Permits required.* No person shall construct a building sewer or service lateral or make a connection with any public sewer without first obtaining a written permit from the City and paying all the fees and connection charges as required thereby.
- (b) *Design and construction requirements.* The design and construction of building sewers and service laterals, including the connections, shall be in accordance with the requirements of the City, latest edition of the International Building Code and California Plumbing Code, and in accordance with the City's standard specifications.
- (c) *Separate sewers.* No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same service lateral. Every building or industrial facility shall be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve such property.
  - (1) One or more buildings located on property belonging to the same owner may be served, upon approval of the Public Works Director, with the same service lateral during the period of such ownership. Upon the subsequent subdivision and sale of a portion of such lot, the portion not directly connected to such public sewer shall be

separately connected to a public sewer after obtaining appropriate permit from the City, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. All fees and charges associated with the separation shall be paid prior to any construction work related to the separation.

- (2) Should adjacent buildings or parcels belonging to different owners share an existing service lateral, the property owners shall be required to separate and build separate laterals to each building or parcel upon the failure of the shared-use lateral. Repairs to a shared-use lateral may only be made by permission of the Public Works Director.
- (d) *Old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, upon inspection and test, to meet all the requirements of the City, by permission of the Public Works Director. Anyone wishing to utilize existing or old service laterals must submit supportive documentation such as pipe TV analysis and any other tests required by the City. The applicant shall be responsible for all costs associated with this application including preparation of the required supportive documents.
- (e) *Cleanouts.* Cleanouts in building sewers shall be provided in accordance with the latest edition of California Plumbing Code, the standard specifications, and any other City requirements. All cleanouts shall be maintained watertight.
- (f) *Sewers too low.* In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building sewer shall be lifted by artificial means approved by the Public Works Director through an agreement with the conditions and discharged to the public sewer at the expense of the owner. The owner shall be responsible for the proper operation and maintenance of such system at his/her own expense.
- (g) *Connections to public sewers.* The connection of the service lateral into the public sewer shall be made in accordance with the standard specifications and other City requirements and at the applicant's expense. The property owner shall be obligated to install and maintain the service lateral at his/her sole expense from the sewer main to the building being served. Where the City has partially constructed the service lateral from the main to the property line in order to avoid the further or future tearing up of the streets, it shall be the property owner's obligation to reimburse the City for the actual cost of that portion of the sewer service lateral constructed by the City. Property owners shall be solely responsible for the entire cost of the sewer service lateral from the main to the building being serviced, which shall be collected at the time of the connection to the public sewer system. The connection to the public sewer shall be made in the presence of a City inspector and under their supervision and direction. Any damage to the public sewer shall be repaired in conformance with the standard specifications and other City requirements at the cost of the applicant.
- (h) *Maintenance of service lateral.* Service laterals shall be maintained by the owner of the property served thereby. The City shall have the right to conduct maintenance inspection, and/or repair to the service lateral if needed, and it shall be the property owner's obligation to reimburse the City for the actual cost of such repair and inspection. Failure to reimburse the City shall be addressed as established by Section 6-5.206 of this Code.
- (i) *Testing.* All building sewers and service laterals shall be tested in accordance with the standard specifications.

- (j) *Prohibited cross connections.* Sanitary sewer pipes shall not be connected to the storm-drain system. The discharge of sanitary sewer/wastewater to the storm-drain system is prohibited. It shall be the property owner's responsibility to avoid any cross connections during construction. This condition is applicable in all the circumstances, unless exceptions are approved by the Public Works Director, even if the improvement plans/drawings and construction work are approved by the City. The discharge of sanitary sewer/wastewater to the storm-drain system is prohibited.
- (1) The Public Works Director may notify and require property owner(s) with cross connections to eliminate the cross connection, and install backflow prevention devices, at the property owner(s) expense if the elimination is reasonably necessary as determined by the Public Works Director.
- (k) *Maintenance and repair; indemnity.*
- (1) The property owner shall maintain in good condition, and shall be responsible, regardless of the cause, for all required repairs to the customer's private sewer line and all other sewer pipe(s) and appurtenances on property owner's premises. Property owner shall comply with all requirements under this Code prior to excavating anywhere within the public right-of-way for the purpose of maintaining and/or repairing the private sewer line.
- (2) The property owner shall indemnify, defend, and hold harmless the City, its officers, and employees from and against any and all claims, actions, costs (including attorney fees), damages, or other liability arising from the condition, operation, maintenance, or repair of any sewer line, pipe, or appurtenance that the owner is required to maintain and repair hereunder.
- (l) *Private sewer lines—No infiltration or leaks.*
- (1) If any private service lateral is found to have a leak or defect that could result in infiltration and/or contamination of ground water or storm runoff, or a result in a wastewater leak or overflow, and the Public Works Director determines that the leak or defect should be repaired to protect the public health, welfare, or safety, or any regulatory agency requires the leak or defect to be repaired, the Public Works Director may notify the owner of the property where the private sewer line is located that the owner must repair the line, and the owner of the line shall promptly upon notification repair the line to the satisfaction of the City. The City may require reasonable inspection of work performed and the property owner shall be responsible to pay fees/costs associated with these inspections.
- (2) If the owner of the property where the private sewer line is located fails to make the determined repairs, the condition resulting from the leak or defect in the private sewer line shall be deemed to constitute a public nuisance, and the Public Works Director shall be authorized to commence and carry out proceedings for abatement of the condition and repair of the leak or defect. When, in the opinion of the Public Works Director, the leak or defect causes or threatens to cause a condition that presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of an NPDES permit, the Director may summarily abate the condition and repair the leak or defect. The owner shall be liable for the costs incurred by the City for any abatement and repair, including any related inspection and testing costs, arising from the leak or defect, and the cost therefor shall be invoiced to the owner. If the



invoice is not paid within 30 days, the Public Works Director may commence proceedings for recovery of these costs in accordance with the provisions of this Code.

(i) Nuisance abatement and cost recovery shall be in accordance with Title 4 Chapter 8 – Nuisance Abatement Code of this Code.

- (m) *Private sewer lines.* Private sewer lines serving two or more buildings or structures located on the same lot or parcel, and all appurtenances thereto, that are not maintained by the City, shall be constructed to meet the City standards of construction of public sewer lines, unless different standards are approved by the Public Works Director.
- (n) *Separate connection requirement for each commercial and industrial business.* Separate sewer connection is required for each commercial and industrial business regardless of the single and/or multiple ownership of the property location of the business. For example, if there are four businesses on one property owned by one owner, then four separate sewer connections are required. Exceptions to this requirement may be made by the Public Works Director on a case-by-case basis as determined to be reasonably necessary. Total fee shall be paid prior to any connection to the POTW pipelines.
- (o) *Warranty; indemnity.* In addition to other applicable conditions and requirements, the applicant and/or contractor shall comply with the City's standard specifications and special provisions for warranty and indemnity.
- (p) *Septic tank effluent pumping system.* Certain properties within the City may be served by a Septic Tank Effluent Pumping (STEP) system, which is located on private property and owned by the subject property owners; however, the City is responsible for the STEP system operation.
  - (1) The City shall maintain the system, including both preventative maintenance and repair, of all STEP equipment downstream of the house wastewater connection, at the septic tank. Equipment shall include pumps, filters, piping, associated electrical equipment, and other components required to keep the existing STEP system in operation.
  - (2) It is the responsibility of the property owner(s) to notify the City of Yuba City immediately upon notice of any problems or concerns with the STEP system.

Sec. 6-5.302. - Public sewer construction.

- (a) *Permits required.* No person shall construct, extend, or connect to any public sewer without first obtaining a written permit from the City and paying all the fees and connection charges and furnishing the bonds as required therein. Such fees shall include, but are not limited to, plan check and inspection fees, which shall be based upon the City's adopted fee schedule. Costs shall be based upon the engineer's estimate or awarded contractor's bid, as approved by the City, and deducting therefrom the amount of any City contribution to the work of construction for oversizing or over-width. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the City.
- (b) *Design and construction standards.* The minimum standards for the design and construction of sewers within the City shall be in accordance with the standard specifications and this article. The Public Works Director may permit modifications or may require higher standards where unusual conditions are encountered.

- (c) *Plans, profiles, and specifications required.* The application for a permit for public sewer construction shall be accompanied by a complete set of plans, profiles, and specifications, complying with all applicable laws, rules, and regulations of the City, prepared by a civil engineer registered in the State of California, showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles, and specifications, shall be examined by the Public Works Director, who shall approve them as filed or require them to be modified as they deem necessary for proper installation. When the Public Works Director is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, they shall order the issuance of a permit predicated upon the payment of all connection charges and fees and furnishing the bonds and deposits as required by the City. The permit shall prescribe such terms and conditions as the Public Works Director finds necessary in the public interest.
- (d) *Subdivisions.* The requirements of this chapter shall be fully complied with before any final subdivision map shall be approved by the City. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights-of-way in which public sewer lines are to be constructed.
- (e) *Easements or rights-of-way.* In the event an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width sufficient by law to allow the laying and maintenance of such extension or connection.
- (f) *Persons authorized to perform work.* Only properly licensed contractors with all required permits shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor. The requirements of this section shall apply to service laterals installed concurrently with public sewer construction.
- (g) *Compliance with other regulations.* Any person constructing a sewer within a street shall comply with all state, County, or City laws, ordinances, rules, and regulations pertaining to the cutting of pavement; the opening, barricading, lighting, and protecting of trenches; and the backfilling and repaving thereof, and shall obtain all permits and pay all fees required by the Department having jurisdiction prior to the issuance of a permit by the City.
- (h) *"As-built" drawings.* As a condition of final acceptance by the City, copies of "as-built" drawings showing the actual locations and depth of all mains, structures, wyes, laterals, and other changes to the construction drawings shall be filed with the City.
- (i) *Completion of sewerage works required.* Before accepting any sewerage works by the City and prior to the admission of any sewage into the system, the sewerage works shall be tested and shall be completed in full compliance with all the requirements of the standard specifications and to the satisfaction of the Public Works Director.
- (j) *Reimbursement agreements.* Where the cost of the public sewer main extension has been deposited or paid by the person making such extension, the City may thereafter collect from any person connecting to such extension, except the person originally installing such extension, that portion of the cost of such extension as approved by the City in the reimbursement agreement. All reimbursement agreements shall be approved by Council.

Such sums as are thus actually received by the City shall be paid by the City to the person originally making such extension, but the City shall in no way be obligated to ensure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such refund be made from any other revenues of the City. Where more than one person contributes toward the making of the

extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amounts which they severally contribute towards the cost of the extension and pursuant to the preceding plan. Reimbursement agreement(s) shall not exceed 15 years in duration or as approved by the City Council.

- (k) *Special reimbursement agreement.* Where special conditions exist, in the opinion of the City, relating to any agreement pursuant to this chapter, they shall be the subject of a special contract between the City and the person making the public sewer main extension. Said agreement shall be approved by Council.
- (l) *Extent.* All public sewer extensions shall extend to the far property line of developed property, unless otherwise approved by the Public Works Director.

Sec. 6-5.303. - Sanitary sewer design requirements.

(a) *Design calculations.* Design calculations submitted for City review shall be in a neat, acceptable form and shall indicate the date and the signature of the supervising engineer and state registration number.

- (1) *When required.* Design calculations will be required for all subdivision sewers or where, in the judgment of the Public Works Director, they are necessary. Design calculations shall include all possible sewage flows.
- (2) *Sewers and pipelines.* Design calculations for sewers and pipelines shall be presented in tabular form and shall include the following information for each section of sewer: the terminal manhole designation, ground elevations at the terminal manholes, incremental and cumulative tributary areas, incremental and cumulative tributary population, incremental average and maximum domestic sewage flow, incremental infiltration allowance, cumulative design flow, invert elevations of terminal manholes, length of sewer run, and sewer size, slope, capacity, and velocity.
- (3) *Pumping stations.* Design calculations for pumping stations shall include soils data, structural design calculations, hydraulic calculations (including the basis for average and peak flows), calculations for wet-well volumes, curves indicating force-main characteristics, and individual and combined pump-head capacity curves.

(b) *Unit design factors.*

(1) *Sewage flow.*

- (i) All gravity sewers shall be sized to carry the Design Peak Hour Wet Weather Flow, as predicted by the current hydraulic model of the collection system, at a maximum d/D ration of 0.8.

D. 2,000 gallons per acre.

- (ii) *Approval of estimated flows.* All the estimated flows for any design work should be approved by the Public Works Director.

(c) *Gravity sewers.*

(1) *Minimum size: main sewers.* The minimum diameter for the main sewer shall be 8 in. The use of 6 in pipe may be authorized subject to the following conditions:

- (i) No possibility of future extension;
- (ii) Maximum tributary population of 260; and
- (iii) Minimum slope on dead-end runs of 0.5%.

- (2) *Minimum size: service laterals.* The minimum diameter for sewer services shall be 4 in. For service laterals serving commercial or industrial buildings or multiple family living units, the minimum diameter shall be as required by the applicable sections of the currently adopted Uniform Plumbing Code.
- (3) *Minimum slopes.* For service laterals, the minimum slope shall be 2% for 4 in and one percent for 6 in pipe. For main sewers, the minimum slope shall be that required to obtain a velocity of 2 ft per second when the sewer is flowing full or one-half full. Pipelines that are expected to flow less than half-full throughout their life, or for more than 10 years, shall be constructed at a greater slope where feasible, in order to promote self-cleaning velocities in the partially full pipe. For the purposes of computing velocity, the Manning's coefficient of roughness "n" shall be .013.
- (4) *Steep slopes.* For main sewers installed on steep slopes, special design features may be required. Depending upon conditions of the specific installation, such items as underdrains, check dams, special anchorage, or special pipe material may be required. Based upon the data supplied, the Public Works Director will assess each case and recommend certain special requirements.
- (5) *Minimum depth.* The minimum depth of cover for any public sewer shall be 3 ft. If it is impossible to obtain the specified minimum depth, the sewer shall be encased in concrete, or other acceptable protective measures shall be taken. For sewer services, the minimum depths of cover shall be 3 ft at the property line. Where the minimum depths of cover set forth in this subsection are impossible to obtain, concrete encased pipe or other suitable protection shall be required.
- (6) *Manholes.* Manholes shall be provided at every line or grade change and at every point where the sewer changes size. In addition, manholes shall be provided at maximum intervals of 400 ft, in sewers 12 in in diameter and smaller, and 500 ft in sewers larger than 12 in in diameter.
- (7) *Cleanouts.* Cleanouts will be permitted only on dead-end runs where the length of sewer downstream to the next manhole is less than 300 ft.
- (8) *Types of pipe permitted.* The types of pipe permitted for sanitary sewers shall be as indicated in Section 15 of the standard special provisions or as approved by the Public Works Director. The Public Works Director shall make sole determination of the types of pipe permitted for each specific project.
- (9) *Cleanouts and sewer services.* Each sewer service shall have a cleanout installed as set forth in the current Uniform Plumbing Code.
- (d) *Force mains.* Force mains shall be designed using a Hazen-Williams coefficient of roughness "C" of 100.
- (e) *Pumping stations.* Pumping station designs vary according to the location and nature of flows. Each specific design shall be in general accordance with similar designs of existing pumping stations. The design parameters shall be thoroughly reviewed with the Public Works Director prior to commencing with the detailed design. The Public Works Director shall be the sole judge as to all design features for pumping stations.
- (f) *Construction specifications and details.* The construction of sanitary sewers and related facilities shall be in accordance with Sections 13 and 15 of the latest edition of the City standard special provisions and with the applicable City standard drawings.
  - (1) *Ratio of peak to average flow.* Peaking hours and calculations shall be per the City's current Wastewater Treatment Facility and Collection System Master Plan.

- (2) *Industrial sewage flow.* Sewage flow for industrial areas shall be determined per the City's current Wastewater Treatment Facility and Collection System Master Plan.
- (g) *Public Works Director's approval.* The Public Works Director shall have the right to change any sanitary sewer design criteria and/or to add additional requirements.

Sec. 6-5.304. - Sewer construction inspections.

- (a) *All work to be inspected.* All sewer construction work shall be inspected by an inspector acting for the City to ensure compliance with all the requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. At a minimum, inspections shall take place at the stages listed below:
  - (1) Installation of bedding material;
  - (2) Installation of pipe prior to initial backfill (including service laterals);
  - (3) Installation of initial backfill;
  - (4) Installation of final backfill; and,
  - (5) Installation of manholes and cleanouts.

All sanitary sewer lines shall be tested between manholes or between manholes and cleanouts by the test methods specified in the City's standard specifications and/or special provisions. Tests for final acceptance shall be made after the line has been backfilled and subgrade compaction requirements have been obtained within the street section. After pressure testing has been completed, all gravity sewer mains shall be cleaned and televised before permanent paving is applied. In addition, sewer manholes shall be vacuum-tested for leakage. Before the sewer lines are accepted, they shall be cleaned and flushed of all foreign matter to the satisfaction of the City. In addition to these requirements, the City reserves the right to perform final cleaning and televised inspection(s), and the applicant shall be responsible to pay all the costs associated with final cleaning and televised inspections. The applicant shall be responsible to correct all defects to the satisfaction of the City and at no cost to the City before acceptance.

Failure to comply with the specifications or meet the minimum requirements may result in rejection of the work.

If the test proves satisfactory to the City and the sewer has been cleaned of all debris accumulated from construction operations, the Public Works Director shall issue a certificate of satisfactory completion.

- (b) *Time limits on permits.* If work under a permit is not commenced within six months after the date of the issuance of the permit, or if, after partial completion, the work is discontinued for a period of six months without obtaining a time extension or one year with two six-month time extensions, the permit shall thereupon become void, and no further work shall be done until a new permit has been secured. A new permit, with fee in effect at the time of issuance of the new permit, shall be obtained prior to any additional work.
- (c) *Notification.* It shall be the duty of the person doing the work authorized by the permit to notify the Public Works Department that such work is ready for inspection. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the City before giving such notification.

- (d) *Condemned work.* When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the laws, rules, and regulations of the City.
- (e) *All costs paid by owners.* All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.
- (f) *Street excavation permits.* A separate permit shall be secured from the City, County, and/or State as required by owner(s) or contractor(s) intending to excavate in a public street for the purpose of installing sewers or making sewer connections. A City encroachment permit shall be obtained for work in the City right-of-way, in accordance with Sections 6-1 and 6-2 of this Code.
- (g) *Liability.* The City and its officers, agents, and employees shall not be answerable for any liability, injury, or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall hold the City and its officers, agents, and employees harmless from, any liability imposed by law upon the City or its officers, agents, or employees, including all costs, expenses, fees, and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of their work or any failure which may develop therein.

#### Article 4. - Industrial Wastewaters

##### Sec. 6-5.401. - "Industrial user" defined.

"Industrial user" (IU) shall mean any user of publicly owned treatment works identified in the 2007 North American Industrial Classification System (NAICS) or latest edition of that manual (US Census Bureau). Industrial users include, but are not limited to, businesses listed in the following sections of the NAICS:

- (a) Agriculture, Forestry, and Fishing and Hunting (Sector 11);
- (b) Mining (Sector 21);
- (c) Utilities (Sector 22);
- (d) Construction (Sector 23);
- (e) Manufacturing (Sector 31-33);
- (f) Transportation and Warehousing (Sector 48-49); and,
- (g) Professional, Scientific, and Technical Services (54).

A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveyances.

"Industrial user" shall also mean any discharging "non-domestic source of pollutants into the POTW regulated under Section 307(b), (c) or (d) of the Clean Water Act" or any other indirect discharger regulated under alternative water quality standards.

##### Sec. 6-5.402. - Wastewater discharge permit.

No person shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly to sewerage facilities owned by the City without first obtaining a City permit for industrial wastewater discharge.

The permit for industrial wastewater discharge may require the pretreatment of industrial wastewaters before discharge, the restriction of peak-flow discharges, the discharge of certain wastewaters only to specified sewers of the City, the relocation of the point of discharge, the prohibition of the discharge of certain wastewater components, the restriction of discharge to certain hours of the day, the payment of additional charges to defray the increased costs of the City created by the wastewater discharge, and such other conditions as may be required to effectuate the purposes of this chapter.

Sec. 6-5.402.A. - Reserved.

Sec. 6-5.402.B. - Wastewater discharge permit requirement.

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Public Works Director and/or designee, except that a significant industrial user that has filed a timely application pursuant to Section 6-5.402.D of this chapter may continue to discharge for the time period specified therein.
- (b) The Public Works Director and/or designee may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
- (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Articles 6 and 7 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

Sec. 6-5.402.C. - Wastewater discharge permit—Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 90 days after the date, apply to the Public Works Director and/or designee for a wastewater discharge permit in accordance with Section 6-5.402.E of this chapter, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Public Works Director and/or designee.

Sec. 6-5.402.D. - Wastewater discharge permit—New connections.

Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 6-5.402.E of this chapter, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

Sec. 6-5.402.E. - Wastewater discharge permit application contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The Public Works Director and/or designee may require all users to submit as part of an application the following information:

- (a) All information required by Section 6-5.801.B of this chapter;

- (b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical plans, and plumbing plans. Details to show all sewers, floor drains, and appurtenances by size, location, and elevation. All points of discharge and the location of all chemical and/or hazardous materials storage areas;
- (g) Time and duration of discharges;
- (h) Any other information as may be deemed necessary by the Public Works Director to evaluate the wastewater discharge permit application;
- (i) The location for monitoring all wastes covered by the permit; and
- (j) An application fee which shall be filed with the completed application. The application fee is listed within the City fee schedule document, as updated each fiscal year.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Sec. 6-5.402.F. - Wastewater discharge permit application signatories and certification.

All wastewater discharge permit applications, user reports, and certification statements must be signed by an authorized representative of the user as defined in Section 6-5.106, and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (a) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Public Works Director and/or designee prior to or together with any reports to be signed by an authorized representative.
- (b) *Annual certification for non-significant categorical industrial users.* A facility that has been determined to be a non-significant categorical industrial user by the Public Works Director pursuant to Section 6-5.106 must annually submit the following certification statement signed in accordance with the signatory requirements in Section 6-5.106. This certification must accompany an alternative report required by the Public Works Director:



"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical industrial user as described in 6-5.106;
- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

\_\_\_\_\_  
\_\_\_\_\_, "

Sec. 6-5.402.G. - Wastewater discharge permit decisions.

The Public Works Director and/or designee will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Public Works Director and/or designee will determine whether or not to issue a wastewater discharge permit. The Public Works Director may deny any application for a wastewater discharge permit.

Sec. 6-5.402.H. - Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and the Public Works Director and/or designee's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 6-5.403. - Procedure for obtaining City permits for industrial wastewater discharges.

Sec. 6-5.403.A. - Wastewater discharge permit duration and fees.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Public Works Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

A discharge permit fee shall be billed annually. The permit fee is listed within the City fee schedule document, as updated each fiscal year.

Sec. 6-5.403.B. - Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Public Works Director and/or designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (a) Wastewater discharge permits must contain:
  - (1) A statement that indicates the wastewater discharge permit issuance date, expiration date, duration (which in no event shall exceed five years), and effective date;
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 6-5.403.E of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits, including best management practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and federal, state, and local law;
  - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards, local limits, and federal, state, and local law;
  - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;
  - (6) A schedule such that shall not extend the time for compliance beyond that required by applicable federal, state, or local law;
  - (7) Requirements to control slug discharge, if determined by the Public Works Director to be necessary; and
  - (8) Description or schematic representation of the effluent/discharge sampling location on site.
- (b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
  - (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
  - (3) Requirements for the development and implementation of accidental discharge/slug control, countermeasure plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Public Works Director and/or designee to ensure compliance with this chapter and state and federal laws, rules, and regulations.

Sec. 6-5.403.C. - Wastewater discharge permit appeals.

The Public Works Director and/or designee shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Public Works Director to reconsider the terms of a wastewater discharge permit within 90 days of notice of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition (s), if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the Public Works Director does not reconsider and subsequently approve the petition to issue a wastewater discharge permit within 90 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of California, County of Sutter, within 30 days.

Sec. 6-5.403.D. - Wastewater discharge permit modification.

The Public Works Director and/or designee may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 6-5.403.E. - Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days' advance notice to the Public Works Director and the Public Works Director approves the wastewater discharge permit transfer. The notice to the Public Works Director must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

Sec. 6-5.403.F. - Wastewater discharge permit revocation.

The Public Works Director and/or designee may revoke a wastewater discharge permit for good cause, including, but not limited to, the following:

- (a) Failure to notify the Public Works Director of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Public Works Director of changed conditions pursuant to Section 6-5.805 of this chapter;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Public Works Director or designee timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;

- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit, or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

Sec. 6-5.403.G. - Wastewater discharge permit reissue.

- (a) A user with an expiring wastewater discharge permit shall apply for a reissued wastewater discharge permit by submitting a complete permit application, in accordance with Section 6-5.402.E of this chapter, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.
- (b) Upon receipt of the complete permit application, the application shall be processed in a timely manner. Upon approval, a reissued discharge permit signed by representatives of the City will be issued, with one copy returned to the applicant.
- (c) Failure by the user to submit a complete permit application at least 90 days prior to the expiration of an existing wastewater discharge permit may result in the expiration of that permit prior to approval of the application for a new permit.

Sec. 6-5.404. - Industrial wastewater sampling, analysis, and flow measurements.

When requested by the Public Works Director and/or designee, a user must submit information on the nature and characteristics of its wastewater within 90 days of the request. The Public Works Director is authorized to prepare a form for this purpose and may periodically require users to update this information. Minimum detection levels shall be as determined by the Public Works Director.

- (a) *Measurement devices.* All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the Public Works Director and/or designee and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording, and totalizing register may be required by the Public Works Director and/or designee. In lieu of the wastewater flow measurement, the Public Works Director and/or designee may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharger.
- (b) *Inspections of measurement devices.* The sampling, analysis, and flow measurement procedures, equipment, and results shall be subject at any time to inspection by the City. The sampling and flow measurement facilities shall be such as to provide safe access for authorized personnel.

- (c) *Measurement frequency.* Those industrial wastewater dischargers required by the Public Works Director and/or designee to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements required. The minimum requirements for such periodic measurements shall be:
- (1) At least one 24-hour measurement per year. Representative samples of the industrial wastewaters shall be obtained at least once per hour over the 24-hour period, properly refrigerated, composited according to measured flow rates during the 24 hours, and analyzed for the specified wastewater constituents;
  - (2) Dischargers required to sample on only a few days per year shall sample during the periods of highest wastewater flow and wastewater constituent discharges; and
  - (3) Industrial plants with large fluctuations in quantity or quality of wastewaters may be required to provide continuous samplings and analyses for every working day. When required by the Public Works Director, dischargers shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment.

Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the City.

Sec. 6-5.405. - Discrepancies between actual and reported industrial wastewater discharge quantities.

- (a) Should measurements or other investigations reveal that the industrial discharger is discharging a flow rate or a quantity of biochemical oxygen demand or suspended solids significantly in excess of that stated in the industrial wastewater permit or in excess of the quantities reported to the City by the discharger and upon which the industrial wastewater treatment charges are based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent charges, together with the penalty and interest. Before these charges shall be assessed, at least two additional 24-hour samples and flow measurements shall be obtained by the City with all the costs of sampling and analysis to be paid by the discharger.
- (b) An industrial discharger found in violation, shall be presumed, in the absence of other evidence, to have been discharging at the determined parameter values over the preceding three years or subsequent to the previous City verification of quantity parameters, whichever period is shorter.

Sec. 6-5.406. - Pretreatment of industrial wastewater.

Sec. 6-5.406.A. - Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 6-5.208 of this chapter within the time limitations specified by the EPA, the State, or the Public Works Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities, including operating and maintenance procedures, shall

be submitted to the Public Works Director for review, and shall be acceptable to the Public Works Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

Sec. 6-5.406.B. - Additional pretreatment measures.

- (a) Whenever deemed necessary, the Public Works Director and/or designee may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (b) The Public Works Director and/or designee may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Public Works Director and/or designee and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, according to the manufacturer's guidelines, by the user at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (e) The Public Works Director may deny, condition, and/or limit without restriction new or increased contributions of pollutants or changes in the nature of pollutants, when the discharger does not meet pretreatment standards and the discharge would cause the POTW to violate its NPDES permit.

Sec. 6-5.406.C. - Accidental discharge/slug control and countermeasures plans.

- (a) Each discharger shall provide protection from the accidental discharge of prohibited materials or other wastes regulated by this chapter. Where necessary, or as directed by the Public Works Director, retention basins, dikes, storage tanks, or other facilities designed to eliminate, neutralize, offset, or otherwise negate the effects of prohibited materials or wastes discharged in violation of this chapter shall be installed.
- (b) Dischargers shall notify the City immediately when accidental discharges of wastes in violation of this chapter occur so that countermeasures may be taken by the City to minimize damages to the sewer system, treatment plant, treatment process, or for any fines imposed on the City on account thereof under Water Code § 13350, or for violations of Fish and Game Code § 565.
- (c) In the event of an accidental discharge in violation of this chapter, the discharger shall furnish the

City, within five days of the date of the occurrence, a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

- (d) In order for employees of dischargers to be more fully informed of City requirements, copies of this chapter shall be permanently posted on bulletin boards of dischargers that shall be easily visible by all employees, together with such other industrial waste information and notices which may be furnished by the City.
- (e) Sewer connections within the discharger's plumbing or drainage system shall be appropriately labeled to warn operating personnel against the discharge of any substance in violation of this chapter.

The Public Works Director and/or designee shall evaluate whether each significant industrial user needs a plan or other action to control slug discharges. Significant industrial users must be evaluated within one year of being designated a significant industrial user. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by Section 6-5.806 of this chapter; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

Sec. 6-5.406.D. - Hauled wastewater.

- (a) All persons owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor, or cesspool contents, industrial liquid wastes, or other liquid wastes to sewerage facilities of the City or to facilities that discharge directly or indirectly to such sewerage facilities shall first obtain a septage waste disposal general permit. All applicants for coverage under the septage general permit shall:
  - (1) Complete the application form;
  - (2) Pay the appropriate fee;
  - (3) Receive a copy of the City regulations governing discharges to sewers of liquid wastes from trucks;
  - (4) Agree, in writing, to abide by these regulations.



- (b) The septage waste disposal general discharge permit shall be valid for the time period listed therein and in no case shall the permit exceed five years.
- (c) Any person negligently or willfully violating the City requirements for liquid waste discharges from trucks shall be in violation of this chapter and may have their permit revoked by the Public Works Director.
- (d) Septic tank waste may be introduced into the POTW only at locations designated by the Public Works Director, and at such times as are established by the Public Works Director. Such waste shall not violate Article 2 of this chapter or any other requirements established by the City.
- (e) The Public Works Director and/or designee shall require haulers of industrial waste to obtain wastewater discharge permits. The Public Works Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Public Works Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- (f) Industrial waste haulers may discharge loads only at locations designated by the Public Works Director. No load may be discharged without prior consent of the Public Works Director. The Public Works Director and/or designee may collect samples of each hauled load to ensure compliance with applicable standards. The Public Works Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (g) All septage waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name, telephone number, and address of the septage waste hauler, permit number, truck identification, names, addresses, and telephone numbers of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (h) All septage waste haulers must provide, at the time of permit approval, a City of Yuba City business license, current vehicle registration, truck capacity certification for each truck listed, current Yuba and/or Sutter County "sewage pumper vehicle" permit and proof of general liability insurance (bodily injury, personal injury and property damage) and automobile liability insurance in the amount of \$1,000,000 each per occurrence or accident. These amounts may change to reflect the most current City-mandated insurance requirements. The septage waste haulers shall be responsible to provide proof of all these insurance documents including endorsements per City insurance requirements. The City's current insurance requirements can be obtained from the Pretreatment Coordinator.

The City's Public Works Department shall be exempt from these requirements.

#### Sec. 6-5.407. - Measurement of industrial waste.

Any industrial or commercial user may be required to provide a metering device acceptable to the City, at the user's expense, to permit the accurate determination of the volume of wastewater discharged into the City sewage system. Where the sewage flow is not measured, and unless other arrangements are agreed upon in advance, the volume of sewage flow shall be taken as the metered water consumption. At the option of the Public Works Director, when the sewage flow is not substantially different than the metered water consumption, the volume of waste for payment may be determined by special agreement or by the use of sewage flow meters installed and maintained by qualified personnel at the user's expense.

Sec. 6-5.408. - Industrial wastewater charges.

- (a) *General.* The capital interest and costs shall be determined by the required plant capacity of each industrial user. The major industrial users at the time of adoption of this chapter, Sunsweet Growers, Yuba City Cogeneration, Valley Fine Foods and Greenleaf II, in addition to the operations and maintenance charges, shall pay for the debt service and capital replacement in accordance with their existing contracts with the City and in accordance with the 2016 Wastewater Rate Study. The maximum wastewater charges for industrial wastewater related to the debt service and capital replacement per the rate study are shown in the following tables; however, the actual rates shall be as approved by Council. The Public Works Director shall have the authority to negotiate and execute new agreements with new industrial users for the debt service and capital replacement costs based on the current rate study and as approved by the City Council.

Sunsweet Growers Inc.—Wastewater Charges for Debt Service and Capital Replacement

Category	Maximum Rates
Debt Service	\$7,680.00
Capital Replacement	\$35,304.00

Yuba City Cogeneration—Wastewater Charges for Debt Service and Capital Replacement

Category	Maximum Rates
Debt Service	\$790.27
Capital Replacement	\$600.00

Valley Fine Foods Company—Wastewater Charges for Debt Service and Capital Replacement

Category	Maximum Rates
Debt Service	\$562.94
Capital Replacement	\$1,848.12

Greenleaf II —Wastewater Charges for Debt Service and Capital Replacement

Category	Maximum Rates
Debt Service	\$1,126.66
Capital Replacement	\$600.00

- (b) *Industrial user rates.* Industrial users will be charged the rates stated in the most recent wastewater rate study/revenue program as adopted by the Council, which will include charges for operation, maintenance, administration, and collection system costs. The charges shall reflect the user's contribution to the total wastewater loading of the treatment works and will recognize volume, BOD, and suspended solids (SS) to ensure a proportional distribution of costs to each user. The maximum industrial user rates are shown in the table below in accordance with 2016 Wastewater Rate Study and approved following the Proposition 218 process. However, the City Council retains the authority to set the actual rates each fiscal year, which may be found in the City's annual fee schedule on the City's website. The Public Works Director shall have the authority to negotiate and execute new agreements with new industrial users for user rates based on the latest wastewater rate study and the rates as set by Council.

Category	Proposition 218 Maximum Rates
Flow (per million gallon)                      Charge	\$3,763.63
BOD (per lb.)    Charge	\$0.385
SS (per lb.)    Charge	\$0.290

- (c) *Billing period.* During each fiscal year, there will be 13 four-week billing periods. The Finance Director may divide the annual cost into 13 equal billings and combine the user's share of operation and maintenance costs, plus any assessment for additional costs caused by the user discharging wastewater in violation of the provisions of this chapter.
- (d) *Payment of charges and delinquent charges.* All fees and charges imposed under the provisions of this chapter shall be due and payable upon the receipt of the notice of charges. Unpaid charges shall become delinquent 60 days after mailing or delivering the notice of charges. A basic penalty charge of 10% of the unpaid amount shall be added to

any fee or charge which becomes delinquent. Interest at the rate of 2% per month shall accrue on the total of all delinquent charges, plus all penalty charges.

(e) *Determination of charges.*

(1) *Capacity.* The actual plant capacity for each industrial user will be determined by the highest daily volume, pounds of BOD, and pounds of suspended solids discharged into the sanitary sewer system measured by averaging the highest three consecutive days during the prior fiscal year. The three determining factors for industrial capacity will not necessarily peak during the same period. New industrial users will estimate their plant capacity requirements and make periodic deposits as determined by the Finance Director during their first year of operation with an adjustment billing or credit, whichever the case may be, within 30 days after the end of the fiscal year. If the period of operation during the first fiscal year is not sufficient to determine a plant capacity, the second-year operation capacity requirements will be used as if the industry was a new user in that year. The Public Works Director shall have the authority to negotiate and execute new agreement with the new industrial users for the debt service and capital replacement costs.

(2) *Actual discharges.* The operation and maintenance costs will be based on the actual volume, pounds of BOD, and suspended solids. It will be the industrial user's responsibility to provide composite samples of its discharges for determining the BOD and suspended solid testing. Each sample shall be marked with the beginning and ending meter reading of the volume discharge during the period the composite sample was taken. The volume measured by the meter readings and the test results of the composite samples will be used to calculate the pounds of BOD and suspended solids and will be the basis of the billing operation and maintenance charges. If there are time periods when the meter readings of the composite samples are not consecutive, the City, at its sole discretion, will determine the parts per million (ppm) of the BOD and suspended solids for that volume that a sample was not received.

(3) *Conversion factors.*

Cubic feet  $\times$  7.48 = gallons

Pounds per day (BOD or suspended solids) = test results (mg/L)  $\times$  8.34  $\times$  flow (million gallons per day; MGD)

## Article 5. - Sewer Service Charges

### Sec. 6-5.501. - Charges for service.

- (a) All charges for the extension of, connection to, and use of the City sewerage system shall be in accordance with the provisions of this article.
- (b) No facilities or services of the City sewerage system shall be furnished to any premises or to any person free of charge, except the City.
- (c) Beginning in 2017, all the charges related to the use of City sewerage collection and treatment system set out in Sections 6-5.408(b), 6-5.507(c) and 6-5.507(d) of this chapter will be reviewed by the City Council on an annual basis as part of the fiscal year budget review process, prior to the July 1 implementation of the increase for each year. The City

Council will retain the authority to set by resolution the actual rates less than the maximum rates set out in Sections 6-5.408(b), 6-5.507(c) and 6-5.507(d) of this chapter.

Sec. 6-5.502. - Payment of charges.

Before connecting any premises to the City sewerage system, the owner, subdivider, or developer of such premises shall make provisions satisfactory to the Finance Director for the payment of all charges.

Sec. 6-5.503. - Sewer connection charges.

- (a) *Purpose.* The purpose of the sewer connection charge is to have the property owner pay their proportionate cost of the sewerage system, including the Wastewater Treatment Facility and sewer collection system lines identified in the Wastewater Treatment Facility and Collection System Master Plan.
- (b) *Collection.* The connection impact fees shall be paid at the option of the developer/applicant at either the issuance of the building permit or at certificate of occupancy for a proposed development project, not at the date of application for a permit. The amount of the impact fees to be paid shall be those fees in effect at the time the fees are paid at either the issuance of a building permit or certificate of occupancy. Exceptions to this requirement may be negotiated between the developer and the City as part of the entitlement and agreement process, subject to City Council approval. The City may require the developer/applicant to pay, as determined by the Public Works Director, inspection fees at the time of building permit.

In case of expansions and/or alterations of the premises, a sewer connection impact charge shall be collected at the time of building permit issuance of:

- (1) The expansion and/or use of the premises which requires additional sewer facilities; and
- (2) The construction or alteration of the premises which changes the parcel use to a higher sewer demand.

For the customers currently not on the City's sewer system, the connection impact fees, including any regular and special permit and inspection fees, shall be charged at the time of connection permit issuance for the connection to the City's sewer system.

- (c) *Schedule of charges.* The sewer connection impact charge shall be as set forth in Section 6-5.507.
  - (1) *Multiple units; other facilities.* For multiple units, the connection impact fee shall include any common facilities, such as laundry rooms and recreation areas, that would normally be provided as support facilities with multiple dwellings; however, for other facilities that are not the primary support of the multiple dwellings, there shall be an additional fee computed on the basis of the fixture units as hereinafter provided for commercial, industrial, public, and other uses or as determined by the Public Works Director.
  - (2) *Commercial and industrial users.* Drainage system fixture units, as set forth in the Uniform Plumbing Code adopted by the City, for commercial users and for industrial users are not included under the provisions of Article 4 of this chapter. If at any time after the payment of the connection charge there is a change of use on the premises,

there shall be an additional connection charge calculated at the per fixture unit rate for the number of additional fixture units installed.

- (3) *Industrial users.* Connection charges for industrial users shall be determined in accordance with Article 4 of this chapter.

Sec. 6-5.504. - Sewer extension charges.

- (a) *Purpose.* The purpose of the sewer extension charge is to reimburse the City for its cost to extend the main sewer.
- (b) *Collection.* The sewer extension charge for a main sewer installed by the City shall be collected before a person may connect their property to the City sewerage system.
- (c) *Schedule of charges.* The sewer extension charge provides for the extension of mains. The charge shall be as set forth annually in the City's fee schedule.

Corner lots and lots having more than one frontage where sewer facilities exist or are planned shall pay extension fees based on 60% of the first 175 ft of total frontage (as measured to the point of intersection of the property lines or the point of intersection of the prolongation of the property lines) and 100% of all frontage in excess of the first 175 ft.

Such reduction shall apply to existing corner lots and shall not apply to corner lots which would be created by new subdivisions, parcel maps, or developments. Such parcels shall pay extension fees based on 100% of all applicable frontage as measured prior to the creation of the side street.

Extension fees will not be applicable to lands within a subdivision or special assessment district if the sewer main was installed at no cost to the City (other than oversizing costs) unless an agreement exists providing for the repayment of extension costs to the original developer or to the special district.

Where substantial evidence indicates that the sewer main was installed at no cost to the City (other than oversizing costs) by special assessment district, a subdivider, developer, or other person, main extension charges shall not be applicable unless set forth in an agreement providing for the repayment of extension to the original installer.

Where a sewer main only serves property on one side of the sewer line, the charge shall be double the current extension charge.

- (d) *Agreements.* A property owner, subdivider, or developer may extend the main sewer at his or her own expense in accordance with a reimbursement agreement approved by the Council.
- (e) *Outside users.* The sewer extension charges for all users whose property is outside the City limits shall be the same as the charges applicable if the user were within the City limits.
- (1) Outside users must execute an extraterritorial agreement with the City prior to extension of the sewer to premises outside the City limits.

Sec. 6-5.505. - Sewer service charges.

- (a) *Purpose.* The purpose of the sewer service charge is to provide necessary revenue to operate the sewerage system as a self-sustaining operation.
- (b) *Collection.* The sewer service charge shall be collected as follows:

- (1) On premises served with City water, the billing of sewer service charges shall be added to the charges for water service, and the payment and collection of the total amount shall be made in accordance with the provisions of Title 6 Chapter 6 of this Code regulating the payment of water service charges.
  - (2) On premises not served with City water, the billing and collecting of sewer service charges shall be made as determined by the Finance Director.
- (c) *Schedule of charges.* The sewer service charge for property connected to the sewerage system shall be billed in accordance with the rates established in the City's fee schedule, as set annually by the City Council.
- (d) *Reserved for future use.*
- (e) *Septage waste disposal general discharge permits.* The charge for truckers discharging to the municipal sewer system shall be listed in the City fee schedule document and in accordance with the rates established in Section 6-5.507.

Sec. 6-5.506. - Meters may be required.

All sewer services may be metered at the discretion of the City. The Public Works Director may require any user, at their sole expense, to install a meter. The meter shall be approved by the Public Works Director before installation.

Sec. 6-5.507. - Summary of charges.

All the latest and current charges shall be found in the City's fee schedule document. The City updates the fee schedule document annually and posts it on the City's website. This section shows the applicable fee categories, which will be reviewed and adjusted by the City Council annually.

Beginning in 2017, all charges related to the use of City wastewater treatment and collection system set out in this section will be reviewed by the City Council on an annual basis as part of the fiscal year budget review process, prior to the July 1 implementation of the increase for each year. The City Council will retain authority to set by resolution the actual rates less than the maximum rates set out in this section.

(a) *Sewer connection charge type.*

- (1) Single-family residential users, calculated per unit.
  - (i) Single-family users are defined as single-family dwelling units, including any accessory dwelling units which do not exceed 750 sq. ft. as part of the single-family dwelling unit.
  - (ii) An accessory dwelling unit (ADU) shall be defined as per Municipal Code Section 8-5.5001. The ADU shall not alter the character of the principal use of the parcel, e.g., residential.
- (2) Multi-dwelling users, calculated per unit.
  - (i) Multi-dwelling users include: duplexes, single-family dwelling units plus any accessory dwelling units exceeding 750 sq. ft., and two or more apartments, mobile homes, or trailers on one parcel.

- (3) Commercial and industrial users as defined in the Uniform Plumbing Code and applicable to users other than as defined in Article 4 of Chapter 5 of Title 6 of this Code, calculated per fixture unit.
- (i) The charges to a commercial user will be based on the applicable base charge as shown in the table below plus the flow charge for the actual water usage.
  - (ii) Commercial User Monthly Charge = Base Charge + (Flow Charge x actual water usage in 100 CF).
  - (iii) Mixed-use parcels, consisting of both commercial and residential components, shall only be charged the commercial surcharge after the residential baseline has been reached.
- (4) Any customer that paid a connection impact fee prior to July 1, 2000 may complete the project at any time and is not subject to connection impact charge rate adjustments or credit of interest. Any connection impact charges paid on July 1, 2000, or later, and the project is completed within 18 months, will not be subject to any additional connection impact charges or interest credits. A project is deemed completed when all building permits are paid and a final inspection report is issued or as determined by the Public Works Director. Any connection charges paid on July 1, 2000, or later and the project is not completed within 18 months will be subject to the connection impact charge in effect at the time of project completion, and will be entitled to interest credit as to any connection impact charge increases. Interest will only be allowed as a credit toward connection impact charges increases and, in no event, shall customer be entitled to any refund of interest. Interest will accrue, beginning 18 months after the initial purchase, based on the initial connection charge payment. Interest payment will be credited semi-annually on January 1 and July 1 based on the previous average semi-annual rate of the Local Agency Investment Fund administered by the California State Treasury. Connection permits or charges cannot be sold or transferred between any parties other than Yuba City.
- (b) *Extension charges.* Sewer extension charges as per Section 6-5.504 of this Code are calculated per front foot, and can be found in the City's annual fee schedule.
  - (c) *Sewer service charges.* The charts below enumerate the maximum charges authorized following the 2016 Proposition 218 process. Actual rates are subject annually to Council approval, and may be found in the City's annual fee schedule, located on the City's website. No credit shall be allowed for vacancy.

Single-Family Users Flat Rate Service Charge per Month per Unit

Proposition 218 Maximum Rates	
Charge/month	\$65.27

Multi-Dwelling Units Flat Rate Service Charge per Month per Unit



	Proposition 218 Maximum Rates
Charge/month	\$52.23

Commercial Monthly Rate Service Charge per Month (Base Charge + Flow Charge)

	Proposition 218 Maximum Rates
C1 (Base Charge)*	\$65.27
C2 (Base Charge)*	\$73.44
C3 (Base Charge)*	\$88.95
Flow Charge* (per 100 CF)	\$2.57

**Category C1** shall include the user types listed below. The Public Works Director shall have the right to expand the list or to move any listed type to a different category.

- Retail/office
- Auditorium/hall
- Storage
- Church
- Animal shelter
- Beauty/barber shop
- Florist
- Library
- Day care
- Bowling alley
- Medical office
- Fitness center
- Laundromat
- Car wash
- Fairgrounds
- Hospital
- Municipal jail
- Theatre/cinema
- Veterinary clinic
- Gas station (no market/disposal)

Bakery/deli/café (no disposal)  
 Restaurant/bar (no disposal)  
 Assisted living/convalescent hospital

**Category C2** shall include the user types listed below. The Public Works Director shall have the right to expand the list or to move any listed type to a different category.

Bed/breakfast  
 Hotel/motel  
 Dry cleaners  
 Auto sales  
 Autobody shop  
 Funeral home

**Category C3** shall include the user types listed below. The Public Works Director shall have the right to expand the list or to move any listed type to a different category.

Fast food  
 Market  
 Gas station (with market)  
 Bakeries and delis (with disposal)  
 Restaurant/bar (with disposal)

(c) *Sewer service charges for schools.* The maximum sewer service charges authorized following the 2016 Proposition 218 process for schools are listed in the table below. Actual rates are subject annually to Council approval, and may be found in the City's annual fee schedule on the City's website.

(1) Sewer service charges for schools are calculated per student per year. This is represented by average daily attendance for the past school year for number of students.

(2) Yuba City Unified School District is billed once per year after July 1 for the previous year.

Per Student Service Charge per Year for Schools

	Proposition 218 Maximum Rate
Charge/Year	\$29.97

(d) *Septic haulers/truckers discharge charges.* Septic tank trucks discharging at the City wastewater treatment plant shall be charged using the following formula based on the 10,000-gallon monthly average wastewater flow estimate for single family dwelling unit and 77% of the service charges of treatment and disposal of septage including administration and pretreatment. The maximum rates for price per gallon and minimum charges are shown in the table below; actual rates shall be set by Council each fiscal

year and can be found in the City's annual fee schedule on the City's website. The charge per gallon is calculated per the formula below.

$$\text{Charge per Gallon (\$)} = \frac{\text{Monthly Single Family Unit Charge} \times 100 \times 77\% (\$)}{10,000 (\text{gallon})}$$

(1) Minimum charge per dump shall be greater than (1) 400 gallons per dump.

#### Septic Discharge Charges per Gallon

	Maximum Rates
Charge (\$) per gallon	0.502
Minimum Charge (\$) 400 gallons per dump	\$200.99

- (e) *Permitted industrial user charges.* Industrial users permitted through the City's pretreatment program shall be required to pay the charges in accordance with Section 6-5.408 of this chapter, as approved annually by City Council.
- (f) *Annual adjustments.* Annually on July 1 of each year, fees and charges in Sections 6-5.507(a), 6-5.507(b), and 6-5.508 shall be adjusted based on the previous April value of the Twenty City Average of Engineering News Record Construction Index.
- (g) The wastewater discharge permit fees in reference to Section 6-5.403.A shall be adjusted annually based on the wastewater service charge increases. The following table enumerates the maximum charges authorized following the 2016 Proposition 218 process. Actual rates are subject annually to Council approval, which may be found in the City's annual fee schedule on the City's website.

(1) Industrial users with more than one wastewater effluent discharge monitoring point shall be assessed an additional \$500 annual fee per additional effluent monitoring point.

#### Wastewater Discharge Permit Fee Schedule

Category	Proposition 218 Maximum Rates
Non-significant Categorical Industrial User	\$659.71
Permitted Industrial User	\$1,048.38

Groundwater	\$1,048.38
Septic Hauler	\$659.71
Significant Industrial User	\$1,677.41

(h) *Outside City user's charges.* Reserved for future use.

Sec. 6-5.508. - Special sewer connection fee.

All charges contained in this section shall be found in the City's fee schedule document.

(a) *Purpose and application.* A special sewer connection fee shall be applied solely and strictly to the service area known as "Sewer Trunk Line Facilities for West Yuba City Area" in accordance with the City Resolution 02-097 dated July 16, 2002. The Sewer Trunk Line Facilities for West Yuba City Area map is on file at the office of the Public Works Director. The general boundaries of the service area are: Pease Road to the north, Bogue Road to the south, Township Road to the west and variable locations, west of State Route 99, to the east.

(b) *Schedule of special connection fee and collection thereof.* All the latest and current charges shall be found in the City's fee schedule document. The City updates the fee schedule document annually and posts it on the City's website. The charges shall be divided into two categories:

West Yuba City Sewer Trunk, Residential, calculated per lot

West Yuba City Sewer Trunk, Commercial, calculated per plumbing fixture unit

Sec. 6-5.509. - Assessment installments in lieu of payment of wastewater fees.

(a) *Purpose/findings/definitions.*

(1) *Purpose.*

(i) To authorize and establish a procedure for levying assessment installments in lieu of payment of fees associated with the initial extension and connection of sanitary sewer service as outlined in Section 6-5.3 – Rules and regulations and Section 6-5.5 – Sewer service charges.

(2) *Findings.*

(i) There remain within the City's Sphere of Influence a number of residential and non-residential premises which are still being served by private septic systems rather than being connected to the City wastewater collection system.

(ii) One means of facilitating connection of the premises to the City wastewater system is to provide the owners of such premises with an

alternate means of financing the wastewater extension and connection fees for assessment installments in lieu of lump sum payment of the fees, which ordinarily become due and payable at the time of connection of the premises to the City wastewater system and before service is established, per the provisions of Section 6-5.503 – Sewer connection charges and Section 6-5.504 – Sewer extension charges.

(iii) The intent in enacting this section of this Code is to provide such financial assistance by allowing payment of such fees over a ten-year period through the levying of assessment installments in lieu of payment of wastewater fees in the manner provided for by this section.

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

(i) *Wastewater fees* shall mean any and all fees and charges associated with the extension and connection of new regular wastewater services, as described in Section 6.5.5 – Sewer service charges.

(ii) *Assessment installments* shall mean the assessments levied on the property's taxes over a ten-year period following approval by the City Council and direction to the County Auditor. This shall include any interest thereon or subject administrative fees.

(iii) *Engineer* shall mean the City Engineer, who may also be the Public Works Director.

(iv) *City wastewater service area* shall mean the area within the City's incorporated limits and Sphere of Influence which is or may be served by the City wastewater collection system.

(b) *Applicability.* The provisions of this section shall apply to and authorize the levy of assessment installments in lieu of payment of wastewater fees for the following residential and non-residential premises within the City wastewater service area connecting to the City wastewater collection system:

(1) *Premises within the incorporated territory of the City of Yuba City.* Where premises connecting to the City wastewater collection system are located in that part of the City wastewater service area within the incorporated territory of the City, this section shall authorize the levy of assessment installments in lieu of payment of wastewater fees if, and only if, such assessment has been approved and authorized by the City Council, and if such premises are presently being served by a private septic system, it will be abandoned entirely per the regulations and requirements of Sutter County Environmental Health.

(2) *Premises within the City's Sphere of Influence in the County of Sutter.* Where the premises being connected to the City wastewater collection system are located in that part of the City wastewater service area within the City's Sphere of Influence in the County of Sutter, this section shall authorize the levy of assessment installments in lieu of payment of wastewater fees if, and only if, such assessment has been approved and authorized by the City Council; if such premises are presently being served by a private septic system, it will be abandoned entirely per the regulations and requirements of Sutter County Environmental Health; and upon execution of an extraterritorial agreement with the City.

(c) *Petition for levying assessment installments in lieu of payment of wastewater fees.*

(1) Proceedings for levying assessment installments in lieu of the payment of wastewater fees shall be initiated by a petition filed in the office of the Engineer.

(2) Such petition shall describe the premises to be connected to the City wastewater collection system by street address or other method sufficient to enable the Engineer to identify the location and boundaries of such premises; shall include a declaration that if such premises are presently being served by a private septic system, it will be abandoned entirely per the regulations and requirements of Sutter County Environmental Health; and shall be signed by and set forth the mailing address of all persons owning an interest in the fee title to the premises.

(3) Any such administrative or operational costs incurred by the processing of the petition in the manner provided for by this section may be charged as a petition fee at the discretion of the Engineer.

(d) *Report of Engineer on assessment petition.*

(1) Following receipt of an assessment petition, the Engineer shall promptly cause a report to be made on the petition.

(2) The report shall set forth the following:

(i) A description of the premises which are the subject of the petition both by legal description and assessor's parcel number;

(ii) The name and mailing address of all persons owning an interest in the fee title to the such premises;

(iii) A determination as to whether the premises are located in that part of the City wastewater service area within the incorporated territory of the City or that part of the City wastewater service area within the City's Sphere of Influence in the County of Sutter;

- (iv) A computation of the total amount of the wastewater fees which would become due and payable in accordance with the provisions of Sections 6-5.5 of this chapter at the time of connection of the premises to the City wastewater collection system and before service is established; and,
- (v) A schedule of the assessment installments to be levied against the subject premises in order to pay all such wastewater fees, together with interest and an administrative fee thereon, in ten annual installments, all at the time, in the amounts, and in the manner hereinafter provided by this section.

(3) Following completion of such report, the Engineer shall cause the petition and report to be brought before the City Council for consideration for approval and authorization.

*(e) Consideration of assessment petition by City Council.*

- (1) On the date and at the time of the City Council meeting on the assessment petition, the City Council shall consider the assessment petition, the report of the Engineer on the assessment petition, and any other relevant matters bearing on the petition and/or the assessment installments to be levied in lieu of payment of wastewater fees pursuant to the assessment petition.
- (2) Following consideration, of the assessment petition and report, the City Council may, by resolution:
  - (i) Grant the petition and levy assessment installments in lieu of payment as outlined herein this section;
  - (ii) Direct the City Manager, Engineer, Finance Director, and any other necessary staff to conduct any required action(s);
  - (iii) Approve an extraterritorial agreement in cases where the subject premises fall outside of City limits but within the City's Sphere of Influence.

*(f) Establishment of assessment installments.*

- (1) Upon receipt of a certified copy of a resolution of the City Council levying assessment installments in lieu of payment of wastewater fees, the Engineer shall cause the resolution to be recorded in the official records of the County of Sutter.
- (2) After the date of such recordation, the assessments provided for by such resolution shall constitute a lien upon the premises which are the subject of the resolution which shall have the priority and effect of an assessment lien as provided for by Article 13, Chapter 4, Part 1, Division 2, Title 5 of the California

Government Code (commencing with Section 53930) or any other law of the State of California applicable to assessment liens levied by a municipality.

- (3) Following recordation, the Engineer shall ensure that such resolution be transmitted to the Sutter County Auditor with the request that the assessment installments levied by the resolution be added to the County tax rolls at the time and manner provided therein.
- (4) Thereafter, all assessment installments provided for in the resolution which become due in any year, together with all interest thereon, shall be payable in the same manner and at the same time that general taxes of the County on real property are payable, and such assessment installments and all interest and fees thereon shall become delinquent at the same time and bear the same proportional penalty and interest after delinquency as do the general taxes of the County on real property.

(g) *Assessment installments.*

- (1) *Timing of payment.* Assessments in lieu of the payment of wastewater fees, including interest thereon and any required administrative fees, shall be levied in ten equal installments of principal, interest, and administrative fees due and payable as follows:
  - (i) Where the resolution levying the assessment installments is adopted by the City Council between January 1<sup>st</sup> and July 10<sup>th</sup>, assessment installments shall be due payable commencing on November 10<sup>th</sup> of the calendar year in which the resolution was adopted and on November 10<sup>th</sup> of each year thereafter until all assessment installments have been paid in full, November 10<sup>th</sup> being the same date that County property taxes are due and payable under the laws of the State of California.
  - (ii) Where the resolution levying the assessment is adopted by the City Council between July 11<sup>th</sup> and December 31<sup>st</sup>, assessment installments shall be due and payable commencing on November 10<sup>th</sup> of the calendar year next succeeding the calendar year in which the resolution was adopted and on November 10<sup>th</sup> of each year thereafter until all assessment installments have been paid in full.
- (2) *Calculation of interest.* Interest on assessment installments shall be computed on the basis of an interest rate equal to the rate of cash held in pooled investments (LAIF), as calculated and published for the previous fiscal quarter, together with all appurtenant documents and fees required by this section, is filed in the office of the Engineer, plus two percent (2%) annual interest and an annual administrative fee of two percent (2%).
- (3) *Prepayment.* Assessment installments may be prepaid at any time between the date of adoption of the City Council resolution and the date the last assessment



installment is due and payable by depositing with the Treasurer-Tax Collector of the County of Sutter a sum equal to the principal, interest, fees, and any penalties due on any delinquent installments on prior tax years and a sum equal to the principal, interest, and fees due on the current tax year assessment roll, and then depositing with the City Finance Director a sum equal to the unpaid principal of any remaining assessment installments, exclusive of any interest or fees thereon.

- (i) Upon prepayment of the remaining assessment installments, the City Finance Director shall request the Sutter County Auditor to remove all such assessment installments from the County tax rolls and shall also cause the assessment lien levied by the City Council resolution to be released in the manner herein provided by this section.

(4) *Penalty for unpaid assessment installments.* In the event any assessment installment levied per this section and/or any interest, penalties, or other charges accruing thereon are not paid when due, the City Council may, not later than four years after the due date of the last such installment, order that the same be collected by an action brought in the Superior Court to foreclose the lien thereof, all in the manner provided for by the Improvement Bond Act of 1915, as set forth in Part 14, Division 10 of the Streets and Highways Code.

(h) *Release of assessment lien.*

- (1) Where all assessment installments levied in the manner provided for by this chapter have been paid in full, either by reason of the prepayment of such assessment installments or otherwise, the Finance Director shall execute and record in the official records of the County of Sutter a notice stating that the assessment lien levied by the City Council resolution is being released.

## Article 6. - Administrative Enforcement Remedies

### Sec. 6-5.601. - Public Works Director enforcement.

#### Sec. 6-5.601.A. - Notification of violation.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon that user a written notice of violation (NOV). The industrial user in noncompliance may be required to provide an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, which shall be submitted by the user to the Public Works Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Public Works Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

#### Sec. 6-5.601.B. - Consent orders.

The Public Works Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6-5.601.D and 6-5.601.E of this chapter and shall be judicially enforceable.

Sec. 6-5.601.C. - Show cause hearing.

The Public Works Director may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Public Works Director and show cause as to why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause as to why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show-cause hearing shall not be a bar against, nor prerequisite for, taking any other action against the user.

Sec. 6-5.601.D. - Compliance orders.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, nor a prerequisite for, taking any other action against the user.

Sec. 6-5.601.E. - Cease and desist orders.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Public Works Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, nor a prerequisite for, taking any other action against the user.

Sec. 6-5.601.F. - Administrative fines.

- (a) When the Public Works Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may fine such user in an amount not to exceed \$25,000 per violation, per day. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid fines under this section shall, after 60 days, constitute a lien against the real property of the discharger from which the discharge originated. The lien shall have no force and effect until recorded with the County Recorder after which its applicability will remain, in accordance with provisions of California Civil Procedure Code §§ 683.110 to 683.220, inclusive.
- (c) Users desiring to dispute such fines must file a written request for the Public Works Director to reconsider the fine, along with full payment of the fine amount, within 30 days of being notified of the fine. Where a request has merit, the Public Works Director may convene a hearing on the matter. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Public Works Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, nor a prerequisite for, taking any other action against the user.

The City has established an administrative penalty (noncompliance fee) for specific violations incorporated below. The following penalty schedule provides guidance as to the level of fine appropriate for that type of violation. The actual fine, if any, is determined based on the specific circumstances of each individual violation. Noncompliance fees are based on the actual time (staff hourly rates) and monitoring and testing costs incurred by the City in the investigation and resolution of noncompliance events. The responsible party shall be responsible to pay any type of administrative fines.

Violation	Penalty Schedule
Failure to submit discharge permit application by NOV deadline	\$500
Failure to submit discharge permit renewal by NOV deadline	\$500
Failure to meet schedule set forth in Administrative Order for discharge permit application or renewal	\$750
Failure to submit report by NOV deadline	\$500
Submittal of chronically late or unacceptable reports	\$500

Failure to comply with sampling/monitoring requirements of NOV and/or Warning Letter	\$750
Failure to comply with pretreatment, sampling, or monitoring equipment installation/maintenance requirements of NOV and/or Warning Letter	\$750
Publication of SNC	\$750
Frequent (insignificant) exceedances of discharge limit (permit, local limit, and/or categorical)	\$500
Failure to comply with NOV requirements related to the FOG program	\$500

Sec. 6-5.601.G. - Emergency suspensions.

The Public Works Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Public Works Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW and/or its receiving stream or endangerment to any individuals. The Public Works Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Public Works Director that the period of endangerment has passed, unless the termination proceedings in Section 6-5.601.H of this chapter are initiated against the user.
- (b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any show cause or termination hearing under Sections 6-5.601.C 6-5.601.H of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Sec. 6-5.601.H. - Termination of discharge.

In addition to the provisions in Section 6-5.403.F of this chapter, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (e) Violation of the pretreatment standards in Article 2 of this chapter; or
- (f) Failure to comply with the other requirements of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6-5.601.C of this chapter as to why the proposed action should not be taken. Exercise of this option by the Public Works Director shall not be a bar to, nor a prerequisite for, taking any other action against the user.

Sec. 6-5.601.I. - Publication of users in significant noncompliance.

The Public Works Director shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users, a list of the users, which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" (SNC) shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceeded (by any magnitude) a numerical pretreatment standard or requirement, including instantaneous limits, as defined by Article 2;
- (b) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Article 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by Article 2 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Public Works Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days of the scheduled date, a compliance-schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or

- (h) Any other violation(s), which may include a violation of Best Management Practices, which the Public Works Director has determined will adversely affect the operation or implementation of the local pretreatment program.

## Article 7. - Judicial Enforcement Remedies

### Sec. 6-5.701. - Injunctive relief.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may petition the Superior Court of California, County of Sutter through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Public Works Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### Sec. 6-5.702. - Civil penalties.

- (a) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The Public Works Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, nor a prerequisite for, taking any other action against a user.

### Sec. 6-5.703. - Criminal prosecution.

- (a) Any user who negligently violates any provision of Water Code § 13387(a)1—6, upon conviction, is guilty of a misdemeanor, punishable by a fine of not more than \$25,000 per violation, per day, or imprisonment in the County jail for not more than one year, or both.
- (b) A user who willfully or knowingly introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not less than \$5,000 nor more than \$50,000, or be subject to

imprisonment, in state prison, for not more than three years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

- (c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a civil penalty of not more than \$5,000 per violation, per day.
- (d) In the event of a second conviction, a user shall be punished by a fine of not more than \$100,000 per violation, per day, or imprisonment for not more than six years, or both.

Sec. 6-5.704. - Remedies nonexclusive.

The remedies provided for in this chapter are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan, which is located in Article 10 of this chapter; however, the Public Works Director may take other action against any user when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant user.

Sec. 6-5.705. - Damages to City facilities.

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment, or appurtenances which are a part of the City's sewerage system shall be a violation of this chapter. Damages to the City's facilities as a result of such unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering shall be paid by the responsible party or parties. The responsible party shall also be responsible to pay any type of fines resulting from damages to the POTW.

Sec. 6-5.706. - Persons responsible for payment.

- (a) *Municipal water system connection.* Where the premises are connected to the municipal water system, the sewer service charges shall be billed to the person who requested such connection to the water system, or their successor in interest, or to any person requesting that such bill be charged to them.
- (b) *Non-municipal water system connection.* Where the premises are not connected to the municipal water system, the sewer service charges shall be billed to the person who requested such connection to the sewerage system, or their successor in interest, or, if no such request was made, to the owner of record of such premises on the date on which such premises were required by the City to be connected to the sewerage system, or to the successor in interest of such person, or to any person requesting that such bill be charged to him or her.
- (c) *Enforcement of payment.* In each case where a bill for sewer services becomes delinquent, the City Manager or Finance Director shall order the premises shut off from the municipal water system. In the event of continued or repeated delinquencies, the City Manager or Finance Director may order the premises disconnected from the municipal water system and/or the sewerage system. When any premises have been shut off or

disconnected from either the municipal water system or the sewerage system for the nonpayment of sewer service charges, such water or sewer service shall not be restored and such premises shall not be reconnected until all the delinquencies have been paid to the Finance Department, together with such reasonable charges for reconnecting as may be established.

- (d) *Owner responsible.* Notwithstanding any provisions of this chapter, the property owner shall be additionally responsible for payment of all unpaid water/sewer bills and other fees owed to the City. Any agreement between landlords and tenants to the contrary will not relieve the landlord or record owner of the property of the responsibility for payment of the water and/or sewer service charges to the City.
- (e) *Collection of delinquent sewer charges.* All rates, charges, penalties and interest which remain delinquent as of June 30 of each year may be collected in the same manner as the general taxes for the City for the forthcoming fiscal year, as follows:
  - (1) The City's Finance Department shall prepare a written report, which shall be filed with the City Clerk. The report shall describe each parcel of real property for which there are any delinquencies in any rates or charges for services rendered to each parcel during the preceding year, and the amount of the delinquency. The report of delinquent sewer charges may be combined with the report of any other delinquent charges, as long as the report identifies the delinquent charges for each service for each parcel.
  - (2) The City Clerk shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published once a week for two successive weeks prior to the hearing. The Finance Department shall also mail written notice of the report's filing to each property owner whose property or parcel is identified as being subject to delinquent charges, setting forth individually each property and each of the services and charges due for that property.
  - (3) At the time stated in the notice for the prehearing, the Finance Director and/or designee shall hear and consider all objections or protests, if any, to the report concerning the delinquencies in a "prehearing." Thereafter, the Finance Director may revise, change, reduce, or modify any delinquency, or overrule any or all objections thereto. The Finance Director shall then make his or her determination on each delinquency identified in the report, and present the list to the City Council for final determination at the public hearing stated in the notice.
  - (4) At the time stated in the notice, following the prehearing and prior to submission to the County of Sutter, the City Council shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter the City Council may adopt, revise, change, reduce, or modify any delinquency or overrule any or all objections thereto. The City Council shall then make its determination on each delinquency identified in the report; the City Council's determination shall be final.
  - (5) Following the hearing, on or before August 10 of each year, the City Clerk shall file with the City's Finance Director a copy of the signed report to submit to the County. The Finance Director will submit a request to the Sutter County to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

Sec. 6-5.707. - Violations infractions.



In addition to the foregoing, violations of this chapter shall be infractions as provided in Chapter 2 of Title 1 of this Code.

Sec. 6-5.708. - Appeals to the City Manager.

- (a) *Procedure.* Except for any decision, action, or determination made by the City Council, any permit applicant, permit holder, or other discharger affected by any decision, action, or determination, including cease and desist orders, made by the City in interpreting or implementing the provisions of this chapter, or any permit issued hereunder, may file with the City Manager a written request for reconsideration within ten days after such decision, action, or determination, setting forth in detail the facts supporting the request. The City Manager may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the City Manager within ten days after the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during such period of review by the City Manager.
- (b) *Action by the City Manager.* If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, he may, within ten days after notice of the action by the City Manager, file a written appeal to the Council.

Sec. 6-5.709. - Appeals to the Council.

Any person who is dissatisfied with the action of the City Manager may appeal to the Council in accordance with Chapter 4 of Title 1 of this Code. In the event of such an appeal, the City Manager shall transmit to the Council a report setting forth the reasons for the action taken.

Article 8. - Reporting Requirements

Sec. 6-5.801. - Baseline monitoring reports.

- (a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
  - (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
  - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
  - (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This

description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste-stream formula set out in 40 CFR 403.6(e).
- (5) *Measurement of pollutants.*
  - (i) The user shall provide the following information:
    - A. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated process for existing sources.
    - B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Public Works Director, of regulated pollutants in the discharge from each regulated process.
    - C. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - D. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sections 6-5.810 and 6-5.811 of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documents as required by the Public Works Director or the applicable standard to determine compliance with the standard.
  - (ii) The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
  - (iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste-stream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority.
  - (iv) Sampling and analysis shall be performed in accordance with Sections 6-5.810 and 6-5.811 of this chapter.
  - (v) The Public Works Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - (vi) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW.
- (6) *Compliance certification.* Compliance certification is a statement, reviewed by the user's authorized representative 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 (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6-5.802. of this chapter.
- (8) *Signature and Report Certification.* All baseline monitoring reports must be signed and certified in accordance with Section 6-5.402.F of this chapter.

#### Sec. 6-5.802. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required in Section 6-5.801.b.7 of this chapter:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine months;
- (c) The user shall submit a progress report to the Public Works Director no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the designated increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine months elapse between such progress reports to the Public Works Director.

#### Sec. 6-5.803. - Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Public Works Director a report containing the information described in Section 6-5.801(b) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6-5.402.(F) of this chapter.

#### Sec. 6-5.804. - Periodic compliance reports.

- (a) All significant industrial users shall, at a frequency determined by the Public Works Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Public Works Director or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6-5.402.(F) of this chapter.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep their monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of their discharge.
- (c) If a user subject to the reporting requirement in this section monitors any pollutant at appropriate sampling location more frequently than required by the Public Works Director, using the procedures prescribed in Section 6-5.811 of this chapter, the results of this monitoring shall be included in the report.

Sec. 6-5.805. - Reports of changed conditions.

Each user must notify the Public Works Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of their wastewater at least 180 days before the change.

- (a) The Public Works Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6-5.402.(E) of this chapter.
- (b) The Public Works Director may issue a wastewater discharge permit under Section 6-5.402.(G) of this chapter or modify an existing wastewater discharge permit under Section 6-5.403.(D) of this chapter in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.

Sec. 6-5.806. - Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug discharge or slug load, that may cause potential problems for the POTW, the user shall immediately notify the Public Works Director and/or his designee of the incident by telephone or email. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the user.
- (b) Within five days following such discharge, the user shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other

damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place readily visible by employees advising how to notify the City in the event of a discharge as described in paragraph (a), above. Employers shall ensure that all employees who may cause such a discharge are advised of the emergency notification procedure.
- (d) Significant industrial users are required to notify the Public Works Director immediately of any changes at their facility affecting the potential for a slug discharge.

Sec. 6-5.807. - Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require.

Sec. 6-5.808. - Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the Public Works Director and/or designee within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Works Director and/or designee within 30 days after becoming aware of the violation. The user is not required to resample if the Public Works Director and/or designee monitors the user's facility at least once a month for the pollutant that is exceeding permitted limits or if the Public Works Director and/or designee samples between the user's initial sampling and when the user receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the industrial user.

Sec. 6-5.809. - Discharge of hazardous waste.

The City prohibits the discharge of any hazardous waste into the POTW (as defined in 40 CFR 261).

Any user who commences the discharge of hazardous waste, whether illegally, accidentally, or otherwise, shall immediately notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6-5.801, 6-5.803, and 6-5.804 of this chapter.

Sec. 6-5.810. - Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or other applicable sampling and analytical procedures, including procedures suggested by the Public Works Director or other parties

approved by the EPA. Minimum detection levels shall be as approved by the Public Works Director.

Sec. 6-5.811. - Sample collection.

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of the conditions occurring during the reporting period.
- (c) Except as indicated in paragraphs (d) and (e) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
- (d) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 6-5.801 and 6-5.803 (40 CFR 403.12(b) and (d)), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director may authorize a lower minimum. For reports required by paragraphs Section 6-5.804 (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

Sec. 6-5.812. - Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the carrier shall govern.

Sec. 6-5.813. - Record keeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to

monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 6-5.208(b). Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples, and the dates, analytical techniques or methods, and results of analyses performed and the name of the person(s) who performed the analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Public Works Director.

## Article 9. - Miscellaneous Provisions

### Sec. 6-5.901. - Pretreatment program fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program. Fees may include;

- (a) Fees for wastewater discharge permit applications, including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

### Sec. 6-5.902. - Severability.

If any court of competent jurisdiction invalidates any provision of this chapter, the remaining provisions shall not be affected and shall continue in full force and effect.

### Sec. 6-5.903. - Affirmative defenses to discharge violations.

#### Sec. 6-5.903.A. - Upset.

- (a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.
- (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs and/or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user submitted the following information to the Public Works Director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
    - (i) A description of the indirect discharge and cause of noncompliance;
    - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated timeframe that the noncompliance is expected to continue; and
    - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Sec. 6-5.903.B. - Bypass.

- (a) For the purpose of this section:
- (1) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.
- (b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.
- (c) Bypass notifications.
- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director, at least ten days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the Public Works Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time



it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (d) Bypass.
  - (1) Bypass is prohibited, and the Public Works Director may take an enforcement action against a user for a bypass, unless:
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of unwanted wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (iii) The user submitted notices as required under paragraph (c) of this section.
  - (2) The Public Works Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in paragraph (d)(1) of this Section.

#### Article 10. - Enforcement Response Plan for Industrial user Noncompliance

##### Sec. 6-5.1001. - General overview.

- (a) *Purpose of enforcement response plan.* The enforcement response plan (ERP) in this article enumerates the enforcement actions and their respective time frames that may be taken by the City of Yuba City against an industrial user for noncompliance with permit conditions, this Code, or federal and state regulations.
- (b) *Definitions.*
  - (1) *Major violations—significant noncompliance (SNC).* 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 monetary penalties. Instances of SNC are industrial user violations which meet one or more of the following criteria:
    - (i) Significant violations of wastewater discharge limits:
      - A. *Chronic violations.* 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Article 2;
      - B. *Technical review criteria (TRC) violations.* 33% or more of the measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by Article 2 multiplied by the applicable criteria;

There are two groups of TRCs:

Group I for conventional pollutants  
(BOD, TSS, fats, oils, and/or grease)  
TRC = 1.4

Group II for all other pollutants except pH  
TRC = 1.2;

- C. Any other violation(s) of a pretreatment standard or requirement as defined by Article 2 that the Public Works Director determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the wastewater treatment personnel or the public;
  - D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the treatment plant's emergency authority to halt or prevent such a discharge;
  - E. Failure to meet, within 90 days of the scheduled date, a compliance-schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance by 90 days;
  - F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - G. Failure to accurately report noncompliance; or
  - H. Any other violation or group of violations, which may include a violation of best management practices, which the Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program.
- (2) *List of violators.* The Public Works Director shall publish annually, in a newspaper of general circulation in the Yuba City area, a list of the industrial users who significantly violated applicable pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the industrial user(s) during the same 12 months.
- (3) *Officials responsible.* The Public Works Director or designee, in accordance with this chapter of this Code, will notify the City Attorney of any civil action or municipal code enforcement required. The District Attorney will prosecute criminal violations of state water or health and safety laws.
- (c) *Notice of violation and follow-up.* When a violation occurs (with the exception of certain insignificant/minor first offenses), a notice of violation (NOV) or a warning letter shall be sent via a certifiable means (U.S. Postal Service, FedEx, UPS, etc.) to the responsible party at the place of business. A written response by the industrial user may be required, which states the cause of the violation, the corrective actions which will be taken to prevent recurrence, and the time frame to complete corrective actions.
- (1) If an industrial user fails to take corrective action, if the violation appears to be a part of a recurring pattern, or the level of the violation is of a large magnitude, a formal meeting will be arranged with representatives of the firm and the Public Works Director or designee to discuss the problem or possible corrective actions. At this time, the firm

may be issued an administrative order containing or requesting a time schedule for compliance and additional monitoring requirements and/or fines.

- (2) Any industrial user who intentionally or willfully violates any provision of any permit issued pursuant to this chapter; intentionally or willfully discharges waste or wastewater which causes pollution; or violates any cease and desist order, established effluent limitations, national standard of performance, or national pretreatment or toxicity standard shall be fined not more than \$50,000 for each offense. The Public Works Director, after determining the existence of a violation, may levy fines, which shall be in accordance with this chapter of this Code and applicable state and federal law. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense.
  - (3) If noncompliance has been deemed significant (SNC) or in situations where a discharge may pose a threat to the safety of operation of the POTW or its personnel, the industrial user will be issued a cease-and-desist order. This order, issued by the Public Works Director, may order the user to comply immediately or impose additional requirements.
  - (4) Violations believed to be caused through deliberate acts or intentional discharge of hazardous wastes, as specified in 40 CFR 413 and 433, will be referred to the City Attorney for further enforcement. The City Attorney may then petition the Superior Court of California, County of Sutter for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the required performance.
- (d) *Appeal.* Any permit applicant, permit holder, or other discharger affected by any decision, action, or determination made by the Public Works Director, including cease-and-desist orders, may file with the Public Works Director a written request for reconsideration within ten days of such decision, action, or determination, setting forth in detail the facts supporting the request. The Public Works Director will then decide whether to hold a hearing on the request. The Director shall act upon a request for reconsideration within ten days from the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during such period of review by the Director.

If the ruling made by the Public Works Director is unsatisfactory to the person requesting reconsideration, they may, within ten days after notice of the action by the Director, file a written appeal to the City Manager.

The written appeal shall state all pertinent aspects of the matter, and shall include the hearing record if one was requested. Within 30 days after the written appeal is received, the City Manager shall hold a hearing after due notice to the appellant. The City Manager may establish rules and regulations governing the hearing of such appeals. The City Manager shall make a final ruling on the appeal within ten days after close of the hearing. The decision, action, or determination shall remain in effect during such period of review by the City Manager.

Any person who is dissatisfied with the action of the City Manager may appeal to the Council in accordance with Chapter 4 of Title 1 of this Code. In the event of such an appeal, the City Manager shall transmit to the Council a report setting forth the reasons for the action taken.

- (e) *Civil and criminal penalties.* If the industrial user fails to comply with the administrative cease-and-desist order, the City may pursue any of the alternative civil or criminal remedies herein against any discharger.

Sec. 6-5.1002. - Enforcement response plan outline.

The following is an outline of the City's ERP enforcement procedures. These procedures were developed according to the September 1989 EPA guidelines for "Developing Control Authority Enforcement Response Plans." This section is sometimes referred to as the enforcement response guide (ERG).

(a) *Administrative.*

(1) Telephone call, email, or reminder letter to notify industrial user (IU) of violation. May include request for explanation of violation from IU.

(i) Done as soon as possible upon discovery of violation.

(2) Notice of violation (written):

(i) Sent by certifiable means (U.S. Mail, FedEx, UPS, etc.) within a timely manner after the violation.

(3) Fines assessed by City for violation(s):

(i) Intended to punish the IU for noncompliance.

(ii) No court intervention unless IU contests fine.

(4) Administrative order types:

(i) Show-cause order: allows the IU to appear before the Public Works Director or representative and explain the noncompliance and why more severe enforcement actions should not be taken.

(ii) Enforcement documents: directs IU to implement corrective or remedial measures (compliance orders).

(iii) Cease-and-desist order(s).

(iv) Consent orders: negotiated settlement agreed upon by the City and the IU.

(v) Revocation of permit:

A. Failure of an industrial user to factually report the sewage constituents and characteristics of their discharge;

B. Failure of an IU to report significant changes in operations, site plans, floor plans, mechanical and plumbing plans, or sewage constituents and characteristics; or

C. Refusal of reasonable access to an IU's premises for the purpose of inspection or monitoring.

(vi) Industrial wastewater service termination.

(5) Administrative fines:

(i) Assessed for repeated or serious violations.

(ii) Attached to an administrative order. (b) *Judicial enforcement.*

(1) Civil Litigation.

(i) Lawsuits filed against IU to:

A. Recover costs associated with noncompliance;

B. Impose civil penalties;

- C. Seek injunctive relief;
  - D. Acquire a court order to return IU to compliance.
- (ii) Process of litigation:
- A. City decides to sue;
  - B. City Attorney files complaint with the Court;
  - C. IU responds to complaint by filing an answer;
  - D. Depositions and interrogations;
  - E. Trial date set;
  - F. Settlement negotiations, if any;
  - G. Trial occurs;
  - H. Verdict is issued;
  - I. Appeals are made.
- (c) *Criminal prosecution.*
- (1) Purpose:
    - (i) To punish noncompliance rather than recover costs;
    - (ii) To deter future noncompliance;
  - (2) City must prove intent and/or negligence;
  - (3) Criminal prosecution process:
    - (i) Discovery of the crime;
    - (ii) Gathering evidence;
    - (iii) Initiating criminal prosecution;
    - (iv) Defendant's pretrial options:
      - A. Plead guilty;
      - B. Jury trial;
  - (4) The criminal trial;
  - (5) Sentencing and appeals.

Sec. 6-5.1003. - Enforcement response plan procedures.

The table below describes the City's enforcement response options per violation type. The official(s) responsible for enforcement shall be the Public Works Director and/or duly authorized representative. The following abbreviations shall be used throughout the ERP table:

AO = Administrative Order  
 CO = Consent Order  
 NOV = Notice of Violation  
 SCO = Show Cause Order  
 WL = Warning Letter

Item	Nature of Violation	Enforcement Option
<b>A. Unauthorized Discharges (no permit or approval)</b>		
<b>1. Non-Permitted Discharge Violations</b>		
1A	Industrial waste discharger unaware of wastewater discharge permit requirement; no harm to	Email or phone call and Issue WL with time schedule. Deadline for application submittal not to exceed 30 days.
1B	Industrial waste discharge without a permit resulting in violation of POTW NPDES permit, potential harm to POTW, environment or personnel.	Invoke emergency enforcement as necessary to abate discharge. May proceed with any of the following: a) Issue Administrative Order; b) Assess fine; c) Civil litigation seeking penalties up to
1C	Industrial waste discharge without a permit and evidence of intentional dumping or discharge of toxic pollutants of concern (metals and/or priority organics).	Issue AO to immediately halt discharge and issue NOV with time schedule. Deadline for application submittal not to exceed 15 days May proceed with any of the following: a) Assess Administrative Fine b) Civil/Criminal Action
1D	Failure to submit acceptable permit application by deadline	Issue NOV with time schedule. Deadline for application submittal not to exceed 15 days.
1E	Failure to submit acceptable permit application by NOV deadline.	Issue AO and fine. May proceed with any of the following: a) Civil action b) Terminate Service
<b>2. Non-permitted discharge (expired Permit or significant change in discharge)</b>		
2A	Failure to apply for permit renewal. No environmental or POTW harm. Less than 30 days late	Phone/email; May proceed with any of the following: a) Issue WL with time schedule (Deadline for application submittal not to exceed 30 days)
2B	Failure to submit acceptable renewal application by deadline.	Issue NOV with time schedule. Deadline for application submittal not to exceed 15 days.
2C	Failure to submit renewal by NOV.	Proceed with any of the following: a) Issue AO and fine; b) Terminate service; c) Civil/Criminal action
<b>B. Discharge Violations</b>		
<b>1. Industry exceeds final limits (categorical, local, or prohibited)</b>		
1A	Isolated, not significant violation	Telephone call/email and require follow-up sampling Further enforcement actions:
1B	Frequent, insignificant (repeated offense)	Issue NOV
1C	Frequent, insignificant (any offense)	Issue NOV

1D	Significant Violations that are SNC	Proceed with all the following: Issue NOV Issue Fine SNC publication in local newspaper
1E	Causes known; environmental or POTW damage (endangerment of life)	Issue AO to halt discharge; May proceed with any of the following; a) Issue fines b) Civil litigation c) Terminate services
1F	Failure to meet requirements specified in any NOV	Any of the following: a) Meet with IU; b) Issue AO; c) Issue Fine.
<b>2. Slug load discharge without notifying the City</b>		
2A	Isolated- no known damage	Issue NOV; Require IU to develop a spill control program
2B	Isolated with known interference, pass through, or damage	Any of the following; a) Fine up to \$50,000 per day b) Civil action
2C	Recurring	Any of the following; a) Fine up to \$50,000 per day; b) Civil action; c) Terminate service
<b>C. Sampling, Monitoring, Equipment maintenance, and Reporting Violations</b>		
<b>1. Late Report (any type, includes incomplete report)</b>		
1A	Once; report less than five days late	Any of the following; a) Telephone call b) Email c) Issue WL
1B	Report less than 30 days late	Issue NOV
1C	Report greater than 30 days late	Issue NOV with Fine; SNC publication
1D	Twice during any consecutive four-quarter period	Issue NOV
1E	Three times during any consecutive four-quarter period	Issue NOV, Fine
<b>2. Improper Signature or Certification</b>		
2A	Report is improperly signed or certified	Telephone call/Email; or Issue WL
2B	Report is improperly signed or certified after notice by City	Issue NOV with option of fine
<b>3. Failure to sample during Monitoring period</b>		
3A	Sample collected greater than 30 days late	Issue NOV; May proceed with any of the following: a) Issue Fine; b) SNC publication
3B	Twice during any consecutive four-	Issue NOV; option of fine

3C	Three times during any consecutive four-quarter period	Issue NOV May follow with: a) Issue fine b) SNC publication
<b>4. Improper Sampling</b>		
4A	Incorrect sample type and/or missed hold time	Issue WL with requirement for sample collection within 30 days
4B	Repeated Incorrect sample type, miss hold time, resample later than 30 days	Issue NOV, option of fine
<b>5. Failure to Report Instances of Noncompliance</b>		
5A	Failure to report discharge limit violation, spill, upset, bypass or	Issue NOV
5B	Failure to report discharge limit violation, spill, upset, bypass or changed discharge (results in harm to POTW, personnel, environment,	Issue AO May proceed with any of the following: a) Issue Fine b) Terminate Service c) Civil Action
5C	Repeated failure to report discharge limit violation, spill, upset, bypass, or change discharge	Any of the following: a) Civil Action b) Terminate Service
<b>6. Failure to install monitoring equipment</b>		
6a	Delay of less than 30 days	Any of the following: a) Telephone call b) Email c) Issue WL
6b	Delay of greater than 30 days	Any of the following: a) Issue NOV b) Issue AO c) Issue Fine
6c	Recurring Violation of Administrative Order	Any of the following: a) Civil Action b) Criminal Investigation c) Terminate service
<b>7. Failure to properly operate and Maintain pretreatment equipment</b>		
7a	No Harm	Any of the following: a) Issue WL b) Issue NOV c) Issue Fine d) Issue CO
7b	Results in harm	Issue AO May proceed with any of the following: a) Show Cause Hearing; b) Issue Fine; c) Civil Action; d) Terminate Service
<b>8. Reporting False Information; Falsification</b>		



8a	Falsification of any type, including but not limited to reporting and sampling	Any of the following: a) Criminal investigation b) Civil litigation c) Criminal Prosecution seeking maximum penalties allowed by State Law d) Terminate Services
<b>D. Compliance Schedule Violations</b>		
<b>1. Missed Milestone date</b>		
1a	Less than 30 days or will not affect final milestone	Any of the following: a) Telephone call b) Email c) Issue a WL d) Issue AO with fine
1b	Missed by more than 30 days, or will affect final milestone Violation for good cause (weather, materials unavailable, etc.)	Schedule a meeting to change final date; May proceed with any of the following: a) Issue AO b) Issue Fine
1c	Missed by more than 30 days, or will affect final milestone. Violation without	Show cause hearing, seek penalties of \$500 per day of
<b>2. Failure to meet Compliance Schedule, Reporting requirements</b>		
2a	Did not submit report but did complete milestone	Any of the following: a) Telephone call b) Email c) Issue WL
2b	Did not submit report or meet milestone	Schedule a meeting; May proceed with the following: a) Issue AO b) Issue fine
<b>3. Missed Final date</b>		
3a	Good Cause	Telephone call or Email
3b	30 days or more outstanding; failure or refusal to comply without good cause	Any of the following; a) Show Cause hearing b) Issue AO with fines c) Judicial Action
<b>E. Spill Incidents</b>		
<b>1. Spill Incident</b>		
1a	Reported by industry	Any of the following: a) Issue WL b) Issue NOV c) Meet with IU
1b	Failure to report spill	Issue NOV May proceed with any of the following: a) Issue AO with fines
<b>2. Repeated Spill incidents</b>		

2a	Failure to develop and/or upgrade spill prevention program	Issue NOV May proceed with any of the following: a) Issue AO with fines b) Show cause hearing
2b	Failure to act on a decision of compliance meeting and results in known environmental damage and/or	Judicial Action, terminate service
<b>F. Violations detected through industrial inspections/investigations</b>		
<b>1. Entry Denial</b>		
1a	Entry denied or consent withdrawn Copies of records denied	Obtain warrant and return to IU
<b>2. Illegal Discharge</b>		
2a	No harm	Issue NOV May proceed with any of the following: a) Issue AO with Fine
2b	Results in harm to POTW, environment or personnel	Show Cause Hearing: May proceed with any of the following: a) Issue AO with fine b) Civil Action c) <del>Terminate service</del>
2c	Harm to POTW, environment or personnel and evidence of "willful or neglect" action	Any of the following: a) Civil Action b) Criminal Investigation c) Terminate Services
<b>3. Improper Sampling</b>		
3a	Unintentional; incorrect location, incorrect sample type, incorrect sample technique/preservation	Any of the following: a) Telephone call b) Correct at site c) Email d) Issue WL e) <del>Issue NOV</del>
<b>4. Inadequate record keeping</b>		
4a	Inspector finds files incomplete or missing, and no evidence of "willful or	Issue NOV
4b	Inadequate record keeping continues after notice by City	Issue AO with fine
4c	Incomplete or missing files and evidence of "willful or negligent" action	Any of the following: a) Criminal Investigation b) Criminal Action c) <del>Terminate Service</del>
4d	Inspector finds additional files/data	Issue NOV
<b>5. Failure to report additional monitoring</b>		
5a	No harm to POTW, et al	Issue NOV
5b	Failure to report additional data	Issue NOV

5c	Failure to report additional data after notice from City	Issue AO with fine
<b>G. Other permit Violations</b>		
<b>1. Waste streams are diluted in lieu of treatment</b>		
1a	Initial Violation	Issue AO
1b	Dilution continues in lieu of treatment after notification by City	Any of the following: a) Show Cause hearing b) Civil action c) <del>Terminate Service</del>
<b>2. Failure to mitigate noncompliance</b>		
2a	Does not result in harm	Issue NOV
2b	Results in harm to POTW, environment, or personnel	Issue AO with fine; May proceed with any of the following: a) Civil Action b) Terminate Service c) Criminal Investigation

Article 11. - Reserved

Article 12. - Fats, Oils, and Grease Discharge from Food Service Establishments

Sec. 6-5.1201. - General overview.

*Purpose.* The purpose of this chapter is to facilitate the maximum beneficial public use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) from residential, industrial, and food service establishments (FSE) to the sewer facilities, and to specify appropriate FOG discharge requirements for FSEs.

Sec. 6-5.1202. - Regulations.

- (a) *Permits.* Nonresidential facilities, including not-for-profit and government-owned facilities, that prepare, process, or serve food, as determined by the Public Works Director or designee, may be required to keep a valid wastewater discharge permit issued by the City as outlined in the provisions of Section 6-5.402.
- (1) The wastewater discharge permit for any facility shall be renewed whenever there is a change in operation including facility expansion, remodeling, or change in ownership. Permits are issued for a specifically named establishment at a particular location and are not transferable.
  - (2) A limited food preparation establishment is not considered an FSE and is exempt from obtaining a wastewater discharge permit. Exempt establishments shall be engaged only in reheating, hot holding, or assembly of ready-to-eat food products, and, as a result, there is no wastewater discharge containing significant FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

- (b) *Discharge limitations.* No FSE shall discharge FOG or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level set forth in Section 6-5.208, or that may accumulate and/or cause or contribute to blockages in the public sewer.
- (c) *Prohibitions.* FSEs are prohibited from the following:
- (1) Installing food grinders in the plumbing system of new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the Public Works Director;
  - (2) Introducing any additives into an FSE's plumbing system, grease trap, and/or grease interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation, and/or as a supplement to grease interceptor maintenance;
  - (3) Disposing waste cooking oil into the public sewer or storm drain. All waste cooking oils shall be collected and stored properly in receptacles such as rendering bins, barrels, or drums for recycling or other acceptable methods of disposal;
  - (4) Discharging wastewater from dishwashers to any grease removal device;
  - (5) Discharging wastewater with temperatures in excess of 140° Fahrenheit (60° Celsius) into any grease control device, including grease traps and interceptors;
  - (6) Discharging wastes containing fecal materials from toilets, urinals, wash basins, or other fixtures to waste lines directed to grease interceptors and/or other grease control devices;
  - (7) Discharging FOG and solid materials removed from a grease control device to the public sewer. Grease removed from grease interceptors shall be waste hauled to an approved disposal site as part of the operation and maintenance requirements for grease interceptors;
  - (8) Operating grease interceptors with FOG and solids accumulation exceeding 25% of the design hydraulic depth of the grease interceptor (25% rule);
  - (9) Discharging FOG and other pollutants above the local discharge limits set forth in Section 6-5.208.
- (d) *Violations.* Any violation of the terms and conditions of a wastewater discharge permit, BMP, or any requirement or prohibition of the FOG control program shall be deemed a violation of this chapter and subjects the wastewater discharge permittee and/or FSE to the sanctions set out in Articles 6 and 7 of this chapter.

Sec. 6-5.1203. - Requirements.

- (a) *Design.* All grease removal devices shall be designed and sized in accordance with the standards outlined in the most recent version of the California Plumbing Code (CPC) or as required by the City, whichever is more stringent.
- (b) *Installation.*
- (1) The owner of every newly constructed, remodeled, or converted commercial or industrial FSE with one or more grease-generating activities, including FSEs with new or replacement kitchens for which a building permit is issued, shall install an approved grease interceptor for each grease-generating activity, of a size equal to or greater than the minimum size requirements as set forth in the most recent CPC.

- (2) Existing FSEs, which do not currently have a grease interceptor installed, which have caused or contributed to grease-related blockage in the sewer system, or which have service laterals connected to hot spots, or which have been determined to contribute significant FOG to the sewer system by the City based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install grease interceptors within 180 days upon notification by the Public Works Director or designee.
  - (3) All grease-removal devices must be installed in a location that allows for easy accessibility for inspections and maintenance.
- (c) *Variance.* An FSE may obtain a variance from the grease-interceptor requirement to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, if the FSE demonstrates that it is impossible or impracticable to install, operate, or maintain a grease interceptor. The Public Works Director or designee's determination to grant a variance will be based upon, but not limited to, existence of the following conditions:
- (1) There is no adequate space for installation and/or maintenance of a grease interceptor;
  - (2) There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer; or
  - (3) The FSE can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge.
- (d) *Conditional waiver.* An existing FSE may obtain a conditional waiver from installation of a grease interceptor if the FSE demonstrates that it has negligible FOG discharge and insignificant impact to the sewer system. The Public Works Director or designee's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, existence of the following conditions:
- (1) Quantity of FOG discharge as measured or as indicated by the size of the FSE based upon seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food, and other conditions that may reasonably be shown to contribute to FOG discharges;
  - (2) Adequacy of implementation of BMPs and compliance history;
  - (3) Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the FSE, and history of maintenance and sewage spills in the receiving sewer system;
  - (4) Changes in operations that significantly affect FOG discharge; or
  - (5) Any other condition deemed reasonably related to the generation of FOG discharge by the Public Works Director or designee
- (e) *Maintenance.*
- (1) Grease interceptors/traps shall be maintained in efficient operating condition by periodic removal of the full contents of the device, which includes wastewater, accumulated FOG, floating materials, sludge, and solids. This includes scraping the sides of the device to remove any build-up on the walls, baffle, and inlet or outlet tees.

- (2) Grease interceptors shall be fully pumped out and cleaned by a licensed hauler at a minimum of every 90 days. The Public Works Director or designee may change the required maintenance frequency at any time to reflect current operating conditions or frequency when one or more of the following conditions occur:
    - (i) 25% or more of the wetted height, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or grease prior to 90 days;
    - (ii) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the City; or
    - (iii) A history of noncompliance issues.
  - (3) If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in Section 6-5.1203(e)(2), the FSE shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the Public Works Director or designee may also increase the maintenance frequency of the grease interceptor from the current frequency.
  - (4) Grease traps shall be cleaned at a minimum of once per month or as often as necessary to prevent pass through of grease into the collection system. Grease traps shall be cleaned and inspected by a licensed grease hauler at a minimum of once per year or as often as necessary as determined by the Public Works Director and/or designee. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
  - (5) Grease interceptors or traps shall be periodically inspected to ensure the device remains in good working condition, including any plumbing, pipes, fittings, and manhole covers. Any repairs to the device deemed necessary by the Public Works Director or designee must be completed within 14 days at the sole expense of the establishment.
  - (6) Wastes removed from each interceptor shall be disposed of at a facility permitted to receive such wastes. In no way shall the wastes be returned to any private or public portion of the collection system, storm drain, or the Wastewater Treatment Facility.
  - (7) FSEs may be required to provide a collection drum or container for the purpose of physically segregating oils, greases, and greasy solids (such as fryer oil). FSEs shall establish procedures for personnel to practice maximum segregation of oils, greases, and greasy solids to the collection drum or container prior to washing and other water cleaning which goes to the sewers. The FSE is responsible for the proper removal and disposal by a licensed rendering company of the material captured from either grease pretreatment devices on wastewater lines or the collection drum.
  - (8) All costs associated with proper maintenance and cleaning of the grease interceptor or trap shall be borne by the FSE.
  - (9) Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple FSEs that are located on a single parcel.
- (f) *Recordkeeping.* The FSE shall be required to keep all manifests, receipts, and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier, and disposal site location for no less than three years. The FSE shall, upon request,

make the manifests, receipts, and invoices available to any City representative or inspector. These records shall include:

- (1) A logbook of grease interceptor, grease trap, or grease control device cleaning maintenance practices.
  - (2) A record of BMPs being implemented including employee training.
  - (3) Copies of records and manifests of waste-hauling interceptor contents.
  - (4) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptor.
  - (5) Records of any spills and/or cleaning of the lateral or sewer system.
  - (6) Any other information deemed appropriate by the Public Works Director or designee to ensure compliance with this chapter.
- (g) *Best management practices (BMPs)*. All FSEs are required to implement BMPs in its operations to reduce grease discharged to the sanitary sewer system. Detailed requirements for BMPs shall be specified in the FOG Control Program. All FSEs are required to comply with the BMPs as set forth therein as well as any additional BMPs established by the Public Works Director or designee.
- (h) *Falsifying information or tampering with process*. It shall be unlawful to make any false statement, representation, record, report, plan, or other document that is filed with the City, or to tamper with or knowingly render inoperable any grease-control device, monitoring device, method, or access point required under this chapter.
- (i) *Facility closure notification*. All FSEs are required to notify the Public Works Department of the facility's closure within 30 days of going out of business. It is the responsibility of the facility to conduct a final cleaning and pump out of any grease-removal device on hand. In the event the facility should fail to conduct a final pump out of the grease-removal device, the City reserves the right to perform such work at the expense of the property owner and/or outgoing utility customer of the closing facility. The property owner has ultimate responsibility for payment of any expenses or fees related to the facility closure, as per Section 6-5.706.(d).
- (j) *Right-of-entry*. The Public Works Director or designee shall be provided reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time. No persons or occupants of the premises shall interfere with, delay, resist, or refuse entrance to the Director, an inspector, and/or an enforcement officer attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer.

Sec. 6-5.1204. - Sewer system overflows, public nuisance, abatement orders, and cleanup costs.

FSEs found to have contributed to a sewer blockage, SSO, or any sewer system interference resulting from the discharge of wastewater or waste containing FOG shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs, or any other sewer system interferences. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, service lateral failures and SSOs caused by an FSE, alone or collectively, are the

responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the City must act immediately to contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or at the request of the property owner or operator of the FSE, or due to the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the property owner or operator of the FSE, and individual(s) as a responsible officer or owner of the FSE and may constitute a debt to the City and become due and payable upon the City's request for reimbursement of such costs. Cost recovery shall be in accordance with Title 4 Chapter 8 – Nuisance Abatement Code of this Code.

Sec. 6-5.1205. - Monitoring and reporting conditions.

(a) Monitoring for compliance with permit conditions and reporting requirements.

- (1) The Public Works Director or designee may require periodic reporting of the status of implementation of BMPs.
- (2) The Public Works Director or designee may require visual monitoring at the sole expense of the FSE to observe the actual conditions of the FSE's service lateral and sewer lines downstream.
- (3) The Public Works Director or designee may require reports for self-monitoring of wastewater constituents and FOG characteristics of the FSE needed for determining compliance with any conditions or requirements as specified in the discharge permit, BMPs, or this chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in the manner and form approved by the Public Works Director or designee and shall be submitted upon request of the Public Works Director or designee. Failure by the FSE to perform any required monitoring or to submit monitoring reports required by the Public Works Director or designee constitutes a violation of this chapter and shall cause the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG control program, FSE discharge permit, or in this chapter. The FSE shall be responsible for any and all expenses of the City in undertaking such monitoring analysis and preparation of reports.
- (4) Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Public Works Director or designee to ensure compliance with this chapter.

Sec. 6-5.1206. - Inspection and sampling conditions.

- (a) *Inspection.* The Public Works Director or designee may inspect or order the inspection and sample of the wastewater discharges of any FSE to ascertain whether the intent of this chapter is being met and the FSE is complying with all requirements. The FSE shall allow the City access to the FSE premises during normal business hours for purposes of inspecting the FSE's GRD and reviewing the manifests, receipts, and invoices relating to the cleaning, maintenance, and inspection of the GRD.
- (b) *Sampling.* The Public Works Director or designee shall have the right to place or order the placement on the FSE's property or other determined locations such devices as are



necessary to conduct sampling or metering operations. Where an FSE has security measures in force, the FSE shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

Sec. 6-5.1207. - Notification of spill and/or sewer system overflow.

- (a) In the event an FSE is unable to comply with any permit condition or any section of this chapter due to a breakdown of equipment, accidents, or human error or the FSE has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FSE discharge permit of this chapter, the discharger shall immediately notify the City. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local health department and the City.
- (b) Confirmation of this notification shall be made in writing to the Public Works Director or designee at the address specified in the FOG control program no later than five working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- (c) Such notification shall not relieve the FSE of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor shall such notification relieve the FSE of any fees or other liability which may be imposed by this chapter or other applicable law.

Sec. 6-5.1208. - Notification of planned changes.

An FSE shall notify the City at least 60 days in advance prior to any facility expansion, remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. FSE shall notify the City in writing of the proposed expansion or remodeling and shall submit any information requested by the City for evaluation of the effect of such expansion on the FSE's FOG discharge to the sewer system.

Sec. 6-5.1209. – Enforcement of FOG program

*Noncompliance.* Failure on the part of any FSE to maintain continued compliance with any of the requirements set forth in Sections 6-5.1201 through Sections 6-5.1208 may result in the initiation of enforcement action, as outlined in Sections 6-5.1001- Sections 6-5.1003. Such enforcement action may include, but is not limited to, the issuance of a verbal warning, written warning, notice of violation (NOV), administrative order, administrative civil liability, and/or imposition of administrative fines and/or penalties.

Section 4.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 5.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 21<sup>st</sup> day of December, 2021, and passed and adopted at a regular meeting held on the 18th day of January, 2022.

AYES: Councilmembers Boomgaarden, Espindola, Harris, Kirchner and Mayor Shaw  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
Ciara Wakefield, Deputy City Clerk



  
Dave Shaw, Mayor

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY

  
Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLC