



ORDINANCE 90-2

REGULATING THE USE OF PUBLIC SEWER



FLDDBROOK GLENDALF COMMUNITY SERVICES DISTRICT

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE INSTALLATION OF SEWER LATERALS AND PUBLIC SEWER MAIN EXTENSIONS, PROVIDING FOR EMPLOYMENT OF A MANAGER AND DISTRICT INSPECTOR, PROVIDING PERMITS FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, ESTABLISHING CHARGES FOR ANNEXED AREAS AND SUBDIVISIONS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF.

BE IT ORDAINED by the Board of Directors of the Fieldbrook Glendale Community Services District, Humboldt County, California, as follows:

First Reading: December 18, 1990
Second Reading: January 15, 1991
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1. DEFINITIONS

Section 1.01 Additional Definitions.

Additional Definitions. For the purpose of this ordinance additional terms shall have the meaning indicated in Chapter 1 of the edition that is most recent, from time to time, of that certain plumbing code entitled “Uniform Plumbing Code, “adopted by the International Association of Plumbing & Mechanical Officials (IAPMO), copies of which are on file in the office of the District.

Section 1.02 Accessory Dwelling Unit (ADU):

An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provision for living, sleeping, eating, cooking, and sanitation on the same lot where an existing or proposed single-family dwelling is situated. An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code; and a Tiny House or Moveable Tiny House as defined Humboldt County Ordinance Title III, Division 1, Chapter 4 in conformance with California Government Code Section 65852.2.

(a) Attached Accessory Dwelling Unit

Shall mean an ADU constructed and contained within the existing space of the single-family residence or accessory structure and has an independent exterior access from the existing residence. The ADU total floor area will not exceed 50 percent (50%) of the floor area of the PDU.

(b) Detached Accessory Dwelling Unit

Shall mean an ADU constructed either to expand the footprint of the existing single-family residence or accessory structure, or to be a new accessory structure on the parcel. A detached ADU is defined as a unit with a total floor area of 1,200 square feet or less. Any detached ADU more than 1,200 square feet may be charged a connection or capacity fee consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to its burden upon the sewer system, based upon either size (square footage), or the number of plumbing fixtures, but not exceed the reasonable cost of providing service.

(c) Junior Accessory Dwelling Unit (JADU)

Shall mean an attached ADU that does not exceed 500 square feet, includes an efficiency kitchen, and may either share a bathroom (toilet, sink, and tub and/or shower) with the principal residence. The principal residence or the JADU must be occupied by the owner of residence. California Government Code 65852.22.

Section 1.03 Principal or Primary Dwelling Unit (PDU)

Shall mean the dwelling unit which exists on a lot at the time that an ADU is constructed; or the primary dwelling unit that exists or is planned to be constructed such that any other dwelling on the same lot may be defined as an ADU.

Section 1.04 Applicant

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

Section 1.05 Board

Board shall mean the Board of Directors of said District.

Section 1.06 Building

Building shall mean any structure inhabited or used by human beings.

Section 1.07 Combined Sewer

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Section 1.08 Community Pump Station

A relatively large pumping station that collects sewage flow from a specific area by gravity flow and lifts the sewage in elevation to a point where it can be discharged into the gravity collection system. May serve any number of homes.

Section 1.09 Compatible Pollutant.

Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the National Pollutant Discharge Elimination System (NPDES) permit if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.

Section 1.10 Contamination

An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not water of the State is affected.

Section 1.11 Contractor

Contractor shall mean an individual, firm, corporation, partnership, or association duly licensed by the State of California to perform the type of work to be done under the permit.

Section 1.12 County

County shall mean the County of Humboldt, California. City shall mean City of Arcata.

Section 1.13 Critical User

A user who is required to obtain a permit as set forth in subsection (a) of Section 4.02 of Article 4 of this chapter.

Section 1.14 Designee

Designee shall refer to an individual appointed by and acting for the Board.

Section 1.15 District

District shall mean Fieldbrook Glendale Community Service District, Humboldt County, California.

Name Change to become the Fieldbrook Glendale Community Services District
Resolution #2005-07, Adoption December 20, 2005

Section 1.16 District Engineer

District Engineer shall mean the Engineer appointed by and acting for the Board and shall be a Registered Civil Engineer.

Section 1.17 District Inspector

District Inspector shall mean the inspector acting for and appointed by the Board.

Section 1.18 Duplex Lift Pump Station

A two-pump installation whereby one pump is used as a backup or standby unit in the event of a failure of the other pump.

Section 1.19 Federal Act

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

Section 1.20 Garbage

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

Section 1.21 Gravity Lateral Sewer

Gravity Lateral Sewer shall mean a sewer line that flows by natural gravity from the property line to the main sewer. Except in conditions that do not permit, the District will install and maintain that portion of the gravity lateral sewer that lies within the public right of way.

Section 1.22 Holding Tank Waste

Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Section 1.23 Incompatible Pollutant

Any pollutant which is not a compatible pollutant as defined in subsection (d) of the section. The pretreatment standard for incompatible pollutants introduced into a publicly-owned treatment works by a major contributing industry not subject to the provision of subsection © of Section 307 of the Federal Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining the best practicable control technology currently available pursuant to the provision of subsection (b) of Section 301 and subsection (b) of Section 304 of the Federal Act; provide, however, if the publicly-owned treatment works which

receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided, further, that even when the effluent limitation guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guideline to pretreatment.

Section 1.24 Individual Lift Pump

A sewer pump that serves a building too low in elevation to obtain gravity flow. It is owned and maintained by the property owner.

Section 1.25 Lateral Sewer

Lateral Sewer shall mean a sewer line that serves an individual parcel. The lateral sewer begins at the property line and continues to the main sewer in a public right of way or easement, except that the District may at its option combine two or more laterals into a common line for that portion that is maintained by the District in the public right of way. Each property shall, however, be provided an individual lateral connection as close as practical to the property line.

Section 1.26 Main Sewer

Main Sewer shall mean a public sewer designed to accommodate more than one lateral sewer.

Section 1.27 Mass Emission Rate

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

Section 1.28 Multiple Dwelling

Multiple Dwelling shall mean a building for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or families, including but not limited to the following: hotels, motels, auto courts, trailer courts, apartment houses, duplex, rooming houses, boarding houses, and dormitories.

Section 1.29 Nuisance

Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood and any considerable number of persons, although the extent of the annoyance or damage inflicted upon individual may be unequal.

Section 1.30 Building Sewer

Building Sewer shall mean a sanitary sewer beyond the limits of the District not subject to the control or jurisdiction of the District.

Section 1.31 Permit

Permit shall mean any written authorization required pursuant to this or any other regulation of the District for the installation of any sewage works.

Section 1.32 Person

Person shall mean any human being, individual, firm, company, partnership, association, and private or public and municipal corporations, the United States of America, the State of California, districts, and all political subdivisions, governmental agencies, and mandatories thereof.

Section 1.33 Pollution

An alteration of the quality of the waters of the State by waste to a degree which unreasonably affect such water for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

Section 1.34 Premises

A parcel of real estate, including any improvements thereon, which parcel is determined by the District to be a single user for the purposes of receiving, using, and paying for services.

Section 1.35 Pressure Building Sewer

Pressure Building Sewer shall mean a sewer line through which the sewage from a building is pumped under pressure to a gravity sewer lateral. The District will provide a lateral sewer connection as close as practical to the property being served, and the property owner will maintain the line from the building to that point.

Section 1.36 Public Sewer

Public Sewer shall mean a sewer lying within a street or easement and which is controlled by or under the jurisdiction of the District.

Section 1.37 Sanitary Sewer

Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 1.38 Sewage

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

Section 1.39 Sewage Treatment Plant

Sewage Treatment Plant shall mean any arrangements of devices and structures used for treating sewage.

(a) Section 1.38 Sewage Works

Sewage Works shall mean all facilities for collection, pumping, treating, and disposing of sewage.

Section 1.40 Sewer

Sewer shall mean a pipe or conduit for carrying sewage.

Section 1.41 Single Family Unit.

A single-family unit is defined to mean and refer to the place of residence for a single family.

Section 1.42 Street

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

Section 1.43 Storm Sewer or Storm Drain

Storm Sewer or Storm Drain shall mean a conduit which carries storm and surface or ground waters and drainage but excludes sewage and polluted industrial wastes.

Section 1.44 Unpolluted Water

Water in which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

Section 1.45 User

Any person who discharges or causes or permits the discharge of wastewater into a community sewer.

Section 1.46 User Classification

A classification of user based on the 1972 Edition of the Standard Industrial Classification (SID) Manual prepared by the Executive Office of Management and Budget.

Section 1.47 Waste

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

Section 1.48 Wastewater

Waste and water, whether treated or untreated, discharged into or permitted to enter into a community sewer.

Section 1.49 Wastewater Constituents and Characteristics

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

Section 1.50 Water of the State

Any water, surface or underground, including saline water within the boundaries of the State.

2. GENERAL PROVISIONS

Section 2.01 Rules and Regulations.

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Section 2.02 Purpose

This ordinance is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered, or repaired within the District.

Section 2.03 Short Title

This ordinance shall be known as the “SANITARY CODE of Fieldbrook Glendale Community Services District.”

Section 2.04 Posting

Upon adoption this ordinance shall be posted in three public places within the District and shall become effective upon the expiration of thirty (30) days from the date of its adoption.

Section 2.05 Violation Unlawful

Following the effective date of this ordinance it shall be unlawful for any person whose building is required to be connected to a public sewer under Section 3.05 to connect to, construct, install or provide, maintain, and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this ordinance provided.

Section 2.06 Relief on Application

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

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of special circumstances.

Section 2.07 Relief on Own Motion

The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

Section 2.08 Section 2.08 District Inspector.

The District or Designee shall employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance, and use of all lateral sewers, public sewers, and facilities in connection therewith in said District, to be known as the District Inspector.

Section 2.09 Section 2.09 Permits and Fees

No main sewer, lateral sewer, or other sewerage facility shall be installed, altered, or repaired within the District until a permit for the work has been obtained from the District and all applicable fees paid.

3. USE OF PUBLIC SEWERS REQUIRED

Section 3.01 Disposal of Wastes

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

Section 3.02 Treatment of Wastes 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 provision of this ordinance.

Section 3.03 Unlawful Disposal

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.

Section 3.04 Occupancy Prohibited

No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulation of the District.

Section 3.05 Sewer Required

The owner of any building situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer.

Section 3.06 Abandoned Sewage Disposal Systems

Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting with the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line.

4. ADMINISTRATION

Section 4.01 Discharge Reports

The District may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, the nature of processing, the volume rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste, including wastewater constituents, and characteristics in the wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on the site even though they may not normally be discharged. In addition to such

discharge reports, the District may require information the form of wastewater discharge permit applications and self-monitoring reports.

Section 4.02 Wastewater Discharge Permits

- (a) All critical users proposing to connect to or discharge into a community sewer shall obtain a wastewater discharge permit before connection to or discharging into a community sewer. All existing critical users connected to or discharging into a community sewer shall obtain a wastewater discharge permit on or before September 1, 1990. For the purposes of this chapter a critical user is defined as any user whose user classification is identified in the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I and who:
 - (1) has a discharge flow of 50,000 gallons or more per average workday; or
 - (2) has a flow greater than five (5%) of the flow in the wastewater treatment system; or
 - (3) has in his waste's toxic pollutants in toxic amounts as defined in standards issued pursuant to the provision of subsection (1) of Section 307 of the Federal Act; or
 - (4) is found by the District or Designee to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.
- (b) The District or Designee may issue a wastewater discharge permit to any user, upon an application, in accordance with the terms of this section, in the following categories:
 - (1) A user who requires the user charges and fees to be based on an estimation of wastewater flow; and
 - (2) Any user whose wastewater strength is less than the normal range for the user classification to which he is assigned because of pretreatment, process changes or other reasons.
- (c) Users seeking a wastewater discharge permit shall complete and file with the District or Designee and application in the form prescribed by the District or Designee and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:
 - (1) The name, address, and SIC number of the applicant.
 - (2) The volume of wastewater to be discharged.
 - (3) The wastewater constituents and characteristic, including, but not limited to, those set forth in Section 7.02 of Article 7 of this chapter as determined by a laboratory approved by the District.
 - (4) The time and duration of discharge.
 - (5) The average and thirty (30) minute peak wastewater flow rates, including the daily, monthly, and seasonal variation if any.
 - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation.
 - (7) A description of the activities, facilities, and plant process on the premises, including all materials, processes, and types of materials which are or could be discharged.
 - (8) Each product produced by type, amount, and rate of production.
 - (9) The number and type of employees and hours of work.
 - (10) Any other information which may be deemed by the District or Designee to be necessary to evaluate the permit application.

The District or Designee shall evaluate the data furnished by the user and may require additional information. After the evaluation and acceptance of the data furnished, the District or Designee may issue a wastewater discharge permit subject to the terms and conditions set forth in this chapter.

- (d) Wastewater discharge permits shall be expressly subject to all the provisions of this chapter and all other regulations, user charges, and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the Manager in accordance with the provisions of this chapter and applicable State and Federal regulation. Such permit may contain the following:
 - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
 - (2) The average and maximum wastewater constituents and characteristic.
 - (3) The limits on the rate and time of discharge or requirements for flow regulation and equalization.
 - (4) Requirement for the installation of inspection and sampling facilities.
 - (5) Pretreatment requirements.
 - (6) Specification for monitoring programs, which may include sampling locations, the frequency and method of sampling, the number, types, and standards for tests, and the reporting schedule.
 - (7) Requirements for the submission of technical reports or discharge reports.
 - (8) Requirements for maintaining plant records relating to wastewater discharge as specified by the District and affording District access thereto.
 - (9) The mean and maximum emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the user's wastewater discharge.
 - (10) Other conditions as deemed appropriate by the District to ensure compliance with the provisions of this chapter.
- (e) Such permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the District thirty (30) days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit as limitation or requirements, as identified in Section 7.02 of Article 7 of the chapter, are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (f) Wastewater discharge permits shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (g) Any user who violates the following conditions of the permit or of this chapter, or applicable State and Federal regulation, shall be subject to having his permit revoked:
 - (1) The failure of a user to factually report the wastewater constituents and characteristic of his discharge.
 - (2) The failure of the user to report significant changes in operations or wastewater constituents and characteristic.

- (3) The refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (4) The violation of the condition of the permit.

Section 4.03 Monitoring Facilities

The District may require the user to construct, at his own expense, monitoring facilities to all inspections, sampling, and the flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such sampling manhole to allow the accurate sampling and compositing of samples for analysis. The manhole, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District unless a time extension is otherwise granted by the District.

Section 4.04 Inspections and Sampling

The District may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspections or sampling or in the performance of any of their duties. The District shall have the right to setup on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto the premises, the user shall make the necessary arrangements with the security guards so that, upon the presentation of suitable identification, personnel from the District will be permitted to enter without delay of the purposes of performing their specific responsibilities.

Section 4.05 Pretreatment

Users shall make wastewater acceptable under the limitation established by the provision of this chapter before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before the construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the District under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District.

Section 4.06 Protection from Accidental Discharges

Each user shall provide protection from accidental discharges of prohibited materials or other wastes regulated by this chapter. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures to provide such protection shall be submitted to the District for review and shall be acceptable to the District before the construction of the facility.

The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section.

Section 4.07 Confidential Information

All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceeding involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the user.

Section 4.08 Special Agreements

Special agreements and arrangements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions.

5. LATERAL SEWERS AND CONNECTIONS

Section 5.01 Permit Required

In accordance with Article 7 of this ordinance, no person shall construct a lateral sewer or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein.

Section 5.02 Design and Construction Requirements

Design and construction of lateral sewers shall be in accordance with the requirements of the District and in accordance with standard District specification.

Section 5.03 Separate Sewers

No two adjacent building fronting on the same street shall be permitted to join in the use of the same lateral sewer. Every building or industrial facility must 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 said property. However, two or more buildings located on property belonging to the same owner may be served with the same lateral sewer. If a property split does occur separating two or more buildings connected to one lateral, separate laterals will be required, or an agreement entered into with the District holding the District harmless for problems with the joint lateral. The District require that the joint lateral be properly recorded with the County to avoid any confusion with future owners of the split properties.

Section 5.04 Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the District Inspector, to meet all requirement of the District.

Section 5.05 Cleanouts

Cleanouts in lateral and building sewers shall be provided in accordance with the rules or regulations, and ordinances of the District. All cleanouts shall be maintained watertight.

Section 5.06 Sewer Too Low

In all buildings hereafter constructed in which any building is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the District or Designee, and discharged to the public sewer at the expense of the Owner.

Section 5.07 Connection to Public Sewer

The connection of the lateral sewer shall be made in strict accordance with standard District specifications and at the applicant's expense. The connection to the lateral sewer shall be made in the presence of the District Inspector and under his supervision and direction. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the District Inspector.

Section 5.08 Maintenance of Lateral Sewer

That portion of the building sewer from the building to the public right of way in the case of a gravity lateral and all of the pressure lateral to the main sewer, shall be maintained by the owner of the property served thereby, except that the District will make repairs to any lateral that necessitates digging up that portion of a lateral sewer that lies under a public right of way.

Section 5.09 Testing

All building sewers shall be tested in strict accordance with standard District specifications.

Section 5.10 Individual Lift Pumps

Individual Lift Pumps that serve a private residence shall be designed for pumping domestic sewage and shall be capable of passing a minimum of 1-1/2 inch solids. The pump shall be installed in a watertight basin or container that is designed to hold no more that 12 hours' average domestic wastewater flow. Installation in a septic tank is not allowed. It shall have automatic controls that will energize the pump at a preset water level and de-energize the pump when container is emptied. The pump shall be located outside the building footing for ease of maintenance. The pressure sewer line that the pump connects to

shall be equal to or larger in size than the pump discharge, 2-inch minimum. A gate valve and check valve designed for sewage application shall be installed on the pump discharge.

Section 5.11 Duplex Lift Pump Station

Duplex Lift Pump Station shall be installed for all multiple living unit buildings, trailer courts, and commercial or industrial installations. Both pumps shall be installed in a common basin or container and shall be connected so that the standby unit will automatically take over in the event of failure of the lead pump. An audio and/or visual alarm shall be incorporated in the pump controls and will signal when either unit has failed and/or an abnormally high-water level in the basin or container has occurred. The property owner or responsible party designated by him will give the pump station immediate attention when an alarm occurs to prevent the overflow of untreated sewage which constitutes a public nuisance and health hazard. In addition to the above, all other criteria of Section 5.10 applicable to individual lift pumps shall also apply to duplex lift pump stations.

Section 5.12 Minimum Size Allowed for Building Sewers

A gravity building sewer serving a single-family residence may be three (3) inch inside diameter provided, however, that a minimum continuous slope of 2% fall (1/4 inch/foot) can be maintained from the building drain to the point of connection to the District sewer connection provided. Any gravity building sewer that may have any portion of the lateral with less than 2% slope shall install a four (4) inch inside diameter pipe from the building to the District sewer connection provided.

All gravity sewer laterals serving multiple living units, commercial, or industrial users must install a minimum four (4) inch lateral or larger if required by District Engineer.

A pressure building sewer that conveys wastewater from and individual lift pump shall have a pipe diameter equal to or larger than the size of the pump discharge connection, but not less than 2 inches inside diameter.

6. PUBLIC SEWER CONSTRUCTION

Section 6.01 Permit Required

In accordance with Article 8 of this ordinance, no person shall construct, extend, or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provision of the Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Section 6.02 Plan, Profiles and Specification Required

The application for a permit for main line extension shall be accompanied by three (3) complete sets of plans, profiles, and specifications, complying with all applicable ordinances, rules or regulations of District, prepared by a Registered Civil Engineer 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 District Engineer who shall within twenty (20) days approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the District Engineer, the application, plans, profiles, and specification shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and

the plans, profiles, and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

Section 6.03 Subdivisions

The requirements of Section 6.01 and 6.02 of this ordinance shall be fully complied with before any final subdivision map shall be approved by the Board. 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. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board of Directors may extend the time limit or may complete the work and take appropriate steps to enforce the provision of the bond furnished by the subdivider.

Section 6.04 Easements or Rights of Way

In the event that an easement is required for the extension of the public sewer or making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of right of way having a minimum of width of ten (10) feet sufficient in law to allow the laying and maintenance of such extension or connection.

Section 6.05 Persons Authorized to Perform Work

Only properly licensed contractors and District Forces shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the Contractor.

Section 6.06 Compliance with Local Regulations

Any person constructing a sewer with a street shall comply with all State, county, or city laws, ordinances, rules or regulations pertaining to the cutting of pavement opening, barricading, lighting and protecting of trenches, 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 District.

Section 6.07 Design and Construction Standards

Minimum standards for the design and construction of sewers within the District shall be in accordance with the STANDARD DISTRICT SPECIFICATIONS heretofore or hereafter adopted by District, copies of which are on file in the District office. The District Engineer, with the consent of the Board of Directors, may permit modification or may require higher standards where unusual condition are encountered.

One (1) complete set of “as-built” drawing showing the actual location of all mains, structures, wyes, and laterals shall be filed with the District before final acceptance of the work.

Section 6.08 Completion of Sewer Required

Before any acceptance of any sewer line by the District and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the STANDARD DISTRICT SPECIFICATIONS and to the satisfaction of the District Engineer.

Section 6.09 Community Pump Station

Developer may be required to construct a community pump station in accordance with Section 6.07 and dedicate said facilities to the District in lieu of individual lift pumps, where the District Engineer determines it is in the best interest of the District.

Section 6.10 Manifold or Pressure Sewer System

Manifold or Pressure Sewer System may be allowed in lieu of a community pump station in specific cases. The District's criteria for evaluating this type of system will be based upon the following: Elevation differential of potential building sites or homes to be served, number of potential buildings the system would ultimately serve and cost comparison of construction and energy requirement of this type of system versus a community pump station. Developer proposing such a system will be required to submit detailed design drawings prepared by a Registered Engineer of a plan of the complete system designed to serve all properties designated by the District within the proposed system's area.

7. USE OF PUBLIC SEWERS

Section 7.01 Drainage into Sanitary Sewers Prohibited

No leaders from roofs and no surface drains for rainwater shall be connected to any sanitary sewer. No surface or storm water, seepage, cooling water, or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

Section 7.02 Types of Wastes Prohibited

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 140°F.
- (b) Any water or waste which may contain more than 100 milligrams per liter of fat, oil, or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (d) Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or damage to the sewers, treatment, or disposal facilities, or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (g) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (h) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (i) Any wastes which could cause danger to life or safety of personnel.

- (j) Any wastes which would cause the treatment plant effluent, residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (k) Any wastes that would cause a detrimental environmental impact, or a nuisance in the waters of the State, or a condition unacceptable to any public agency having regulatory jurisdiction over the District.
- (l) Any wastes that would cause a discoloration or any other condition in the quality of the treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met.
- (m) Any wastes that would cause conditions at or near the City's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body.
- (n) Any wastes that would cause quantities or rates of flow which overload the collection or treatment facilities, or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities.

Section 7.03 Holding Tank Waste

A user proposing to discharge holding tank waste into a community sewer shall secure a permit. Unless allowed by the District under the terms and conditions of a permit, a separate permit shall be secured for each separate discharge. Such permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and the wastewater constituents and characteristics. If a permit is granted for the discharge of such waste into a community sewer, the user shall pay the applicable user charges and fees and shall meet such other condition as required by the District.

Section 7.04 Limitation on Wastewater Strength

- (a) No Person shall discharge wastewater containing in excess of:
 - (1) 0.1 mg/l arsenic
 - (2) 0.2 mg/l cadmium
 - (3) 2.0 mg/l copper
 - (4) 1.0 mg/l cyanide
 - (5) 1.0 mg/l lead
 - (6) 0.01 mg/l mercury
 - (7) 1.0 mg/l nickel
 - (8) 0.2 mg/l silver
 - (9) 0.5 mg/l total chromium
 - (10) 3.0 mg/l zinc
- (b) No person shall discharge any wastewater:
 - (1) Containing in excess of two-hundredths (0.02) mg/l total identifiable chlorinated hydrocarbons which cannot be removed by the City's wastewater treatment process; and
 - (2) Containing in excess of 1.0 mg/l phenolic compounds which cannot be removed by the City's wastewater treatment process.
- (c) Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those set forth in this chapter. Under subsection (b) of Section 307 of the Federal Act, Federal pretreatment standards are designed to achieve two (2)

purposes: (1) to protect the operation of publicly-owned treatment works; (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to the effluent guidelines issued under subsection (b) of Section 304 of the Federal Act, which users are discharging incompatible pollutants to publicly owned treatment works, shall be required to adopt the best practicable control technology currently available, as defined by the Administrator pursuant to the provisions of subsection (b) of Section 304 of the Federal Act. Where the treatment works was designed to and does achieve substantial removal of pollutants, other than BOD, suspended solids, pH, and fecal coliform bacteria, it is not appropriate to require the industrial user to achieve the best practicable control technology currently available since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removals in the order of eighty (80%) percent to thirty (30%) percent shall not be considered "substantial." For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into publicly-owned treatment works. However, any adjustments required for particular industrial categories should be considered in connection with the District's requirements rather than in the national pretreatment standard. The limitations set forth for wastewater strength in subsections (a) and (b) of this section may be supplemented with more stringent limitations pursuant to the provisions of Section 4.04 of Article 4 of this chapter provided;

- (1) The District determines that the limitations set forth in subsections (a) and (b) of this section may not be sufficient to protect the operation of the District's treatment works; or
- (2) The District determines that the limitations set forth in subsections (a) and (b) of this section may not be sufficient to enable the treatment works to comply with water quality standards or effluent limitations specified in the City of Arcata's National Pollutant Discharge Elimination System (NPDES) permit.

Section 7.05 Limitation on Radioactive Wastes

No person shall discharge, or cause to be discharged, any radioactive waste into a community sewer except:

- (a) When the person is authorized to use radioactive materials by the Department of Health of the State or other governmental agency empowered to regulate the use of radioactive materials; and
- (b) When the waste is discharged in strict conformity with the current Radiation Control Regulation of the State (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and
- (c) When the person is in compliance with all the rules and regulations of all other applicable regulatory agencies.

Section 7.06 Limitations on the Use of Garbage Grinders

Waste from garbage grinders shall not be discharged into a community sewer except:

- (a) Wastes generated in the preparation of food normally consumed on the premises; or

- (b) Where the user has obtained a permit for that specific use from the District and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the waste constituents and characteristics.

Such grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

Section 7.07 Interceptors Required

Grease, oil, and sand interceptors shall be provided when in the opinion of the District they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the District or Designee and shall be so located as to be readily and easily accessible for cleaning and inspection.

Section 7.08 Maintenance of Interceptors

All grease, oil, and sand interceptors shall be maintained by Owner, at his expense, in continuously efficient operation at all times.

Section 7.09 Preliminary Treatment of Wastes

The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 7.03, or (d) having an average daily flow greater than two percent of the average daily flow of the District, shall be subject to the review and approval of the District. Where necessary in the opinion of the District, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to (i) reduce the Biochemical Oxygen Demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter, or (ii) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 7.02, or (iii) control the quantities and rates of discharge of such water or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District or Designee and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 7.10 Maintenance of Pretreatment Facilities

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense and to the satisfaction of the District.

Section 7.11 Control Manholes

When required by the District, the owner of any property served by the lateral sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 7.12 Measurements and Tests

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in Sections 7.02 and 7.09 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 7.11, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

Section 7.13 Special Agreements

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by the District.

Section 7.14 Swimming Pools

It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer.

Section 7.15 Toxic Wastes

No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District sewage system any toxic or other wastes, if in the opinion of the District such wastes may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public, the local environment or create a public nuisance or preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal. The District in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.

8. PERMITS AND FEES

Section 8.01 Permit Required

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written permit from the District.

Section 8.02 Application for Permit

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection

therewith. The District or Designee may require plans, specification or drawings and such other information as he may deem necessary.

If the District or Designee determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with the ordinances, rules or regulations of the District. He shall issue the permit applied for upon payment of the required fees.

Section 8.03 Compliance with Permit

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

Section 8.04 Agreement

The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules or regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Section 8.05 Classes of Permits

There shall be four (4) classes of permits, as follows:

- (a) Single family residential sewer permit,
- (b) Multiple dwelling sewer permit,
- (c) Public sewer construction permit,
- (d) Fees established by the District for other uses.

Section 8.06 Fees – Annexation Charges

The owner or owners of lands within areas proposed to be annexed to the District or proposed to be connected to the sewage works shall deposit with the District a sum to be fixed by the District or Designee, prior to commencement of proceedings by the Board of Directors on the proposed annexation. The amount to be fixed by the District shall be in a sum estimated to equal the engineering, legal, and publication costs and all other charges which may be incurred by the District in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in the connection therewith.

Section 8.07 All Work to be Inspected

All sewer construction work shall be inspected by an Inspector acting for the District to ensure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected, and approved by the District Inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations the Inspector shall issue a certificate of satisfactory completion.

Section 8.08 Notification

It shall be the duty of the person doing the work authorized by permit to notify the office of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays, and Holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the test required by the District before giving the above notification.

Section 8.09 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 ordinances, rules or regulations of the District.

Section 8.10 All Costs Paid by Owner

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 District from any loss or damage that may directly or indirectly be occasioned by the work.

Section 8.11 Permit Optional

The granting of such permission for an outside sewer in any event shall be optional with the Board.

Section 8.12 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 District.

Section 8.13 Street Excavation Permit

A separate permit must be secured from the County or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

Section 8.14 Liability

The District and its officers, agents and employees shall not be liable for any injury or death to any person or damage to any property resulting from or arising out of the performance of any work by any applicant. The applicant shall be solely liable for any such injuries or damages. The applicant shall hold harmless indemnify and defend the District, its officers, agents, and employees from any and all such claims and liabilities including, without limitation, all costs and expenses incurred in defense of such claims or liabilities or in the enforcement of this provision.

Section 8.15 Time Limit on Permits

If work under a permit be not commenced within six (6) months from the date of issuance or if after partial completion, the work be discontinued for a period of six (6) months days, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit, if required. An extension of this time limit is within the discretion of the District Board.

Modified: Resolution No. 2006-07

9. ENFORCEMENT

Section 9.01 Section 9.01 Violation

Any person found to be violating any provision of this or any other ordinance, rule, or regulation of the District, except Section 11.01 hereof, shall be served by the District or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule, or regulation of the District. Upon being notified by the District of any defect arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

Section 9.02 Section 9.02 Public Nuisance

It is hereby declared that whenever any community in the District is provided with a sewage system the further maintenance or use of cesspools or other local means of sewage disposal is a public nuisance.

Section 9.03 Section 9.03 Disconnection

As an alternative method of enforcing the provisions of this or any other ordinance, rule, or regulation of the District, the District or Designee shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the District shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 9.04 Section 9.04 Public Nuisance – Abatement

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by all person during the period of such disconnection. In the event of such litigation, the prevailing party shall be entitled to reasonable attorney's fees and costs, which shall be paid prior to reconnection if the persons responsible for the bringing of the abatement proceedings seek reconnection.

Section 9.05 Section 9.05 Means of Enforcement Only

The District hereby declares that the forgoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules or regulations, and not as a penalty.

Section 9.06 Section 9.06 Liability for Violation

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

Section 9.07 Section 9.07 Accidental Discharges

- (a) Users shall notify the District immediately upon accidental discharging wastes in violation of the provisions of this chapter to enable countermeasures to be taken by the District to minimize damages to the community sewer, treatment facility, treatment processes, and the receiving waters. Such notification shall be followed, within five (5) working days after the date of the occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

Such notification shall not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process or for any fines imposed on the District on account thereof pursuant to the provision or Section 13350 of the Water Code or the State or for violation of the provisions of Section 5650 of the Fish and Game Code of the State.

- (b) In order that employees of users be informed of District requirements, users shall make available to their employees copies of the provision of this chapter, together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees who to call in case of an accidental discharge in violation of the provisions of this chapter.
- (c) Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against the discharge of such wastes in violation of the provisions of this chapter.

Section 9.08 Section 9.08 Issuance of Cease-and-Desist Orders

When the District finds that a discharge of wastewater has taken place in violation of the prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the District may issue an order to cease-and-desist and direct those persons not complying with such prohibitions, limits, requirements, or provisions to:

- (a) Comply forthwith,
- (b) Comply in accordance with a time schedule set forth by the District; or
- (c) Take appropriate remedial or preventive action in the event of a threatened violation.

Section 9.09 Section 9.09 Submission of Time Schedules

When the District finds that a discharge of wastewater has been taking place in violation of the prohibitions or limitations prescribed in this chapter, wastewater source control requirements, effluent limitations, pretreatment standards, or the provision of a wastewater discharge permit, the District may require the user submit for approval, with such modifications as the District deems necessary, a detailed time schedule of specific actions the user shall take in order to prevent or correct a violation of such requirements.

Section 9.10 Section 9.10 Appeals

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease-and-desist order, made by the Manager in interpreting or implementing the provisions of the chapter, or any permit issued to the provisions of the chapter, may file with the District a written request for reconsideration within ten (10) days after such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the District is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of such District action, file a written appeal to the Board of Directors. The written appeal shall be heard by the Board within thirty (30) days after the date of filing. The Board shall make a final ruling on the appeal within ten (10) days after the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

10. ABATEMENT

Section 10.01 Section 10.01 Public Nuisance

Discharges of wastewater in any manner in violation of this ordinance or of any order issued by the District as authorized by this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the District or Designee. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

Section 10.02 Section 10.02 Injunction

Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District may petition the Superior Court for the issuance of a temporary, preliminary or permanent injunction, as may be appropriate in restraining the continuance of such discharge.

Section 10.03 Section 10.03 Damage to Facilities

When a discharge of wastes causes an obstruction, damage, or any other impairment to the District facilities, the District may assess a charge against the user for the cost of the work required to clean or repair the facility and add such charge to the user's service charge.

Section 10.04 Section 10.04 Correction of Violations; Collection of Costs; Injunction

In order to enforce the provisions of this ordinance the District may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this ordinance.

Section 10.05 Section 10.05 Falsifying of Information

It shall be unlawful for any person to knowingly make any false statement, representation, record, report, plan or other document filed with District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance.

Section 10.06 Section 10.06 Termination of Service

In order to effect its powers, the District may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this ordinance is found to exist. In addition, the District may terminate service to any person who intentionally or negligently violates any provision of this ordinance, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any cease-and-desist order, prohibition, effluent limitation, national standard of performance, pretreatment, or toxicity standard.

Prior to termination of service, however, the District shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as know to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefor and the date the District shall hold a hearing upon such intended termination. Such hearing shall not be held less that ten days subsequent to the giving of notice as herein required.

11. MISCELLANEOUS PROVISIONS

Section 11.01 Section 11.01 Protection from Damage

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

Section 11.02 Section 11.02 Powers and Authorities of Inspectors

The officers, inspectors, managers and any duly authorized employees of the District shall carry evidence establishing his position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purpose of inspection re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules or regulations of the District.

Section 11.03 Section 11.03 Separability

If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

