

ORDINANCE NO. 10423 (N.S.)

**SAN DIEGO COUNTY SANITATION DISTRICT
ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE
FACILITIES**

The Board of Directors of the San Diego County Sanitation District (District) ordains as follows:

Section I. The Board of Directors finds and determines that it is necessary to establish provisions for the use of District sewerage facilities.

Section II. Adopt this Ordinance establishing the above stated provisions.

Section III. Purpose and Policy

The purpose of this ordinance is to provide for the maximum public benefit from the use of sewerage facilities of the San Diego County Sanitation District, hereafter referred to as "District". This shall be accomplished by regulating sewer use and wastewater discharges, by providing equitable distribution of District's costs and by providing procedures that will allow the District to comply with the requirements placed upon the District by other regulatory agencies. The revenues to be derived from the application of this Ordinance shall be used to defray all costs of providing sewage service by the District, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery, and provisions for necessary reserves.

This Ordinance shall be interpreted in accordance with the definitions set forth in Article II. The provisions of the Ordinance shall apply to the direct or indirect discharge of all wastewater carried by, and to, facilities of the District.

To comply with Federal and State of California policies to permit the District to meet applicable standards of treatment plant effluent quality, provisions are made in this Ordinance for the regulation of wastewater discharges. This Ordinance establishes quantity and quality limitations on all wastewater discharges that may adversely affect District sewerage systems treatment processes, or effluent quality. It is the intent of these limitations to improve the quality of wastewater received for treatment. This Ordinance also provides for the regulation of the degree of wastewater pre-treatment required, the issuance of permits for wastewater discharge and the establishment of penalties for violations.

Section IV. Enactment

PART I - FEES AND SEWER CAPACITY DETERMINATION

Article 1 - General Provisions

- 1.1 Provisions not affected by Headings. Article and section headings contained herein shall not be deemed to govern, limit or modify, or in any manner affect the scope, meaning or intent of any section hereof.
- 1.2 Tenses. The present tense includes the past and future tenses; and the future, the present.
- 1.3 Number. The singular number includes the plural, and the plural includes the singular.
- 1.4 "Shall and May". "Shall" is mandatory and "may" is permissive.
- 1.5 Authority. The fees and charges referred to in this Ordinance are adopted pursuant to Sections 5470 and 5471 of the Health and Safety Code of the State of California.

Article 2 - Definitions

- 2.1 Signification of Words. Whenever in this Ordinance the following terms are used, they shall have the meaning respectively ascribed to them in this article.
- 2.2 The following definitions shall relate to all occurrences of the terms listed below.
 1. "Available Sewer Capacity" is the remaining uncommitted sewer capacity composed of contract sewer capacity or physical sewer capacity, whichever is less, less committed sewer capacity.
 2. "Board of Directors" of the San Diego County Sanitation District shall mean the governing Board of the District provided by the Board of Supervisors of the County of San Diego.
 3. "BOD" means biochemical oxygen demand. BOD relates to the strength of the wastewater directly effects the energy and cost of wastewater treatment. BOD values are one variable used in the determination of the annual sewer service charges for a specific use.
 4. "Building Sewer" shall mean a sewer conveying wastewater from the premise of a user to the District sewer system.
 5. "Capital Facility Capacity Fee" is the fee established as a method of purchasing a specified amount of available sewer capacity as determined by the Wastewater Discharge Permit.
 6. "Commercial Condominium" shall mean any individual commercial office unit.

7. "Committed Sewer Capacity" is the sewer rights committed by issuing a validated wastewater discharge permit for the District or a sewer capacity commitment.
8. "Contract Sewer Capacity" is the District's contract average flow rights through the metropolitan sewerage system or any other sewerage system.
9. "Department" shall mean the Department of Public Works of the County of San Diego responsible for administration of the District.
10. "Director" shall mean the Director of the Department of Public Works, County of San Diego, State of California.
11. "District" shall mean the San Diego County Sanitation District within the County of San Diego, including areas served by agreement, for which the County Board of Supervisors serves as the District's Board of Directors.
12. "Equivalent Dwelling Unit (EDU)" shall mean the unit of measure that is based on the flow characteristics of an average single family residence in terms of sewage quantity and constituent quality.
13. "Fiscal Year" shall mean the period from July 1 to the following June 30, both inclusive.
14. "Local Agency Formation Commission (LAFCO)" is the commission responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers, and dissolution of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.
15. "Person" shall mean any person, firm, company, corporation, political subdivision, municipal corporation, district, the State of California, the United States of America or any department or agency thereof.
16. "Physical Sewer Capacity" is the District's physical average flow ability through its own or another sewerage system.
17. "Premise" shall mean any lot, piece or parcel of land, building or establishment.
18. "Residential Condominium" or "Unit" as used herein shall mean a distinct classification of user. Section 2188.3 of the Revenue and Taxation Code and Sections 783 and 1350 of the State of California Civil Code shall be used to classify units. Each condominium unit so identified shall be considered an individual permittee for the purposes of this Ordinance.

19. "Sewer System" shall mean all facilities and appurtenant equipment utilized in the collection, transportation, pumping, treatment and final disposal of wastewater within the District.
20. "TSS" means total suspended solids. TSS values are one variable used in the determination of the annual sewer service charges for a specific use.
21. "Wastewater" shall mean all residential, commercial and industrial liquid wastes authorized for discharge into any collection system operated by the District.
22. "Wastewater Discharge Permit" shall mean the written documentation allowing a user to connect and discharge wastewater to the District sewer collection system.

Article 3 - Annexation and Detachment Fees

- 3.1 Annexation Fee. In addition to any other fees established by the District, including those fees established or to be collected pursuant to Chapter 2 (commencing with Section 68.201) Division 8 of Title 6 of the San Diego County Code of Regulatory County Ordinances, which Code is applicable to the territory within each District, annexation fees shall be paid in accordance with the following:
 - a. APPLICATION FEE. Territories annexed to the District shall pay application fees as established by the District and set forth in the fee ordinance.
 - b. ANNEXATION FEE. In addition to the fee established in this Ordinance, the District shall establish an annexation use fee comprised of a fixed fee per acre (prorated for fractional acre lots). These fees shall be set forth in the District fee ordinance.
 - c. STATE BOARD OF EQUALIZATION FEE. Changes in jurisdictional boundaries must be mapped and reported to the State Board of Equalization. A processing fee is charged for this service.
- 3.2 Payment of Fees. The entire fee prescribed in this Section 3.1(a-c) of this Ordinance shall become owing, due and payable to the District at the time application is made to annex a premise to the District.
- 3.3 Refund of Annexation Fee. The annexation application fee per Section 3.1(a) covers administrative costs and is non-refundable. In the event the proposed annexation is discontinued, the annexation use fee established in Section 3.1(b) shall be refundable upon written request of the person who initiated the proposed annexation.

- 3.4 Detachment Fee. In addition to any other fees established by the District, including those fees established or to be collected pursuant to Chapter 2 (commencing with Section 68.201) of Division 8 of Title 6 of the San Diego County Code of Regulatory County Ordinances, which code is applicable to a territory within the District, a detachment fee shall be paid for territory requesting detachment from the District. This fee shall be set forth in the District fee ordinance and shall become owing, due and payable to the District at the time application is made to detach the territory from the District.

Article 4- Wastewater Discharge Permit Programs

- 4.1 Capital Facility Capacity Fees. In addition to any other fees for connections to the sewer system within the District, or through agreement with the District, including those fees established or to be collected pursuant to Chapter 2 (commencing with 68.201) of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances , a Capital Facility Capacity Fee for District sewer capacity shall be established and shall be set forth in the District fee ordinance.

- a. The Capital Facility Capacity Fee shall be applied to each equivalent dwelling unit connected to the sewer system of the District after the effective date of this Ordinance. The number of equivalent dwelling units prescribed herein shall be used to compute the amount of the Capital Facility Capacity Fee.
- b. Changes in use resulting in increased sewer service charges and/or Capital Facility Capacity Fees: The nature and volume of discharge shall be limited to the type and number of equivalent dwelling units authorized by the wastewater discharge permit. Before adding any additional equivalent dwelling units, or buildings, or modifying existing buildings, or changing occupancy type, the property owner shall make a supplementary wastewater permit application to the District for such change in use and pay additional sewer fees, if necessary, as may be applicable.

Periodic inspection of the premises may be made by the District. If an unauthorized change in use is found, reassessment of EDUs shall be made by the District and any appropriate additional Capital Facility Capacity Fees shall be assessed in accordance with this Ordinance and the current District fee ordinance.

- c. Commercial, professional, and industrial uses: The Capital Facility Capacity Fee for District sewer capacity for commercial, professional, or industrial uses shall be computed using the number of equivalent dwelling units prescribed herein.
- d. Miscellaneous fees in addition to the basic Capital Facility Capacity Fee may be established from time to time, for various special agreements or

services within the District, to reimburse the District for costs applicable only to those said special agreements or services.

- e. Capital Facility Capacity Fees and any special fees applicable shall be established by fee ordinance of the District. Information regarding these fees shall be made available to the public at the County of San Diego, Planning and Development Services (PDS) Department.

- 4.2 Payment of Capital Facility Capacity Fees. The entire Capital Facility Capacity Fees prescribed in Sections 4.1 (a through e) inclusive, shall become owing, due and payable at the time application is made to connect a premise to the sewer system of the District. This fee shall be paid to the District prior to the issuance of any permit authorizing the connection of such premise to the District's sewer system. If the proposed connection cannot be made, the fee may be refunded when approved by the Director.

Notwithstanding the provisions of Section 4.2 above to the contrary, the payment of Capital Facility Capacity Fees in connection with residential tracts and commercial building permits may be deferred and paid prior to or at the time of scheduling a final building inspection, if the applicant executes an agreement with the County for a fee deferral on or before December 31, 2017.

- 4.2.1 Extreme Hardship Cases: At the discretion of the Director, the District may approve payment plans for collection of Capital Facility Capacity Fees. Payment must be paid in full within twelve (12) months. Customers must submit written request for establishment of a payment plan, including demonstration of extreme hardship.

- 4.3 Wastewater Discharge Permit Issuance and Limitation. The District hereby adopts by references and incorporates into this ordinance, all of Chapter 2 (commencing with Section 68.201) Division 8 of Title 6 of the San Diego County Code of Regulatory County Ordinances. In accordance with these provisions, a wastewater discharge permit shall be required for any property or business discharging into the District's sewerage system.

For new construction, a wastewater discharge permit is valid for the same time period as the building permit. If an extension is granted for the building permit, that same extension shall apply to the wastewater discharge permit.

If a wastewater discharge permit expires, a new wastewater discharge connection application must be filed with the Planning and Development Services Department for the work covered by the expired permit. The District may reactivate the previous wastewater discharge permit provided that wastewater quantity and type is the same as the wastewater discharge allowed under the original permit, and provided further that the applicant has paid any cost difference between prior connection Capital Facility Capacity Fee and the current

Capital Facility Capacity Fee. Fees paid for the previous wastewater discharge permit may be credited toward the total permit fees required on the new permit application. Reactivation of the previous wastewater discharge permit shall be subject to District sewerage capacity being available at the time of new application.

Article 5 - Establishment of Sewer Service Charge

5.1 Establishment of Sewer Service Charge. There is hereby levied and assessed upon each premise in the District that discharges sewage directly or indirectly into the sewer lines of the District, and upon each person owning, letting, or occupying such premise an Annual Sewer Service Charge.

- a. District Service Areas Using Metro Sanitation System: The Annual Sewer Service Charge in service areas of the District using the City of San Diego Metropolitan Sewer System is made up of two components. The first component is based on the District's annual cost to collect and transport wastewater, and is equally divided among the number of equivalent dwelling units connected to the District's system. The second component is the District's cost for wastewater treatment and disposal paid to the City of San Diego for capacity and use of the San Diego Metropolitan Sewer System. This factor is allocated to users of the District's system based on the users generation of annual wastewater flow, biochemical oxygen demand and suspended solids discharged into the District's system.
- b. Non-Metro District Service Areas: The Annual Sewer Service Charge for service areas in the District that do not use the City of San Diego Metropolitan Sewer System is based on the District's annual cost for operation and maintenance of the District facilities, treatment and disposal of wastewater and capital improvement projects. These costs are equally divided among the number of equivalent dwelling units connected to the District's system.

For the purpose of this ordinance, the discharge characteristics of commercial/industrial users is a minimum sewer capacity of 1.2 EDU for each business unit with flow quantity and strength as measured by BOD and SS, as set forth in the current edition of the California State Water Resources Control Board publication, "Policy for Implementing the State Revolving Fund for Construction of Wastewater Treatment Facilities", or comparable industry standards acceptable to the California State Water Resource Control Board and approved by the Director.

The EDUs are determined for individual business units as set forth in this Ordinance. The Director shall assign flow rates, BOD, and SS based upon the estimated amount of and strength of wastewater that is typically generated for each business unit. The EDUs, flow rates, BOD, and SS so assigned shall be used in computing the sewer service charges.

If potable water delivered through the water meter is used by the District to estimate the volume of wastewater discharged over a period of time, then 100% of water meter flow is estimated to be discharged into the sewer unless the discharger or legal owner presents evidence to the contrary and this evidence is satisfactory to the Director. The Director may adjust the charges for wastewater treatment and disposal in proportion to the estimated volume of wastewater discharged to the sewer.

5.2 Formula for Determining Sewer Service Charges (SSC)

$$SSC = \frac{n}{N} \times D + \frac{f}{F} \times M + \frac{b}{B} \times M + \frac{s}{S} \times M$$

Annual Sewer Service Charges shall be determined by the formula (rounded to the nearest dollar). In the above formula the symbols have the following meanings and definitions:

n = Number of equivalent dwelling units (EDUs) assigned to a particular user. EDUs are assigned in accordance with this Ordinance.

f = Flow of a particular user in million gallons per year, based either upon assigned EDUs or water meter records.

b = BOD of a particular user in pounds per year, based either upon State standards or comparable industry standards approved by the State.

s = Suspended solids of a particular user in pounds per year, based either upon State standards or comparable industry standards approved by the State.

N = Total number of EDUs in the District. This is a summation of the EDUs assigned to all users, based upon this Ordinance.

D = District budgeted costs for the fiscal year in dollars, to collect and transport wastewater. This is the net cost for District customers after the revenues from Out-of-District-Users have been subtracted from the total District Budget Cost. Such cost shall include, but not be limited to operation and maintenance costs of pipelines, pump stations, and meter stations; design and construction cost of replacement facilities; and administration costs including fee collections, accounting, record maintenance, planning and code enforcement.

M = Total District budgeted cost for the fiscal year in dollars, for treatment and disposal of wastewater. Such cost shall include, but not necessarily be limited to, fees paid to the City of San Diego for capacity in and use of Metro

System. The Metro treatment and disposal cost are further divided into cost categories as follows: Flow Cost M_F ; BOD Cost = M_B ; SS COST = M_S .

F = Total flow in the District in million gallons per year from summation of users BOD loadings, based upon either State standards, or comparable industry standards approved by the State.

B = Total BOD in the District in pounds per year, from a summation of users BOD loadings, based upon either State standards, or comparable industry standards approved by the State.

S = Total Suspended Solids in the District in pounds per years, from a summation of users, TSS loadings, based either upon State standards, or comparable industry standards approved by the State.

5.3 Assignment of sewer capacity for residential structures. Each residential structure shall have a separate, individual sewer lateral that shall connect to the District's system. Sewer capacity shall be assigned in terms of Equivalent Dwelling Unit(s) as follows:

	<u>EDU</u>
a. Single-Family Residence (Includes manufactured homes, and mobile homes which are on separate private lots)	1.0
b. Apartments and Multiple Family Housing. Each individual living unit, regardless of number of bedrooms.	0.80
c. Residential condominiums. Each individual living unit.	1.0
d. Mobile Home and Trailer Parks, per each individual living space:	
1. Mobile Home Space	0.65
2. Trailer Space	0.65
3. Recreational Vehicle Park, occupied or not	0.65

5.4 Commercial/Industrial Facilities

a. Food Service Establishments	<u>EDUs</u>
1. Take-out restaurants with disposable utensils, no dishwasher, no public rest rooms	3.0
2. Miscellaneous food establishments - ice-cream/yogurt	3.0
3. Take out/eat-in restaurants:	
(a) With disposable utensils, but with seating and public restrooms	3.0 min.

(b) Restaurants with re-usable utensils, seating and public restrooms	3.0 min.
One EDU is assigned for each 6-seat unit as follows:	3.0
Each additional 6-seat unit will be assigned	1.0
b. Hotels and Motels	
1. Per living unit without kitchen	0.38
2. Per living unit with kitchen	0.60
c. Commercial, Professional, Industrial Buildings. Establishments not specifically listed herein.	
1. Any office, store, or industrial condominium or establishment. First 1,000 sq.ft.	1.2
Each additional 1,000 sq.ft. or portion thereof	0.7
2. Where occupancy type or usage is unknown at the time of application for service, the following EDUs shall apply. This shall include but not be limited to shopping centers, industrial parks, and professional office buildings.	
First 1,000 square feet of gross building floor area.	1.2
Each additional 1,000 square feet of gross building floor area. Portions less than 1,000 sq.ft. will be prorated.	0.7
d. Churches, theaters and auditoriums	
Per each 150-person seating capacity, or any fraction thereof.	1.5
(Does not include office spaces, school rooms, day care facilities, food preparation areas, etc. Additional EDUs will be assigned for these supplementary uses.)	
e. Schools	
Elementary schools. For 50 pupils or fewer.	1.0
Junior High Schools. For 40 pupils or fewer.	1.0
High Schools. For 24 pupils or fewer.	1.0

Additional EDUs will be prorated based on above values.

The number of pupils shall be based on the average daily attendance of pupils at the school during the preceding fiscal year, computed in accordance with the Education Code of the State of California. However, where the school has had no attendance during the preceding fiscal year, the Director shall estimate the average daily attendance for the fiscal year for which the fee is to be paid and compute the fee based on such estimate.

f.	Convalescent Homes	EDU
	1. Skilled nursing care facilities, psychological hospitals, convalescent hospitals	0.7/bed
	2. Community care facilities licensed by the County of San Diego	0.5/bed
	2. Community care homes with 6 or fewer total residents, including resident staff and housekeepers (to be the same EDU as a single-family residence)	1.0

g. Other

In the case of commercial, industrial and other business establishments such as bottling works, supermarkets, markets, deli/markets, convenience stores, hospitals, laundries, automobile service stations, equivalent dwelling units shall be determined in each case by the Director and shall be based upon the estimated volume and type of wastewater discharge into the sewer.

5.4.1 The EDU designation for the specific commercial/industrial uses described in section 5.4 shall be used when no information is available regarding the actual discharge volume of the user. When determining the necessary sewer capacity requirements for a specific use, the District has the discretion to use any information available to reach an accurate, justifiable capacity determination.

5.5 Payment of Annual Sewer Service Charges

5.5.1 The District collects initial Annual Sewer Service Charge payment when the Wastewater Discharge Permit and Building Permit charges are collected. In

cases where no Building Permit is involved, as when changing from septic to sewer, the Annual Sewer Service Charge is collected with the associated Wastewater Discharge Permit Charges.

- 5.5.2 Initial payment of Annual Sewer Service Charge is prorated utilizing a fiscal year of July to June. The two months following the date of application are deducted. Permits issued beginning March 1 include sewer service charges for May and June plus the next succeeding fiscal year equaling 14/12ths of Annual Sewer Service Charge. The pro-ration is reduced by 1/12 each month until it reaches 3/12ths.
 - 5.5.3 Thereafter, the Annual Sewer Service Charge for such premise shall be collected with the taxes of the District as authorized by this Ordinance.
 - 5.5.4 Government agencies not receiving tax bills will be invoiced in August for their Annual Sewer Service Charge.
 - 5.5.5 If a use increases, and therefore the Annual Sewer Service Charge increases, the initial year difference is paid with a supplemental Wastewater Discharge Permit. Thereafter, the Annual Sewer Service Charge shall be collected with the taxes of the District or invoiced if the use is a governmental agency. In the event a supplemental permit is not purchased for the increased use, the Annual Sewer Service Charge shall be collected either with taxes when the use is a private business or invoiced when the use is a governmental agency.
- 5.6 Changes in Discharges Resulting in Increased Rate.
Whenever the discharge of any premise is changed in either quantity or quality or both so that there is an increased Sewer Service Charge applicable to such premises, as determined by the Director, the District shall notify the owner of the premise in writing of the charge. Upon receipt of this notice there shall become owing, due and payable the prorated amount of the increased rate applicable to the premise for the remainder of the fiscal year in which the charge is made. The charge imposed by this section shall become delinquent sixty days following the date it becomes due.

Article 6 - Miscellaneous Provisions

- 6.1 Sewerage Construction Provisions. Plans shall meet the District's "Minimum Standard Specifications for Sewer Construction". Inspection of all sewerage construction shall be made by District personnel in the manner described in Part II, Section 102, of the County Standard Specifications.

In addition, the County minimum standards for sewer construction will be used to specify the maximum allowable infiltration/exfiltration rate for new sewers.

- 6.2 Users Outside the District. The Board of Directors of the District may establish by agreement or resolution the fees and charges and such other conditions as may be necessary. The same shall be imposed for providing sewer service to premises located outside of the District provided that such fees and charges shall not be less than would apply to similar services within the District. Any extension of sewer outside the District shall be subject to LAFCO approval as appropriate and shall not be in violation of any Board of Supervisors Policy.
- 6.3 Modification of Fees and Charges. The fees and charges established by this ordinance or by the District fee ordinance may be modified or amended by resolution of the District Board of Directors.
- 6.4 Deposit and Expenditure of Fees and Charges. All fees and charges collected pursuant to the District fee ordinance shall be deposited in the revenue fund of the District.
- 6.5 Use of District's Facilities Prohibited unless Fees and Charges Paid. No person shall discharge, or allow the discharge of, or dump sewage or other waste matter into the District's sewerage system except when in compliance with the terms of this ordinance and payment of the fees and charges provided and established by or pursuant to the District's fee ordinance.
- 6.6 Director to Enforce Ordinance. The Director is charged with the duty of enforcing the provisions of this ordinance and the rules and regulations adopted as herein provided.
- 6.7 Enforcement Measures in case of Delinquency. When any fee or charge imposed by this ordinance becomes delinquent, the Director is authorized to take any or all of the following actions:
- a. Steps authorized by law to collect such fees and charges, including collection of a basic penalty of 10% for nonpayment of the charges herein imposed within the time and in the manner prescribed, and in addition, a penalty of one-half of 1% per month for nonpayment of said charges and basic penalty.
 - b. Disconnect the premise from the District's sewerage system, provided, however, that prior to such disconnection at least five (5) days written notice of such disconnection shall be given to the occupant of the premise by United States mail or by posting such notice on the premise. When a premise has been disconnected, it shall not be reconnected until all delinquent fees and charges have been paid together with reasonable charge for disconnection and reconnection as established by the Director, plus the penalties provided herein.

- 6.8 Unlawful to make Sewer Connection Without Payment of Fee. It shall be unlawful for any person to connect any building to the District's sewerage system without first paying the fees prescribed by the District fee ordinance.
- 6.9 Appeal Procedure. All appeals for reconsideration of Annual Sewer Service Charges must be made in writing and include the basis of the appeal. If consideration of water usage is part of the appeal, customers must submit water usage records from their water agency covering the current plus three (3) previous calendar years. Any decision made by the Director shall be final.
- a. Single-Family Residence (base rate 1.0 EDU); Commercial, Professional, and Industrial Buildings (base rate 1.2 EDU): Property owners shall not be eligible to appeal the base rates assigned to these uses. The only instances when the base rate may be waived is if the structure has been demolished and only a vacant lot remains, or the structure has no connection to the District sewer.
 - b. Multi-Family Residence: Property owners may request a re-consideration of their Annual Sewer Service Charge. The request must set forth the details and facts supporting the applicant's appeal. Water utility records may be required to support the appeal before rendering a decision.
 - c. Commercial/Industrial Facilities: Property owners may request a re-consideration of their Annual Sewer Service Charge. The request must set forth the details and facts supporting the applicant's appeal. Occupancy factors and water consumption data shall be considered before rendering a decision on the applicant's appeal. Commercial buildings or commercial condominiums that share a common bathroom may qualify for an EDU adjustment comparable to residential apartment units.

Once a property owner appeals the Sewer Service Charge, the water records and occupancy information will continually be collected for that property in February/ March of each year. This will eliminate the need for any further appeals for that property.

6.10 Julian Service Area Sewer Capacity (EDU) Transfer

In the Julian sewer service area, assigned sewer capacity (measured in EDUs), may be transferred between existing permitted customers, or parcels with previously purchased sewer capacity commitments, if property owners agree to the transfer and the transfer will not result in total flows to the treatment plant that cause an exceedance of permitted capacity. Assigned sewer capacity will be the number of EDU assigned to each customer on the Fiscal Year 2015-16 tax roll.

Transfer may be authorized to accommodate immediate proposed uses only, and tenant improvement or building plans must be submitted with each capacity

transfer application. The maximum number of EDUs transferred to the receiving parcel will be based on that which is required to support the new proposed use. Transfers shall not result in parcels having less than the minimum sewer capacity associated with the zoning for that parcel (1.0 EDU for residential, 1.2 EDU for commercial/industrial), and units of transfer shall be no smaller than 1/10th of an EDU.

Parcels with approved transfer requests that result in changes to future sewer charges will realize those changes the following tax year. No refunds or credits will be issued for past charges collected prior to the transfer.

Article 7 - Fees and Charges may be Collected with Taxes

7.1 Collection on Tax Roll. Notwithstanding any other provision of this ordinance, the Sewer Service Charges imposed by Article V, may be collected on the tax roll in the same manner and together with the general taxes of the District pursuant to Section 5473 through 5473.11, inclusive, of the Health and Safety Code of the State of California.

PART II - RULES AND REGULATIONS FOR USE OF DISTRICT SEWERAGE FACILITIES

Article 1 - Authority

1.1 The Director is charged with enforcing all applicable State, Federal, and local laws and ordinances regarding discharge of wastewater into the sewer systems under the District's jurisdiction and all the provisions of this Ordinance. This legal authority is established and binding for industrial users and enforceable by contract law or police powers. The Director is assigned the authority to enforce this Ordinance, through his designee under one or more of the following ordinances:

- a. San Diego County Code of Regulatory Ordinances, Section 68.101 et seq.
- b. City of San Diego Municipal Code, Chapter I, Article 2, Sections 12.0803 to 12.0810 and Chapter VI, Article 4, Sections 64.0100 to 64.0519.

1.2 The Clerk of the County Board of Supervisors is delegated the authority to perform the following tasks related to parcel maps and subdivision maps pursuant to the Subdivision Map Act, on behalf of the District:

- a. Execute public sewer improvement agreements (including joint agreements) that have been approved by the County.
- b. Accept sewer easement dedications offered on maps.

Article 2 - Purpose

- 2.1. Purpose. This Ordinance sets forth requirements for direct and indirect contributors into the District's wastewater collection and treatment system and enables the District to comply with all applicable State of California and Federal laws required by the Clean Water Act of 1977 and subsequent Amendments and the General Pretreatment Regulations (40 CFR 403).

Article 3 - Definitions

- 3.1 Signification of Words. Unless otherwise defined herein, terms related to water quality shall be referred to as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and the Water Pollution Control Federation.
- 3.2 The following definitions shall relate to all occurrences of the terms listed below.
 1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
 2. "Approval Authority". For pretreatment, the administrator of the EPA, unless delegated to State of California Water Resources Control Board.
 3. "Authorized User". An authorized representative of an Industrial User may be: (1) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
 4. "B.O.D. (Denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidization of organic matter under standard laboratory procedure in 5 days at 20C. expressed in milligrams per liter.
 5. "Categorical User" shall mean an industrial user having discharges as described in 40 Code of Federal Regulations, parts 410 through 471, and amendments thereof.
 6. "Class I User" shall mean any Categorical User.
 7. Class II User means any industrial or commercial user whose processes generate a waste stream that is discharged to sewer and contains toxic or non-conventional pollutants of concern.
 8. "Class III User" means any industrial or commercial user whose processes generate a waste stream that is discharged to sewer and contains conventional pollutants.

9. "Conventional Pollutant" means a combination of biochemical oxygen demand, suspended solids, pH, fecal Coliform bacteria and oil and grease.
10. "Domestic Wastewater" shall mean liquid and liquid-borne wastes normally discharged from premises occupied by humans as living quarters.
11. "Environmental Protection Agency (EPA)" shall mean the Federal Agency responsible for protecting human health and safeguarding the natural environment air, water, and land.
12. "Grab Sample". A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of less than fifteen minutes.
13. "Non-conventional Pollutant" shall mean any pollutant that is not a conventional pollutant as defined herein.
14. "Industrial User" shall mean any user that discharges water carried wastes and wastewater to the District's sewerage facilities, and is identified in the Standard Industrial Classification Manual 1972, Officer of Management and Budget, as amended and supplemented under Divisions A, B, C, D, E and 1.
15. "Industrial Wastes" shall mean solid, liquid or gaseous substances discharged or flowing from an industrial, manufacturing or commercial premise resulting from manufacturing, processing, treating, recovery or development of natural or artificial resources of whatever nature.
16. "Industrial Wastewater" shall mean all water carried wastes and wastewater of the facility, excluding sanitary wastewater, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other operation. These may include wastes of human origin similar to domestic wastewater. Industrial wastewater is classified as regulated process wastewater, unregulated process wastewater, or dilute industrial wastewater.
17. "Industrial Wastewater Discharge Permit" shall mean written documentation, signed by the Director or his designee, authorizing discharge of industrial wastewater into the District sewerage system. Industrial Wastewater Discharge Permits shall state all conditions, requirements and limitations placed on the permittee by the district.
18. "Interference". The inhibition or disruption of the POTW treatments, processes or operations, which contributes to a violation of any requirement of the treatment plant's Discharge Permit. The term includes prevention of

sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

19. "Local Limits" means the limits developed by the POTW to implement the general and specific prohibitions listed in this Ordinance.
20. "Mass Emission Rate" shall mean 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.
21. "National Categorical Pretreatment Standard or Pretreatment Standard". Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
22. "National Standard". Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
23. "New Source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to each source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
24. "Person" shall mean any person, firm, company, association, corporation, district, the State of California, the United States of America, or any department or agency thereof.
25. "pH" shall mean the negative of the logarithm of the concentration in milligrams per liter, of the hydrogen ion in solution.
26. "Pollutant" shall mean any chemical, physical, biological, or radiological constituent or characteristic discharged or imparted to wastewater; standards limiting the quantity or quality of pollutants discharged in wastewater, or specifying management practices for such pollutants as condition of authorization to discharge, may be imposed by either the District or the regulatory bodies empowered to regulate the District.

27. "Premise" shall mean any lot, piece or parcel of land, building or establishment.
28. "Pretreatment or Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or other process means, except as prohibited by 40 CFR Section 403.6(d).
29. "Pretreatment Requirements". Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
30. "Publicly Owned Treatment Works (POTW)" shall mean the entire wastewater collection, transmission and treatment system operated in any part by the District.
31. "Sewer System" shall mean all construction and appurtenant equipment utilized in the collection, transportation, pumping, treatment and final disposal of wastewater within the District.
32. "Shall" is mandatory; "May" is permissive.
33. "Significant Industrial User" shall mean all categorical industrial users and any class II or class III user that:
 1. discharges an average of 25,000 gpd or more of process wastewater to the POTW;
 2. contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. is designated a Significant Industrial User by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
34. "Standard Industrial Classification (SIC)". A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or revisions thereof.

35. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
36. "Waste" shall mean sewage and any and all other waste substance, liquid, solid, gaseous, or radioactive material, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.
37. "Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.
- 3.3 Abbreviations. The following abbreviations shall have the designated meanings:
- "BOD" - Biochemical Oxygen Demand
 - "CFR" - Code of Federal Regulations
 - "COD" - Chemical Oxygen Demand
 - "EPA" - Environmental Protection Agency
 - "L" - Liter
 - "mg" – Milligrams
 - "mg/L" - Milligrams per Liter
 - "NPDES" - National Pollutant Discharge Elimination Systems
 - "POTW" - Publicly Owned Treatment Works
 - "SIC" - Standard Industrial Classification
 - "SWDA" - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 - "TSS" - Total Suspended solids
 - "USC" - United States Code

Article 4 - Industrial Wastewater Discharge Permit Issuance

- 4.1 Discharge of Commercial/Industrial Waste-Permit required. Persons desiring to discharge industrial wastewater into the District sewer system shall obtain an Industrial Wastewater Discharge Permit if said wastes contain constituents of a nature or quantity which meet either the City of San Diego or the District requirements for regulation as described herein.
- 4.2 Procedure for the Processing of an Application.
- 4.2.1 All commercial/industrial users proposing to connect to the District sewerage system shall make a written application to the District.
- 4.2.2 Application Forms. Standardized application forms will be provided by the Director, or his designee, indicating thereon the information, which the applicant for a permit shall be required to furnish. At its own expense, the

applicant may be required to provide (in addition to the information required to be furnished on the printed application form) such additional information, analyses, or data as deemed necessary by the Director, or his designee, to fully and adequately evaluate the use and discharge for which a permit is sought.

4.2.3 Director, or designee, to evaluate the application. In evaluating an application, for a permit to discharge to the sewer, the Director or designee shall consider the following factors:

- a. Whether the discharge of waste will cause damage to or be otherwise injurious or detrimental to the sewer system;
- b. Whether the discharge of waste will cause an unwarranted increase in the cost of operation and maintenance of the POTW;
- c. Whether the discharge of waste will retard or inhibit the treatment of wastewater;
- d. Whether the discharge of waste will be detrimental to the quality of the receiving waters of the treated wastewater;
- e. Whether the waste discharge can be made acceptable by properly engineered pretreatment facilities including the case of septic system failure where the septic tank is retained for sludge management to reduce loading on sewer treatment facility.
- f. Whether the sewer system can properly and safely process the proposed industrial wastewater discharge; and,
- g. Any other matters deemed material in arriving at a determination of permittee's allowable discharge quantity and quality.

4.3 Permit Conditions.

4.3.1 Industrial Wastewater Discharge permittee shall be expressly subject to all provisions of this Ordinance and to all of the applicable regulations, use charges and fees established by the City of San Diego and/or District. Permits may contain the following:

- a. Limits on the average and maximum wastewater pollutant concentration or characteristics;
- b. The requirement for zero discharge of specified pollutants or process waste streams;

- c. The requirement that specific production or management practices or procedures be implemented for specific process waste streams;
- d. Limits on the average and maximum flow rate of discharge, restrictions limiting the time of discharge, or requirements for flow regulation and equalization;
- e. Requirements for installation and maintenance of inspection and sampling facilities;
- f. Specification for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- g. Compliance schedules;
- h. Requirements for submission of technical reports including but not limited to: Baseline Monitoring Reports, 90-Day Compliance Reports, periodic Self-Monitoring Reports, and certifications;
- i. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District, or its designee, and affording access thereto;
- j. Requirements for notification of the District, or its designee, of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- k. Requirements for notification of slug discharges;
- l. Other conditions as deemed appropriate by the District, or its designee to ensure compliance with this Ordinance.

4.4 Federal Categorical Standards, Existing Dischargers.

Within nine (9) months of the promulgation in the Federal Register, of a Federal Categorical Pretreatment Standard, the Industrial wastewater Discharge Permits, for users subject to such standard, shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, that is subject to a newly promulgated Federal Pretreatment Standard, has not previously submitted an application for an Industrial Wastewater Discharge Permit as required by this Ordinance, the user shall apply for an Industrial Wastewater Discharge Permit within 180 days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the user with an existing Industrial Wastewater Discharge Permit shall submit to the Director,

or designee, within 180 days after the promulgation of an applicable Categorical Pretreatment Standard the following information.

4.4.1 Where known, the nature and concentration of any pollutants in the discharge which are limited by any District, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards.

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

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading into the construction and operation of additional treatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
2. No increment referred to in paragraph (1) shall exceed nine (9) months.
3. By each progress due date in the schedule, including the final date for compliance, the user shall submit a progress report to the Director, or his designee, including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.

4.5 Permit Duration.

Permits shall be issued for a specified time as determined by the City of San Diego or District. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the Director, or designee, during the terms of the permit as limitations or requirements as identified in Article 5 are modified or

other just cause exists. The user shall be informed of any proposed changes in his permit at least 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.

4.6 Permit Transfer.

Industrial Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new changed operation.

For exception allowing capacity transfer in Julian service area only, refer to Part I, Article 6, Section 6.10 of this Ordinance.

4.7 Reporting Requirements for Permittee.

4.7.1 Compliance Date Report. Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director, or designee, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that is limited by pretreatment standards and requirements and the average and maximum daily flow for those process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional. After initial report submittal, self-monitoring reports shall be submitted at least twice a year (usually June and December).

4.8 Tentative Nature of the Permit. If, after the granting of a permit, it shall develop, by reason of increased flow, change in the nature of industrial processes, or for any cause whatsoever that the industrial wastewater discharge by a permittee conflicts with any provisions of this Ordinance or any applicable State, Federal or local law or ordinance the Director, or designee may revoke or suspend the permit, or may require a re-evaluation of the permit, or may impose further conditions with respect thereto directed toward the elimination of such conflict. Any permittee shall immediately report to the Director, or his designee, any significant increase or decrease in flow or in the nature of the discharge and failure to do so shall be grounds for suspension or revocation of the permit.

Article 5 - Regulations.

- 5.1 General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other Federal, State or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
- a. Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.
 - b. Solid or viscous pollutants in amounts that will cause or are likely to cause obstruction or significant interference to the flow in the POTW.
 - c. Pollutants that will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 12.5, unless the works is specifically designed to accommodate such discharges.
 - d. Pollutants that 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.
 - e. Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - f. Any substance that may cause the POTW effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - g. Any substance that will cause the POTW to violate its Discharge Permit or the receiving water quality standards.
 - h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- i. Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 deg.C (104 deg.F).
 - j. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW.
 - k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director, or his designee, in compliance with applicable State or Federal regulations.
 - l. Any wastewater that causes a hazard to human life or creates a public nuisance.
 - m. Any trucked or hauled pollutants except at discharge points designated by the POTW.
 - n. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or which are likely to not pass through the POTW.
 - o. Any substance having the potential to pass-through or cause interference at the POTW by nature of quality or quantity as determined by the Director, or his designee.
 - p. Any rainwater, storm water, groundwater, or water from street drainage, subsurface drainage, yard drainage, roof drainage, evaporative type air cooler discharge into any sewerage facility that is directly or indirectly connected to the sewage system of the District.
- 5.2 No 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 the limitations contained in the Federal Categorical Pretreatment Standards, or with any other applicable pollutant-specific limitation developed by POTW, District or State.
- 5.3 Federal Categorical Pretreatment Standards. Upon the applicable compliance date of the Federal Categorical Pretreatment Standards for a particular industrial category, the Federal Standard, if more stringent than limitations developed and imposed under the authority of this Ordinance for sources in that category shall immediately supersede the limitations imposed under this Ordinance. The Director, or designee, shall notify all affected users of the applicable standards, reporting requirements, and compliance dates, pursuant to 40 CFR, Part 403.12.

- 5.4 State Requirements. State requirements and limitations or discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.
- 5.5 District's Right of Revision. The District, or its designee, reserves the right to establish or revise local limits or requirements applicable to discharges to the sanitary sewer and disposal systems if deemed necessary to protect the health and safety of personnel or citizens, protect the collection system and POTW, or maintain compliance with applicable environmental regulations. In addition, the District, or its designee, reserves the right to require all businesses and other users that ultimately discharge to the City of San Diego Metropolitan Wastewater Collection System or any other city or sewer district facilities, meet the requirements and conditions set forth in the ordinances, regulations, rules or agreements that pertain to the sewer facilities being used by the District. In the case of a conflict between agency requirements where District sewer flows may be transported or treated by multiple agencies, the most stringent requirements shall apply.
- 5.6 Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pre-treat wastewater to a level acceptable to the District, or its designee, shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted for review, and shall be acceptable to the District, or its designee, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District, or its designee under the provisions of this Ordinance, and, where applicable, the City of San Diego Municipal Code or such other city or sewer agency ordinances, regulations, rules or agreements. Any subsequent changes in the pretreatment facilities or method of operation shall be reported and be acceptable to the District, or its designee, prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the Director or his designee, upon request.

- 5.7 Inspection and Sampling. The District, or its designee, may inspect the facilities of any user to ascertain whether the purpose of this Ordinance 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 designee ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or as otherwise necessary in the performance of any of their duties. The District, or its designee shall have the right to copy records, and to set up on the user's property such devices as are

necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the District or its designee will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- 5.8 **Monitoring Facilities.** Monitoring facilities shall be provided and operated at the user's own expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the District, or its designee, may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with District, and, where applicable, City of San Diego or other city or sewer agency requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the District, or its designee of the requirement for construction.

Article 6 - Grease Control for Commercial Food Preparation/Service Facilities

- 6.1 **Pretreatment.** Dischargers of greases and/or oils from commercial food preparation/service operations shall be required to install an approved type of grease pretreatment device in accordance with the Uniform Plumbing Code. The Director or his designee shall approve installation of the grease pretreatment equipment.

All required grease pretreatment shall be maintained in efficient operating condition by periodic removal of the accumulated grease. The discharging party shall be responsible for the proper removal and disposal by appropriate means of the material captured from grease pretreatment devices. No such collected grease shall be introduced into any drainage piping or public sewer.

- 6.2 **Oil and Grease Discharge Limits.** For the purpose of this Ordinance, the discharge characteristics of organic oil and grease from any commercial food preparation/service facility shall have a discharge limit not exceeding 200 milligrams/liter.

6.3 Maintenance Reports. The Director, or designee, may require the discharging party to keep records of grease pretreatment device maintenance and grease disposal by a licensed waste hauling company and to report on these maintenance activities to District. The Director, or designee, may require the discharging party to provide results of periodic measurements of its discharge that is to include chemical analysis of oil and grease content. Discharging party shall allow the District or its representative ready access at all reasonable times to all parts of the premises for purposes of sampling and inspections.

Article 7 - Prohibitions on Discharge of Water Softener Wastes.

7.1 The discharge of water softener brine wastes into District sewers shall be prohibited in accordance with the provisions of this Section. This Section is intended to apply to the District's final treated wastewater effluent discharged to inland disposal or water reclamation uses. For the purpose of this Section, a self-regenerating water softener unit shall be a water conditioning apparatus such as zeolite and resinous ion-exchange softeners or demineralizers or other like devices that require the periodic discharge of brine solutions in their operation.

- a. After May 5, 1978, no person shall install a self-regulating water softener unit in a residential, commercial or industrial building or facility that is connected to the District sewer, unless the person demonstrates that water softener brine discharge facilities other than District sewers are available for receiving the water softener wastes. Such installations shall require approval by the Director, or his designee, and must conform to requirements of other regulatory authorities. Notwithstanding the above, commercial and industrial facilities shall have an Industrial Waste Discharge Permit issued for such installation. As a prerequisite to issuance of such a permit, detailed construction plans showing the piping arrangement to be associated with such water softener unit shall be submitted to the Director, or designee, approval. Such plans shall, among other things, clearly indicate that the possibility of any discharge of water softener brine into the District sewer system has been effectively precluded.
- b. All self-regenerating water softener units installed prior to the effective date of this Ordinance shall be disconnected from the District sewer within five (5) years from May, 1978.
- c. Self-regenerating water softener units installed after the effective date of this Ordinance that are found discharging to a District sewer shall be removed on demand of the Director, or his designee. Should any such installation not be removed on demand of the Director, or designee, the District may remove such installation at the expense of the customer or take action as may be authorized by applicable law or ordinance to disconnect the premise.

Article 8 - Enforcement of Ordinance.

- 8.1 Harmful Discharges. The District, or its designee, may suspend the sewer system service and/or an Industrial Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Director, or his designee in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, or the environment.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the District, or its designee, shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District, or its designee, shall reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the District, or its designee, within the appropriate time frame established by all applicable ordinances, codes and federal regulations.

- 8.2 Revocation of Permits. Any user who violates the following conditions is subject to having his permit revoked in accordance with the procedures established by this Ordinance.

- a. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- d. Violation of conditions of the permit or failure to comply with a District ordinance.

- 8.3 Notification of Violation. Whenever the District, or its designee, finds that any user has violated or is violating this Ordinance or other District ordinance, industrial wastewater discharge permit, or any prohibition, limitations, or requirements herein, the Director, or his designee, may serve upon such person a written notice stating the nature of the violation. The Director or designee shall establish the appropriate time frame in which the permittee must correct any violation and return to compliance with the conditions set herein.

- 8.4 Civil Penalties. Any user who is found to have willfully or negligently failed to comply with any provision of this Ordinance, any other District ordinance, or

permits issued hereunder may be fined at a rate determined appropriate by the Director, or designee. The maximum rate shall not exceed twenty-five thousand dollars (\$25,000.00) per violation per day. Each day on which a violation shall occur or continue shall be considered a separate and distinct offense. In addition to the penalties provided herein, the District may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated these rules, regulations, orders and/or permits issued hereunder.

- 8.5 Criminal Penalties. The willful or negligent failure to comply with any provision of this Ordinance, any other District ordinance, and permits issued hereunder may constitute a misdemeanor. Any person convicted of such a misdemeanor shall be punishable by a fine not exceeding one hundred thousand dollars (\$100,000.00) or by imprisonment in the County Jail for a period of not more than six (6) months or by such fine and imprisonment.
- 8.6 Falsifying Information. Any person who knowingly makes any false statements, representation or certification on any application, record, report, plan or other document files required pursuant to this Ordinance, any other District ordinance or Industrial Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished in accordance with the provisions of this Ordinance or any other applicable law as determined appropriate in the discretion of the District or other enforcing authority.
- 8.7 Violation: Responsibility for Loss or Damage. Any person violating any provision of this Ordinance, any other District Ordinance or a permit shall be liable for all damage to the sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.

Article 9 - Accidental Discharges.

- 9.1 Each user shall provide protection from accidental discharge of prohibited materials or other substances. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the District, or its designee, for review and shall be approved by the District, or its designee, before discharging wastewater into the sewer. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance and any other applicable laws, ordinances, regulations, rules and permits, including but not limited to the City of San Diego Municipal Code pertaining to wastewater discharge into City of San Diego facilities.

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Director, or designee of the incident. The

notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- 9.2 Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Director, or designee, a detailed written report describing the cause of the discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss or damage.

Article 10 - Confidential Information.

- 10.1 Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District, or its designee, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Effluent data may not be afforded confidential status and shall be considered public information.

Article 11 - Legal Action.

- 11.1 If any person discharges sewage, industrial wastes or other wastes into the public wastewater disposal systems operated by the District contrary to the provisions of Federal, State or applicable local laws, ordinances, regulations, rules, agreements or permits the Office of County Counsel may commence an action for appropriate legal and/or equitable relief in the appropriate court of the County of San Diego.

Article 12 - Severability

- 12.1 Severability of Provisions. If any section, subdivisions, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

- Section V. Effective Date.** This ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary thereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.