

ORDINANCE No. 722 N.S.

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PASO ROBLES
AMENDING TITLE 14, TITLE 17, AND TITLE 22
OF THE EL PASO DE ROBLES MUNICIPAL CODE

The CITY COUNCIL of the City of El Paso de Robles, California, does ordain as follows:

Section 1.

Section 14.08.020 of Title 14 is hereby amended as follows:

Section 14.08.020 General Regulations.

Revise Paragraph C to read:

- C. Except as the Operations Code may otherwise permit, it is unlawful for any person to construct or maintain any privy, privy vault, cesspool or other facility intended or used for the disposal of sewage, except for permitted and approved septic tank, leach-field and seepage pit systems. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the city." Discharge from any industrial or commercial facility is prohibited from discharging pollutants which may: (1) pass through an individual disposal system, and is untreated or partially treated; (2) interfere with any individual disposal system treatment works; and/or (3) contaminate any individual disposal system's sludge.

Revise Paragraph D to read:

- D. All new buildings shall connect to the sewerage system, and all land development projects shall include provisions for future buildings to connect to sewerage system. Exceptions will be allowed only when granted by City Council approval of a septic system permit, in accordance with Section 14.08.070 of the City's Sewerage System Operations Code. For any subdivisions of land, where utilization of septic systems for any resulting lots or parcels is contemplated, the City Council must first make a specific finding that such parcels will be able to comply with all provisions of the State of California Regional Water Quality Control Plan, Central Coast Basin (Basin Plan - Resolution No. 83-12) septic system prohibitions and all provisions of the City's current Memorandum of Understanding with said Board. In the event such finding has not been previously so made, such a finding shall be required as part of City Council approval of a private septic system permit. Connection to the proper sewerage system shall be made in accordance with provisions of the Operations Code within one hundred eighty calendar days after date of official notice to do so. When a septic or other private system has been the method of sewer disposal, such system shall be in accordance to State Health & Safety Codes within sixty calendar days of connection to the city's sewerage system, unless a private septic system permit is granted by the City Council and system design plans and specifications are approved by the City Engineer prior to said abandonment date.

Section 2.

Section 14.030 of Title 14 is hereby repealed in its entirety.

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Wastewater Constituents and Characteristics Wastewater constituents and characteristics are 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 contents, quality, quantity and strength of wastewater.

Wastewater Treatment Plant or Treatment Plant That portion of the POTW which is designated to provide treatment of municipal sewage and industrial waste.

Wastewater Treatment System Wastewater treatment system consists of any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, collection, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Water Quality Control Board Means State or Regional office of the Water Quality Control Board.

Watercourse Watercourse is a channel in which a flow of water occurs either continuously or intermittently.

Waters of the State Waters of the State is any water, surface or underground, including saline waters within the boundaries of the State.

C. GENERAL REQUIREMENTS AND PROCEDURES:

1. **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 City, or in any area under the jurisdiction of said City any domestic or industrial sewage.

2. **Treatment of Wastes Required** - It shall be unlawful to discharge to any stream or water course any sewage industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this or other applicable agency codes.

3. **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.

4. **Occupancy Prohibited** - No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the City.

5. **Sewer Required** - All new buildings shall connect to the sewerage system and all land development projects shall include provisions for future buildings to connect to the sewerage system. An individual lateral sewer shall be provided for each building, except when a building is located in the rear of another building on an interior lot, permission may be granted by the City to connect both buildings to the same lateral to main sewer, provided the buildings are under the same ownership or controlled by sufficient agreement to assure compliance by each building to the provisions of this Ordinance.

Connection to the proper public sewer shall be made in accordance with provisions of this Ordinance within one hundred eighty (180) calendar days after date of official notice to do so. When a septic or other private system has been the method of sewer disposal, said system shall be properly abandoned within sixty (60) calendar days of connection to City sewerage system. All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or

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damage that may directly or indirectly arise from the installation or maintenance of the building sewer.

6. Clean-outs - All plumbing systems or building sewers shall be provided and maintained with a clean-out, raised to grade. Each premise shall install and leave in place a Test-Y clean-out at and within the public easement abutting premise. All clean-outs shall meet the Standard Specifications of the City and shall be maintained water tight.

7. Plumbing Below Grade - In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from said fixtures to the public sewers, the sewage from said fixture shall be pumped and discharged to the public sewer at the owners expense. In all buildings where the floor elevation is below the rim elevation of the nearest upstream manhole, provisions for a backflow protective device shall be made in accordance with this Ordinance. A backflow protective device shall also be installed in a plumbing system, building sewer or lateral sewer and may include a back-up check valve wherever and whenever the City may deem advisable.

8. Maintenance of Building and Lateral Sewer - Building sewers shall be maintained by the owner of the property served thereby.

9. Manholes and Sewer Construction - Any person who undertakes to pave, resurface, regrade or do any work on any street that contains City sewers shall not cover up or conceal any manholes or structure, or their covers; every care must be used to protect them. In the event said work results in damage to or a change of grade in the area of the manhole or structure, the person performing the work shall be responsible, at his own expense, for repairing or modifying the manhole or structure to meet the new grade. Before any work is performed to City manholes or structures the Public Works Department of the City shall be contacted and all work shall be done under a permit at the direction of the City, and in accordance with City Standards.

No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.

10. Septic Tank - Permission may be granted by the City for a septic tank to be constructed to serve a building that is located in an area where sewers are not available, as determined by the City, when consistent with the provisions provided in this Ordinance. This permission will not over-rule negative action for septic tank installation by the San Luis Obispo County Health Department or the State Water Quality Control Board.

11. Sewage Backflow Protective Devices - To assist in the protection of health and property, a backflow valve or overflow device shall be installed in the sewer serving any building where the lowest floor elevation (containing plumbing fixtures) will be less than one foot (1') above the rim of the upstream manhole or flushing inlet.

When an overflow device is installed, the elevation of discharge of said installation shall be at least one foot (1') below the lowest floor elevation containing a plumbing fixture.

Type of backflow device to be installed shall be approved by the City in accordance with Building Code requirements.

12. Violation Unlawful - Except as this Operations Code may otherwise permit, following the effective date of this Operations Code, it shall be unlawful for any person to connect to the City sewerage facilities except in the manner provided by this Operations Code. Any person violating the provisions of this Operations Code shall be deemed guilty of a misdemeanor unless otherwise deemed to be an infraction by City ordinance or Resolution and shall, upon conviction thereof, be punished by a fine consistent with the maximum provided for a misdemeanor, or by a fine set as an infraction, or by imprisonment in the County Jail.

All persons shall be held strictly responsible for any and all acts of agents or employees done under the provision of this Code or any other rule or regulation of the City. Upon being notified by the City Engineer of any defect arising in any sewer or of any violation of this Code, the person or persons having charge of said work shall immediately correct the same.

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

13. Authority to Disconnect - In the event of a failure to pay the charges as provided in the Operation Code for sewer service, the City shall have authority to disconnect the sewer service. When service has been disconnected as provided, the cost or estimated cost of disconnection and reconnection to the system shall be deposited by the user within the City before such user is reconnected to the system. The City shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

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

The City hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its Code, rules and regulations, and not as a penalty.

14. Adjustments and Exceptions - The City Council hereby retains the right to grant adjustments and exceptions to the provisions of this Operations Code in order to vary and modify the strict application thereof in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. Application for any adjustment or exceptions shall be made to the City Council in the form of a written application submitted to the City Manager. However, no such adjustment or exception shall be allowed to contravene State or Federal standards or the City's technically based local standards.

D. CONSTRUCTION OF SEWERS

1. Contractor's Registrations - It shall be unlawful for any person to install or construct any sewer for connection to or make connection to, the sewer system of the City, who is not a master plumber or contractor, whichever is applicable, licensed under the State Contractor's License Law. All contractors must register with the City prior to commencing or carrying out any such work within the City or connection to the City Sewerage System.

2. Contractor's Insurance - All such contractors shall file with the City:

a. Public Liability and Property Damage Insurance - Certificate of Public Liability Insurance in the amount of Five Hundred Thousand (\$500,000) Dollars, and Property Damage Insurance in the amount of One Hundred Thousand (\$100,000) Dollars, each accident, and Two Hundred Thousand Dollars (\$200,000) aggregate and an Endorsement naming the City as additional insured. The foregoing amounts are minimum and may be increased by the City Council.

b. Worker's Compensation Insurance - Compensation Policy.

c. Effective Period - Insurance to be maintained in effect for a minimum of one (1) year after acceptance of work.

3. Faithful Performance, Labor and Materials, and Maintenance Bonds

- All contractors or installers shall file with the City Engineer a Faithful Performance Bond in the amount of 100% and a Labor and Materials Bond in the amount of 50% of the contract for City-let jobs and 100% of the City Engineer's estimate for installer-let contracts. Bonds to be on forms provided or approved by City. Bonds to remain in effect for a minimum of one year after acceptance of work and will not be canceled or released by the City until a Maintenance Bond in an amount of 10% of the contract is posted with the City.

4. Compliance with Local Regulations - Any persons constructing a sewer within a public way or easement shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting of pavement, excavation, opening, barricading,

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lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the City prior to the issuance of a permit.

The applicant shall maintain such barriers, flagmen, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof.

He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the City.

5. Inspections - No sanitary sewer construction work shall be conducted within the City without the approval of the City Engineer or designated representative.

No construction shall be covered until it has been inspected and approved by the Inspector assigned by the City Engineer. After approval, the contractor shall backfill trench without delay and restore surface to original condition. Construction that has been covered without approval of the City shall, at the City Engineer's request, be uncovered for inspection. In all cases where inspection is required, the contractor shall give at least two (2) working days advance notice to the City Engineer stating the time when work will start.

6. Responsibility for Defects - All persons performing work connected with the City shall be held strictly responsible for any and all acts of agents subcontractors, and employees in connection with said work.

Said person, upon being notified in writing by the City Manager of any defects arising from construction or of any violation of the provisions of this Operations Code, shall take immediate steps to correct such defect or violation.

7. Condemned Work - When any work has been inspected and the work condemned and no certification of said 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 and regulations of the City. When failure to repair creates a threat to health, safety or welfare, or creates a public nuisance, the City shall have the right of entry to the work site for the purpose of repair or abatement, and shall place a lien upon the property with the assessor for the purpose of recovery of all costs.

8. Liability - The City, its officers, and employees shall not be liable for personal injury or loss of life or damage to any property consequent to the performance of any of the herein or hereinafter described work by any such contractor, installer, or applicant for sewer service. The contractor, installer, or applicant shall save the City, its officers and employees free and harmless from any such liability imposed by law upon the City, its officers and employees, including all costs, expenses, fees and interest incurred to legal defense of any action to enforce such liability or in the enforcement of this provision. Contractor, installer, or applicant shall be solely liable for any defects in the performance of work, or any failure which may develop therein.

9. Standard Specifications and Detail - The City has adopted Standard Specifications and Details for all construction of sewers and appurtenances, which is on file in the office of the City Engineer. Said Standard Specifications and Details are hereby referred to and made a part of this Operations Code by reference.

10. Plans, Profiles and Specifications Required - The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a Registered Civil Engineer showing all details of the proposed work, based on an accurate survey. The application, together with the plans, profiles and specifications, shall be examined by the City Engineer or designated Civil Engineer of the City who shall, within fifteen (15) days, approve them as filed or require them to be modified as is deemed necessary for proper installation, unless the sewers are a part of tract improvements, in which case they will be reviewed and approved along with the subdivision review and approval process.

"Record Drawings" drawings showing the actual location of all mains, structures, laterals and clean-outs shall be filed with the City before final acceptance of the work.

11. **Completion of Sewer Required** - Before any acceptance of any sewer line by the City prior to the admission of any sewage into the system, the sewer line shall be tested and shall be completed in full compliance with all requirements of the Standard Specifications and Details.

12. **Master Plan** - Upon the adoption of an official Master Plan for trunk systems within the City, such Master Plan shall be on file in the office of the City Engineer, and shall be made a part of this Operations Code by reference.

E. CONSTRUCTION OF SEWERS:

1. **Authorization** - To construct sewers and connect to the sewer system authorization must be obtained from the City.

2. **Request for Authorization** - Is to be made to the office of the City Engineer. All construction shall be in accordance with the Standard Specifications and Master Plan of the City.

3. **Plans, Profiles and Specifications** - Shall be prepared at the expense of the applicant by a civil engineer licensed in the State of California and shall be approved by the City.

4. **Payments of Fees** - The applicant shall pay in advance all necessary plan checking and inspection fees. The City shall have the right to charge, and the applicant shall pay, the necessary administrative and engineering and legal fees incurred by the City for work performed.

5. **Contract for Construction** - The applicant shall call for bids, and let contracts, but shall not begin construction until after receiving written approval of the plans and specifications from the City.

6. **Agreement** - An installer shall, prior to construction, enter into an agreement with the City covering, but not limited to, the following:

- a. Construction of sewers in accordance with approved Plans and Specifications.
- b. Obtaining the necessary rights-of-way and easements, and granting same to City.
- c. Payment for all costs involved due to said construction.
- d. Official acceptance into City Sewerage System all sewers and appurtenances.
- e. Indemnification of the City per this Ordinance.
- f. Bonds in accordance with this Ordinance.
- g. Payment of all fees including plan checking and inspection.
- h. Other items that individual conditions may dictate.

7. **Lateral Sewers** - Must be constructed to serve each parcel of land or building in the development. House sewers shall not be connected to these lateral sewers until permits for connection have been issued by the City.

8. **Oversize and Off-Development Sewers** - May be required by the City to comply with the Master Plan. The minimum size of a main sewer shall be determined by the City, but in no case shall a main sewer be less than eight inches (8"). Reimbursement for pipe size required of the developer in excess of twelve inches (12") may be granted by the City.

F. PROHIBITIONS ON WASTEWATER DISCHARGES TO PUBLIC SEWERS

1. **Introduction** - These prohibitions apply to all users of the City's sewage system whether or not the user is subject to other standards or requirements by other public

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agencies. A user shall not directly or indirectly contribute or cause or allow to be discharged or deposited into the City's sewage system, any item specified in 40 CFR 403.S(b), and including but not limited to items specified in this Ordinance.

2. **Fire Hazards and Explosive Mixtures** - Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances which the City, the State or EPA has identified as a fire hazard or a hazard to the sewage system.

3. **Toxic Pollutants** - Any wastewater containing toxic substances in sufficient quantity, either singularly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitations set forth in categorical pretreatment standards or of this Ordinance. A toxic pollutant shall include, but not be limited to, any pollutant identified in Section 307(a) of the Federal Clean Water Act.

4. **Solid or Viscous Wastes** - Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the City's wastewater treatment system. Prohibited materials include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood and/or component, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud and glass grinding or polishing wastes.

5. **Uncontaminated Water** - Rain, storm or ground water, street drainage, sub-surface drainage, seepage, roof or yard drainage, water from yard fountains, ponds or lawn sprays or other uncontaminated water or water added for the purpose of diluting wastes which exceed maximum concentration limitations.

The contents of a swimming pool (including filter backwash from swimming pools and/or spas) may not be discharged into the sewer system without first applying for and receiving written permission from the Director of Public Works.

6. **Cooling Water** - Water from cooling systems, deionized water, steam underwaste or distilled water in excess of laboratory usage, single pass cooling water, blow-down or bleed water from cooling towers or other evaporative coolers exceeding 1/3 of the make-up water. Quantities in excess of 1/3 of the make-up water may be discharged into the sewerage system during off-peak hours with written authorization from the City.

7. **Noxious Material** - Noxious or malodorous solids, liquids or gases which, either singularly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into a sewer for its maintenance and repair.

8. **Color** - Wastewater with objectionable color not removable by the treatment process, including but not limited to; inks, dyes and tanning solutions.

9. **Temperature** - Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with heat in such quantities that the temperature exceeds 150° Fahrenheit (66° Celsius) at the point of discharge.

10. **Corrosive Wastes** - Any waste which will cause corrosion or deterioration of the sewerage system or POTW. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9) standard units. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.

11. **Impairment to Reclamation or Reuse** - Any wastewater which is capable of causing either alone or by interaction with other substances, the POTW effluent or any other

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product of the treatment process, residues, biosolids or scum to be unsuitable for reclamation or reuse or to interfere with the reclamation process.

12. Trucked or Hauled Pollutants - Any trucked or hauled pollutants except at discharge points designated by the City and must have City pre-approval.

13. Infectious Wastes - Infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices, mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and associated articles (whether ground or not); recognizable portions of the human anatomy; solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease; wastes excluded by other provisions of this Code except as specifically permitted for; or any other waste defined by the Health Office of San Luis Obispo County as being infectious.

14. Radioactive Waste - Wastewater containing any radioactive wastes or isotopes is prohibited.

15. Tetrachloroethylene - Any quantity of Tetrachloroethylene (a.k.a. PCE or "perc"). Any water which has come in contact with PCE, directly or indirectly, including boiler blow-down, cooling water, condensate or water from a PCE-water separator.

16. Dilution of Discharge - Except where expressly authorized, no user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with specific discharge limitations or requirements. The City may impose mass limitations on users which are using dilution to meet applicable discharge limitations or regulations or in other cases where the imposition of mass limitations is appropriate.

G. LIMITATIONS ON WASTEWATER

1. Maximum Concentrations - Maximum concentrations of pollutants allowable in wastewater discharges to the wastewater treatment system are established by the Director of Public Works and adopted by the City Council by Resolution or Code.

2. Limitations and Prohibitions - Limitations and prohibitions on wastewater strength are contained in this Ordinance and may be supplemented with more stringent limitations and prohibitions as deemed necessary by the City.

a) If the City determines that the limitations and prohibitions in this Ordinance or other City Codes or Resolutions may not be sufficient to protect the operation of the POTW, or

b) If the City determines that the limitations and prohibitions in this Ordinance or other City ordinances or resolutions, may not be sufficient to enable the POTW to comply with water quality standards or effluent limitations specified in the POTW's NPDES permit; then

c) Concentration limitations shall be imposed by the Director of Public Works upon adoption by the City Council as may be found necessary to insure compliance with the POTW's NPDES requirements or more restrictive pretreatment standards prescribed by the California Regional Water Quality Control Board or the EPA.

3. Oils and Grease - Oils and greases may be from living or non-living sources or contain substances that may solidify or become viscous at temperatures between 32N and 150N Fahrenheit at the point of discharge into the system or in amounts that will cause interference or pass through. Oils and grease in excess of 20 mg/L, whether emulsified or not, may not be discharged into the public sewer system.

4. Improperly Shredded Garbage - Discharges containing improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under normal flow conditions in the public sewers or with any particle greater than one-half inch (1/2") in any dimension are not allowed.

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Acceptable discharges from garbage grinders are as follows: a) Wastes generated in preparation of food in a residence. b) Where a non-residential user has an existing garbage grinder or a proposed new grinder and has approval for that specific use from the City. Such grinders must be kept in proper working order.

Prohibited discharges from garbage grinders are as follows: c) Garbage grinders shall not be used for grinding plastic, paper produce, inert materials, garden refuse or waste products resulting from the handling, storage and sale of fruit and vegetables in wholesale and retail produce establishments and wastes from entities engaged in the preparation, processing or preserving of food not intended primarily for immediate consumption.

The City reserves the right to prohibit the use of garbage grinders in commercial applications if this waste creates excessive problems in the sewerage system.

5. Specific Discharge Limitations - The maximum concentrations of pollutants allowable in wastewater discharges to the City of El Paso de Robles sewerage system by any user are found in **Table A** of this Ordinance incorporated by reference herein. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this Ordinance. Any excess of these limitations is a violation of this Code subject to enforcement action as set forth in this Ordinance. These limits will be reviewed periodically and revised as needed.

Any user who does not comply with Federal Pretreatment Standards as required under Sections 307(b) and (c) of the Act, and any regulations promulgated thereunder, including those regulations contained in 40 CFR 403.12, violates this Ordinance.

6. Acceptability - In determining the acceptability of specific wastewater under this Ordinance, the Director of Public Works shall consider, in addition to those items already mentioned, the adequacy and nature of the collection, treatment and disposal system available to accept the wastewater and the City policy embodied in this Ordinance. Upon such consideration, the Director of Public Works may establish terms and conditions appropriate to specific dischargers as provided in this Ordinance.

7. Standards - In the event of overlap or conflict between Federal, State and local standards, the most stringent standard shall apply.

8. Pretreatment Standards - Upon the promulgation of a City pretreatment standard or a categorical pretreatment standard for a particular industrial category, the more stringent limitation shall immediately supersede the less stringent limitation.

9. Notification - All affected users shall be notified of any new standards and any applicable reporting requirements under 40 CFR 403.12 and these rules and regulations.

H. CONTROL OF WASTEWATER DISCHARGES:

1. Regulatory Actions - If wastewater containing any substance referred to in Sections F or G of this Ordinance is discharged or proposed to be discharged into the sewer system, the Director of Public Works may take any action necessary to:

a) Prohibit the discharge of the wastewater.
b) Require the discharger to demonstrate that in-plant modifications would reduce or eliminate the discharge in conformance with prohibitions, limitations and requirements of this Ordinance.

c) Require pretreatment to reduce or eliminate the objectionable or harmful nature of the pollutants prior to their discharge to the sewer system.

d) Require the discharger to pay any additional costs incurred by the City for handling and treating the excess loads imposed on the treatment system as a result of allowing such wastewater to enter the system.

e) Take any other remedial action as may be deemed necessary to achieve the purpose and requirements of this Ordinance.

2. Pretreatment Facilities - Users shall ensure that all wastewater discharged to the sewer system is in compliance with the limitations of this Ordinance. City in its discretion may require users, at their own cost, to install a wastewater pretreatment device or system to

pretreat wastewater flows to a level acceptable to City and the limits set forth in Sections F and G of this Ordinance, before discharge of such wastewater to the City's sewer system. Pretreatment facilities shall be constructed and maintained in good working order, and operated as efficiently as possible, at the expense of the discharger and are subject to the requirements of this Ordinance and all other applicable codes and laws.

3. Review and Approval of Facility Plans - Where pretreatment or monitoring facilities are required prior to discharging wastewater to the sewerage system, detailed plans showing the pretreatment facility and operating procedures shall be submitted to the City for review and shall be approved by the City before construction of the facility. All such plans and construction shall be done at the discharger's expense. The review and approval 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 City under the provisions of this Ordinance, and the user shall remain responsible for compliance with all applicable ordinances, codes, regulations and orders of any governmental authority. Any subsequent proposed changes in the pretreatment facilities or methods of operation shall be reported to and be approved by the City prior to user's implementation of the changes.

4. Sampling Station - When required by the City, a sampling station of a design and location approved by the City shall be furnished and installed by the user, at the user's expense, to facilitate inspection, sampling and flow measurements. User shall provide the City with unrestricted access to the sampling station at all times.

5. Correction of Defects - When a defect results from improper installation, or installation of sewer facilities with materials not meeting City standards, the person responsible for the defect shall correct it at their sole expense.

6. Pretreatment Standards - All applicable Federal pretreatment standards which specify quantities or concentrations of pollutants that may be discharged by a specific industrial category will be enforced by the City as required by Section 309(e) and (f) et. seq. of the Federal Clean Water Act.

7. Isolation of Waste Streams - In the construction of new facilities, all domestic wastewater shall be kept separate from industrial wastewater until the industrial wastewater has passed through any required treatment and/or monitoring system. In the case of an existing facility or in the event these waste streams cannot reasonably be isolated, a variance may be issued in City's discretion.

8. Grease Interceptors and Gravity Separating Devices - Grease, oil, and sand interceptors or gravity separating devices shall be provided at user's expense when, in the opinion of the Director of Public Works, they are necessary for the proper handling of the liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients. All interceptors shall be sized using the Uniform Plumbing Code, current edition, as a guide. Interceptors must be of a capacity sufficient to provide the appropriate quality of effluent as per City standards and shall be in an easily accessible location for the purposes of cleaning and inspection. A sample box or tee is required on all interceptors and separators. All interceptors and separators are required to be properly maintained to ensure compliance with City requirements.

a) Restaurant or similar establishments shall install an approved grease interceptor or grease trap or implement other grease reducing practices. The method to be employed shall be approved by the City. Guidelines for determining the required method shall be established by the Director of Public Works. Requirements for the installation of a grease interceptor or trap shall be determined on a case-by-case basis by the City using the Uniform Plumbing Code as a guide.

b) All car washes, vehicle service stations and garages shall be required to install a gravity separating device designed to prevent the discharge of sand, silt, oil and grease to the sewerage system. Requirement for the installation of a gravity separating device shall be determined on a case-by-case basis by the City using the Uniform Plumbing Code as a guide.

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c) If the City finds that a grease interceptor or gravity separating device installed prior to the effective date of this Ordinance is incapable of adequately retaining the grease, sand or oil in the wastewater flow, the City shall notify the user, in writing, that an adequate interceptor or gravity separating device shall be installed within a specific, reasonable time period.

d) Installation of a grease interceptor or gravity separating device shall not relieve the user of responsibility for keeping prohibited substances or substances above the limitations of this Ordinance out of the sewerage system. If the interceptor, gravity separating device or other pretreatment facility is not adequate under the conditions of use, one shall be constructed, at user's expense, which is effective in accomplishing the intended purpose.

9. Commercial Garbage Grinders - No owner of a commercial garbage grinder may operate any such grinder that discharges any waters, wastes or other substances into the City's sewer system without first providing, at owner's expense, the appropriate treatment as may be necessary to reduce the suspended solids daily flow or objectionable characteristics or constituents to within the limits contained in this Ordinance.

10. Water Softening Units - Commercial or industrial plants discharging water-softening brine shall be restricted in the concentrations of total dissolved solids, sodium or chloride of the wastewater discharged. All plants shall make application to the City for a discharge permit. All applications shall include such things as daily water volume, pounds of sodium chloride, volume of portable exchange units regenerated, grains of hardness removed, method of disposal of brine waste and methods of internal controls to assure compliance of any established discharge limitations.

a) Residential water softener units that regenerate on location are referred to as "on-site regeneration units". In order to help meet the City's wastewater discharge limits on sodium, chloride and total dissolved solids, the following will apply to all new residential housing and replacement water softener units.

i) On-site regeneration water softener units must be equipped with salt efficiency controls to regenerate on hardness demand or other approved techniques.

ii) Salt efficiency control units will be a sealed tamper-proof type that controls the most efficient regeneration setting or a portable exchange unit.

11. Connection of Swimming Pools and Equipment - It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches (2") and shall not be under a head to exceed twenty feet (20'). If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool discharging to a sewer system line shall be equipped with an approved separator to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

12. Protection from Accidental Discharge - Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the Director of Public Works before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirement of this Ordinance or of any other applicable rule, regulation, order or ordinance of a governmental authority.

13. Preventative Measures - Any direct or indirect connection to the user's plumbing or drainage system that allows the discharge of wastes in violation of this Ordinance to the public sewer system shall be eliminated. Where such action is impractical or unreasonable, as determined by the City, the user shall appropriately label such entry points to warn against discharge of such wastes.

14. Reporting of Accidental Discharge - All industrial users shall notify the City immediately of all discharges that could cause problems to the POTW, including any slug loadings or accidental discharges. A notice shall be permanently posted on the user's bulletin

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Section 3.

Section 14.08.070 is added to Title 14 as follows:

A. GENERAL PROVISIONS:

1. **Title** - These General Regulations shall be known as the Sewerage System Operations Code of the City of EL Paso de Robles.

2. **Purpose and Policy** - These wastewater discharge regulations set uniform requirements for discharges of domestic and industrial waste and drainage water in the City sewerage system to enable the City to comply with the administrative provisions of the Clean Water Grant Regulations, water quality requirements set by the Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State and Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems.

3. **Pending Proceeding** - Any action or proceeding commenced before this Code takes effect and any right accrued is not affected by this Code, but all procedure thereafter taken shall conform to the provisions of this Code.

4. **Giving Notice** - Unless expressly provided otherwise, any notice required to be given to any person by any provision of this Code may be given by mailing notice, postage prepaid, addressed to the person to be notified at the person's residence or principal place of business. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed.

5. **Constitutionality** - If any provision of this Operations Code or the application thereof to any person or circumstance is held invalid, the remainder of the Code or application of such provision to other persons or circumstances shall not be affected thereby.

6. **Conflict with State Codes** - Any provision in this Operations Code that is in conflict with the provisions of the State Health and Safety Code, Streets and Highway Code, or Governmental Codes, due to revisions made in said codes, shall be automatically superseded by the provisions in said code until such time as this Operation Code can be revised.

B. DEFINITIONS:

Acreage Acreage refers to a parcel of land that is the gross acres of said parcel before existing improved streets have been deducted.

Act Act refers to the "Federal Water Pollution Control Act Amendments" of 1972 (PL 92-500) and any amendments thereto including the Clean Water Act of 1977," as well as any regulations, guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

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

Approval Authority The State of California.

Authorized Representative of the User

I. If the user is a corporation:

A. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

board or other prominent place advising employees whom to call in the event of an accidental discharge. Users shall ensure that all employees who may cause such an accidental discharge are advised of the emergency notification procedure.

Any person that causes an accidental discharge or discovers an uncontrolled discharge that does not comply with any prohibition or limitation in this Ordinance, shall immediately notify the City so that corrective action may be taken to protect the treatment system.

The user responsible for the discharge shall file a written report with the City detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges.

The report shall be filed with the City by the responsible industrial user within five (5) calendar days of the occurrence of the discharge (40 CFR 403.12(f)).

Such notification will 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 City on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code, or any other applicable State or Federal statute or regulation.

15. Excessive Sewer Maintenance/Damage to Facilities - Any person(s) who discharges or causes to be discharged into the City's sewerage facilities either directly or indirectly, any waste or wastewater which is prohibited, creates a blockage, breakage, permanent reduction to sewer capacity, causes excessive maintenance expenses, creates detrimental effects to the POTW, causes the violation of a discharge requirement or regulation imposed by a regulatory agency or any other damage to City facilities shall be liable for all damages and costs occasioned thereby, including any penalty assessed by a regulatory agency. The damages, cost or penalty assessed shall be deemed a debt to the City and shall be charged to the user.

I. PERMITS, RECORD KEEPING, AND MONITORING:

1. Wastewater Discharge Permits - All Significant Industrial Users proposing to connect to or discharge into any part of the sewerage system must first obtain a Wastewater Discharge Permit. Other industrial/commercial users may be required to obtain a Wastewater Discharge Permit if, in the opinion of the Director of Public Works, they have a discharge that may adversely impact City facilities. Application for Wastewater Discharge Permits shall be made on a form provided by the City. After evaluation and acceptance of the information provided by the user, the Director of Public Works may issue a permit subject to the terms and conditions provided herein.

2. Source Control User Categories -

a) Category One Discharge Permit: Includes those dischargers which are subject to National Categorical Pretreatment Standards for Significant Industrial Users as outlined by the Environmental Protection Agency (EPA) in 40 CFR, Part 403, or any other sewer discharger which: 1) discharges 25,000 gallons or more of processed wastewater per day; 2) contribute a processed wastewater which makes up five percent (5%) or more of the dry weather average hydraulic or organic capacity to the treatment works; or 3) is designated as a **Category One** discharger by the City on the basis that it has a reasonable potential for adversely affecting the operation of the collection system and/or treatment works or for violating any pretreatment standard or requirement.

b) Category Two Discharge Permit: Includes those dischargers with wastewater that have characteristics which could have a potential impact on the operation and maintenance of the City sewage system and/or treatment works. Some type of pretreatment or discharge control may be required to prevent the discharge of fats, oils and greases, or other prohibited wastes to the sewer system.

c) Category Three Discharge Permit: Includes those dischargers with wastewater that has no characteristics which could have a potential to impact the operation and maintenance of the City sewer system and/or treatment works.

3. Terms and Conditions of Permit - The Wastewater Discharge Permit shall set forth the performance specifications to which each user must conform in order to discharge regulated processes to the City's sewerage system. Wastewater Discharge Permits shall

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be subject to all provisions of this Code, Federal pretreatment standards and regulations pursuant to Section 307 et. seq. of the Clean Water Act and all other regulations, user charges and fees established by the City. The conditions of the permit shall be uniformly enforced in accordance with this Ordinance and applicable State and Federal regulations.

Permit requirements may include, but are not limited to, the following:

- a) The unit charge or schedule of user charges and fees for wastewater to be discharge to the City sewer.
- b) The average and maximum wastewater constituents and characteristics;
- c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- d) Requirements for installation of inspection and sampling facilities;
- e) Pretreatment requirements including national categorical standards;
- f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- g) Requirements for submission of technical reports or discharge reports;
- h) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by City Code) are proposed or present in the user's wastewater discharge;
- i) Requirements for submission to inspections;
- j) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance.

The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit, as limitations or requirements as set forth in this Ordinance are modified or as a result of pretreatment standards and/or requirements promulgated pursuant to Section 307 et. seq. of the Clean Water Act.

The user shall be informed of any proposed changes in its permit at least thirty (30) calendar days prior to the effective date of the change.

Permit holders shall file periodic discharge reports at such intervals and containing such information as designated in the Wastewater Discharge Permit.

The user is required to notify the City of any changes in the user's operation that may affect its discharge rate, peak flow rate, wastewater constituents or characteristics (40 CFR 403.12(j)).

The City shall include a reasonable compliance schedule for any changes or new conditions in the permit. The user may submit an alternative compliance schedule for approval by the Director of Public Works to allow the user additional time to modify the industrial process sufficiently to comply with the new permit changes.

4. Duration of Permits - Permits shall be issued for a specific time period. Permits shall be reviewed every (5) years or thirty (30) days prior to the expiration date of the permit.

If the user is not notified by the City thirty (30) calendar days prior to the expiration date of the permit, the permit shall automatically be extended for one (1) month increments pending City review and action on the permit.

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

6. Violation of Permit - When it is determined that a specific condition and/or discharge is in violation of this Ordinance or any permit condition, or limit imposed, enforcement actions shall be initiated as provided in this Ordinance.

Any user who violates the conditions of its permit or this Code is subject to having its permit revoked.

7. Discharge Violations - Discharge violations include but are not limited to:

- Ordinance.
- a) Unlawful discharge of wastewater and compounds prohibited in this Ordinance.
 - b) Discharges violating permit conditions or limitations.
 - c) Discharges in violation of this Ordinance.
 - d) Discharges endangering the environment or the public's health, safety and/or welfare.
 - e) Discharges endangering the City's sewerage system, and/or City personnel.

8. Non-Discharge Violations - Non-discharge violations constitute noncompliance with the City's rules and regulations and may also create a nuisance or have severe impact on the City's ability to serve the public. This includes non-compliance with City design standards and plan specifications.

9. Maintenance and Availability of Records - All users discharging wastewater to the City's sewerage system shall maintain records, as required by the Wastewater Discharge Permit, of its raw materials and usage, processes, effluent flows, pollutant concentrations and related factors. Any user subject to the reporting requirements of this Code shall be required to retain for a minimum of three (3) years any records (including books, documents, reports, memoranda, correspondence, and chemical analyses) of monitoring activities and results. This period of retention shall be extended during the course of any unresolved litigation regarding the user and City or when requested by the Director of Public Works or other applicable regulatory agencies.

All records relating to compliance with the standards set forth in this Code shall be made available for inspection and copying at the user's facility by regulatory officials in accordance with 40 CFR 403.12 (o)(2)(3).
obtained using grab collection techniques.

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

10. Confidential Information - All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Any information provided to the City (not determined as confidential) regarding industrial user effluent data shall be available to the public without restriction.

Information accepted by the City as confidential in accordance with the provisions of 40 CFR Part 2 entitled, "Confidentiality of Business Information," shall not be transmitted to the general public by the City until and unless prior and adequate notification is given to the user. Governmental agencies such as the EPA and State shall have immediate access to all information collected by the City under its source control program.

11. Right to Inspect and Monitor - The Director of Public Works, through a program of inspection and sampling, shall ensure compliance with the provisions of this Ordinance, the user's Wastewater Discharge Permit and all applicable Federal and State laws and regulations. The City may inspect the facilities of any person to ascertain whether the purpose of this Ordinance is being met and all prohibitions, limitations and requirements are being complied with. Upon presentation of proper identification, persons or occupants of premises where waste or wastewater is created or discharged shall allow the City ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, records examination, evidence gathering or in the performance of any of its other duties. In addition, the City may enter a user's property at any hour under emergency circumstances involving the City's sewerage system. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

12. Security and Safety - During the inspection and compliance monitoring activities, the City shall observe all reasonable security, safety and sanitation measures. In

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addition, the City shall observe reasonable precautionary measures specified by the user. Where a user has security measures in force, which would require proper identification and clearance before entry onto the user's premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay for the purposes of performing their specific responsibilities.

13. Inspection Reports - A copy of all inspection reports shall be provided to the user. Any deficiencies and/or violations found during the inspection shall be dealt with as set forth in this Ordinance.

14. Monitoring Equipment - The user of any facility discharging industrial wastewater into the City's sewerage system shall install at their own expense, suitable monitoring equipment as may be required by this Ordinance to facilitate the accurate observation, sampling, and measurement of regulated constituent. Prior to installation of the monitoring equipment, the user shall obtain a permit. Such equipment shall be maintained in proper working order and be accessible to the City at all times.

If the City requires or the user chooses to install monitoring equipment, the equipment shall be calibrated, as recommended by the manufacturer and approved by the City. This must be done by qualified personnel. A photocopy of the calibration results and/or certificate shall be sent to the City.

15. Sampling and Analysis - All users required to sample and analyze their wastewater shall follow the requirements set forth in their Wastewater Discharge Permit.

Grab or composite samples, as needed to obtain samples representative of the wastewater being tested, shall be taken to determine compliance with the requirement of a user's permit. If routine sampling reveals non-compliance by the discharger with the discharge limits or conditions specified in the user's permit, then the user shall be assessed all other costs incurred during the subsequent evaluation period for sampling and analysis, including labor, equipment, materials and overhead.

All analyses shall be performed in accordance with procedures established pursuant to Section 304(h) et. seq., of the Federal Clean Water Act and contained in 40 CFR 136 as amended (40 CFR 403.12 (g)(4)).

16. Monitoring Reports - All Categorical I and significant industrial users shall, at a minimum, submit semi-annual self-monitoring reports as required in their Wastewater Discharge Permit. The frequency of self-monitoring and reporting for those industrial users not regulated by Federal pretreatment regulations will be set forth in the user's permit and be based on the following factors:

- a) The quantity, nature, and type of the wastewater discharged.
- b) The effect of the wastewater on the City's sewerage system.
- c) The extent to which the discharge could contribute to violation of the City's NPDES permit.

17. Signatory Requirements - All reports submitted by the user shall contain the following certification statement: **"I certify under penalty of law that this document and all attachments is true, accurate and complete to the best of my knowledge. I am aware there are significant penalties for knowingly submitting false information, including the possibility of fine or imprisonment."** and shall be signed by a responsible official as stipulated in 40 CFR 403.12(l).

18. False Statements - Self-monitoring reports for Federally regulated significant industrial users, shall be subject to the provision of 18 U.S.C. Section 1001 relating to false statements and fraud and the provisions of Section 309(c)(2) of the Federal Clean Water Act governing false statements. Any person who knowingly makes false statements, representations or certifies in any application, record, report, plans or other document filed or required to be maintained, pursuant to this Ordinance or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is considered in violation thereof and shall upon conviction, be punished in accordance with provisions contained within this Ordinance.

J. ENFORCEMENT PROCEDURES:

1. **Administration and Enforcement** - The Director of Public Works shall administer, implement and enforce the provisions of this Ordinance. Any ministerial authorities granted to or duties imposed upon the Director of Public Works may be delegated by him to person(s) acting in the employ of or under contract to the City.

2. **Authority** - The City Council will promulgate and the Director of Public Works shall administer, implement and enforce policies and standards reasonably necessary to protect the City's facilities, to comply with all applicable Federal and State laws required by the Clean Water Act of 1977, the Federal Pretreatment Regulations (40 CFR 403) and the California Porter-Cologne Water Quality Control Act, as amended to control and regulate the proper use of the sewer system, to prevent overflow, and to provide for the issuance, suspension or revocation of Wastewater Discharge Permits and/or sewer service. Administrative practices and standards shall be consistent with the provisions of this Ordinance and formulated to result in the uniform control of the total sewerage system within the City. The City Council will promulgate and the Director of Public Works shall administer, implement and enforce reasonable policies and standards relating to the rate of flow and the quality and quantity of wastewater discharges to the sewerage system of the City which shall be consistent with and implement the purposes of this Ordinance. City may undertake all actions authorized pursuant to California Government Code actions 54739, 54740, 54740.5, and 54740.6, whether or not explicitly set forth herein.

3. **Notice of Violation** - Whenever it is found that any person is in violation of this Ordinance, the Director of Public Works may serve upon such person a Notice of Violation. The notice shall state the nature of the violation, provide a reasonable time for the satisfactory correction thereof and require an explanation of the circumstances giving rise to the violation. The Notice of Violation may set forth a compliance schedule with specific actions the User shall take in order to prevent or correct the violation. In addition, the Notice of Violation may require inspections or sampling and may impose other requirements deemed necessary. The Notice of Violation may also contain a statement that additional enforcement action may be pursued if corrective actions are not accomplished as scheduled.

4. **Administrative Compliance Order** - In lieu of issuing a Notice of Violation, or if a person does not take appropriate corrective action in response to a Notice of Violation, the Director of Public Works may issue an Administrative Order requiring immediate compliance with the terms of this Ordinance, or setting forth a compliance schedule with specific actions the User shall take in order to prevent or correct the violation. In addition, the Administrative Order may require inspections or sampling and may impose other requirements deemed necessary. Prior to issuing such an Administrative Order, the Director of Public Works may, but shall not be required to, issue an Order to Show Cause. Said Order to Show Cause shall present the User with the facts demonstrating non-compliance and shall ask that the User show cause why the City should not initiate formal enforcement action or discontinue sewer service.

5. **Cease and Desist Order** - When the Director of Public Works finds that a discharge of wastewater is taking place in violation of prohibitions or limits of this Ordinance the Director of Public Works may issue an order to Cease and Desist such discharge and direct that those persons not complying with such prohibitions, limits, requirements, or provisions 1) immediately comply, 2) comply in accordance with a time schedule set by the Director of Public Works. or 3) in the event of a threatened violation, take appropriate remedial or preventative action.

6. **Administrative Complaint** - The City Council may issue an administrative complaint to any user in accordance with the provisions of California Government Code Section 54740.5 and undertake all proceedings consistent therewith.

7. **Termination of Service** - The City Council may revoke any connection permit or any Wastewater Discharge Permit, or cause wastewater disposal service to be terminated to any premises if a violation of any provision of the user's source control permit or this Ordinance is found to exist, or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this Ordinance, or for any

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condition which presents an imminent danger to the environment or the health or welfare of persons, or which threatens to interfere with the operation of the POTW, or which violates applicable Federal or State regulations. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment.

8. Recovery of Costs - When a discharge of wastes causes an obstruction, damage or any other impairment to the facilities owned or used by the City, the City may assess a charge against the responsible person for the work required to clean or repair the facility. Such a charge may be collected in any manner authorized herein or by law.

9. Civil Penalties - Civil penalties may be imposed by the City Council pursuant to the Administrative Complaint procedures of **Section J (6)** herein, as follows:

a) Technical and Monitoring Reports: In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports.

b) Compliance Schedule: In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to comply, in a timely manner, with any compliance schedules established by the City.

c) Daily Charge: In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any wastewater discharge limit, permit condition, or requirement issued, reissued, or adopted by the City.

d) Per Gallon Charges: In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any Cease and Desist Order, or other Orders, or prohibition issued, reissued, or adopted by the City.

10. Correction of Violation - In order to enforce the provisions of this Ordinance, the City may correct any violation hereof. The cost of such correction (including, but not limited to, any fines or other costs imposed on the City by any Federal or State agency or court) shall be payable by the person violating this Ordinance or by the owner or tenant of the property upon which the violation occurred, and such cost may be added to any sewer service charge payable in connection with the property. The City shall have such remedies for the collection of such cost as it has for the collection of sewer charges, in addition to any other remedies provided for herein or by law.

11. Enforcement Remedies Cumulative - Each of the enforcement remedies available to the City as specified herein shall be non-exclusive and may be asserted cumulatively and in addition to, or in lieu of, any other remedy available to the City under law.

12. Criminal Penalties - Any person who willfully or negligently discharges wastewater in violation of this Ordinance; applicable State and Federal wastewater discharge requirement or standards; any Order issued by the Director of Public Works or the City Council; or conditions of the user's Wastewater Discharge Permit is guilty of a misdemeanor punishable by imprisonment in the County Jail not to exceed 30 days or by a fine not to exceed One Thousand Dollars (\$1,000), or by both.

13. Civil Penalties - Any person who intentionally or negligently violates any order issued by the City or this Ordinance, may be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000) per day for each violation. The City Attorney, upon request of the City Council, shall petition the Superior Court to impose, assess and recover such sums; pursuant to Government Code Section 54740.

14. Injunction - Whenever a discharge of wastewater is in violation of this Ordinance, causes or threatens to cause a condition of contamination, pollution or nuisance or, in the case of non-discharge violations or other such non-compliance with the rules and regulations set forth herein, City Attorney, upon request of the City Council, may petition the Superior Court for the issuance of a restraining order or a preliminary or permanent injunction, or any or all of these, as may be appropriate.

15. Nuisance - Any discharge in violation of this Ordinance, or in violation of an order of the City Council of the City, shall be considered a public nuisance. Any person

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creating a public nuisance is guilty of a misdemeanor. In the event of a public nuisance, the City Council may direct the City Attorney to commence an action for appropriate legal and/or equitable relief in the Superior Court, or may refer the matter to the City Attorney for prosecution.

16. Published Notices of Non-Compliance - Public notification will be made at least annually in the largest daily local newspaper, listing all persons who, during the previous twelve (12) months were significantly violating applicable Federal Pretreatment Standards or other pretreatment requirement. For the purposes of this provision, a significant violation is a violation which remained uncorrected forty-five (45) calendar days after notification of the violation, which was part of a pattern of non-compliance over a twelve (12) month period, which involved a failure to accurately report non-compliance or which resulted in the City exercising its emergency authority.

17. Variance Procedure - Any user may file with the Director of Public Works a written request for variance from City rules and regulations. This request shall set forth in detail the facts supporting the request. The user shall be notified of the Director of Public Work's ruling within fifteen (15) calendar days after its receipt of the request for variance. Within fifteen (15) calendar days after receiving the ruling by the Director of Public Works, the user may file a written appeal with the City Council.

18. Variance Consideration - Granting of a variance shall be determined on a case-by-case basis. The Director of Public Works shall consider the following factors when making this determination:

- a) The applicant's ability to meet the existing limitation, standard and/or requirement.
- b) The applicant's wastewater discharge volume.
- c) The applicant's current wastewater constituent concentrations.
- d) The impact the variance would have on the City's sewerage systems, the wastewater treatment plant's processes, effluent and/or sludge quality.
- e) The impact the variance would have on the wastewater treatment plant's NPDES permit requirements.
- f) Any other factor the Director of Public Works deems applicable.

19. Appeals - Any user, permit applicant, permit holder or other person affected by a decision, action or determination, taken or issued by the Director of Public Works interpreting or implementing the provisions of this Ordinance or any permit issued hereunder, may file with the Director of Public Works a written request for reconsideration within fifteen (15) calendar days of such decision, action, determination or issuance, setting forth in detail the facts supporting the request for reconsideration. The Director of Public Works shall issue a ruling on such request within fifteen (15) calendar days of receipt of the request. If the ruling made by the Director of Public Works on the request is unsatisfactory to the person requesting such reconsideration, the person may, within fifteen (15) calendar days after notification of the Director of Public Work's ruling, file a written appeal with the City Council. The appeal shall be considered by the City Council at a regular or special meeting within thirty (30) calendar days after the appeal is filed and at least ten (10) calendar days notice of such meeting shall be given to the person filing the appeal. The governing City Council shall make a final ruling upon the appeal within fifteen (15) calendar days of the close of the meeting at which the appeal is considered and shall thereafter promptly notify the person filing the appeal of such ruling. The Director of Public Work's decision, action or determination, and any Notice of Violation or Order issued by the Director of Public Works, shall remain in effect pending the final ruling by the City Council.

20. Hearing - Prior to seeking a civil penalty pursuant to **Section J, Paragraph (13)**, terminating service pursuant to **Section J, Paragraph (7)**, seeking a temporary restraining order or injunction pursuant to **Section J, Paragraph (14)**, or referring a violation for criminal prosecution pursuant to **Section J, Paragraph (12)**, the City Council shall conduct a hearing to consider the proposed action. The person or persons affected by the proposed action shall be given at least ten (10) calendar days notice of the hearing and shall be given the opportunity to provide evidence and testimony relating to the matter. The City Council shall issue its decision within fifteen (15) calendar days after the hearing is concluded. Such affected person

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or persons shall also be notified of the decision made by the City Council and such decision shall be final.

21. Method of Notice - Whenever in this Ordinance notice is required to be given and the manner of giving notice is not otherwise specified, the notice shall be in writing and served either personally or by registered mail in a sealed envelope with postage prepaid, addressed to the user at its last known mailing address and deposited in a facility maintained by the United States Post Office. Service shall be deemed complete at the time such notice is deposited in the mail, or upon personal delivery to the user.

Table A

SPECIFIC DISCHARGE LIMITATIONS

The following are the maximum concentrations of pollutants allowable in wastewater discharges to the City of Paso Robles sewerage system. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this Ordinance.

Constituent Method*	Concentration (mg/l)	Recommended EPA
Ammonia	20.0	350.2
Aluminum	8.0	200,202
Arsenic	0.30	200,206
Beryllium	0.15	200,210
Boron	2.50	200
Cadmium	0.25	200,213
Chromium	0.05	200,218
Cobalt	0.075	200,219
Copper	0.30	200,220
Cyanide	0.20	335
Fluoride	1.50	300
Iron	7.50	200,236
Lead	0.05	200,239
Lithium	0.115	200
Mercury	0.005	245
Nickel	0.30	249
Selenium	0.01	270
Vanadium	2.00	200,286
Zinc	2.00	200,289
M.B.A.S.	0.20	425.1
Phenol	0.001	420,604
Sulfate	200.0	300

Any wastewater, other than water-softening regeneration brine, containing in excess of:

T.D.S.	1000	160
Sodium	200	200,303
Chloride	150	300
BOD	250	405.1
Suspended Solids	250	160.2

Any exceedence of these limitations is subject to enforcement action as set forth in this Ordinance. These limits will be reviewed periodically and revised as needed.

* Any request for variation from this recommended EPA Method must have approval before analysis is performed.

K. CONSTRUCTION OF SEPTIC TANK OR PRIVATE SEWAGE DISPOSAL SYSTEM:

1. General Provisions - It shall be the GOAL of the City to provide the City's Sewage System to all premises within the boundaries of the City. Permission to construct a

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septic tank and leach line or other private sewage disposal system may be granted only when the provisions of this Code have been met.

2. **Permit** - When it has been determined by the City Council that sewers are not reasonably available to serve a given property (generally more than 200 feet from the property) which is within the City, the owner meeting provisions of this Code, may request of the City Council a permit granting permission for the construction of a septic tank and leach line or private disposal system to serve said property. This permission will not over-rule any negative action as may be formally issued against such installation by either the State of California Water Quality Control Board or San Luis Obispo County Health Department.

Permission for the construction of a septic tank and leach line or private disposal system shall be granted by the City Council, subject to the provisions of this code. For any subdivisions of land where utilization of septic systems is contemplated the City Council must first make a specific finding that such parcels will be able to comply with all provisions of the State of California Regional water Quality Control Plan, Central Coast Basin (Basin Plan-Resolution 83-12) septic system prohibitions and all provisions of the City's current Memorandum of Understanding with the State of California Water Quality Control Board.

3. **Permit Eligibility** - Permission may be granted only to owners of properties which meet all of the following criteria:

- a. Be a property, as defined by this Code; and
- b. Contain acreage of no less than one (1) acre.
- c. Have approved Development Agreement providing authority for septic tank or other private system.

4. **Conditions** - As consideration for granting permission by the City to construct a septic tank leach line system or other private disposal system the owner shall be required to enter an agreement in a form acceptable to the City Attorney which shall be recorded. The agreement shall provide that the property owner shall:

- a. Consent to future formation of an assessment district if said district is established by the City Council for the purpose of constructing sewers to serve said property. Said agreement shall be in a form acceptable to the City Attorney and recorded as Affecting Real Property Interests.
- b. Connect said property to the City sewer system, when available and directed to do so by the City Council, unless otherwise specified by the City, such connection shall be completed within six months of the date of receipt of said notification.
- c. Construct septic tank and appurtenances in accordance with requirements of the State Water Quality Control Board, Central Coast Basin, County Health Department, Uniform Plumbing Code as modified within City Municipal Code Title 17, and Department of Public Works Standard Details and Specifications.
- d. Operate and maintain the private sewage disposal system and facilities in a sanitary manner at all times, at no expense to the City.
- e. Grant to the City authority to enter premises for periodic inspection to ensure proper operation and maintenance. Said authority shall be conveyed in writing by the owner of the property and shall be binding upon all future owners, heirs, lessees, or occupants.
- f. Grant to the City authority to enter premises in the event of an emergency involving the system or a nuisance created by the system, which, in the sole opinion of the City, County Health Department or State Water Quality Control Board creates a hazard which threatens the health and safety of the citizens. The owner shall follow the instructions of the City and any service rendered pursuant to such instructions shall be paid for by the owner. When a health hazard or nuisance is determined to exist or water quality is threatened, the City may revoke Certificates of Occupancy for buildings utilizing the private system.
- g. Abandon private system in the time established in this Ordinance when an order to do so has been issued by the City Council or its designated representative.
- h. When a sewer main is available and owner is directed to connect to said main, the owner shall reimburse City, or the installer through the City Reimbursement account, for a prorated share of the cost of the installation of sewer mains which provide service to the applicant's property, as directed by City. City shall determine the rate of proration shares of reimbursement.

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i. Concurrently with the installation of a private septic system, construct a dry sewer lateral from building plumbing system to the adjacent right-of-way or property line as directed by the City Engineer. The line, grade, size and provision for clean-outs of said dry sewer lateral line shall be reviewed by and approved by the City Engineer.

j. For private septic systems that are approved for permanent use, dual leach fields shall be installed with initial construction. A diverter valve shall be installed to control drainage into either or both leach fields. Each leach field shall be designed to handle 100% of the design flow.

k. For private septic systems that are approved for temporary use (i.e. 5 years or less), only one leach field may be required. However, an additional area shall be designated, tested for adequacy as a leach field for use and maintained free from any installation which could inhibit the potential use of said area as a leach field should the first leach field installed be determined by the State, County, or City to have failed or be inadequate in any way.

5. **Duration of Permitted Use** - When permission to construct a private disposal system has been granted by the City under the provisions of this Ordinance, the owner shall retain the right to service from the private system either the time specified within the permit but in no event longer than ten (10) years from the date of issuance of a permit, regardless of date of construction. Should the City Sewerage System remain unavailable for connection thereto, the current owner of the property may reapply to the City for a time extension for said permit. If a private system fails during the allowable ten (10) year period or any permitted extensions thereof, and City system is determined to be reasonably available, the owner shall pay to the City all connection fees and reimbursements that are in place and shall have the property connected to the City's system in a timely manner.

The City Engineer's office shall notify the property owner, in writing, of such determinations, the amount of fee and reimbursements which must be paid and constructions regarding the connection to the City Sewerage System. The property owner shall have at least six (6) months to comply with such notice.

6. **Fees** - Any applicable fees shall be as determined by the City, based on City costs for processing application and performing inspection and set by Resolution. Any review or reimbursement fees established by the State Water Quality Control Board and San Luis Obispo County Health Department shall be paid by owner to the appropriate board or department and owner shall supply proof of payment prior to receiving a City permit.

7. **Recordation of Agreement** - The agreement described in Section 7.4 hereof shall be executed and recorded against the property as a condition to the issuance of the permit allowing for the installation of a private disposal system. The property owner shall pay when due, all recording fees required. The City may withhold the issuance of a Certificate of Occupancy for any structure on such property if the owner has failed to pay any of the fees required by such agreement on this Ordinance.

L. PERMITS AND FEES:

1. **Connection Permit** - No one shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance or perform any work on any plumbing or drainage system without first obtaining a written permit from the City.

2. **Connection Fees** - Each connector shall pay at a rate established by City Resolution fees for the following:

a. Connection Fees for each connection. In addition fees may include the inspection of the connection of the building sewer to the lateral sewer.

b. Additional fee for the inspection of the connection of the sewer line from the main sewer to the building sewer.

c. Backflow Protective Service Inspection Fee providing a backflow protective device is required to be installed in accordance with this Ordinance.

d. Industrial Sewer Connection Permit, which fee shall be paid for issuing a permit and inspecting an industrial building sewer installation.

e. Septic Tank leach line or other Private System Permit, which fee shall be paid for issuing and processing a permit and inspection of installed system.

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- B. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.
3. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
4. The individuals described in Paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters from the company, and the written authorization is submitted to the City.

Beneficial Uses Beneficial uses are uses of the waters of the State that may be protected against quality degradation including, but not limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, athletic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible, as specified by Federal or State law.

Biochemical Oxygen Demand (BOD) BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20N Celsius, expressed in terms of weight and concentration (milligrams per liter).

Building Any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Building Sewer Means that portion of any sewer beginning at the plumbing or drainage outlet of any building or facility and running to the property line, or to a private sewage disposal system, or to a public way or easement.

Categorical A Categorical industry is an industrial user which is subject to National Categorical Pretreatment Standards and is listed in 40 CFR Part 403, Appendix C (as amended).

Cesspool Means a lined excavation in the ground which receives the discharge of a drainage system or part thereof, so designed as to retain the organic matter and solids discharging therein, but permitting the liquids to seep through the bottom and sides.

City The City of El Paso de Robles in the County of San Luis Obispo, State of California.

City Attorney An attorney appointed by the City Council to represent the City.

City Council City Council means the five person City Council Members elected at large from within the City boundaries and empowered as a group acting in public meetings to legislate in all matters related to the City's jurisdiction established by the laws of the State of California.

City Engineer The Engineer appointed by and acting for the City Council and shall be a Registered Civil Engineer.

City Inspector City Inspector is the inspector acting for the City Council and may be the engineer or inspector appointed by the City Engineer.

Code of Federal Regulations (CFR) The CFR is a document of the United States Government presenting Federal agency rules, regulations and guidelines.

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3. **Outside Sewers** - Permission shall not be granted to connect any lot or parcel of land outside the City to any public sewer in or under the jurisdiction of the City, unless a permit is obtained by direct approval of the City Council. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, his successors and assigns to abide by all ordinances rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith. It shall be the Policy of the City to NOT grant outside sewer permits except where exceptional circumstances warrant and when benefit to the City will result by providing outside sewer service.

4. **Permit Optional** - The granting of such permission for an outside sewer in any extent shall be optional with the City Council.

5. **Special Outside Agreement** - Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the City.

6. **Time Limit on Permits** - If work under a permit is not commenced within six months from the date of issuance or if after partial completion, the work be discontinued for a period of one year, 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. Permits issued as "will serve" letters issued prior to the adoption of this code shall be in force for the time specified therein or one (1) year from the date of Code adoption whichever is the lesser time.

M. REIMBURSEMENT OF EXCESS COSTS:

1. **Excess costs** - Excess costs equal the sum of the following:
 a. **Oversizing:** As provided in Section E, (8) "Oversize and Off-Development Sewers", the estimated cost of installing the size of line required to serve the applicant's needs (12" minimum) and the actual cost of installing a larger line, at the direction of the City.

b. **Off-development:** A pro rata share of the costs of installing all sewer lines and appurtenances beyond the property line of installer where sewer lines are wholly outside the property of applicant and are subject to probable future use by connectors other than applicant.

2. **Approval of Excess Costs - Credit Thereof to Reimbursement Account** - City shall have the right to audit the excess costs submitted by applicant, and to approve for reimbursement only so much thereof as it determines to be just and reasonable. Such excess cost, if any, shall be computed when said line is completed by applicant and accepted by the City, and said amount shall be credited in the name of the applicant to the Reimbursement Account for the segment or segments of the sewer system constructed by applicant.

3. Source of Reimbursement Funds -

a. **Oversizing:** The City will deposit in the applicant's Reimbursement Account the excess costs involved in installing oversize lines as described in Section K, 1 "Excess Costs", a. "Oversizing", above.

b. **Off-development Sewers:** Funds for reimbursement of off-development sewers as described in 1. "Excess Costs", b. "Off-development" above are obtained from future connections to said sewer.

4. **Disbursement from Reimbursement Account** - Semi-annually, all fees credited to each applicants reimbursement account shall be disbursed to applicants.

5. **Termination of Right to Reimbursement** - The applicant shall be carried on said Reimbursement Account until one of the following shall first occur:

a. **Total Reimbursement:** Distribution to applicant of an amount equal to total excess costs approved by the City.

b. **Expiration of Agreement:** The lapse of ten (10) years from date of acceptance by City of sewer into City Sewerage System.

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c. **Withdrawal:** The withdrawal of said sewer lines or of the property sewered thereby from the City.

Upon occurrence of b. or c. above, the City shall succeed to the reimbursement credit to the applicant, unless otherwise established by agreement, and shall be entitled to all payment due thereon.

N. SEWER SERVICE CHARGES:

1. **General** - The City has the right and shall levy a sewer service charge upon each premise, which is discharging sewage that ultimately passes through the sewer system of the City. The sewer service charge shall be established by City resolution and shall be adjusted from time to time as deemed necessary by the City Council. Such resolution shall provide a base rate which may be established by user group with rates set by reasonable benefit from ability to discharge into the City sewer system.

2. **Outside Users** - The applicant shall agree to pay all fees and charges for securing a permit find a monthly fee in an amount set for outside users by resolution for the privilege of using such sewer.

3. **When Service Charges are Due** - All accounts are due upon receipt and payable at City Hall. Bills are sent as a courtesy and failure to receive a bill does not relieve owner of responsibility to pay, or of penalties levied for non-payment.

O. ANNEXATION REQUIREMENTS:

1. **Conditions** - As a condition of annexation to the City (or connection to the City sewerage System) the owners of property petitioning for annexation or sewer service shall, as a condition precedent thereto, pay to the City the applicable sums:

a. **Processing Costs:** The actual cost of preparation of maps, legal descriptions, publication charges, and any and all other applicable charges.

b. **Fees:** Amounts fixed by the City as contribution of such areas annexed or serviced toward the costs of the City's then existing sewerage system.

2. **Payment of Processing Costs and Fees** - The fees shall be paid prior to the issuance of a permit as called for in this Ordinance.

In addition to the requirement of payment of fees prior to issuance of a permit, a further requirement shall be the necessity of paying all fees prior to the issuance of a City Building Permit, or the approval by the City of a final tract map, or approval by the City of any other form of map or description for a development which requires sewer service.

3. **Adjustment of Costs and Fees** - The City Council reserves the right to adjust the above costs and fees or provide for additional terms and conditions at or before any meeting or public hearing on any annexation.

P. LIABILITY AND ENFORCEMENT:

1. **Liability** - The City and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property during or growing out of the performance of any work by any such applicant or agent of applicant. The applicant shall be answerable for, and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of applicants work or any failure which may develop therein.

2. **Liability for Violation** - Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

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3. Enforcement -

a. Any person found to be violating any provision of this Ordinance shall be served by the City Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

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 provision of this Ordinance. Upon being notified by the City Manager 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.

b. Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this Ordinance is hereby declared to be a public nuisance. The City may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

c. As an alternative method of enforcing the provisions of this Ordinance, the City Manager shall have the power to disconnect the user from the sewer mains of the City. Upon disconnection, the City Manager shall estimate the cost of disconnection 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 City Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

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

Section 4.

Section 14.12.010 of Title 14 is repealed in its entirety and replaced with the following:

Section 14.12.010 Sewer, Water Connections - Required When

Whenever the City Council shall determine by resolution of intention under the general streets laws of the state of California to improve the roadway of any street or alley in the city, and after the hearing is held and the council obtains jurisdiction to order the proposed work, all owners of property whether such property be improved or unimproved on said proposed improvement, where the same has not already been done, shall and are hereby required to install and/or connect with sanitary sewer and/or water lines in said property, and to make such connection at least to property line, and are hereby required to install and/or connect with sanitary sewer and/or water lines in said property, and to make such connection at least to property line. The only exception to this requirement shall be for those property owners to whom the City Council has granted the issuance of a septic system permit. Such connections shall be made for every lot, and only where land has been divided into lots, and is not held as acreage property, provided, however, that corner lots where neither or none of the streets adjoining such lots have been permanently improved, the property owner may exercise his choice as to the street the connection shall be made on, but he must inform the street superintendent in writing of his choice as to the particular street in that regard, before the city shall have obtained the jurisdiction or order said work and improvement done; otherwise the street superintendent shall select the street on which connections shall be made. (Ord. 251 N.S. § 1, 1962).

Section 5.

Section 17.04.050G is added to Title 17 as follows:

G. The following portions of the "Uniform Plumbing Code," 1988 Edition, are hereby deleted:

- (1). Table I-1, entitled "Location of Sewage Disposal System"
- (2). Section I-4 (Percolation Tests)
- (3). Section I-8 (Cesspools)
- (4). Table I-4, entitled "Design Criteria of 5 Typical Soils"
- (5). Table I-5

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Section 6.

Section 17.04.050H is added to Title 17 as follows:

H. Private Sewage Disposal Systems - The design, installation, operation and maintenance of private sewage disposal systems shall be in conformance with Appendix I of the Uniform Plumbing Code and with standards specified in this Section. Where specific standards are not provided within this Title or where the Administrative Authority determines that higher requirements are necessary to maintain a safe and sanitary condition, the "Manual of Septic Tank Practice" (published by the United States Department of Health, Education and Welfare), the "Design Manual - On-site Wastewater Treatment and Disposal Systems" (published by the United States Environmental Protection Agency), and the State of California "Water Quality Control Plan, Central Coast Basin" (Said "Basin Plan" is contained within Resolution 83-12 of the Regional Water Quality Control Board of the Central Coast Region) shall be used as guidelines by the Administrative Authority. It is the intent of these modifications that they be consistent with the specific Prohibitions contained within said Basin Plan. Should any private disposal system design specification, presented below herein, appear to be in conflict with said State prohibitions, the specifications of said prohibitions shall prevail. A completed copy of the check list entitled "Check List - Conformance with Individual/Community On-Site Sewage Disposal Systems Policy (Resolution 83-12)", as prepared by the State and modified by the City, further expands on design and operation considerations.

a. Percolation Test - An on-site investigation shall be made in order to determine the suitability of a particular site for a private sewage disposal system and to provide the data necessary to design a private sewage disposal system. A percolation test shall be required prior to issuance of a permit for all new or enlarged private sewerage disposal systems. The following percolation test procedure shall be used in performing percolation tests, except that other accepted test procedures may be used when approved by the Administrative Authority.

1. Number and Location of Test Holes: A minimum of three separate test holes spaced uniformly through and located in the immediate vicinity of the proposed leach field site shall be made.

2. Type of Test Holes: The test hole shall have horizontal dimensions between 4 and 12 inches and vertical sides to the depth of the absorption trench.

3. Preparation of Test Hole: Seared soil surfaces shall be removed from the sides and bottom of the tests hole to provide a natural soils interface. All loose material shall be removed from the test hold. Two inches of coarse sand or fine gravel shall be added to the test hole to protect the bottom from scouring and sediment.

4. Soil Saturation and Swelling: The test hole is to be carefully filled to a depth of one foot above the gravel or sand with clear water which is to be kept in the hole for at least four hours but preferably overnight. This step may be omitted in sandy soils containing little or no clay.

5. Measurement of Percolation Rate: The percolation rate shall be determined twenty-four hours after water is first added to the test holes; except, in sandy soils containing little or no clay, the percolation rate shall be determined after the water from one filling of the test hole has completely seeped away.

i) If water remains in the test hole after the overnight swelling period, adjust the depth to approximately six inches over the gravel or sand and, from a fixed reference point, measure the drop in water level over a thirty minute period to calculate the percolation rate.

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ii) If no water remains in the test hole after the overnight swelling period, add clear water to bring the depth of water in the test hole to approximately six inches over the gravel or sand. Form a fixed reference point, measure the drop in water level at approximately thirty minute intervals over four hours refilling six inches over the gravel or sand as necessary. The drop that occurs during the final thirty minute period is used to calculate the percolation rate. The drops during prior periods provide information for possible modification of the test procedure to suit local conditions.

iii) In sandy soils (or in other soils in which the first six inches of water seeps away in less than thirty minutes after the overnight swelling period), the time interval between measurements shall be taken as ten minutes and the test shall run for one hour with the drop during the final ten minutes being used to calculate the percolation rate.

6. Deep Boring: A soils boring, to a minimum depth of ten (10) feet below the bottom of the absorption trench, shall be made in order to determine the presence of bedrock and/or ground water.

b. General Design Standards - The following standards shall be used in the design of new or enlarged private sewage disposal systems where the percolation rate does not exceed 60 minutes per inch.

1. Determination of Size of Absorption Area: The absorption area, measured in lineal feet of absorption trench, shall be calculated as set forth in this Section. Tables 4-1 (Absorption Area Requirements) and 4-2 (Standard Trench Adjustment Factors), included in this Subsection, shall be referred to as necessary.

$$\frac{(\text{absorption area per bedroom}) \times (\text{no. of bedrooms})}{(\text{width of trench, in feet})} \times (\text{standard trench adjustment factor})$$

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TABLE 4-1. Absorption Area Requirements.

Percolation Rate (Minutes/Inch)	Absorption Area Per Bedroom (Square Feet)
0 - 9	150
10	165
11-15	190
16-20	215
21-25	230
26-30	250
31-35	270
36-40	285
41-45	300
46-50	315
51-60	330

TABLE 4-2. Standard Trench Adjustment Factor

Depth of Gravel Below Pipe (in inches)	Trench Width (in inches)									
	12	18	24	30	36	42	48	54	60	
12	.75	.78	.80	.82	.83	.85	.86	.87	.87	
18	.60	.64	.66	.69	.71	.73	.75	.77	.78	
24	.50	.54	.57	.60	.62	.64	.66	.68	.70	
30	.43	.47	.50	.53	.55	.58	.60	.62	.64	
36	.37	.41	.44	.47	.50	.52	.54	.56	.58	
42	.33	.37	.40	.43	.45	.48	.50	.52	.54	
48	.30	.33	.36	.39	.42	.44	.46	.48	.50	

For trenches not shown in Table 4-2, the standard trench adjustment factor maybe computed as follows:

$$\frac{W + 2}{W + 1 + 2D}$$

Where W = width of trench (in feet)

D = depth of gravel below pipe (in feet)
in permeable soil layer

2. Location of Private Sewage Disposal Systems: The minimum distance between components of a private sewage disposal system and other site features shall be as set forth in Table 4-3 (Horizontal Distance Separation) and Table 4-4 (Vertical Distance Separation). Where physical limitations on a site preclude conformance with distance separation requirements, the Administrative Authority may approve a lesser separation when the design is prepared by a registered engineer competent in sanitary engineering and when adequate substantiating data is submitted with the design. The Administrative Authority shall not approve a separation less than that set forth in the "Water Quality Control Plan - Central Coast Region" unless the Regional Water Quality Control Board or its designated representatives have previously approved the design.

Specific Prohibitions not otherwise contained within other portions of this section include:

- (a) Areas subject to inundation from a 10-year flood.
- (b) Any site unable to maintain subsurface disposal system by conventional construction and maintenance equipment.
- (c) Systems designed to serve 5 parcels or more than 5 dwelling units, unless:
 - i) Sewerage facilities are operated by a public agency, unless it is demonstrated to the Board that an existing public agency is unavailable and formation of a new

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public agency is unreasonable. If such a demonstration is made, a private entity must be established with adequate financial, legal and institutional resources to assume responsibility for waste discharges.

ii) Dual disposal systems are installed (200% of total of original calculated disposal area).

iii) An expansion area is included for replacement of the original system (300% of total of original calculated disposal area).

iv) Community systems provide duplicate individual equipment components for components subject to failure.

v) Discharge from community systems does not exceed 40 grams per day total nitrogen, on the average, per 2 acre of total development overlying ground water recharge area, unless City adopts a Wastewater Management Plan that has been approved by the Regional Water Quality Control Board.

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TABLE 4-3. Horizontal Distance Separation (in feet)

	Building Sewer	Septic Tank	Leach Field or Seepage Bed	Seepage Pit
Buildings or structures, including porches, steps, breezeways, patios, and carports whether covered or not	2	5	(1) 8	8
Property Line	(2) Clear	5	5	10
Water Supply Well	(3) 50	50	100	150
Streams, when shown 7 1/2 minute USGS Map and/or when a defined channel with definite bed and banks exists	50	50	100	150
Swales, ephemeral draws, or other natural watercourses with drainage areas larger than 10 acres	50	50	50	50
Seepage Pits	--	5	5	20
Trees	--	10	--	10
Watercourse where geologic conditions permit water migration	--	100	100	100
Leach Field or Seepage bed	--	5	6	5
On-site domestic water service line	(4) 1	5	5	5
Distribution Box	--	--	5	5
Pressure Public Water Main	(5) 10	10	10	10
Sloping ground, cuts, or other embankments	--	--	(6) 15	(6) 15
Reservoirs, (including ponds, lakes, tanks, basins, etc. for storage, regulation and control of water, recreation, power, flood control and drinking)	200	200	(7) 200	(7) 200
Springs, domestic water supply wells in unconfined aquifer	100	100	100	100

(1) Distance separation shall be increased to twenty (20) feet when building or structure is located on a downward slope below a leach field, see pagebed and seepage pit.

(2) See Section 315(c) of Uniform Plumbing Code.

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- (3) Distance separation may be reduced to twenty-five (25) feet when the drainage piping is constructed of materials approved for use within a building.
- (4) See Section 1108 of Uniform Plumbing Code.
- (5) For parallel construction of crossings, approval by the Health Department shall be required.
- (6) Distance is measured as horizontal distance to daylight. This distance may be reduced where it is demonstrated that favorable geologic conditions and soil permeability exist based on a report and analysis prepared by a licensed geologist or soils engineer. If slope of natural grade is greater than 30%, setback shall be a minimum of 100 feet.
- (7) Distance is measured at spillway elevation.

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TABLE 4-4. Vertical Distance Separation (in feet) (1)

Percolation Rate (Min./In.)	Leach Field or Seepage Bed Above Ground Water or Bedrock		Seepage (3) Pit Above Ground Water or Bedrock	
	Individual Residence	Community	Individual System	Community
<1	(2) 50 ft.	(2) 50 ft.	(2) 10 ft.*	(2) 50 ft.
1-4	(2) 20 ft.	(2) 20 ft.	(2) 10 ft.*	(2) 20 ft.*
5-29	8 ft.	15 ft.	10 ft.*	15 ft.*
>30	5 ft.	Not Permitted	10 ft.*	Not Permitted
Bedrock	10 ft.	10 ft.	10 ft.*	10 ft.

***Ultimate Determining Factor**
 50 Feet for Gravel (2)
 20 Feet for Gravel with Few Fines (2)
 10 Feet for Other Soil Types for Individual System
 15 Feet for Other Soil Types for Community System

1. Distance is measured from bottom of trench or pit.
2. Unless a setback distance of at least 250 feet to any domestic water supply well or surface well is assured.
3. Separation distances from seepage pits to ground water is dependent upon specific soil types and not to percolation rate.

3. Additional Standards:

i) Existing legal building sites which are served by an individual on-site well may be approved for a private sewage disposal system only if the site is one acre or larger in size.

ii) Private sewage disposal systems proposed to be installed on slopes of 20% or more shall be designed by and have their installation inspected and certified by a registered civil engineer. The design shall minimize grading disruption associated with access for installation and maintenance. Such systems shall be prohibited on slopes of 30% or more, unless approved by both the Administrative Authority and the Regional Water Quality Control Board.

iii) When the percolation rate exceeds 30 minutes/inch, a private sewage disposal system shall be designed, inspected, and certified to work by a registered civil engineer.

iv) When the percolation rate exceeds 60 minutes/inch, a private sewage disposal system using soil absorption shall not be allowed.

v) Expansion area shall be provided on all building sites, shall be identified on all plans submitted for private sewage disposal systems, and shall remain available for system expansion. If areas reserved for system expansion are not accessible for future installation, then the expansion area shall be installed with the original system.

vi) Septic tanks should be designed to remove nearly 100% of settleable solids and should provide a high degree of anaerobic decomposition of colloidal and soluble organic solids.

vii) Tank design must allow access for inspection and cleaning. The septic tank must be accessible for pumping.

viii) Leachfield and seepage pit application rates should not exceed the following:

Percolation Rate min./in.	Leachfield Loading Rate g.p.d./sq. ft.	Seepage Pit Loading Rate g.p.d./sq. ft.
1-20	0.8	0.3
21-30	0.6	0.3
31-60	0.25	0.3
60-120	0.10	

ix) Drainfield design should be based only upon usable permeable soil layers.

x) The minimum design flow rate should be 375 gallon per day per dwelling unit.

xi) Distance between drainfield trenches should be at least two times the effective trench depth.

xii) For commercial systems, small institutions, or sanitary industrial systems, design shall be based on daily peak flow.

xiii) For commercial and institutional systems, pre-treatment may be necessary if wastewater is significantly different from domestic wastewater.

xiv) Commercial systems, institutional systems, or domestic industrial systems shall reserve a 100% expansion area (i.e. dual drainfields must be installed and area for replacement of drainfield must be provided) to be set aside and protected from all uses except future drainfield repair and replacement.

xv) Nutrient and heavy metal removal should be facilitated by planting ground cover vegetation over shallow subsurface drainfields. The plants must have the following characteristics: (1) evergreen, (2) shallow root systems, (3) numerous leaves, (4) salt resistant, (5) ability to grow in soggy soils, and (6) low or no maintenance. Plants downstream of leaching area may also be effective in nutrient removal.

xvi) When percolation rate is slower than 30 minutes per inch, a private sewage system using a seepage pit shall not be allowed.

xvii) Drainage fields or seepage pits within soils or formations containing continuous channels, cracks or fractures are prohibited.

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Commercial Establishments Commercial establishments are any buildings used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic wastes, but may also contain some industrial wastes.

Compatible Pollutant Compatible Pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the POTW's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutant.

Connector Any owner or renter of any premise connected to the sewer system.

Contamination Contamination is 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 waters of the State are affected.

Contractor 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.

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

County County of San Luis Obispo in the State of California.

Definitions Terms not otherwise defined herein shall be construed in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by standard methods unless expressly stated, or as established by Federal or State regulatory agencies.

Director of Public Works Director of Public Works is the Manager employed by and acting under the direction and at the pleasure of the City Council.

Discharge Discharge means to pump, to place, to deposit, to permit or to cause to flow.

Domestic Wastes Domestic wastes are liquid wastes (a) from the non-commercial preparation, cooking and handling of food; (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions; or (c) carrying laundry water and kitchen waste from residential, business or institutional buildings.

Dwelling Unit Fixture units are tabulated in accordance with the Uniform Plumbing Code, latest Edition.

EPA EPA is the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

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

Frontage Is normally the distance in feet that a parcel of land abuts on an existing street.

Garbage Garbage is solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

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xviii) Retention Reservoirs - Within a reservoir watershed where the density for each resultant parcel is less than 2.5 acres, unless specifically addressed within a current Wastewater Management Plan.

c. Special Design Standards - The following standards shall be used in the design of new or enlarged private sewage disposal systems where the percolation rate is slower than 60 minutes per inch. Designs for alternate types of private sewage disposal systems shall be by registered engineers competent in sanitary engineering and may be approved by the Administrative Authority when the design engineer submits adequate substantiation data with the design.

Leachfields will not be approved for percolation rates slower than 120 min./in, unless the parcel size is a minimum of two (2) acres.

Seepage pits will not be considered for use where soils or formations contain 60% or greater clay, unless parcel size is at least two (2) acres.

1. Determination of Size of Disposal Field. The size of the disposal field shall be determined by the design engineer using methods of accepted engineering practice including manuals and documents specified in this Chapter.

2. Location of Private Sewage Disposal System. The minimum distance between components of a private sewage disposal system and other site features shall be as set forth in Table 4-3 (Horizontal Distance Separation) and Table 4-4 (Vertical Distance Separation) using the column entitled "Leach Field and Seepage Bed."

3. Additional Standards:

i) When private sewage disposal systems are designed pursuant to Subsection (c) of the Section, the design engineer shall provide the owner with information on the location, design, operation and maintenance of the private sewage disposal system.

ii) Existing legal building sites which are served by an individual on-site well may be approved for a private sewage disposal system only if the site is one acre or larger in size.

iii) Expansion area shall be provided on all building sites, shall be identified on all plans submitted for private sewage disposal systems, and shall remain available for system expansion. If areas reserved for system expansion are not accessible for future installation, then the expansion area shall be installed with the original system.

d. Replacement of Existing Private Sewage Disposal System - Where an existing private sewage disposal system has failed, the replacement system shall be designed in conformance with this Chapter and shall be designed, inspected and certified to work by a registered engineer competent in sanitary engineering. In the event that the replacement system cannot be designed to conform with this Chapter, the Administrative Authority may approve a system designed to lesser standards when it is designed, inspected, and certified to work by a registered engineer competent in sanitary engineering.

1. A private sewage disposal system shall not be replaced by another system if sewers are available.

2. For systems installed after September 16, 1983 the Administrative Authority shall not approve a replacement system which does not conform with prohibitions set forth in the "Water Quality Control Plan - Central Coast Basin".

For rehabilitation of systems installed prior to September 16, 1983 the provisions of the Basin Plan shall be followed as closely as determined practicable by the City Engineer.

Section 7.

Section 22.24.100 of Title 22 is repealed in its entirety and replaced with the following:

Section 22.24.100 Sewers - Required

Sanitary sewer facilities connecting with the existing city or county sewer system shall be installed to serve each lot and to grades, locations, design and sizes approved by the city engineer. No cesspools will be permitted. For lots or parcels that have received a City Council approved septic system permit, a dry sewer lateral shall be provided for future connection to the City sewer system as may be specified within said permit or as may be required by the City Engineer. Storm water sewers shall be installed as required by the City Engineer.

Section 8.

Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the city in accordance with Section 36933 of the Government Code.

Section 9.

Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Section 10.

Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City Ordinance(s), motion, resolution, rule, or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

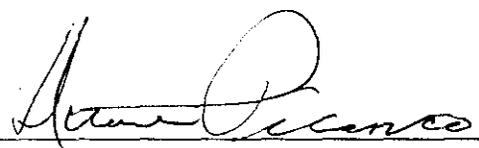
Section 11.

Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

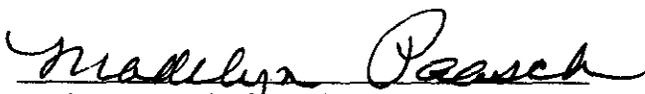
Introduced at a regular meeting of the City Council held on February 4, 1997, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of February, 1997, by the following roll call vote:

- AYES: Baron, Iversen, Macklin, Swanson, and Picanco
- NOES: None
- ABSENT: None
- ABSTAIN: None



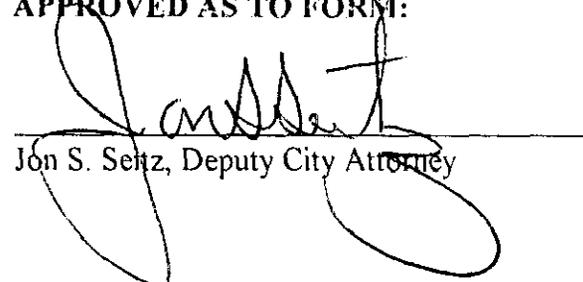
 Duane Picanco, Mayor
 City of El Paso de Robles

ATTEST:



 Madelyn Paasch, City Clerk

APPROVED AS TO FORM:



 Jon S. Seltz, Deputy City Attorney

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

Health Department Means State or County Health Department.

Household Waste(s) The used water and solids from homes that flow to a treatment plant. The preferred term is wastewater (also see "Domestic Wastes").

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

Industrial User Industrial user is any non-domestic source of indirect discharge including, but not limited to, industrial establishment or buildings that discharge, in addition to domestic wastes wastewater containing any of the constituents referenced in Articles III and IV of this Ordinance.

Industrial Wastewater Industrial wastewater is the liquid waste resulting from the process employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes. This includes wastewater from a source other than an industrial plant or facility which introduces toxic pollutants as defined in 40 CFR 233.1(w), into publicly owned treatment works, including, without limitation: medical offices; dental offices; hospitals; schools; restaurants; research, education and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial and public users of pesticides and fertilizers; gas stations; and septage collection and disposal.

Infectious Waste Infectious waste is waste which contains pathogenic organisms that can invade the tissues of the body and cause disease.

Installer Is any person who installs main or lateral sewers within the City service area for connection to the City sewerage system.

Instantaneous Maximum Allowable Discharge Limit The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Institutional Facilities Institutional facilities are any publicly or privately owned school, and any publicly owned or leased building from which Federal, State, County, City or special City activities are conducted or offered for public consumption. Such facilities shall include schools, hospitals, jails, libraries, offices, equipment yards and maintenance buildings, laboratories, parks, rubbish stations, detention homes and fire stations.

Interference Interference means any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) Inhibits, disrupts, or damages the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder for more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA)]; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Lateral Sewer Means the portion of sewer lying within a public way or easement connecting a building sewer to the main sewer.

Main Sewer Means a public sewer designated to accommodate more than one lateral sewer, in which all owners of abutting properties have equal rights and is controlled by public authority.

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Mass Emission Rate Mass emission rate is 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.

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

National Categorical Pretreatment Standard National Categorical Pretreatment Standard is any regulation containing pollutant discharge limit applying to a specific category of Industrial Users which is promulgated by the Environmental Protection Agency in accordance with 40 CFR, Chapter 1, Subchapter N, Parts 401-471 and, specifically, in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1349).

National Pollutant Discharge Elimination System (NPDES) NPDES is the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act.

New Source Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act and as further defined in 40 CFR 403.3(k)(1).

Non-Compatible Pollutant Non-compatible pollutant is any pollutant which is not a compatible pollutant as defined in this Article.

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

NPDES Permit An NPDES Permit is the regulatory agency document designed to control all discharges of pollutants from point sources into U.S. waterways. NPDES permits regulate discharges into navigable waters from all point sources of pollution including industries, municipal treatment plants, large agricultural feed lots and return irrigation flows. A NPDES permit may be issued to a POTW pursuant to Section 402 of the Act.

Nuisance Nuisance is 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 or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

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

Pathogenic Organisms Pathogenic organisms are bacteria and viruses which cause disease and which may be contained in specimens.

Permit Permit is any written authorization required pursuant to this or any other rule, regulation or Ordinance of the City for the installation of any sewage facilities.

Person Person is any individual, firm, company, partnership, association, and private, public or municipal corporations, the United States of America, the State of California, and all political subdivisions, district and governmental agencies thereof.

pH pH is the logarithm of the reciprocal of the concentration of hydrogen ions per liter of solution.

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Plumbing System Means all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three feet (3') outside the building wall.

Point Source Point source is any discernible, confined or discrete conveyance from which pollutants are or may be discharged, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft.

Pollutant Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

Polychlorinated Biphenyls (PCB) PCB is a group of synthetic organic compounds.

Premises Premises is any lot parcel of real estate, including any improvements thereon which is determined by the City to be a single user for purposes of receiving, using and paying for Service.

Pretreatment Pretreatment is 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 the City's sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes, except as prohibited by 40 CFR 403.6(d).

Pretreatment Requirements Pretreatment requirements are any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial discharger.

Pretreatment Standard Pretreatment standard is any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) et. seq. of the Act which applies to Industrial Users. These include categorical standards which establish specific concentration limit for certain pollutants and total prohibition of other pollutants as specified in 40 CFR 403 et. seq., as well as local limits adopted by the City of El Paso de Robles including, but not limited to, those discharge limitations contained in Table A of this Ordinance.

Private Sewer Means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings.

Prohibited Discharge Standards or Prohibited Discharges Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section F of this Ordinance.

Public Sewer Public sewer is a sewer in a public right-of-way or easement held by the City or any sewer construction by or owned by the City, and which is controlled by or under the authority of the City.

Publicly Owned Treatment Works (POTW) A POTW as defined by Section 212 of the Act, which is owned by a State or Municipality (as defined in Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

POTW Treatment Plant POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. This term shall also be construed to mean City's treatment plant.

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

Sanitary Wastewater Sanitary wastewater is: 1) Domestic wastewater with storm and surface water excluded; 2) Wastewater discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), commercial buildings, industrial facilities or institutions; and 3) The water supply of a community after it has been used and discharged into a sewer.

Septage Septage is sludge produced in individual on-site wastewater disposal systems such as septic tanks and cesspools.

Septic Tank Disposal System A water-tight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint piping meeting the requirements of the code.

Septic Tank Waste Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage Sewage is a combination of water-carried wastes from buildings and industrial establishments connected to the sewage system of City or from any private sewer.

Sewage System or Sewerage System Sewage system or sewerage system are all City facilities for the collection, pumping, treating and disposing of sewage.

Sewer Sewer is a pipe or conduit which transports wastewater, into which storm, surface, and ground waters are not intentionally admitted.

Significant Industrial User Significant industrial user is any industrial user of the City's sewerage system:

1. A user subject to categorical pretreatment standards; or
2. A user that:
 - (a) Discharges an average of 25,000 gallons or more per day of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process waste stream which makes up five percent (5%) or more of the average daily dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Determined to be classified as a categorical industry as regulated under Federal Categorical Pretreatment Standards; or
 - (d) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or a user
 - (e) Whose flow, as found by the City, the Regional Water Quality Control Board or the State Water Resources Control Board has reasonable potential for adversely affecting, either singly or in combination with other contributing industries, the operation of the City's treatment plant or the quality of the effluent from the POTW, which may cause the City to violate its NPDES permit or any pretreatment standard or requirement.

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3. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug Load or Slug Any discharge at a rate or concentration which could cause a violation of the prohibited discharge standards in Section F of this Ordinance.

Standard Industrial Classification (SIC) SIC is the compilation of industrial groups and their economic activities which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

Storm Water Storm water is any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

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

Superintendent The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

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

Total Identifiable Chlorinated Hydrocarbons (TICH) TICH are those organic compounds listed under 40 CFR 401.15 which include certain organochlorine pesticides and Polychlorinated Biphenyls (PCB's).

Toxic Substances Toxic substances are any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469) and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment of which may interfere with the biological processes of, the efficiency of, or that will pass through the POTW.

Unit One unit is equal to 330 gallons per day, or 44 cubic feet per day.

Unpolluted Water Unpolluted water is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

User or Industrial User User is any person who discharges, causes or permits the discharge of wastewater into the City's sewage system. The term "discharger" as used herein shall be construed to mean a user. A source of indirect discharge.

User Classification User classification is a classification of user based on the 1987 (or subsequent) edition of the Standard Industrial Classification Manual (SIC) prepared by the Office of Management and Budget.

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

Wastewater Wastewater is waste and water, whether treated or untreated, discharged into or permitted to enter the City's sewer system.

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