

# **NAPA SANITATION DISTRICT**

## **SEWER USE ORDINANCE NO. 87**

Adopted September 15, 2010  
Revised by Ordinance 88 September 15, 2010

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE INSTALLATION OF SEWER LATERALS AND PUBLIC SEWER MAIN EXTENSIONS, PROVIDING FOR EMPLOYMENT OF A GENERAL MANAGER, PROVIDING PERMITS AND FIXING FEES FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, ESTABLISHING CHARGES, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF

### **NAPA SANITATION DISTRICT**

The Board of Directors of the Napa Sanitation District, Napa County, California, does ordain as follows:

THIS ORDINANCE SETS UNIFORM REQUIREMENTS FOR DISCHARGES INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM AND ENABLES THE DISTRICT TO COMPLY WITH THE ADMINISTRATIVE PROVISIONS OF THE CLEAN WATER GRANT REGULATIONS, THE WATER QUALITY REQUIREMENTS SET BY THE REGIONAL 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 OR FEDERAL LAW, AND DERIVE THE MAXIMUM PUBLIC BENEFIT BY REGULATING THE QUALITY AND QUANTITY OF WASTEWATER DISCHARGED INTO THE DISTRICT SEWER SYSTEM. THIS ORDINANCE PROVIDES A MEANS FOR DETERMINING WASTEWATER VOLUMES, FEES, AND THE ISSUANCE OF PERMITS TO CERTAIN USERS. REVENUES DERIVED FROM THE APPLICATION OF THIS ORDINANCE SHALL BE USED TO DEFRAID THE DISTRICT'S COST OF OPERATING AND MAINTAINING ADEQUATE WASTEWATER COLLECTION AND TREATMENT SYSTEMS AND TO PROVIDE SUFFICIENT FUNDS FOR CAPITAL OUTLAY, BOND SERVICE COSTS, CAPITAL IMPROVEMENTS AND DEPRECIATION.

This Ordinance shall apply to all parcels that are within the boundaries of the Napa Sanitation District, and to all persons in the County of Napa, who are, by agreement, Users of the Napa Sanitation District treatment works. No waste from outside Napa County may be discharged into the Napa Sanitation District's treatment works unless granted special permission by the General Manager.

## **ARTICLE 1**

### **Definitions**

Sec. 101       **Definitions.** The following terms, as used in this Ordinance, shall have the meanings hereinafter designated unless the context specifically indicates otherwise:

**Act** - shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C.1251 et seq. (40CFR 403).

**Actual Peak Day EDU** – shall mean the maximum daily loading occurring in a 24-hour monitoring period.

**Administrator** – shall mean the Administrator of the United States Environmental Protection Agency.

**Algaecide** – shall mean a chemical agent specifically designed and used to kill or inhibit the growth of algae; also an agent or substance used to prevent or get rid of algae.

**Annexation Fee** – shall mean a fee for the process of inclusion of property into District boundaries by proper legal procedures. Annexations must be processed through the Local Agency Formation Commission.

**Applicable Pretreatment Standard** – shall mean the Federal, State or local discharge limit, whichever is most stringent.

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

**Approval Authority** – shall mean the Director in an NPDES State with an approved State pretreatment program and the appropriate EPA Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program (40 CFR 403.3). The Approval Authority approves POTW pretreatment programs, oversees POTW program implementation, and assumes the responsibility of the Control Authority for those POTWs that do not have a pretreatment program. (40CFR 403)

**Approved Laboratory Procedure** – shall mean any method contained in 40CFR Part 136 and amendments thereto or otherwise approved by EPA for the determination of flow measurement or pollutant concentration of discharges to the public sanitary sewer system.

**Authorized or Duly Authorized Representative of the User** – shall mean

(1) 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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(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 government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly 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 for the company, and the written authorization is submitted to the District.

**Auxiliary Building** – shall mean any secondary or supporting structure to a facility located on a non-residential parcel required to be connected to the sanitary sewer system.

**Average Daily Flow Peak Month** – shall mean the average loading for any calendar month by calculating sewer service units as determined in this Ordinance. The peak month is the month with the greatest calculated sewer service units.

**Average Monthly EDU** – shall be calculated using the average daily flow, BOD, and TSS for a calendar month monitoring period.

**Bactericide** – shall mean a chemical agent specifically designed and used to kill or inhibit the growth of bacteria.

**Baseline Monitoring Report (BMR)** – shall mean a report submitted by categorical Industrial Users within 180 days after the effective date of an applicable categorical

standard, or 180 days after the final administrative decision made upon a category determination submission under 40CFR 403, whichever is later, which indicates the compliance status of the user with the categorical standard. (40CFR 403)

**Bed and Breakfast Facility** – shall mean a building that generally contains eight or less guest rooms which provides meals for guests, and is managed and occupied by the owner of the property.

**Beneficial Uses** – shall mean uses of the waters of the State that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, esthetic 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.

**Best Management Practices or BMPs** – shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40CFR 403. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Best Professional Judgment or BPJ** – shall mean the highest quality technical opinion of a permit writer, after consideration of all reasonably available and pertinent data or information, is forming the basis for the terms and conditions of a permit.

**Bioassay or Aquatic Toxicity Test** – shall mean a procedure in which the responses of aquatic organisms are used to detect or measure the presence or effect of one or more substances, wastes, or environmental factors, alone or in combination.

**Biochemical Oxygen Demand (BOD)** – shall mean a measurement of the amount of oxygen utilized in a wastewater sample, during the decomposition of organic and inorganic material and nitrogenous species.

**Board** – shall mean the Board of Directors of the Napa Sanitation District.

**Building** – shall mean any structure used for human habitation or a place of business, recreation or other purposes.

**Building Lateral or House Lateral** – shall mean that portion of a side sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line, easement line, or to a private sewage disposal system.

**Bypass** – shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.(40CFR 403)

**Capacity Charge** – shall mean a fee charged to new connections or to existing connections where a change in use or the addition of plumbing fixtures will result in increased discharge,

to pay for the sewer and treatment plant capacity allocated to them. If consistent usage exceeds initially purchased allocation, additional fees are due.

**Categorical Industrial User** – shall mean an Industrial User subject to categorical pretreatment standards.

**Categorical Industry** – shall mean an industry that is subject to the Federal Categorical Pretreatment Standards as published by the United States Environmental Protection Agency.

**Categorical Pretreatment Standards** – shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**Chain of Custody** – shall mean a written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times, and procedures followed.

**Church** – shall mean a structure, which is used as a place of worship for a congregation. If the structure contains living quarters, these shall be regarded as a separate unit chargeable at the single-family dwelling rate for each living unit.

**City** – shall mean the City of Napa, California.

**Clean Water Act (CWA)** – shall mean the same as Act or Federal Water Pollution Control Act.(40CFR 403)

**Closed-Cup Flashpoint** – shall mean an analytical procedure as defined in SW 846. Test can be performed using one of the following methods: a) 1010 Pensky-Marten Closed Cup Tester or b) 1020 Seta/Closed Cup Tester.(40CFR 503).

**Code of Federal Regulations (CFR)** – shall mean a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the Federal Government. The CFR is divided into 50 titles, which represent broad areas subject to Federal regulation. EPA's regulations are in Title 40. Each title is divided into chapters, which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations to the CFR are provided at the section level.

**Combined Wastestream Formula (CWF)** – shall mean a procedure under EPA's pretreatment regulations for calculating alternative discharge limits at industrial facilities where a regulated waste stream from a categorical industrial user is combined with other waste streams prior to treatment. (40CFR 403)

**Commercial Unit** – shall mean a single business or tenant in a structure or structures on a parcel. A structure may contain several commercial units because each separate business or tenant shall be counted as a commercial unit.

**Commercial Discharge** – shall mean any waste discharged to the sanitary sewer from businesses, light industrial and permitted ground water. This excludes domestic, stormwater, and significant industrial users.

**Compatible Pollutant** – shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the District's National Pollutant Discharge Elimination System (NPDES) Permit if the District's treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

**Concentration Limit** – shall mean a limit based on the mass of pollutant per unit volume, usually expressed in milligrams (mg) or micrograms ( $\mu\text{g}$ ) per liter.

**Condominium** – shall mean an estate in real property consisting of an undivided interest in common in a portion of real property together with a separate interest in space or a portion of such real property in a residential, industrial, or commercial building or such real property, such as an apartment, office or store.

**Condo - Hotel** – shall mean a facility meeting the definition of a hotel with ownership structured as a condominium, cooperative or other ownership/financing arrangement that is similar in function and/or operation, but shall not include timeshares in or interval or fractional ownership of a hotel.

**Confidential Business Information** – shall mean information and data on a discharger including products used, industrial processes or methods of projection, etc., which the discharger can demonstrate, to the satisfaction of the General Manager, constitute trade secrets. Effluent constituents and characteristics shall not be considered confidential information.

**Connection** – shall mean the physical union of a pipe or other sewer appurtenance to a new or existing pipe or other sewer appurtenance.

**Consistent Compliance** – shall mean an industrial user that has had no violations or had no more than one parameter in violation if that value was less than twice the most stringent limit and within 45 days of the date of violation (sample date), the industrial user has been notified of compliance status, resampled, and determined in compliance with the parameter that was violated and the apparent cause of violation has been identified and corrected.

**Contamination** – shall mean an impairment of the quality of the water 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** – shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

**Contributing Industry** – shall mean any wastewater contributor identified in the 1987 Standard Industrial Classification (SIC) Manual and subsequent revisions in any of its Divisions.

**Control Authority** – shall mean the POTW if the POTW's submission for its pretreatment program has been approved in accordance with the requirements of 40 CFR 403. The Control Authority is responsible for implementing the pretreatment program, including establishment of control mechanisms for compliance assessment and enforcement of national standards, categorical standards, and local limits. The District is the approved Control Authority.

**Conventional Pollutants** – shall mean conventional pollutants as defined by Federal law, these include BOD, TSS, fecal coliform bacteria, oil and grease, and pH. (40CFR 401)

**County** - shall mean the County of Napa, California.

**Cyanide** – shall mean an elemental complex which can exist as an un-dissociated hydrogen cyanide, free cyanide and anionic complexes of cyanide with a variety of metal cations. Commonly found in the form of cyanide salts (i.e., Sodium Cyanide, Potassium Cyanide etc.) completely dissociated in water into various anionic cyanide complexes.

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

**Daily Maximum Uniform-Concentration Limit** – shall mean the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Day(s)** – shall mean calendar day(s).

**Definition of Words** – whenever, in these specifications, the words directed, required, permitted, ordered, designated or words of like import are used, they shall be understood to mean the direction, requirement, permission, order or designation of the General Manager. Similarly, the words approved, acceptable, satisfactory, shall mean approved by, acceptable to, or satisfactory to the General Manager.

**Development Document** – shall mean a detailed report of studies conducted by the U.S. EPA for the purpose of developing categorical pretreatment standards.

**Director** – shall mean the chief administrative officer of a State or Interstate water pollution control agency with an NPDES permit program pursuant to Section 402(b) of the Act and an approved State pretreatment program. (40CFR 403)

**Discharge Permit** – shall mean any written authorization required pursuant to this or any other regulation of the District for the discharge from a contributing industry.

**District** – shall mean Napa Sanitation District (NSD).

**Domestic Sanitary Sewage** – shall mean water-carried wastes from residences, hotels, motels, and non-process wastewater from business establishments, but excluding all ground water, surface water, storm water, commercial, and industrial wastes.

**Drainage Fixture Unit Values (DFU)** – shall mean the fixture unit load values for drainage piping as computed from tables of the most recent version of the Uniform Plumbing Code.

**Enforcement Response Plan (ERP)** – shall mean the plan describing the procedures to be used by the Napa Sanitation District (District) to identify, investigate, document, and respond to instances of Industrial User (IU) non-compliance. In a step-by-step fashion, the ERP also summarizes the procedures to be followed by District staff to identify, document, and respond to pretreatment violations. This ERP provides guidance in selecting initial and follow-up enforcement actions, indicates staff responsibilities for these actions, and specifies appropriate time frames in which to take enforcement actions. The purpose of the ERP is to ensure that IUs are in compliance with Pretreatment Program requirements and that IUs are treated fairly in the event that regulations need to be enforced.

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

**Equivalent Dwelling Unit (EDU)** – shall mean the combination of flow and strength of a wastestream that is equivalent to the waste discharged from a single family home. This is often evaluated on a per day basis.

**Federal Act** – shall mean the Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the act.

**Federal Categorical Pretreatment Standards** – shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317).

**Flashpoint** – shall mean the minimum temperature at which a liquid forms a vapor above its surface in sufficient concentration to be ignited. Legally defined by the terms of the specific test procedures used to determine the flash point and boiling point of the liquid. The lowest temperature at which vapor combustion will propagate away from its source of ignition.

**Flow Equalization** – shall mean any method employed by the industry that reduces peak daily flow, BOD, and SS to within allowable limits, as determined by the General Manager.

**Flow Proportional Composite Sample** – shall mean a sampling method, which combines discrete aliquots of a sample collected over time, based on the flow of waste stream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals, which vary based on the stream flow [i.e., 200 milliliters (ml) sample collected for every 5,000 gallons discharged]. The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.

**Flow-Weighted Averaging Formula (FWA)** – shall mean a procedure used to calculate alternative limits where wastestreams regulated by a categorical pretreatment standard and non-regulated wastestreams combine after treatment but prior to the monitoring point.

**Fungicide** – shall mean a chemical agent specifically designed and used to kill or inhibit the growth of fungi or their spores.

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

**General Manager** – shall mean the person appointed by the Board to administer and enforce the rules and regulations of District.

**Government Buildings** – shall mean buildings for governmental agencies, such as Federal, State, County, City and Special Districts.

**Grab Sample** – shall mean a sample, which is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream, with a sample collection time not to exceed fifteen (15) minutes.

**Grease Interceptor, Gravity Grease Interceptor, or Vault** – shall mean a device designed to retain grease to serve one or more fixtures and is typically an outside unit.

**Grease Trap or Hydromechanical Grease Interceptor** – shall mean a device designed to retain grease from one to a maximum of four fixtures and is typically an inside unit.

**Hauled Waste** – shall mean any permitted waste transported by vehicle directly to a Napa Sanitation District POTW Treatment facility. This includes, but not limited to the following types of waste; domestic, portable toilet waste, restaurant waste, winery waste, treated waste, domestic holding tank waste, restaurant holding tank waste, winery holding tank waste and

disinfecting water waste. This does not include prohibited wastes as defined by section 706 “Prohibited Wastes” of this ordinance.

**Herbicide** – shall mean a chemical agent specifically designed and used to kill or inhibit the growth of plants, primarily weeds.

**Holding Tank Waste** – shall mean any waste from holding tanks, including but not limited to: vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**Hotel or Motel Unit** – shall mean an individual sleeping quarter, which is used, rented or hired out for occupation for sleeping purposes by guests. Multiple rooms connected by interior doors shall each be considered a unit if they can be rented separately. A Hotel or Motel unit may or may not contain cooking facilities.

**Incompatible Pollutant** – shall mean any pollutant, which is not a "compatible pollutant" as defined in this section.

**Indirect Discharge or Discharge** – shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.(40CFR 403)

**Industrial Discharger** – shall mean a source of discharge to the public sanitary sewer system from any non-domestic source as regulated under Section 307 (b), (c) or (d) of the Clean Water Act.

**Industrial User (IU) or User** – shall mean a source of Indirect Discharge. (40CFR 403)

**Industrial User Management Practices** – shall mean schedules of activities, prohibitions or practices, maintenance procedures, and other management practices designed to prevent or reduce pollution discharges. These practices may address treatment requirements, operating procedures, and practices to control spills or leaks, sludge or waste disposal, or drainage from raw material storage.

**Industrial Wastes** – shall mean the wastes of producing, manufacturing and processing operations of every kind and nature. It does not include domestic sanitary sewage, such as might be discharged from residences, hotels, motels, restaurants or business establishments.

**Insecticide** – shall mean a chemical agent specifically designed and used to kill insects.

**Insignificant Industrial User** – shall mean an industry or commercial establishments which have only domestic wastewater or that have no industrial waste flow into the District’s sewerage system.

**Insignificant Violation** – shall mean an industrial user that has had more than one parameter in violation or any one parameter in violation that exceeds twice the most stringent limit and within 45 days of the date of violation (sample date), the industrial user

has been notified of compliance status, resampled to determine compliance status, but does not fall within the significant violation classification.

**Interceptor** – shall mean a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the disposal terminal by gravity.

**Interference** – shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: inhibits or disrupts the POTW; its treatment processes or operations; or its sludge processes, use or disposal; and therefore is a cause of a violation of the 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 specified Federal statutes, regulations, or permits issued thereunder (or 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.(40CFR 403)

**Kitchen Facility** – shall mean a room or space that contains equipment used in the preparation and cooking of food.

**Lethal Toxicity or Lethal Concentration (LC)** – shall mean a toxicant concentration producing death of test organism(s).

**Live Work Unit** – shall mean a building or space in a building that is designed to provide both living and work accommodations for the occupant.

**Living Unit** – shall mean any structure or portion of a structure constructed for occupancy, which contains kitchen facilities.

**Local Limits** – shall mean technically based, defensible numerical limits imposed on dischargers to the POTW. These limits are developed to comply with the General Pretreatment Regulations.

**Lower Explosion Limit (L.E.L.)** – shall mean the minimum concentration in air at which a gas or vapor will explode or burn in the presence of an ignition source.

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

**Manifest** – shall mean a manuscript identifying and tracking all hauled wastes. This includes, but is not limited to, IU identification, type and volume of waste, destination, and required signatures.

**Material Safety Data Sheet (MSDS)** – shall mean an information document regarding chemical products and their hazardous nature.

**Maximum Allowable Peak Day EDU** – shall mean 1.5 times the permitted daily EDU during the Peak Month EDU.

**Maximum Month** – shall mean the one month that has the highest average monthly loading.

**“may” – is permissive; “shall” is mandatory**

**Medical Waste** – shall mean the discharge of isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**Medications** – also known as pharmaceuticals, shall include but not limited to: Prescription drugs such as hormones (birth control pills, estrogen replacement drugs, etc.), antidepressants, and antibiotics; Over-the-counter medications such as pain relievers (aspirin, ibuprofen, etc.), cold/flu remedies, and antiseptics (germ killing liquids); and, veterinary medicines.

**Mixed Use** – shall mean a building or building complex containing two or more distinctly different types of businesses and/or uses.

**Monitoring Facility** – shall mean a safely accessible facility located at the discharger's connection to the public sanitary sewer system or at the end of an industrial process or pretreatment system, which allows for the inspection, sampling and flow measurement of a discharge.

**Monthly Average** – shall mean the arithmetic mean of the values for effluent samples collected during a calendar month or a District specified thirty (30) day period (as opposed to a rolling thirty (30) day window).

**Monthly Average Limit** – shall mean the maximum allowable value for the average of all observations obtained during one calendar month.

**Multiple Family Dwelling** – shall mean any structure constructed for occupancy of more than one family with each separate living quarter to be referred to as a unit.

**NPDES** – shall mean the National Pollutant Discharge Elimination System (NPDES) is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. (40CFR 122)

**NPDES State** – shall mean a State (as defined in 40CFR 122) or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.(40CFR 403)

**National Pretreatment Standard, Pretreatment Standard, or Standard** – shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40CFR 403, including local limits.(40CFR 403)

**National Prohibited Discharges** – shall mean prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into POTWs set forth in 40 CFR 403.5.

**Net/Gross Calculations** – shall mean an adjustment to Categorical Pretreatment Standards to reflect the presence of pollutants in the Industrial User's intake water.(40CFR 403)

**New Source** – shall mean:

1) 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 the proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production of wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of 40CFR 403 but otherwise alters, replaces, or adds to existing process or production equipment.

3) Construction of a new source as defined under this paragraph as commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment:  
or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or

(iii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time, options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for

feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph. (40CFR 403.3)

**Ninety (90)-Day Compliance Report** – shall mean a report submitted by a categorical Industrial User, within 90 days following the date for final compliance with applicable categorical standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, that documents and certifies the compliance status of the User.(40CFR 403)

**Non-contact Cooling Water** – shall mean the water discharged from any system of heat transfer, condensation, air conditioning, refrigeration, or other sources to which no pollutant is added other than heat.

**Non-conventional Pollutants** – shall mean all pollutants that are not included in the list of conventional or toxic pollutants in 40CFR Part 401

**Non-domestic Waste** – shall mean all water carried wastes not defined as domestic sanitary sewage.

**Non-domestic Wastewater Discharger or Non-domestic Discharger** – shall mean any source of discharge of non-domestic waste to the public sanitary sewer system.

**Occupancy Permit** – shall mean a clearance form issued by the City or County Building Department that allows for the occupancy of a newly constructed building.

**Oil and Grease (Mineral, Vegetable & Animal Based)** – shall mean any material soluble within the extraction solvent, recovered from an acidified sample and not volatilized during the oil & grease analysis method. Standard Methods, Method 5520A, 2005.

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

**Pass Through** – shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).(40CFR 403)

**Periodic Compliance Report** – shall mean a report on compliance status submitted at least semiannually by categorical Industrial Users to the Control Authority.(40CFR 403)

**Permit** – shall mean any written authorization required pursuant to this or any other regulation of District.

**Person** – shall mean any human being, individual, firm, company, partnership, association and private or public and municipal corporations, the United States of America, the State of

California, districts and all political subdivisions, governmental agencies and mandatories thereof. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

**Pesticide** – shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant.(40CFR 152)

**pH** – shall mean the negative logarithmic concentration of hydrogen ions in solution, or the “intensity” factor of acidity. Ph results are reported in standard units (SU). Values greater than 7.0 SU represent alkaline/basic conditions, and less than 7.0 SU represent acidic conditions.

**Phenols** – shall mean hydroxyl derivatives of benzene (an aromatic carbon ring structure), which may occur in domestic and industrial wastewaters. Chlorination of phenol pollutant waters may result in odorous and objectionable-tasting chlorophenols. Ref. Standard Methods, Method 5530, 2005.

**Pollutant of Concern (POC)** – shall mean any pollutant that might reasonably be expected to be discharged to the POTW in sufficient amounts to pass through or interfere with the works, contaminate its sludge, cause problems in its collection system, or jeopardize its workers.

**Pollution** – shall mean 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 affects the facilities which serve such beneficial uses. Pollution may include contamination.

**Polynuclear Aromatic Hydrocarbons (PAHs)** – shall mean aromatic hydrocarbon compounds potentially containing multiple nuclei. Often these are by-products of petroleum processing, combustion, asphalt and oils and greases.

**POTW** – Publically Owned Treatment Works

**POTW Pretreatment Program or Approved POTW Pretreatment Program or Program** – shall mean a program administered by a POTW that meets the criteria established in 40CFR 403 and has been approved by a Regional Administrator or State Director in accordance with 40CFR 403.11.

**POTW Treatment Plant** – shall mean that portion of the POTW, designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

**Premises** – shall mean any lot, parcel of land, building or establishment; either residential, commercial or industrial, both public and private, including schools, churches and institutions without limitation.

**Pretreatment** – shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in

lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40CFR 403. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40CFR 403.

**Pretreatment Requirements** – shall mean any substantive or procedural pretreatment requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

**Pretreatment Standards for Existing Sources (PSES)** – shall mean categorical standards and requirements applicable to industrial sources that began construction prior to the publication of the proposed pretreatment standards for that industrial category. (See individual categorical standards in 40CFR Parts 405-471 for specific dates.)

**Pretreatment Standards for New Sources (PSNS)** – shall mean categorical standards and requirements applicable to the industrial sources that began construction after the publication of the proposed pretreatment standards for that industrial category. (See individual categorical standards in 40CFR Parts 405-471 for specific dates).

**Priority Pollutant** – shall mean pollutants listed by the EPA Administrator under Clean Water Act Section 307 (a) (1). The list of the current 126 Priority Pollutants can also be found in 40 CFR Part 423, Appendix A and 40CFR 401.

**Private Sewer** – shall mean a sewer that is owned, operated and maintained by private persons, businesses, and which accommodates one or more buildings or industries.

**Private Sewer Mains** – shall mean a private sewer designed to accommodate more than one lateral sewer where the owners of all parcels served by the private sewer main are responsible for the maintenance of the private sewer main. An agreement between the owners of the private sewer main and the District is required prior to construction of the private sanitary sewer main.

**Process Wastewater** – shall mean any water which, during manufacturing or processing, comes into direct contact with, or results from the production of, or use of any raw material, intermediate product, finished product, by-product, or waste product.

**Production-Based Standard** – shall mean a discharge limitation expressed in terms of allowable pollutant mass discharge per unit of production.

**Properly Shredded Garbage** – shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in

public sewers, with no particle having a dimension greater than one-quarter inch (1/4") in any dimension.

**Public Nuisance** – shall mean continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District.

**Public Sewer** – shall mean a sewer that is owned, operated and maintained by a public agency.

**Publicly Owned Treatment Works or POTW** – shall mean a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502 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 of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

**Real Property** – shall mean an estate or property consisting of lands and of all appurtenances to lands, as buildings, crops, or mineral rights (distinguished from personal property).

**Receiving Waters** – shall mean a natural water-course or body of water into which treated sanitary sewage is discharged.

**Recycled Water** – shall mean water, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur. Recycled water is also known as reclaimed water. California Water Code, Section 13050.n

**Regional Administrator** – shall mean the appropriate EPA Regional Administrator.

**Regulated Wastestream** – shall mean an industrial process wastestream regulated by a national categorical pretreatment standard.

**Removal Credit** – shall mean a revised pollutant limit given for a specified categorical industry as a result of a POTW's capability to consistently remove a specific pollutant. Removal credits are not granted at NSD.

**Residential Care Facility** – shall mean any family home, group care facility, or similar facility, which provides twenty-four hour non-medical care of persons in need of personal services to sustain the activities of daily living, which facility has received licensing from the State of California.

**Resource Conservation and Recovery Act (RCRA)** – shall mean the Federal statute regulating the management of hazardous waste from its generation through ultimate

disposal. The Act contains requirements for waste generators, transporters, and owners and operators of treatment, storage, and disposal facilities. (41 USC6901 et seq.)

**R/V Space** – shall mean an area established or maintained for transient occupancy by a recreational vehicle, trailer, camper or other mobile living space, for a period not to exceed 29 days, where a sewage disposal hookup or restroom facility is available for use.

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

**Self-Monitoring** – shall mean sampling and analyses performed by the Industrial User to ensure compliance with the permit or other regulatory requirements.

**Senior Dwelling Units** – shall mean a facility that has qualified as a senior housing pursuant to Section 807(b)(2) of the Fair Housing Act. Total facility occupancy shall be less than 1.5 persons per unit, the square foot of each dwelling unit shall not exceed 1,000 square feet, and at least one occupant shall be at least 55 years of age. If the facility should cease to qualify, the owner shall pay the difference between the Senior Dwelling Unit Rate and the prevailing single-family unit rate, based on the rates in effect at the time they are paid.

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

**Sewage Sludge** – shall mean solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.

**Sewage Treatment Plant** – shall mean any arrangement of devices and structures used for treating sewage.

**Sewer** – shall mean a pipe or conduit for carrying sewage.

**Sewer Service Charge** – shall mean annual charge designed to cover operation and maintenance cost of treatment and collection facilities.

**Sewerage Works** – shall mean all facilities owned or controlled by the District except private sewers, for collecting, pumping, treating and disposing of sewage.

**"shall"** - is mandatory; "may" is permissive.

**Shell Structure** – shall mean any single structure wherein the actual use of the building has not been established at the time the building permit is issued.

**Side Sewer** – shall mean the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building lateral and street lateral together.

**Significant Industrial User or SIU** – except as provided in 40CFR 403.3(v)(2) and (v)(3), the term SIU shall mean:

- 1) All Industrial Users subject to Categorical Pretreatment Standards under 40CFR 403.6 and 40CFR Chapter I, Subchapter N; and
- 2) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling water and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40CFR 403.8(f)(6).(40CFR 403.3(v))

**Significant Noncompliance** – shall mean:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40CFR 403;
- 2) Technical Review Criteria (TRC) defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40CFR 403.3 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH;
- 3) Any other violation of a Pretreatment Standard or Requirement as defined by 40CFR 403.3 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- 4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the POTW's exercise of its emergency authority under 40CFR 403.8 (b) to halt or prevent such a discharge;
- 5) Failure to meet, within 90 days after the scheduled date, , a compliance schedule milestone contained in a local control mechanism (i.e. individual or general

wastewater discharge permit) or enforcement order for starting construction, completing construction, or attaining final compliance;

6) Failure to provide, within 45 days after the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7) Failure to accurately report non-compliance;

8) Any other violation(s) or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program. (40CFR 403.8)

**Significant Violation** – shall mean a violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is a part of a pattern of noncompliance over a twelve-month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Section 403.8 .

**Single Family Dwelling or Single Family Unit** – shall mean any structure constructed for occupancy of one single family. This classification includes trailers and mobile home units with plumbing hook-up.

**Single Room Occupancy Unit (SRO)** – shall mean a facility that has qualified as a single room occupancy housing project pursuant to Chapter 17.85 of the Napa Municipal Code as it existed on May 10, 1995. Each room is considered a “unit”.

**Slug Load or Slug Discharge** – shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits or Permit conditions.

**Solvent Management Plan** – shall mean a strategy for keeping track of all solvents delivered to a site, their storage, use and disposal. This includes keeping spent solvents segregated from other process wastewater to maximize the value of the recoverable solvents, to avoid contamination of other segregated wastes, and to prevent the discharge of toxic organics to any wastewater collection system or the environment.

**Spill Prevention and Control Plan** – shall mean a plan prepared by an Industrial User to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

**Split Sample** – shall mean aliquots of a sample are taken from the same container and analyzed independently by two laboratories/agencies to validate sample constituent results.

**Standard Industrial Classification (SIC) Code** – shall mean a statistical classification standard underlying all establishment-based Federal economic statistics classified by industry. Some facilities may have several activities, therefore, having more than one code number.

**Standard Industrial Classification Manual** – shall mean a code book prepared by the Executive Office of the President, Office of Management and Budget.

**Standard Specifications** – shall mean a set of documents containing design and construction standards for all sewerage works within the District, all as adopted by the Board and subsequent amendments.

**Storm Drain** – shall mean a pipe or conduit that carries stormwater, surface or groundwater and drainage. This excludes sewage and polluted industrial wastes.

**Storm Water** – shall mean the water running off or draining from the surface and sub-surface of an area during and after a period of rain or irrigation.

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

**Street Lateral** – shall mean the portion of a side sewer lying within a public street, or easement, connecting a building lateral to the main sewer.

**Submission** – shall mean a request by a POTW for approval of a Pretreatment Program to the EPA or a Director; a request by a POTW to the EPA or a Director for authority to revise the discharge limits in categorical Pretreatment Standards to Reflect POTW pollutant removals; or a request to the EPA by an NPDES State for approval of its State Pretreatment Program.(40CFR 403.3)

**Surety Bond** – shall mean a bond guaranteeing performance of a contract or obligation.

**TICH** – shall mean Total Identifiable Chlorinated Hydrocarbons. Organochloride, organochlorine, chlorocarbon, or chlorinated solvents are considered chlorinated hydrocarbons and contain at least one covalently bonded chlorine atom. Their wide structural variety and divergent chemical properties lead to a broad range of uses.

**Time Proportional Composite Sample** – shall mean a sampling method that combines discrete sample aliquots of constant volume collected at constant time intervals (i.e., 200 milliliter (ml) samples collected every half hour for a 24-hour period). This method provides representative samples only where the sampled stream flow is constant, or where the volume is manually adjusted based on stream flow variation prior to being added to the composite sample container.

**Time Share Unit** – shall mean a facility similar to a hotel where each unit is owned by joint purchasers who may occupy the unit for a specific period of time each year. Multiple rooms

connected by interior doors shall each be considered a unit if they can be occupied separately via exterior doors.

**Total Suspended Solids (TSS) or Non-filterable Solids** – shall mean the total suspended solids that float on the surface of, or are suspended in, water, wastewater or other liquids, and is removable by laboratory filtration of a 0.45um pore size filter.

**Total Toxic Organics (TTO)** – shall mean the sum of the masses or concentrations of the specific toxic organic compounds regulated by specific categorical pretreatment regulations which is found in the discharge at specific quantifiable concentrations. (Refer to the specific categorical regulations to identify which compounds are regulated, what numeric value is considered "quantifiable", and what sampling or certification alternatives may be available).

**Toxic Organic Management Plan (TOMP)** – shall mean a written plan submitted by Industrial Users in accordance with some categorical pretreatment standards as an alternative to TTO monitoring which specifies the toxic organic compounds used, the method of disposal used, and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

**Toxic Pollutants** – shall mean those pollutants identified pursuant to 307 (a) (1) of the Clean Water Act and 40CFR 401.

**Treatment Works** – shall mean all facilities owned or controlled by the District except private sewers used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; including the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal and industrial waste.

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

**Uniform Plumbing Code (UPC)** – shall mean a model code developed by the International Association of Plumbing and Mechanical Officials to govern the installation and inspection of plumbing systems as a means of promoting the public's health, safety and welfare.

**Unregulated Wastestream** – shall mean for purposes of the combined wastestream formula, a wastestream that is not regulated by a national categorical pretreatment standard and is not considered a dilute wastestream.

**Upset** – shall mean an exceptional incident in which there is unintentional and temporary noncompliance with the categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**User Classification** – shall mean a classification of user based on the 1987 edition of the Standard Industrial Classification (SIC) manual or latest edition prepared by the Executive Office of Management and Budget.

**Volatile Organic Compounds (VOCs)** – as defined in 40 CFR 50.100, “volatile organic compounds” shall mean any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

**Waste** – shall include sewage and any and all other waste substance, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

**Waste Minimization** – shall mean the reduction or elimination, to the extent feasible, of any waste that is generated or subsequently treated, stored or disposed of. It is the elimination or reduction in the use of hazardous materials and the generation of hazardous wastes. It seeks to prevent pollutant releases to all environmental media; water, land or air.

**Wastewater Constituents and Characteristics** – shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity and strength of wastewater.

**Wastewater Discharge Permit** – shall mean a permit for the discharge of non-domestic waste as set forth in Article VII of this ordinance.

**Wastewater Treatment System** – shall mean any device, facility, structure or equipment owned or operated by the District for the purpose of transmission, storage treatment, recycling, or reclamation of non-domestic or domestic wastes, including intercepting sewers, outfall sewers, sewer collection systems, pumps, power plants and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, 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 Management Division Director** – shall mean one of the Directors of the Water Management Divisions within the Regional offices of the Environmental Protection Agency or his/her delegated representative.

**Waters of the State** – shall mean any water, surface or underground, including saline waters within the boundaries of the State.

Sec. 102      **Commonly Used Acronyms**

<b>BMP</b>	Best Management Practices
<b>BMR</b>	Baseline Monitoring Report
<b>BOD</b>	Biochemical Oxygen Demand
<b>BPJ</b>	Best Professional Judgment
<b>CAC</b>	California Administrative Code
<b>CFR</b>	Code of Federal Regulations
<b>CWA</b>	Clean Water Act
<b>CWF</b>	Combined Wastestream Formula
<b>DFU</b>	Drainage Fixture Unit Values
<b>EDU</b>	Equivalent Dwelling Unit
<b>EPA</b>	Environmental Protection Agency
<b>ERP</b>	Enforcement Response Plan
<b>FWA</b>	Flow-Weighted Averaging Formula
<b>IU</b>	Industrial User
<b>LC</b>	Lethal Toxicity or Lethal Concentration
<b>LEL</b>	Lower Explosion Limit
<b>MBAS</b>	Methylene Blue Active Substances (Detergent)
<b>MSDS</b>	Material Safety Data Sheet
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NSD</b>	Napa Sanitation District
<b>O&amp;M</b>	Operation and Maintenance
<b>PAH</b>	Polynuclear Aromatic Hydrocarbons
<b>POC</b>	Pollutant of Concern
<b>POTW</b>	Publically Owned Treatment Works
<b>PSES</b>	Pretreatment Standards for Existing Sources
<b>PSNS</b>	Pretreatment Standards for New Sources
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RWQCB</b>	Regional Water Quality Control Board
<b>SIC</b>	Standard Industrial Classification
<b>SIU</b>	Significant Industrial User
<b>SRO</b>	Single Room Occupancy Unit
<b>SU</b>	Standard Unit
<b>SWA</b>	Solid Water Act

<b>TICH</b>	Total Identifiable Chlorinated Hydrocarbons
<b>TOMP</b>	Toxic Organic Management Plan
<b>TRC</b>	Technical Review Criteria
<b>TSS</b>	Total Suspended Solids
<b>TTO</b>	Total Toxic Organics
<b>UPC</b>	Uniform Plumbing Code
<b>USC</b>	United States Code
<b>VOC</b>	Volatile Organic Compounds

## **ARTICLE II**

### **General Provisions**

Sec. 201       **Rules and Regulations.** The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Sec. 202       **Purpose.** This ordinance is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the District. This ordinance shall not apply retroactively, and in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used herein.

Sec. 204       **Publication.** Upon adoption, this ordinance shall be entered in the minutes of the Board and an excerpt shall be published once in the Napa Valley Register, newspaper of general circulation printed and published in the District, within 15 days following its passage and adoption, and shall take effect and be in force and effect immediately upon the expiration of 30 days after its passage.

Sec. 205       **Violation Unlawful.** Following the effective date of this ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in said District except by connection to a public sewer in the manner as in this ordinance provided, unless a waiver is granted by the General Manager.

Sec. 206       **Relief on Application.** When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the Board may, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

Sec. 207       **Relief on own Motion.** The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as to a particular premise, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, and may by resolution, order such suspension or modification for such premise during the period of such special circumstances or any part thereof.

Sec. 208        **General Manager.** The Board shall employ some fit and qualified person or persons to perform the duties of General Manager, which will include but not be limited to, supervision of inspection, installation, connection, maintenance and use of all side sewers, public sewers, private sewers and sewerage works of the District. The General Manager may delegate certain duties to other qualified officers of employees of the District.

Sec. 209        **Installation Permits and Fees.** No public sewer, side sewer, building lateral or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained from the District and all fees paid in accordance with the requirements of the ordinances, rules and regulations of District.

Sec. 210        **User Permit.** No contributory industry shall be allowed to discharge wastewater until a user permit has been obtained from the District and all fees paid in accordance with the ordinances, rules and regulations of the District. Existing contributory industries shall obtain a user permit within 120 days after adoption of the ordinance.

Sec. 211        **Plumbing and Sewers on Private Property.** The installation, use, maintenance, repair and inspection of all plumbing and sewers inside private property shall be subject to and governed by the most recent version of the California Building Code as adopted by City or County ordinance, now existing or as hereafter amended, except the District will inspect building sewers to insure proper line, grade and tightness of joints for infiltration/inflow control.

## **ARTICLE III**

### **Use of Public Sewers Required**

Sec. 301       **Disposal of Wastes.** It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

Sec. 302       **Treatment of Wastes Required.** It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.

Sec. 303       **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.

Sec. 304       **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 District and/or applicable regulations of City or County.

Sec. 305       **Sewer Required.** The owner of any building situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the nearest building on the property; provided, however, that where territory is annexed to the District upon which existing improvements are located which are served by a satisfactorily operating and maintained septic tank, the owner may continue to dispose of waste to said septic tank so long as it remains in operating condition to the satisfaction of the County Health Officer or until any additional building or buildings or any division of the property is proposed at which time connection to the public sewer shall be required.

## **ARTICLE IV**

### **Private Sewage Disposal**

Sec. 401       **Sewer Not Available.** Where a public sewer is not available under the provisions of Section 305, the building sewer shall be connected to a private sewage disposal system, in accordance with the requirements of the office of the Napa County Environmental Management.

Sec. 402       **Permit Required.** Before commencement of construction of a private disposal system the owner shall first obtain a written permit from the Health Department of the City or County.

Sec. 403       **Inspection Required.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City and/or County. City and/or County shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the City and/or County when the work is ready for final inspection, and before any underground portions are covered.

Sec. 404       **Design Requirements.** The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California and the Health Department of County and/or City. No septic tank or cesspool shall be permitted to discharge to any stream or watercourse.

Sec. 405       **Abandonment of Facilities.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 305, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by County and/or City Health Department.

Sec. 406       **Cost of Maintenance by Owner.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

Sec. 407       **Additional Requirements.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Department of the State or of the City or County.

## ARTICLE V

### Building Laterals, Street Laterals and Connections

Sec. 501 **Permit Required.** In accordance with Article IX of this ordinance, no person shall construct a building lateral, street lateral or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required herein.

Sec. 502 **Design and Construction Requirements.** Design and construction of building laterals and street laterals shall be in accordance with the requirements of the district and in accordance with the most recent District Standard Specifications.

Sec. 503 **Separate Sewers.** Except as hereinafter provided, every building fronting on the same street or easement requiring sewer service shall be separately and independently connected with the public sewer; provided, however that where two or more buildings are on the same parcel, belonging to one owner, and which cannot legally be subdivided, separate connections need not be made with the public sewer. No two separate owners of adjacent parcels shall be permitted to join in the use of the same sewer lateral. Notwithstanding the provisions hereof, single family residential units with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the District General Manager, be permitted to maintain a common side sewer or sewers. Indemnification language approved by the District shall be included in the covenants, conditions and restrictions.

Sec. 504 **Old Building Sewers.** Old building laterals may be used in connection with new buildings only when they are found, upon examination and testing, to meet all requirements of the District as determined by the District. If the laterals are not adequate, then the Applicant shall pay for all costs to reconstruct the laterals.

Sec. 505 **Cleanouts.** Cleanouts in building laterals shall be provided in accordance with the current Uniform Plumbing Code, the City and/or County Plumbing Code, and the District Standard Specifications.

Sec. 506 **Sewer Too Low.** In all buildings in which any building lateral is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building lateral shall be lifted by artificial means approved by the General Manager, and discharged to the public sewer at the expense of the owner.

Sec. 507 **Connection to Public Sewer.** The connection of the side sewer into the public sewer shall be made in accordance with the current District Standard Specifications at the applicant's expense. The connection to the public sewer shall be made in the presence of a District Inspector and under his supervision and direction. Any damage to the public

sewer shall be repaired in conformance with District Standard Specifications at the cost of the applicant.

Sec. 508        **Maintenance of Building Laterals and Side Sewers.** Building laterals shall be maintained by the owner of the property served thereby provided, however, that where a side sewer provides service to more than one single family residential unit in a development with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, the obligation to maintain the side sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

Sec. 509        **Testing.** All building laterals and street laterals shall be tested in accordance with current District Standard Specifications.

## **ARTICLE VI**

### **Public Sewer Construction**

Sec. 601       **Permit Required.** In accordance with Article IX of this ordinance, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Sec. 602       **Design and Construction Standards.** Minimum standards for the design and construction of sewers within the District shall be in accordance with the District Standard Specifications heretofore adopted by the Board, together with the subsequent amendments. Copies are on file at the District Office. The General Manager, may permit modifications or may require higher standards where unusual conditions are encountered.

Sec. 603       **Plans, Profiles and Specifications Required.** The application for a permit for public sewer construction shall be accompanied by two (2) complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules, and regulations of District, prepared by a Civil Engineer registered in the State of California, showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the General Manager who shall within thirty (30) days approve them as filed or require them to be modified as he deems necessary for proper installation. After approval by the General Manager, the appropriate agreements shall be signed by the applicant and shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper, it shall sign the agreement and allow the issuance of a permit predicated upon the payment of all connection charges, fees and the furnishing of bonds and deposits and two (2) complete signed sets of plans, profiles, and specifications as required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

Sec. 603.01   **Security Deposit Required.** Prior to the commencement of public sewer construction, the applicant shall file with the District a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions as set forth in the construction plans and specifications and a good and sufficient security for payment of labor and materials equal to the amount of the faithful performance bond to secure the claims to which Reference is made in Title 15 of Part 4 of Division 3 of the Civil Code of the State of California (commencing with Section 3082).

A.       Acceptable types of security are:

(1)       A bond or bonds by one or more duly authorized corporate sureties; or

(2) A deposit with the District of cash in the form of a cashier's check or negotiable bonds of the kind approved for securing deposits of public moneys; or

(3) An instrument of credit, in a form acceptable to the District's counsel, from an agency of the State, Federal, or local government when any such agency provides at least twenty percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to carry out the agreement are on deposit and guaranteed for payment; or

(4) A letter of credit, in a form acceptable to the District's counsel, issued by a financial institution subject to regulation by the state or federal government guaranteeing that all or any portion of the funds available pursuant to the letter of credit will be paid upon written demand of the District and that such written demand need not present documentation of any kind as a condition of payment, including proof of loss.

Sec. 603.02 **Security Deposit Reduction.** The General Manager may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon request by the applicant. The amount of reduction of the security shall be determined by the General Manager; however, in no event may the General Manager authorize a release of the improvement security which would reduce the security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the State Subdivision Map Act, this ordinance, or the Subdivision Agreement.

The conditions for security deposit reduction are as follows:

- (1) The applicant shall be allowed to reduce the security deposit one time for each development project.
- (2) The applicant shall pay the District 1/8 of 1% (.00125) of the original security deposit amount with a minimum of \$150.00 to pay for the District's administration cost.
- (3) The District shall allow the security deposit to be reduced an amount equal to 80% of the value of the portion of the sanitary sewer facilities which have been installed and have passed final inspection, as determined by the General Manager.
- (4) The applicant shall be responsible for maintenance and operation of that portion of the sanitary sewer facilities for which the security deposit was reduced for one year after the entire project is accepted by the District Board for Maintenance and Operation.

Sec. 603.03 **Maintenance Security.** Upon acceptance by the District's Board of the sanitary sewer and/or recycled water improvements the developer shall provide security in the amount of 10% of the construction cost of the improvements to guarantee the improvements throughout the one year warranty period. If no deficiencies are detected at the end of the one year warranty period the maintenance security will be released.

Sec. 604 **Subdivisions.** The requirements of Sections 601 and 602 of this ordinance shall be fully complied with before the City or County shall approve any final subdivision map. The final subdivision map shall provide for the dedication for public use of streets, in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

Sec. 605 **Easements or Right of Way.** In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the General Manager a proper easement or grant of right of way having a minimum width of twenty (20) feet sufficient in law to allow the laying and maintenance of such extension or connection.

Sec. 606 **Persons Authorized to Perform Work.** Only properly licensed contractors shall be authorized to perform work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewer installed concurrently with public sewer construction.

Sec. 607 **Compliance with Local Regulations.** Any person constructing a sewer within a street shall comply with all state, county, or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Sec. 608 **Record Drawings.** Prior to acceptance by the District's Board of any sanitary sewer and/or recycled water improvements, the project owner shall provide the District with a complete set of record drawings which shall include one set of full size drawings along with an electronic copy of the record drawings in a CAD format acceptable to the District.

Sec. 609 **Completion of Sewerage Works Required.** Before acceptance of any sewerage works by the District and prior to the admission of any sewage into the system: The sewerage works shall be tested and shall be complete and in full compliance with all requirements of the District Standard Specifications and to the satisfaction of the General Manager.

Sec. 610        **Reimbursement Agreement.** Where the cost of the public sewer main extension has been deposited or paid by the person making such extension, the District may thereafter, but not for longer than ten (10) years after the date of such extension is originally connected to the District's sewerage system, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the District, as the amount of front footage owned by such person subsequently connecting to such extension bears to the total amount of front footage held by potential users along the extension as determined by the District as of the time the extension is connected to the District's sewer system. Such sums as are thus actually received by the District shall be paid by the District to the person originally making such extension, but the District shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such Refund be made from any other revenues of the District. Where more than one person contributes toward the making of the extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amounts which they severally contribute toward the cost of the extension and pursuant to the preceding plan.

Sec. 611        **Special Reimbursement Agreements.** Where special conditions exist, in the opinion of the District, relating to any agreement pursuant to Section 610 of this ordinance, they shall be the subject of a special contract between the District and the person making the public sewer main extension.

**ARTICLE VII**  
**Sewer Use Regulations**

Sec. 701                    **Objective.** It is the objective of the Napa Sanitation District to regulate and control the quantity and quality of the discharges into the sewer system so that they will not adversely affect the various collection, transmission, treatment, discharge requirements, environmental conditions; enhance opportunities to recycle and reclaim treated effluent and wastewater sludge, and permit the District to treat wastewater to meet requirements of the Federal Government and the State of California and their designated agencies.

Adverse affects can include but are not limited to:

- 1) Health and safety of personnel employed in the operation and maintenance of the sewage collection, transmission, and treatment facilities.
- 2) The operational cost, maintenance and durability of collection, transmission and treatment facilities.
- 3) The quality of the receiving waters with respect to requirements established by the Federal Government and the State of California through their properly designated and responsible agencies.
- 4) The air quality and pollution abatement requirements established by the Federal Government and the State of California through their properly designated and responsible agencies.
- 5) Damage, deterioration or excessive maintenance costs to sewage collection, pumping, and treatment or disposal facilities.

It is the general intent of the Napa Sanitation District to provide collection and treatment of domestic sanitary sewage and for commercial and industrial wastewaters that do not adversely affect the objectives stated hereinbefore and to provide equitable charges for the costs incurred.

Sec. 702                    **Authority.** This regulation is adopted under authorization of the County Sanitation District Act, Section 4700 et. seq., of the Health and Safety Code of the State of California, and Section 5470 et. seq. of said Code.

Sec. 703                    **Legal Authority.** for Napa Sanitation District (NSD) Industrial User Permit Program and Permit Issuance Procedures.

NSD has authority over all Industrial Users contributing wastewater to the POTW. This Ordinance provides the authority to issue control mechanisms, conduct compliance monitoring activities, and, when warranted, take appropriate enforcement action in response to noncompliance by Users located within the District boundaries.

Sec. 703.01           The POTW may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by IUs where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its discharge permit. (40CFR 403.8)

Sec. 703.02           All Industrial Users (IUs) must maintain consistent compliance with applicable Pretreatment Standards and Requirements. (40CFR 403.8)

Sec. 703.03           **Discharge Permit Elements** Every SIU and any other IU deemed necessary by the Napa Sanitation District must be issued a permit. The minimum components contained within the permit are (40CFR 403.8):

- (a)   Statement of duration of permit (in no case more than 5 years) (40CFR 403.8)
- (b)   Statement of non-transferability without, at a minimum, prior notification to the District and provision of a copy of the existing control mechanism of the new owner or operator (40CFR 403.8)
- (c)   Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40CFR part 403, categorical Pretreatment Standards, local limits, and State and local law (40CFR 403.8)
- (d)   Best Management Practices.....(40CFR 403.8)
- (e)   Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of pollutants (or best management practice) to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40CFR 403.12, or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40CFR part 403., categorical Pretreatment Standards, local limits, and State and local law. (40CFR 403.8)
- (f)   Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance

schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines (40CFR 403.8;

- (g) Requirements to control slug discharges, if determined by the District to be necessary. (40CFR 403.8)
- (h) Any grant of the monitoring waiver by the POTW must be included as a condition in the User's permit or other control mechanism.
- (i) A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of 90 days prior to the expiration of the User's existing individual wastewater discharge permit.
- (j) Permit Modification - The permit may be modified for good causes including, but not limited to, the following:
  - 1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements
  - 2. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit
  - 3. A change in any condition in either the IU or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge
  - 4. Information indicating that the permitted discharge poses a threat to the District's collection and treatment systems, POTW personnel or the receiving waters
  - 5. Violation of any terms or conditions of the permit
  - 6. Misrepresentation or failure to disclose fully all relevant facts in the permit application

7. Revision of or a grant of variance from such categorical standards pursuant to 40CFR 403.13
  8. To correct typographical or other errors in the permit
  9. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
  10. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notice of planned changes or anticipated noncompliance, does not stay any permit condition.
- (k) Permit Revocation/Termination - The General Manager may revoke an individual wastewater discharge for good cause, including, but not limited to, the following reasons:
1. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
  2. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 6.5 of this ordinance;
  3. Misrepresentation or failure to disclose fully all relevant facts in the wastewater discharge permit application;
  4. Falsifying self-monitoring reports and certification statements;
  5. Tampering with monitoring equipment;
  6. Refusing to allow District staff immediate entry or access to the facility premises and records when requested;
  7. Failure to meet effluent limitations;
  8. Failure to pay fines;
  9. Failure to pay sewer charges or capacity charges;
  10. Failure to meet compliance schedules;
  11. Failure to complete a wastewater survey or the wastewater discharge permit application;

12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

- (l) Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to General Manager for review, and shall be acceptable to General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to District under the provisions of this ordinance.
- (m) Duty to Halt or Reduce Activity - Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternate method of treatment is provided.
- (n) The sampling chain of custody shall be submitted with the facility monitoring data.

Sec. 703.04           **Compliance Schedule.** The District may require from any IU a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements and submit all notices and reports from IUs including, but not limited to, the reports required in this Ordinance.

Sec. 703.05           **Right of Entry.** Representatives of the District, bearing proper credentials and identification, shall immediately be permitted to enter all properties served by the District when requested, for the purpose of inspection, surveillance, observance, and monitoring procedures (including measurement, sampling, and testing). This includes authority to enter any Industrial User discharge source, treatment system or record keeping location with authority to inspect and copy records.

Sec. 703.06           **Remedies for Noncompliance.** The District may obtain remedies for noncompliance by any IU with any Pretreatment Standard and Requirement including Injunctive Relief, Civil and Criminal Penalties, Judicial Relief, termination

of service, etc. as detailed in the enforcement provisions contained within this Ordinance.

Sec. 704                    **Discharge Permits.** Each User shall be classified as Categorical Industrial User, Significant Industrial User, Commercial, Non-Residential User, or Domestic User. Each User, with the exception of Domestic User, may be required to possess a waste discharge permit issued by the District.

Non-Residential Users may be exempted from the permit requirements of this article at the discretion of the General Manager if they are known to discharge only domestic sanitary sewage (as defined).

Users required to obtain a waste discharge permit shall complete, and file with the General Manager, a permit application accompanied by the appropriate fees.

Upon determining that an Industrial User (IU), meeting the definition of a significant non-categorical IU, has no reasonable potential for adversely affecting the District's operation or for violating any pretreatment regulations, the District may determine that such IU will not be required to be permitted by the District's pretreatment program.

Long-term permits shall be renewed as per Sec. 703.03. Short-term permits shall be renewed as defined in each individual permit.

Sec. 704.01                **Best Management Practices (BMP).** In lieu of a wastewater discharge permit, the District may issue the facility a BMP that will serve as a control mechanism enforceable under 40CFR 403.5.

Sec. 705                    **Acceptable Wastes.**

Sec. 705.01                **Domestic Sanitary Sewage.** The following parameters are the typical physical, chemical, and biological characteristics of domestic sanitary sewage:

<b>Waste Characteristic</b>	<b>Typical Concentration</b>
Total Dissolved Solids	500 mg/L
Turbidity	250 JTU/NTU
Color	500 CU
Biochemical Oxygen Demand	175 mg/L
Chemical Oxygen Demand	500 mg/L
Suspended Solids	200 mg/L
Settleable Solids	10 mg/L
Sulfide	0.5 mg/L
Grease (vegetable based)	75 mg/L

Detergent (MBAS)	10 mg/L
Ammonia	20 mg/L
Phosphate (Total)	25 mg/L

Sec. 706                   **Prohibited Wastes.** Except as provided below, no person shall discharge or cause to be discharged any of the following water or wastewaters into public sewers:

Sec. 706.01               **General Prohibitions.** A User may not introduce into the POTW any pollutant(s), which cause Pass Through or Interference. These specific prohibitions and the general prohibitions apply to each User introducing pollutants into the POTW whether or not the User is subject to other National Pretreatment Standards or any Federal, state, or local pretreatment requirements. (40CFR 403.5)

Sec. 706.02               **Application of Most Stringent Limitation.** The most stringent regulations or standards: Federal, State, Regional, or local shall apply.

Sec. 706.03               **Specific Prohibitions.** The following pollutants shall not be introduced into the POTW:

Sec. 706.03.1           **Fire or Explosion Hazard.** Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F or 60°C using the test methods specified in 40CFR 261.21. (40CFR 403.5)

Sec. 706.03.2           **pH/Corrosion.** Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 6.0 or greater than 9.0, unless the works is specifically designed to accommodate such Discharges; (40CFR 403.5)

Sec. 706.03.3           **Obstructions.** Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference. Such substances include but are not limited to, ashes, asphalt, bones, cinders, cement, containers, cups, dead animals or animal parts, diatomaceous earth, entrails, fats, feathers, garbage, glass, gloves, grease, hair, hides, industrial process shavings, leaves, lees, metal, milk containers, mud, offal, oil, paper dishes, paper cups, plants, plastics, paunch manure, rags, resins, rocks, sand, sawdust, seeds, shavings, stems, straw, straws, tar, whole blood, wood, wool, etc. either whole or ground by a garbage grinder. (40CFR 403.5)

Sec. 706.03.4           **Pollutant Causing Interference.** Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

Sec. 706.03.5           **Temperature.** Heat in amounts, which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the

temperature at the POTW treatment plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits. (40CFR 403.5)

Sec. 706.03.6           **Mineral Oil.** Any waters or wastes containing petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause Interference or pass through. (40CFR 403.5)

Sec. 706.03.7           **Toxic Gases/Vapors/Fumes.** Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems: (40CFR 403.5)

Sec. 706.03.8           **Trucked/Hauled Waste.** Any trucked or hauled pollutants, except at discharge points designated by the POTW. (40CFR 403.5)

Sec. 706.03.8.1       **Limitations on Point of Discharge.** No person shall discharge any substances directly into a manhole or other opening in a public sewer other than through an approved building sewer, unless the discharger has been issued a permit by the District designating the discharge location. If a permit is issued for such direct discharge, the User shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

Sec. 706.04           **Local Limits.**

Sec. 706.04.1       **Discharge Limit Development.** As required in this section and pursuant to 40CFR 403.8, the Control Authority, (Napa Sanitation District), continually develops and enforces specific limits to implement the prohibitions listed in 40CFR 403.5 including the local limits.

Sec. 706.04.2       **Toxic Substances.** Any waters or wastes containing a toxic or poisonous substance in sufficient quantities to injure or interfere with or create any hazard in the sewage treatment process, effluent quality, sludge quality, or receiving water quality requirements to humans, animals or plant life. The following "local limits" comprises a partial list of toxic pollutants of concern (and others designated pursuant to section 307(a)(1) of the Act) and their maximum concentration allowable by any discharger for admission into the sewerage system:

Sec. 706.04.3 **Local Limits.** 1) Any Industrial User who discharges directly into the sanitary sewer will abide by the following local limits in Article VII Table 1:

<b>Article VII - Table 1</b>		
<b>Local Limit</b>	<b>Daily Maximum Uniform/Concentration Limit</b>	
<b>Constituent</b>	<b>(mg/L) milligrams/Liter</b>	<b>(ug/L) micrograms/Liter</b>
Aluminum	5.000	5000
Ammonia	36	36000
Antimony	0.702	702
Arsenic	0.025	25
Beryllium	0.1	100
Boron	0.14	140
Cadmium	0.016	16
Chloride	225	225000
Chromium (VI)	0.538	538
Chromium (Total)	1.13	1130
Cobalt	0.05	50
Copper	0.388	388
Cyanide	0.03	30
Fluoride	1	1000
Iron	5	5000
Lead	0.102	102
Lithium	2.5	2500
Manganese	1.15	1150
Mercury	0.0057	5.7
Molybdenum	0.048	48
Nickel	0.043	43
Oil & Grease (polar/non-polar)	75/50	75000/50000
PAH	0.72	720
pH (Standard Units)	6.0-9.0 SU	6.0-9.0 SU
Phenol	0.09	90
Salinity	1.5 dS/cm	1.5 dS/cm
Selenium	0.026	26
Silver	0.224	224
Sodium	90	90000
Sulfide, dissolved	0.1	100
Thallium	0.999	999
TDS	836	836000
Vanadium	0.1	100
Zinc	0.762	762

The maximum allowable concentration of toxic or potentially toxic materials not listed above will be determined on an individual basis.

Sec. 706.05            **Local Prohibitions.**

Sec. 706.05.01        **Storm Water, Surface Water, Groundwater, or Uncontaminated Water.** No person shall discharge, cause or allow or permit any rainwater, storm water, groundwater (with exceptions, see Sec. 706.05.02), street or yard drainage, subsurface drainage, water from rainwater leaders or downspouts, yard fountains, ponds or lawn sprays, or any other uncontaminated water into the sanitary sewer system.

No plumbing or piping shall be connected or designed in such a manner as to make possible the discharge of storm, surface and underground waters into the sanitary sewer system.

Sec. 706.05.02        **Groundwater and Surface Cleaning Projects.** Wastewater generated from the cleanup of spills, leaking underground storage tanks, monitoring wells, surface cleaning operations, or other similar source shall not be discharged through direct or indirect connections to the sanitary sewer without a temporary discharge permit issued by the District.

Sec. 706.05.03        **Non-contact Cooling Water and Swimming Pool Water.** Uncontaminated cooling water or swimming pool water unless special permission has been granted by the General Manager. Discharge may be allowed to the sewer system at the discretion of the General Manager after obtaining a permit from the District. Applicable fees shall apply.

Sec. 706.05.04        **Garbage.** Any garbage excepting properly shredded garbage from dwellings or restaurants engaged in preparation of foods and beverages for consumption is prohibited.

Sec. 706.05.05        **Floor Drains.** No floor drains may be installed in a facility without special approval from the District.

Sec. 706.05.06        **Suspended Solids.** Any industrial or commercial process water or wastes containing suspended solids of such character and quantity whereby unusual attention or expense is required to handle such material in the sanitary sewer as well as at the sewage treatment facility. Suspended solids discharged in industrial process wastewater shall have a dimension no larger than that of a 1/4-inch mesh.

Sec. 706.05.07        **Pretreatment Sludge.** Sludge from treatment facilities, settling or holding ponds, solids from soils testing, etc is prohibited for discharge to the sanitary sewer as well as the sewage treatment facility.

Sec. 706.05.08        **Non-degradable Wastes.** Any water or wastes containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet any discharge requirements established by the State of California or the United States Federal Government.

Sec. 706.05.09        **Chemical Pesticides and Similar Toxicants.** No chlorinated hydrocarbon, organophosphate or similar chemical compounds used as algaecides, bactericides, fungicides, herbicides, insecticides, or pesticides shall be discharged into the sewerage system in any concentration except as specifically approved by a written permit.

Sec. 706.05.10        **Oxidizing and Reducing Agents.** Strong oxidizing and reducing agents shall not be discharged into the sewerage system at concentrations exceeding 5 mg/L except by special District-issued permit: Chlorine, Chlorine Dioxide, Potassium Permanganate, Ozone and other strong oxidants, Sulfite, Thiosulfate, Nitrite and other strong reducing agents.

Sec. 706.05.11        **Radioactive Wastes.** Radioactive wastes of any kind, except where:

- 1) The person is authorized to use radioactive materials by the State of California Department of Public Health, Atomic Energy Commission, or other governmental agency empowered to regulate the use of radioactive materials;
- 2) The waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) State of California Department of Public Health, Atomic Energy Commission, or other governmental agency empowered to regulate the use of radioactive materials;
- 3) The person discharging the radioactive waste assumes full responsibility for any injury to personnel or damage to the sewerage system that may result from such discharge;
- 4) Radioactivity of the treated wastewater prior to disposal does not exceed limits established by the designated agencies of the State of California; and
- 5) Residual radioactivity is within limits permitted by State or local regulation in final disposal.
- 6) Any person discharging a radioactive waste to the sewerage system in accordance with the provisions of the preceding sections shall apply for a permit from the District to discharge such wastes, and submit a periodic report of discharge occurrences and quantities. In the event of an

accidental spill of any radioactive material into the sewerage system, the person responsible shall immediately notify the General Manager.

- Sec. 706.05.12        **Unusual Waste Concentrations.** Materials that exert or cause:
- 1) Unusual concentrations of inert suspended or dissolved solids.
  - 2) Excessive discoloration.
  - 3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
  - 4) Unusual volume of flow, including slug discharges.
  - 5) Oxygen demanding pollutants discharged at a concentration or volume that will cause Interference.
  - 6) Pollutants in quantities at a concentration or volume that may cause excessive foaming in the treatment works or POTW discharge.

Sec. 706.05.13        **Medical Waste.** Human or veterinary hospitals, clinics, offices of medical doctors, medical laboratories, medical facilities, production facilities, pharmaceutical/research institutions, mortuaries, morgues, funeral parlors, animal shelters, tattoo parlors and convalescent homes shall not discharge to the sanitary sewer the following:

- 1) Solid wastes including, but not limited to gloves, instruments, utensils, hypodermic needles, syringes or other paper and plastic items of a disposable nature. This applies to households as well.
- 2) Any article that may harbor or transmit pathogenic organisms and that is used in the rooms of patients having a suspected or diagnosed communicable disease, which by the nature of the disease is required to be isolated.
- 3) Recognizable portions of the human anatomy.
- 4) Waste excluded by other provisions of these regulations.
- 5) Any hazardous waste, both California-only hazardous wastes and federal hazardous wastes
- 6) Liquid and solid medications or pharmaceutical wastes, such as IV bags containing biologically active materials (e.g., antibiotics, painkillers, and antineoplastics) and controlled substances. This also includes all substances that may be determined an endocrine disruptor.

- 7) Pharmaceuticals shall not be disposed of in the sanitary sewer. Waste pharmaceuticals, including over-the-counter medications, shall be disposed of properly such as at take-back events, pharmacies, or taken to the household hazardous waste facility for proper disposal. Controlled substances shall be disposed of as determined by the proper authorities, but may not be disposed into the sanitary sewer.
- 8) Undisinfected tissue fluid, diseased human or animal organ tissue, undisinfected whole blood, or other contaminated solid waste.

Nothing in this section shall be construed to limit the authority of appropriate health agencies to define wastes as being infectious and to prohibit discharge to the sanitary sewer. The District shall also have the authority to require that any discharge of an infectious waste to the sewer be rendered non-infectious prior to discharge if the infectious waste is deemed to pose a threat to the public health and safety, or will result in any violation of applicable waste discharge requirements.

Sec. 707                    **Restricted Waste Discharges.** Any substance in any commercial or industrial waste discharge which may result in operational costs and maintenance of POTW facilities in excess of that required for normal domestic sanitary sewage of waste concentrations as listed in Section 705, or with any of the prohibited waste characteristics as listed in Section 706, and/or having an average daily flow greater than one quarter of one percent (1/4 %) of the average daily dry weather flow of the District shall be subject to the review and approval of the General Manager. The discharges shall provide any of the following restrictions as approved by the General Manager for acceptance of the wastewater into the sewer system.

Sec. 707.01                **Pretreatment.** Pursuant to Section 307(b) of the Clean Water Act [33 U.S.C. 1251 et. seq.], as amended, all pretreatment for incompatible pollutants discharged at each industrial plant site to the public sewer shall be consistent with Federal Categorical Pretreatment Standards in 40CFR Subchapter N.

Sec. 707.02                **Flow Control.** General Manager reserves the right to require flow equalization and/or flow volume control.

Sec. 707.03                **Surcharge Payment.** Require a payment, in an amount established by the Board to cover the added cost of handling and treating wastes. If the General Manager requires pretreatment or flow equalization, the design and installation of the facility and equipment shall be subject to the review and approval of the District and no construction of such facilities shall commence until said approval is obtained in writing.

Sec. 707.04                **Damage Caused by Discharge.** When the discharge of any Industrial or commercial waste causes an obstruction, damage or other impairment to

the POTW, the General Manager may assess a reasonable charge against the discharger for the work required to clean or repair the facility.

Sec. 707.05           **Limitations of Discharge Quantity and Rate of Discharge.** The General Manager may limit the quantity and rate of any waste discharge, when in the General Manager's best professional judgment, the capacity of any part of the POTW would be overtaxed by the discharge, or the quantity or rate of discharge would impose a disproportionate cost to the operation of the POTW. In addition to commercial and industrial waste discharges, the provisions of this paragraph shall apply to all other non-domestic sanitary sewage. Discharge of any waste covered by this Section shall not be discharged into the POTW until after specific approval of the quantity and procedures proposed has been granted by the General Manager.

Sec. 707.06           **Disposal of Unacceptable Wastes.** The disposal of wastes not permitted to be discharged into the POTW, including, but not limited to, sludge, spent chemicals, and hazardous materials, shall be done in accordance with all applicable Federal, State and local laws, regulations and ordinances including: Section 405 of the Clean Water Act (CWA); Subtitles C & D of the Resource Conservation and Recovery Act (RCRA); and Title 22, Division 4, Chapter 30 of the California Administrative Code (CAC). A record or manifest of disposal shall be maintained and available for review by the District. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the District by the discharger.

Sec. 708               **Hauled Waste.**

Sec. 708.01           **Hauled Waste Discharges.** The General Manager may allow the discharge of hauled waste into the POTW at the treatment plant. All hauled discharges must meet all applicable Federal, State, and local pretreatment standards developed for the waste generators' industrial category. Such discharges shall be made in strict conformance with the regulations and at the locations established by the General Manager, and discharge of hauled waste in any other manner than herein provided for shall constitute a violation of this Ordinance. Prior to the discharge of any hauled waste into the POTW, the following conditions shall be met:

Any person discharging hauled waste into the POTW shall have a valid waste hauler permit issued by the Napa Sanitation District, as well as required permits issued by the State of California and the County of Napa Environmental Management.

Waste from other counties other than listed in the waste hauler permit is prohibited unless written permission is first obtained from the District.

Any registered waste hauler lending their registration certificate to any person or persons or taking out permits in their names at the office of the District Secretary for the use of any person or persons not regularly registered or who does not comply in

every way with the requirements of this Ordinance shall have their agreement suspended and revoked, not to be reissued.

Waste haulers shall keep accurate records, enter the required waste hauler information accurately, and shall file with the District, a report of discharges into the POTW when requested. Falsification of the entries or report shall constitute a violation of this Ordinance and is subject to penalties including fines and permit revocation.

Hauled waste shall not contain substances prohibited herein for discharge into the POTW.

Sec. 708.02           **Holding Tank Waste.** No person shall discharge any holding tank wastes or wastes from barrels, storage tanks, or any other such containers into a public sewer unless that person has obtained a permit from the District to do so. This permit will state the specific location of discharge, the times of day discharge can occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a District facility, the User shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

No person shall discharge or cause or allow or permit to be discharged directly or indirectly to a public sewer any wastes originating from a recreational vehicle, boat, camper, mobile home, trailer, portable toilet, chemical toilet, or any temporary or mobile sanitation facility except pursuant to approval or permit issued by the District at a facility designed and operated for this type of discharge. Discharge directly to the sanitary sewer via a clean out on the person's property for equipment owned by that person is allowed.

Sec. 708.03           **RCRA Wastes.** No User may discharge any hazardous waste transported to the POTW by any means including truck, rail, or dedicated pipe (when the waste is not mixed with domestic sewage) that can subject the POTW to any Resource Conservation and Recovery Act (RCRA) Hazardous Waste Requirements.

Sec. 709               **National Pretreatment Standards: Categorical Standards.**

Sec. 709.01           **Federal Categorical Pretreatment Standards.** Standards and requirements under 40CFR are hereby incorporated by reference including future amendments thereto. The District will monitor Federal regulations for EPA promulgation of new or revised regulations.

Sec. 709.02           **Category Determination Request.** An IU or the District may request, in writing, from the State a determination as to which category is most appropriate for the IU. (40CFR 403.6 (a))

Sec. 709.02.1           **Application Deadline.** All existing Industrial Users must submit a request to the General Manager for subcategory determination within 60 days after the effective date of a Pretreatment Standard for a subcategory under which an IU may be included or when an IU adds or changes a process or operation. A "new source" must request this certification prior to commencing discharge. (40CFR 403.6)

Sec. 709.02.2           **Contents of Application.** Each request must include a description of which subcategories might be applicable, evidence and reasons why a particular subcategory may or may not be applicable, and a signed statement of truthfulness as cited in 40CFR 403.6.

All applications, reports, or information submitted to the District must contain the following certification statement and be signed as required to include company name, facility address, date, and authorized representative:

**STATEMENT OF TRUTHFULNESS**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sec. 709.02.3           **Deficient Requests.** The Water Management Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Water Management Division Director or Director that their requests are deficient and, unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Water Management Division Director or Director, the request for a determination shall be denied. (40CFR 403.6)

Sec. 709.02.4           **Final Decision.**

- 1) When the Water Management Division Director or Director receives a submittal he or she will, after determining that it contains all of the information required within section 709.02.2 of this ordinance, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Water Management Division Director or Director will then make a written

determination of the applicable subcategory and state the reasons for the determination.

- 2) Where the request is submitted to the Director, the Director shall forward the determination described in this paragraph to the Water Management Division Director who may make a final determination. The Water Management Division Director may waive receipt of these determinations. If the Water Management Division Director does not modify the Director's decision within 60 days after receipt thereof, or if the Water Management Division Director waives receipt of the determination, the Director's decision is final.
- 3) Where the request is submitted by the Industrial User or POTW to the Water Management Division Director or where the Water Management Division Director elects to modify the Director's decision, the Water Management Division Director's decision will be final.
- 4) The Water Management Division Director or Director, as appropriate, shall send a copy of the determination to the affected Industrial User and the POTW. Where the final determination is made by the Water Management Division Director, he or she shall send a copy of the determination to the Director. (40CFR 403.6)

Sec. 709.02.5           **Requests for Hearing and/or Legal Decision.** The requester IU may submit within 30 days of receipt of notice of the final determination, a petition to consider or contest the decision to the Regional Administrator. (40CFR 403.6)

Sec. 709.03           **Deadline for Compliance with Categorical Standards.** Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date of the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR, Chapter I, Subpart N. Existing sources, which become IUs subsequent to promulgation of an applicable Categorical Pretreatment Standard, shall be considered existing IUs except where such sources meet the definition of a "new source." New sources shall install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable Pretreatment Standards. (40CFR 403.6)

Sec. 709.04           **Concentration and Mass Limits.** Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits as approved by the District. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the

process regulated by the Standard, or as otherwise specified by the standard. (40CFR 403.6)

Sec. 709.05           **Dilution Prohibited as a Substitute for Treatment.** Except where expressly authorized to do so by an applicable categorical Pretreatment Standard, no Industrial 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 a categorical Pretreatment Standard or requirement. The Control Authority may impose mass limitations on Industrial Users or in other cases where the imposition of mass limitations is appropriate. (40CFR 403.6)

Sec. 709.06           **Combined Wastestream Formula.** Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s).

The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant.

An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate, new alternative categorical limits shall be calculated within 30 days. The calculations for the alternative concentration limit and/or the alternative mass limit, detection limits, and self-monitoring requirements must comply with 40CFR 403.6.

<b>Combined Wastestream Formula Determination (Alternate Concentration Limit)</b>	
$C_T = \left( \frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left[ \frac{F_T - F_D}{F_T} \right]$	
$C_T$ , mg/L	Alternate Final Concentration mg/L
N	Total Number of Regulated Wastestreams
i	Regulated Wastestream
$F_T$	Average Daily Flow, GPD (Combined-includes $F_i$ & $F_D$ )
$C_i$	CIU Pretreatment Standard conc. Limit in regulated wastestream i
$F_i$	Average Daily Flow (Regulated Wastestream)
$F_D$	Average Daily Flow (Boiler Blowdown, cooling tower, etc.)

Sec. 710                    **Removal Credits.** Removal credits will not be granted with exception for Categorical Industrial Users as approved by the District.

Sec. 711                    **Implementing Provisions and Procedures.**

Sec. 711.01                **Notification.** All IUs subject to the POTW pretreatment program are required to file a written request for coverage with the District as indicated under 40CRF 403.8(f)(2).

Sec. 711.02                **Current Requirements.** All IUs are required to keep apprised of currently applicable pretreatment standards and requirements.

Sec. 711.03                **Self-Monitoring Reports.** The District will receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40CFR 403. The District may inspect and sample the effluent from each SIU at least once per year. The District may determine if each SIU needs a plan to control slug discharges at least once every two years.

**Accidental Discharges.**

- 1) Each discharger shall provide protection from accidental discharge of prohibited materials and/or other wastes regulated by this Ordinance. Where necessary, or as directed by the General Manager, retention basins, dikes, storage tanks or other facilities designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or wastes discharged in violation of this Ordinance shall be installed.

Dischargers shall notify the District immediately when accidental discharges, including slug loads of wastes in violation of this Ordinance occur so that counter measures may be taken by the District to minimize damage to the sewer system, treatment plant, treatment process and the receiving waters. Such notification will not relieve dischargers of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines or judgments imposed on the District on account thereof under Section 13000 et. seq. of the California Water Code or for violation of Section 5650 of the California Fish and Game Code.

- 2) In the event of accidental discharge in violation of this Ordinance, discharger shall furnish the District, within 5 days of the date of occurrence, a detailed written statement describing the causes of the accidental discharge and the measures being taken for cleanup and to prevent future occurrence.
- 3) Sewer connections within the discharger's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of any substance in violation of this Ordinance.

**Slug Loading Control Plan.** An Industrial User must develop and implement a slug loading control plan whenever the Control Authority decides that a slug control plan is needed. The slug loading control plan shall contain, at a minimum, the following elements designed to prevent slug loading:

- 1) Description of discharge practices, including non-routine batch discharges.
- 2) The description shall include a list of chemicals that are handled/stored, MSDS reports, volume of each chemical, and capacity of each tank.
- 3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40CFR 403.5(b), with procedures for follow-up written notification within five (5) days.
- 4) Procedures to prevent adverse impact from slug loads, including inspection and maintenance of potential spill sources including storage

areas, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents) with a list of measures, equipment, and materials available for spill response activities along with their location. A listing of commercial (or other) suppliers of spill response equipment and materials (indicating the types of equipment available) and their telephone numbers.

- 5) A list of the facility personnel (by name and title) that have an identified role for the implementation of a slug load response plan, indicating the responsibilities and authorities of each.
- 6) The plan containing, all of the above prescribed elements, must be submitted to Napa Sanitation District for approval within two months from the date requested to develop and implement a slug loading control plan. Full implementation of an approved slug loading control plan is not to exceed four months.
- 7) The IU "permittee" shall notify the Napa Sanitation District of any proposed changes to the plan by submitting a proposed revised plan to the NSD and informing the NSD in advance of the date upon which the proposed revised plan will take effect (pending approval by NSD).

Sec. 711.06            **Investigate Noncompliance.** Investigate instances of non compliance with Pretreatment Standards and Requirements including but not limited to reports, notices, sample-taking and analysis, inspections and surveillance activities, etc.

Sec. 711.07            **Public Participation. (Significant Noncompliance).** The procedures in this section and 40CFR Part 25 in the enforcement of National Pretreatment Standards include provision. An IU is in significant noncompliance if its violation meets one or more of the criteria set forth as defined by Significant Noncompliance (SNC).

Sec. 712                **Implementing Provisions.**

Sec. 712.01            **Industrial Parks Notification.** All owners of industrial parks are required to notify the District, at least annually, of all changes in tenancy and any known changes in industrial and commercial operations among their tenants.

Sec. 712.02            **Notice of Violation.** Whenever the General Manager finds that discharge of any waste is, or threatens to become, a public nuisance or a violation of established requirements, including but not limited to this Ordinance, other ordinances and resolutions, he may issue an order specifying such nuisance, violations, or threatened violations, and ordering compliance within the time

schedule specified therein. Noncompliance with such order shall constitute a violation of this Ordinance.

Sec. 712.03           **Serious and Immediate Hazards.** Notwithstanding the provisions of any other section of this Ordinance, whenever in the judgment of the General Manager, it appears that any waste discharge is causing any condition constituting a hazard to the life, health or safety of any person, or to the sewage system, the General Manager is empowered to terminate service immediately.

Sec. 712.04           **Sampling Facilities.** The discharger of any industrial waste shall, at the facility's expense, install a sampling manhole and/or other metering and monitoring equipment to facilitate observation, sampling, and measurement of the discharger's waste as required by the District. Such sampling facility shall be acceptable to the General Manager for the purposes required, shall be safely located, accessible at all times and constructed in a manner and with materials in conformance with District regulations. These facilities shall be maintained in good condition at all times at the discharger's expense. Sampling facilities shall be installed prior to commencement of discharge into the sanitary sewer system or within ninety (90) days after notice by the General Manager or District designee. Tampering with samplers and flow metering devices is strictly forbidden. Handling of these devices must be done as approved and in accordance with District regulations.

Sec. 712.05           **Maintenance of Pretreatment Facilities.** Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and to the satisfaction of the District.

Sec. 712.06           **Interceptors/Traps Required.** Any type of business or establishment where fats, grease, oils or other objectionable materials including sand, oil, sludge, muck, etc. may be discharged into the POTW shall have a grease and/or solids-removal device of a size and design approved by the District in accordance with the current Uniform Plumbing Code.

Sec. 712.07           **Maintenance of Interceptors/Traps.** All grease, oil and sand interceptors and traps shall be maintained by the owner, at the owner's expense, to meet limit requirements.

Sec. 712.08           **Measurements and Tests.** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, shall be determined in accordance with the test procedures in 40 CFR Part 136 and amendments thereto whenever applicable. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses

shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by EPA. Analysis shall be determined from samples collected at a predetermined manhole or other sampling location (i.e., control manhole, end of process, end of pipe, or other location) identified and approved by the General Manager. In the event that no special sampling location or manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

Sec. 712.09            **Representative Sampling.** All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report. (40 CFR 403.12)

Sec. 712.10            **Special Agreements.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial user concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by District. This agreement or waiver does not preclude any National Categorical Pretreatment Standard or Requirement, or local limits.

Sec. 712.11            **Changes in Pretreatment and Waste Discharge Requirements.** The provisions contained herein relating to pretreatment and to prohibited waste discharges and as to limitations and restrictions on waste discharges are subject to regulations by State and Federal authorities and are subject to the terms and conditions of the National Pollution Discharge Elimination System Permit heretofore issued to the District. Should the State and Federal regulations be modified or should the National Pollution Discharge Elimination System Permit be amended, the requirements of this Ordinance shall be suspended to the extent that such standards are higher than those contained herein, and such higher standards shall be immediately applicable upon the effective date of such State or Federal regulations or of the amendment to the National Pollution Discharge Elimination System Permit.

Pursuant to Section 307(b) Clean Water Act [33 U.S.C. 1251 et seq.], as amended, all pretreatment for incompatible pollutants discharged at each industrial plant site to the public sewer shall be consistent with Federal Categorical Pretreatment Standards.

Sec. 712.12           **Notice to Employees.** In order for employees of Users to be informed of District requirements, Users shall post in a conspicuous place and make available to their employees, copies of these regulations together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution prevention.

Sec. 713               **Sewer Use Ordinance Enforcement Provisions.**

Sec. 713.01           **Administrative Enforcement Remedies.**

Sec. 713.01.01       **Notification of Violation.** Whenever the General Manager finds that any Industrial User has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the General Manager or his agent may serve upon said User written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the General Manager. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

Sec. 713.01.02       **Consent Orders.** The General Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to the paragraph below entitled "Compliance Order".

Sec. 713.01.03       **Show Cause Hearing.** The General Manager may order any Industrial User, which causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate office. Whether or not a duly notified Industrial User appears as noticed, immediate enforcement action may be pursued.

Sec. 713.01.04       **Compliance Order.** When the General Manager finds that an Industrial User has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to

address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

Sec. 713.01.05        **Cease and Desist Orders.** When the General Manager finds that an Industrial User has violated or continues to violate this Ordinance or any permit or order issued hereunder, the General Manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- 1) Comply forthwith
- 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Sec. 713.01.06        **Administrative Fines.** Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District or District staff may issue administrative complaints, conduct administrative hearings and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the POTW.

These penalties shall be as follows:

- 1) In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- 2) In an amount, not to exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
- 3) In an amount not to exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
- 4) In an amount not to exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
- 5) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.
- 6) Administrative Fines shall not absolve or protect the violator from additional penalties by the District or other agencies.

- 7) As to court actions authorized by the above referenced sections, District Counsel, or other special counsel designated by the District Board, shall institute appropriate actions to affect statutorily authorized remedies, upon order of the District Board.

Sec. 713.01.07            **Emergency Suspensions.**

- 1) The General Manager may suspend the wastewater treatment service and/or wastewater permit of an Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- 2) Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager shall allow the User to recommence its discharge when the endangerment has passed, unless the termination proceedings, as set forth in the paragraph below entitled "Term of Permit", are initiated against the User.
- 3) An Industrial User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures take to prevent any future occurrence to the General Manager prior to the date of the hearing described in paragraph 2 above. (40CFR 403.8)

Sec. 713.01.08            **Monitoring Facilities.** Any person who intentionally or negligently tampers with, falsifies, or knowingly renders inaccurate, any monitoring device shall be punished by a fine of not more than ten thousand dollars (\$10,000) or imprisoned in a County jail for more than six (6) months or both.

Sec. 713.01.09            **Termination of Permit.** Significant Industrial Users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the Control Authority. Any User who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State and Federal law, is subject to permit termination:

- 1) Violation of permit conditions
- 2) Failure to accurately report the wastewater constituents and characteristics of its discharge, including BMR, within the required time frame.
- 3) Failure to report significant changes in operations or wastewater constituents and characteristics.

- 4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- 5) Noncompliant Industrial Users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause (as set forth in the above paragraph of this Ordinance entitled "Show Cause Hearing") why the proposed action should not be taken.

Sec. 713.01.10        **Disconnection.** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the General Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the General Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The General Manager shall refund any part of deposit remaining after payment of all costs of disconnection and reconnection.

Sec. 713.02        **Judicial Remedies.** If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the General Manager, through the District's attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Napa County.

Sec. 713.02.01        **Injunctive Relief.** Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or permit or order issued hereunder, the General Manager through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Industrial User. The General Manager shall have such remedies to collect these fees as it has to collect other sewer service charges.

Sec. 713.02.02        **Civil Penalties.**

- 1) Any Industrial User who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be liable to the General Manager for a civil penalty of not more than **\$25,000, but not less than \$1,000**, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the General Manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- 2) The General Manager shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to,

the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factor as justice requires.

Sec. 713.02.03           **Criminal Prosecution.**

Sec. 713.02.04           **Violations – Generally.**

- 1) Any Industrial User who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one year or both.
- 2) In the event of a second conviction, the User shall be punished by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than three years or both.

Sec. 713.02.05           **Falsifying Information.**

- 1) Any Industrial User who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater permit, who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or imprisonment for not more than one year or both.
- 2) In the event of a second conviction, the User shall be punished by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than three years or both.

Sec. 713.03               **Supplemental Enforcement Remedies.**

Sec. 713.03.01           **Annual Publication of Significant Violations.** The General Manager shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Industrial Users found to be in significant noncompliance, as defined in this Ordinance, with any provisions of this Ordinance or any permit or order issued hereunder during the period since the previous publication.

Sec. 713.03.02           **Performance Bonds.** The General Manager may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this

Ordinance or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

Sec. 713.03.03           **Liability Insurance.** The General Manager may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued hereunder, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

Sec. 713.03.04           **Water Supply Severance.** Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or an order or permit issued hereunder, water service to the Industrial User may be severed by the water purveyor upon request by the District and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

Sec. 713.03.05           **Public Nuisances.** Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District.

Sec. 713.03.06           **Contractor Listing.**

- 1) Industrial Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Napa Sanitation District.
- 2) Existing contracts for the sale of goods or services to the Napa Sanitation District held by an Industrial User found to be in significant violation with pretreatment standards may be terminated at the discretion of the District.

Sec. 713.04               **Affirmative Defense.**

Sec. 713.04.01           **Treatment Upsets.**

- 1) Any Industrial User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the General Manager thereof immediately upon becoming aware of the upset. Where such information is given orally, the User thereof shall submit a written incident report to the District within five days. The report shall contain:

- a) A description of the upset, its cause(s), and impact on the discharger's compliance status,
  - b) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the steps taken or to be taken and the time by which compliance is reasonably expected to be restored, and
  - c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.
- 2) An Industrial User which complies with the notification provisions of this Section in a timely manner may have an affirmative defense to any enforcement action brought by the General Manager for any noncompliance with this Ordinance, or an order or permit issued hereunder by the User, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

Sec. 713.04.02      **Treatment Bypasses.**

- 1) A bypass of the treatment system is prohibited unless all of the following conditions are met:
  - a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b) There was no feasible alternative to the bypass, including the User of auxiliary treatment or retention of the wastewater; and
  - c) The Industrial User properly notified the General Manager as described in paragraph 2 below.
- 2) Industrial Users must provide immediate notice to the General Manager upon discovery of any unanticipated bypass.
- 3) If necessary, the General Manager may require the Industrial User to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.
- 4) An Industrial User may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial Users anticipating a bypass must submit notice to the

General Manager at least 10 days in advance. The General Manager may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph a., above.

Sec. 713.04.03        **Affirmative Defenses.** A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in 40CFR 403 where the User can demonstrate that:

- 1) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and
- 2) (A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or  
  
(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed by the POTW for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

Sec. 713.05        **Liability for Violation.** Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

Sec. 713.06        **Enforcement Response Plan.** All Users are subject to all the provisions of the Napa Sanitation District Enforcement Response Plan. (40 CFR 403.8)

Sec. 713.07        **Means of Enforcement Only.** The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

Sec. 714            **Reporting Requirements.**

Sec. 714.01        **Baseline Monitoring Report.** A BMR must be submitted by existing and new Industrial Users subject to categorical standards and currently discharging or scheduled to discharge to the sewer system. Existing IUs must submit the required

information in this section within 180 days after the effective date of a categorical Pretreatment Standard or 180 days after the final administration decision made upon a category determination submission, whichever is later. New source IUs must submit the required information at least 90 days prior to commencement of discharge.

The General Manager may require additional information as a part of the report if, in his/her opinion, insufficient information has been provided. (40CFR 403)

Sec. 714.01.01       **Identifying Information.** The User shall submit the name and address of the facility, including the name of the operator and owners.

Sec. 714.01.02       **Permits.** The User shall submit a list of any environmental control permits held by or for the facility.

Sec. 714.01.03       **Description of Operation.** The User shall submit a brief description of the nature of the process, average rate of production (flow, volume, substances and concentrations in the waste discharge). Also submit the Standard Industrial Classification (SIC) of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, indicating points of discharge to the POTW from the regulated processes.

Sec. 714.01.04       **Flow Measurement.** User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams as necessary to allow use of the combined wastestream formula.

Sec. 714.01.05       **Measurement of Pollutants (Sample Collection Procedures).** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The following section relates to all SIU monitoring:

- A) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by General Manager. Where time-proportional composite sampling or grab sampling is authorized by POTW, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be

authorized by the General Manager, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

For sampling required in support of baseline monitoring and 90-day compliance reports required 40 CFR 403, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. The Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

The following paragraphs relate to Categorical Industrial User monitoring reports only:

- 1) The IU shall identify the Pretreatment Standards applicable to each regulated process.
- 2) The IU shall submit the results of sampling and analysis from each regulated process to the Control Authority. The daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.
- 3) The proper and approved method of sampling (grab, flow-proportional composite or time-proportional composite) will be utilized to obtain representative results.
- 4) A minimum of one representative sample will be taken to comply with the requirements of this section.
- 5) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. All flows and concentrations must be measured to allow use of combined wastestream formula.
- 6) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40CFR part 136 and amendments thereto. Where Part 136 procedures do not include sampling or analytical techniques or where Part 136 methods are deemed (by EPA Administrator) to be inappropriate, sampling and analysis shall occur according to procedures approved by EPA.

- 7) The BMR shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- 8) A BMR containing historical data may only be used upon approval by the Control Authority. (40CFR 403)

Sec. 714.01.06        **Certification.** A statement reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

Sec. 714.01.07        **Compliance Schedule.** If additional pretreatment and/or O & M will be required to meet the Pretreatment standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

Sec. 714.02            **Report on Progress in Meeting Compliance Schedules.** A schedule of events to achieve compliance is required. It shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc. No increments shall exceed 9 months.

Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the NSD including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the NSD. (40CFR 403)

Sec. 714.03            **Report on Final Compliance (90 Day Report).** Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and requirements shall submit to the NSD a report, with the same requirements as for the BMR, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by

Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the Industrial User which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement must be reviewed by an authorized representative of the Industrial User and certified by a qualified professional. (40CFR 403)

Sec. 714.04           **Periodic Reports on Continued Compliance.** Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commencement of the discharge into the POTW, or Significant Non-Categorical Users shall submit to the NSD during the months of June and December, unless required more frequently in the Pretreatment Standard or by the NSD or the RWQCB, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported, except that the NSD may require more detailed reporting of flows. At the discretion of the NSD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the NSD may agree to alter the months during which the above reports are to be submitted. (40CFR 403)

Sec. 714.05           **Notice of Slug Loading.** The Industrial User shall notify the POTW immediately of any discharges that could cause problems to the POTW, including any slug loadings, as defined by 40 CFR 403.5.

Sec. 714.06           **Monitoring and Analysis Reports.** Whenever sampling performed by an IU indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. Repeat sampling and analysis by the User shall be performed and results submitted to the Control Authority within 30 days of becoming aware of the violation. (40CFR 403.12)

The Control Authority determines the frequency of monitoring necessary to assess and assure compliance by IUs with applicable Pretreatment Standards and Requirements. Sampling for all SIUs for periodic reports must be performed during the period covered by the report.

If a Significant Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by General Manager, using the procedures prescribed, the results of this monitoring shall be included in the report. (40 CFR 403.12)

Resampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when

the User or the POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User.

Sec. 714.07           **Reports Required by Non-categorical Industries.** All significant non-categorical Industrial Users are required to sample their effluent at least once every six months (on dates specified by the Control Authority) and submit the results to the Control Authority. Sampling and analysis shall be performed in accordance with 40CFR Part 136 and amendments thereto or other approved sampling or analytical techniques as determined by the Administrator. All or parts of this report will not be required if the POTW elects to perform the sampling and analysis. (40CFR 403.12)

Sec. 714.08           **Annual POTW Reports.** An annual Pretreatment Report will be submitted to the Approval Authority summarizing the activities and effectiveness of the District's pretreatment program. The goal of the local pretreatment program is to regulate discharges from Industrial Users (IUs) into the sewers.

The annual Pretreatment Report will include, at a minimum, the following:

An updated list of IUs; a summary of the status of IU compliance over the reporting period; a summary of compliance and enforcement activities (including inspections and samplings) conducted by the POTW during the reporting period; and any other relevant information requested by the Approval Authority. (40CFR 403.12)

Sec. 714.09           **Notification of Changed Discharge.** All IUs are required to notify the Control Authority in advance of any waste discharge changes, including hazardous wastes. (40CFR 403.12)

Sec. 714.10           **Signatory Requirements for Industrial User Reports.** All required reports shall include the certification statement as set forth in Appendix B of this Ordinance (located at the end of this section), and shall be signed by an authorized representative of the Industrial User. An authorized representative may be:

- 1) A responsible corporate officer (president, vice-president, or secretary-treasurer) in charge of a principal business function, etc.
- 2) A general partner or proprietor (if the IU submitting the reports is a partnership or sole proprietorship).
- 3) A duly authorized representative of the individual in 403.12 of this section, if:
  - a) the authorization is made in writing;

- b) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility or environmental matters for the company; and
  - c) the written authorization is submitted to the Control Authority;
- 4) A reauthorized individual that satisfies the requirements in this section. (40CFR 403.12)

Sec. 714.11           **Provisions Governing Fraud and False Statements.** The reports required in 40CFR 403.12 are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act. (40CFR 403.12)

Sec. 714.12           **Recordkeeping Requirements.** Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established by the District. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or District, or where the User has been specifically notified of a longer retention period by General Manager.

Sec. 714.13           **Hazardous Waste Notification.** All IUs are required to notify the EPA, the State and the Control Authority within 180 days of the DSS regulations effective date (or within 180 days for sources commencing discharge after the effective date of the regulations) of discharges of listed and characteristic hazardous wastes, the constituents of these wastes, and anticipated discharges of such wastes over a calendar month and over one year. The regulations do not apply to discharges of less than 15 kilograms per month of hazardous wastes unless the wastes are acute hazardous wastes. Additionally, notification is not necessary if pollutants are already reported in periodic self-monitoring reports. (40CFR 403.12)

Sec. 715.00           **Variiances.** A request for variances from categorical pretreatment standards for fundamentally different factors must be made in accordance with the criteria set forth in 40CFR 403.13.

Sec. 716               **Confidentiality.**

Sec. 716.01           **EPA Authorities.** In accordance with 40 CFR Part 2, any information submitted to Environmental Protection Agency, the State of California or to the Napa Sanitation District, may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, EPA, the State of California or the Napa Sanitation District may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40CFR Part 2 (Public Information). (40CFR 403.14)

Sec. 716.02           **Effluent Data.** Information and data provided to the Control Authority or District which is effluent data shall be available to the public without restriction. (40CFR 403.14)

Sec. 716.03           **State or POTW.** All other information which is submitted to the State or POTW shall be available to the public at least to the extent provided by 40CFR 2. The District shall not agree to maintain any information submitted to the State or the POTW as confidential, and shall not be liable to any permit applicant or User for release of such information. (40CFR 403.14)

Sec. 717               **Net/Gross Calculation.**

- (a) Application. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraphs (b) of this section are met.
- (b) Criteria.
  - 1) Either:
    - (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
    - (ii) The Industrial User must demonstrate that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
  - 2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted

unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

- 3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.
- 4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result. (40CFR 403.15)

**ARTICLE VIII  
Sewer Service Charges**

Sec. 801 **Rates.** Sewer Service Charges are hereby prescribed for all premises connected to the sanitation or sewerage system of the District.

The annual Sewer Service Charge rate shall be as follows:

<u>Fiscal Year</u>	<u>Sewer Service Charge per EDU</u>
2006-2007	\$315
2007-2008	\$362
2008-2009	\$416

Beginning in the 2009-2010 fiscal year and each fiscal year thereafter, said rates shall automatically increase or decrease according to the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-San Jose area, based on the year 1982-84 = 100, as published by the U.S. Department of Labor’s Bureau of Labor Statistics. Furthermore, all rates shall be subject to modification and change, from time to time, as may be required to permit District to meet State and Federal Revenue Program Guidelines and as the total number of service units and the budgetary requirements of the District change.

Sewer Service Charges shall be collected on the tax roll of the County of Napa, State of California, in the manner provided pursuant to Section 5471 through 5473.11 of the Health and Safety Code of the State of California, as amended. Pursuant to Health and Safety Code section 5473 and 5473.1, a written report containing a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel shall be filed with the Secretary of the District.

Residential units, as shown below, are based upon the average wastewater flow for a single-family dwelling. One (1) service unit shall be equivalent to 210 gallons per day with a strength factor of 1.0.

<b>Article VIII – Table 1</b>	
<b>Residential Unit Category</b>	<b>Annual Sewer Service Units</b>
<b>R01</b> Single Family Dwelling, Granny Units, each unit	1.0
<b>R02</b> Duplex, each unit	1.0
<b>R04</b> Condominiums & Townhouses, each unit	1.0
<b>R03</b> Triplex Apartment, each unit	0.6
<b>R03</b> Fourplex Apartment, each unit	0.6
<b>R03</b> All other Apartment Units, each unit	0.6
<b>R13</b> Single Room Occupancy, each unit	0.6
<b>R05</b> Mobile Home, per space	0.6
<b>R06</b> Overnight Trailer Parking, per space	0.4

Sec. 801.50 **Low Income Property Owner Rebate.** In accordance with federal and state conditions, the District may elect to rebate a portion of Sewer Service Charges paid by low

income property owners with respect to their residence. The District Board of Directors shall enact a Resolution to establish policies and procedures, and any necessary subsequent Resolutions to make amendments to policies and procedures, which reasonably determine for, and which implement the rebate procedure.

**Sec. 802 Water Metered Commercial, Public Utilities and Public Agency Facilities.**

Using a single-family dwelling as a standard, the following designated premises in Article VIII – Table 2 shall be charged based upon water consumption and strength. The strength factors noted below were calculated based upon State Water Resources Control Board Revenue Program Guidelines and using Step 2 of the formula shown in Article VIII – Table 4 below.

<b>Article VIII – Table 2</b>	
<b>Business Category</b>	<b>Strength Factor</b>
Automobile Sales & Service	1.0
Bakeries/Candy/Ice Cream Manufacturing	2.7
Banks/Business Offices	1.0
Bars/Nightclubs	1.0
Bed and Breakfast Inns	1.0
Car Wash	0.7
Carpet & Rug Cleaners	1.4
Churches	1.0
Convalescent/Care Homes/Hospitals	1.0
Daycare Facilities	0.8
Delicatessen (no cooking)	1.4
Delicatessen (cooking)	2.0
Dry Type Industries	1.0
Funeral Homes	2.6
Hotels/Motels (without restaurants)	1.0
Hotels/Motels (with restaurants)	2.0
Laundries-Commercial	1.4
Laundries-Self Service	0.9
Markets, with disposals	2.6
Markets, without disposals	1.4
Membership Organizations, with kitchens	2.7
Membership Organizations, without kitchens	1.0
Merchandising/Department/Retail Stores	1.0
Mixed Use (1 water meter)	1.6
Physicians/Medical/Dental Offices	1.0
Printers/Newspapers	1.0
Repair Shops/Service Stations	1.0
Restaurants and Caterers	2.7
Service Related Enterprises	1.0
Theaters	1.0

**Sec. 802.50 For Non-Tourist Impacted Facilities With Extensive Landscaping or Other Non-Sewered Water Use,** as the standard method the District may delete the four summer months or other months that represent the non-sewered water use from the sewer service

charges calculations. The eight remaining months shall be averaged and that average used for the Annual Water Consumption.

As an alternative, the facility may request a credit for the amount of water used for non-sewered water use by installing a subtraction meter. Installation of the meters will be at owner's or tenant's expense. Meter readings for the previous calendar year must be reported by the owner or tenant and received by the District by January 31st to be considered for credit to the current fiscal year billing. Reporting forms and regulations will be available from the District office upon request. This program may be canceled by the General Manager for any reason, including but not limited to water meter tampering, or plumbing modification. Should the facility request to use this alternative, and then not comply with the rules and regulations, then the District shall calculate the sewer service charges according to Section 802 of this Article.

For tourist-impacted facilities such as restaurants and hotels/motels, a subtraction meter will be required in order to receive a credit for non-sewered water usage.

Sec. 803                    **Unmetered Commercial, Public Utilities and Public Agency Facilities.** All unmetered commercial, public utilities, public agency facilities, and schools, both public and private, shall be charged at a rate of:

<b>Article VIII – Table 3</b>				
Elementary	1	service unit per	48	students
Secondary	1	service unit per	17	students
Other	1	service unit per	10	employees/occupants

Sec. 804                    **[Intentionally left blank]**

**Industrial User Waste Charges.** The monthly industrial user waste charges for each industry shall be determined by using the formula in Article VIII – Table 4.

<b>Article VIII – Table 4</b>		
<b>Industrial User Sewer Service Unit Assignment Formula *</b>		
Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L
 <b>Step 1</b>		
Flow Factor		= $\frac{\text{Daily Flow}}{210 \text{ gals/day}}$ or $\frac{\text{Annual Flow}}{76,650 \text{ gals/year}}$
 <b>Step 2</b>		
Strength Factor		= $0.50 + (\text{BOD} \div 175 \times 0.25) + (\text{TSS} \div 200 \times 0.25)$
 <b>Step 3</b>		
Equivalent Dwelling Units (EDUs)		= (Flow Factor) x (Strength Factor)
 <b>Step 4</b>		
Monthly Sewer Service Charge		= (EDUs) x (Current Rate per EDU) $\div$ 12

\* Formula is designed to provide a multiplier for high-strength flows. Minimum assignment is 1.0 service unit.

**Sec. 806 Hauled Waste Fees** Hauled wastes including septic tank pumpage discharge shall be charged as a percentage of the annual sewer service charge for each minimum load as follows:

<b>Article VIII – Table 5</b>		
Domestic waste	1,500 gals	70%
Restaurant domestic waste	1,500 gals	103%
Winery waste	1,500 gals	145%
Portable toilet waste	276 gals	8%
 <b>Example Domestic Septic Wastewater Fee for 2,500 gallons of waste:</b>		
 $((2,500 \text{ gallon domestic waste}) \times (\text{Current Annual Sewer Service Charge Rate}) \times (0.70))$		
1,500		

**ARTICLE IX**  
Permits and Fees

Sec. 901                   **Permit Required.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any street lateral or building lateral without first obtaining a written permit from the District.

Sec. 902                   **Application for Permit.** Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. Applicant shall give a description of the character of the work proposed, and the location, ownership, occupancy and use of the premises in connection therewith. The General Manager may require plans, profiles, specifications or drawings and such other information, as deemed necessary. This section does not apply to Article VII – Sewer Use Regulations.

If the General Manager determines that the plans, profiles, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, the applicant shall be issued a permit upon payment of the required fees as hereinafter fixed.

Sec. 903                   **Compliance with Permit.** After approval of the application, evidenced by the issuance of a permit, no changes shall be made in the location of the sewerage works, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued, except with the written permission from the General Manager.

Sec. 904                   **Agreement.** The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant. This section does not pertain to Industrial Waste, Article VII.

Sec. 905                   **Fees - Annexation Charges.** The owner or owners of lands within areas proposed to be annexed to the District shall deposit prior to commencement of proceedings by the Board on the proposed annexation, the amount to be fixed by the General Manager shall be in a sum estimated to equal the engineering, legal costs and all other charges which may be incurred by the district in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. The basic annexation fee is \$150.00, plus \$100.00 per acre, or portion thereof.

**Capacity Charges**

(A) **Qualify for Payment.** Capacity Charges will only be collected on legal parcels with the proper zoning for the proposed project, and with City or County and District approved construction improvement plans showing the sewer plan, profile and other details for the project.

(B) **Time for Payment.** Capacity Charges shall be due and payable before the issuance of a building permit by the City or County of Napa. No connection shall be made to the District's facilities without the prior payment of the applicable connection charge. For projects that require the payment of capacity charges but do not require a City or County building permit, the General Manager shall determine the time for payment of the capacity charges.

1) **Licensed Contractor/Builder** In the event the building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the connection permit shall lapse and the full amount of sewer connection charge in effect at the time of the issuance of the occupancy permit shall be required, with a credit granted for the amount previously paid.

2) **Unlicensed Builder/Owner** In the event that a residential building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the unlicensed builder/owner may ask for an extension of time. In order to grant this extension, the unlicensed builder/owner must enter into an agreement, to be recorded by the District, that when the occupancy permit is issued, the property would not be sold for a period of two years. If the property is sold within the two-year time frame, then the full amount of sewer connection charge in effect at the time of sale shall be paid, with a credit granted for the amount previously paid.

(C) **Capacity Charge Calculation.** The following fees shall be paid to the District prior to the issuance of a permit to connect with the District's sewerage works. If refunded, 10% of the capacity charges paid shall be deducted from the refund.

1) **Residential/Commercial** (Amended by Ordinance 88 on 09/15/2010)

<u>Category</u>	<u>Fees prior to Jan. 1, 2012</u>	<u>Fees as of Jan. 1, 2012</u>	<u>Fees as of July 1, 2012</u>	<u>Fees as of July 1, 2013</u>
Single Family Dwellings	\$5,660	\$6,000	\$7,000	\$8,300
Senior Dwelling/single room occupancy – per unit	\$3,396	\$3,600	\$4,200	\$4,980
Multiple Family Dwellings – Per Unit	\$5,660	\$6,000	\$7,000	\$8,300
Commercial per Unit – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Industrial units – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300

Shell Structures – Minimum or per Square Foot, whichever is greater	\$5,660 \$2.19 ft <sup>2</sup>	\$6,000 \$2.32 ft <sup>2</sup>	\$7,000 \$2.71 ft <sup>2</sup>	\$8,300 \$3.21 ft <sup>2</sup>
School – Per Building – Minimum	\$5,660	\$6,000	\$7,000	\$8,300
Hotels, Motels and other like uses				
With kitchen facilities – Per Unit	\$5,660	\$6,000	\$7,000	\$8,300
Without kitchen facilities – Per Unit	\$4,192	\$4,444	\$5,184	\$6,147
Bed and Breakfast Facilities– Per Guest Rental Unit	\$2,830	\$3,000	\$3,500	\$4,150
Bed and Breakfast Facilities – Manager’s Unit	\$5,660	\$6,000	\$7,000	\$8,300
Churches – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Government Buildings – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Residential Care Facility – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Auxiliary Buildings – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Structures without Plumbing	\$5,660	\$6,000	\$7,000	\$8,300

<b><u>Fee Schedule for Fixture Units</u></b>	<b><u>Fees prior to Jan. 1, 2012</u></b>	<b><u>Fees as of Jan. 1, 2012</u></b>	<b><u>Fees as of July 1, 2012</u></b>	<b><u>Fees as of July 1, 2013</u></b>
Per automatic clothes washer	\$612	\$650	\$760	\$900
Per automatic dishwasher	\$653	\$690	\$810	\$960
Per bath tub	\$348	\$370	\$430	\$510
Per dental chair (equipped with plumbing)	\$197	\$210	\$240	\$290
Per drain-floor	\$295	\$310	\$370	\$430
Per drinking fountain or electric cooler	\$149	\$160	\$190	\$220
Per laundry tray	\$348	\$370	\$430	\$510
Per lavatory-regular	\$215	\$230	\$270	\$320
Per sink-kitchen, laboratory, slop, surgeon	\$410	\$440	\$510	\$600
Per shower-stall	\$348	\$370	\$430	\$510
Per toilet	\$674	\$720	\$830	\$990
Per urinal	\$330	\$350	\$410	\$480

2) **Commercial Options** Applicants for shell structures have the option of paying capacity charges by either of the methods listed below. The applicant is required to notify the District in writing of which method they choose prior to obtaining a connection permit from the District and may not change the method once the connection permit is issued.

**Method 1 - Per Commercial Unit**

Each commercial unit or tenant space that develops within the building shall pay either the minimum "per unit" fee, or the fixture unit fee (whichever is greater) based on the rates in effect at the time. If additional plumbing fixtures are installed

within an existing commercial unit, additional capacity charges would be required based fixture units.

**Method 2 - Per Square Foot**

The capacity charge is paid based on the square footage of the building. If the capacity charge is paid using this option, there is no limit on the number of commercial units or plumbing fixtures that may be installed within the building. Additional capacity charge would only be required if a restaurant or laundromat is created within the building, or if an industrial user locates within the building. The capacity charges would then be calculated per Section 906.00 3A-Table 6 of District Ordinance with a square foot cost credit applied for the area utilized.

3) **Industrial.** Industrial capacity charges for wastewater strength and flow that exceeds domestic wastewater characteristics shall be calculated using the average daily flow, BOD, and TSS data for the anticipated peak 30-day period. The data shall be provided to the District. These three parameters will be applied to the following formula in Article IX – Table 2 to determine the number of Sewer Service Units (Equivalent Dwelling Units - EDU)

<b>Article IX – Table 2</b>		
<b>Industrial User Capacity Charges Assignment Formula</b>		
Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L
 <b>Step 1</b>		
Flow Factor		= $\frac{\text{Average Daily Flow}}{210 \text{ gals/day}}$
 <b>Step 2</b>		
Strength Factor		= $0.50 + (\text{BOD} \div 175 \times 0.25) + (\text{TSS} \div 200 \times 0.25)$
 <b>Step 3</b>		
Equivalent Dwelling Units (EDUs)		= (Flow Factor) x (Strength Factor)
 <b>Step 4</b>		
Capacity Charge		= (Equivalent Dwelling Units) x (Current Single Family Dwelling Rate)

The EDU value calculated above will then be multiplied by 1.5 to determine the maximum allowable peak day EDU. If the actual peak day EDU exceeds the maximum allowable peak day EDU, then additional capacity charges shall be due in accordance with the following formula:

$$\text{Additional Capacity Charge} = ((\text{Actual Peak Day EDU} \div 1.5) - \text{Permitted EDU}) \times \text{Current Single Family Dwelling Rate}$$

After the industry is connected to the sewer and their discharge has been monitored for a reasonable length of time as determined by the General Manager, then actual loading shall be calculated using the formulas listed above. Any additional capacity charges shall be due within 30 days of invoice date. Industries shall be limited to the capacity purchased. If an industry exceeds its allowable capacity the District will, if capacity is available calculate and charge the industry for the additional capacity used. These fees will always be based on the single family dwelling unit capacity charge rate in effect at the time. If additional capacity is not available then the District will assess a fine equal to twice the calculated capacity charge for each day the violation(s) occur.

Industries that utilize the above formula will be required to stay within the allowed capacity limits. The District may require continuous or intermittent sampling by the industry to ascertain the type and quantity of the industrial discharge. If the industry does not stay within the allowable peak daily flow, BOD and TSS capacity limits as defined above, then the industry will have to purchase additional capacity at the rates in effect at that time.

If the industry's pollutants are incompatible with the District's treatment system, but will not cause a discharge or sludge disposal violation for the District, then the District may allow the connection with a special fee calculation. If the industry's pollutants will cause a discharge or sludge disposal violation, then the District will not allow the connection

(D) **Change of Use.**

**Residential** - If a building is modified, which results in additional living units, capacity charges are due as listed above.

**Nonresidential** - If additional commercial units and/or tenant spaces are created within a building, and/or if additional plumbing fixtures are installed within an existing commercial unit and/or tenant space, capacity charges are due as listed above.

(E) **Demolition Credits.** Capacity charge credits shall be valid for a period of two years from the date the demolition permit is issued by the District, and shall remain with the parcel from which they were established. The property owner must obtain a City or County building permit within the two-year time frame in order to utilize the capacity charge credits. The value of the credits shall be based on the type of unit and/or fixtures that have been removed from the parcel.

(F) **Change in Fees.** On July 1, 2014, and each July 1 thereafter, the sewer connection fees established herein shall each escalate annually by the February year-over-year change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area, rounded to the nearest whole dollar. Until December 31, 2016, projects that have been “deemed complete” shall be subject to the capacity charge in effect on the date that the project was “deemed complete.” A project is “deemed complete” when the District has approved the project’s construction improvement plans showing the sewer plan, profile and other details for the project. The Board of Directors may also from time to time at its discretion, revise, alter or amend any of the sewer capacity charges herein set forth by adoption of the appropriate resolution. (Amended by Ordinance 88 on 09/15/2010)

All fees collected under Article IX, Section 906 for the issuance of permits shall be deposited in the County Treasury of the County of Napa to the credit of the District in a fund designated "Expansion Fund." Such fund shall be expended from time to time for the purposes of: 1) the acquisition and construction of main trunk, interceptor and outfall sewers; 2) correction of infiltration/inflow, which consists of the rehabilitation of existing local street sewers, laterals, main trunks, interceptor and outfall sewers; 3) expansion of the District's sewage treatment facilities. However, such fund shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

Sec. 906.50

**Exceedance Fee Option**

(A) In the event that an Industrial User permitted under Article IX of this Ordinance exceeds the capacity limits under said permit, the permitted user may voluntarily choose the Exceedance Fee Option in lieu of paying additional capacity charges Section 906, only under the following conditions:

1. The District shall provide a Notice of Exceedance to the permitted user that a discharge exceeded permitted levels;
2. Within 14 calendar days of issuance of the Notice of Exceedance, the permitted user shall notify the District in writing of its preliminary intent to exercise the Exceedance Fee Option;
3. Within 45 calendar days of issuance of the Notice of Exceedance, with the option to extend this time upon mutual agreement of the permitted user and the District, the permitted user shall attest in writing to the specific cause of the discharge exceedance, and that the permitted user has or will take immediate action, either through changes in pre-treatment or management practices, or both, to ensure that a similar discharge exceedance does not recur. Said changes or actions shall include a compliance schedule and shall be identified in the written notice to exercise the Exceedance Fee Option; and
4. The General Manager, or District Engineer on delegation by the General Manager, reviews the viability of the proposed changes in pre-treatment and/or management practices intended to result in non-recurrence of the discharge exceedance, and issues an “Acceptance of Participation in Exceedance Fee Option” to the permitted user. The implementation plan and compliance

schedule shall include a temporary permitted capacity limit that may be higher than the previously permitted capacity limit. An exceedance of the temporary permitted capacity limit during the implementation period shall be treated as a new exceedance of the permitted capacity limit and be subject to Section 906 of this Ordinance.

(B) The Exceedance Fee shall be as a percentage of the connection fee as calculated under Section 906.00 of this Ordinance, as follows:

Between 1 .01 and 5.00 times the EDU discharge allowance:	10.0%
Between 5.01 and 10.00 times the EDU discharge allowance:	12.5%
Between 10.01 and 15.00 times the EDU discharge allowance:	15.0%
Between 15.01 and 20.00 times the EDU discharge allowance:	17.5%
Over 20.00 times the EDU discharge allowance:	20.0%

After receiving notice from the permitted user of its preliminary intent to exercise the Exceedance Fee Option, as per Section 906.50 (A) (2), the fee shall be invoiced by the District and be due and payable within 30 days. The nonpayment of Exceedance Fees within 30 days of the date of invoice shall render the permitted user ineligible for the Exceedance Fee Option, and Section 906 of this Ordinance shall apply.

(C) A permitted user shall not be allowed to pay the Exceedance Fee in lieu of paying additional connection fees if the permitted user has paid the Exceedance Fee for three (3) previous discharge exceedances in the past 60 months. In this circumstance, the Exceedance Fee Option will not be available to the permitted user.

(D) Payment of the Exceedance Fee under this section does not in any way change the discharge allowances in a discharge permit issued under Article IX of this Ordinance, except for any temporary increase that may be granted as part of the implementation of new pre-treatment systems and/or management practices. Fees paid under this section shall not be credited toward any other fees that may be charged to the permitted user, including any future connection fees paid under Section 906 of this Ordinance.

(E) The permitted user shall be ineligible to exercise the Exceedance Fee Option for any subsequent discharge exceedances until the user has implemented the pretreatment and/or management practices attested in accordance with the approved compliance schedule described in Section 906.50 (A) 3 above. The General Manager, or District Engineer on delegation by the General Manager, shall have sole discretion to determine whether the permitted user has proceeded in accordance with the approved plan and compliance schedule.

(F) In the event that the changes in pre-treatment and/or management practices, as referenced in (A) above, are insufficient to correct the discharge exceedance, a permitted user's participation in this Exceedance Fee Option does not limit or remove the permitted user's liabilities and responsibilities as identified in Article IX of this Ordinance.

(G) If the permitted user implements pre-treatment and/or management practice changes in accordance with the approved plan and within the compliance schedule, exceedance of the permitted capacity limits during the implementation shall not be subject to additional connection fees so long as the exceedance does not exceed the temporary permitted capacity limit. Failure to implement the approved plan and/or within the compliance schedule shall subject permitted user to additional connection fees accumulated during the implementation schedule.

(H) If, during the period when the permitted user is implementing its approved plan and compliance schedule, the permitted user makes unapproved changes to its operational practices resulting in increased EDU discharge, the District retains the right to discontinue permitted user's participation in the Exceedance Fee Option and Section 906 shall apply. Any fees paid under this Exceedance Fee Option shall not be applied toward connection fees.

(I) The District retains the right to withdraw its "Acceptance of Participation in Exceedance Fee Option" if it determines, after sufficient notice and opportunity to remedy, that permitted user is not participating in good faith to implement pre-treatment and/or change management practices.

(J) Participants in the Exceedance Fee Option shall continue to be assessed sewer service charges based on actual discharge to the sewer system while participating in this program.

Sec. 907        **PAYBACK CHARGES - Fees: Additional Capacity Charges.** In addition to any other fees and charges established by the Ordinances, rules and regulations of the District, there shall be collected, prior to connection to the sanitary sewer system of the District, special additional capacity charges on a front footage basis for any parcel, unit, lot or part of any property that abuts on an existing main sewer or sewerage works of the District constructed by or at the expense of the District for which said parcel, unit, lot or part of any property did not pay its proportionate front footage cost of installation. Said charges shall be collected where the facilities to serve the property consist of a main sewer or any sewer manhole, pumping station or any other sewer facility, together with all appurtenances thereto, which were constructed by or for the District in order to coordinate the construction of said facilities with any street improvement program of the City or the County, or to meet the requirements of the District for facilities to serve areas under the District Master Plan or for meeting the anticipated requirements for sewer service from the District, or for any other reason, which facilities were paid for by the District, which additional capacity charge shall be in a sum to be computed by the District on the basis of the actual cost of the installation of said service, sewer lateral, sewer main, manhole or pumping facility, including all expenses incidental thereto and all engineering, legal, inspection, and other charges.

The payback/additional capacity charges shall each escalate the same percentage that the latest Engineering News Record Construction Cost Index for the San Francisco Bay Area annually escalated. Said escalation shall be presented annually on July 1st.

Sec. 908        **Fees: Special Capacity Charges.** In addition to any other charges established herein, the District may establish special connection charges for any sewer connection when, in the opinion of the Board of Directors of the District, the circumstances of such connection

necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein.

Sec. 909                    **Non-payment of Capacity Charges.** Should any capacity charge not be paid prior to issuance of a building permit as required by Section 906 (B) of this article, the amount of the unpaid capacity charge shall be charged as a lien against the land that benefits from the sewer connection.

- 1) Prior to charging the lien, notice shall be given to the owner(s) of the lot(s) or parcel(s) of land affected, and the notice shall set forth all of the following:
  - a) The schedule of fees or charges to be imposed;
  - b) A description of the property subject to the fees or charges, which description may be by reference to a plat or diagram on file in the office of the Clerk of the Board, or to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file in the office of the County Assessor;
  - c) The time or times at which the fees or charges shall become due;
  - d) The number of installments in which the fees or charges shall be payable;
  - e) The rate of interest, not to exceed 12 percent per annum, to be charged on the unpaid balance of the fees or charges;
  - f) It is proposed that the fees or charges and interest thereon shall constitute a lien against the lot(s) or parcel(s) of land to which the sanitation facilities are furnished;
  - g) The time and place at which the Board will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.
- 2) Except as provided in Section 909 (3), the amount of the charges shall constitute a lien against the lot(s) or parcel(s) of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.
- 3) All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, corrections, cancellation, refund and redemption's, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Section 909 (3) shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection.

Sec. 910                    **Fees: Plan Check, Inspection and Demolition.**

**A. Single Family Units, Multiple Dwellings, Commercial, Industrial, Public and Other Uses.**

**(1) Plan Check Fees**

New Subdivisions.....\$40.00 per living unit  
Lots with no new sewer mains..\$25.00 per living unit  
Apartments..... \$25.00 per living unit  
Commercial, Industrial,  
Shell Structures.....\$40.00 per building

**(2) Inspection Fees**

The schedule of charges for the inspection of all side sewers, lateral sewers, house and trunk and main sewers, shall be as follows:

\$35.00 per street lateral  
\$35.00 per house lateral  
\$ 1.25 per foot for house laterals 6"  
diameter or larger  
\$ 1.25 per foot for main line installation

**(3) Tapping Fees**

Sliplined mains only.....\$150.00 per tap

NOTE: Excavation and preparation of the tapping pit shall be performed by a properly licensed contractor. (Amended by Ordinance 72 - 7/13/94)

**(4) Demolition Permits.....\$35.00 per lateral**

**B. Alteration of Existing Sewer Installation.** A permit fee shall be paid to the District for issuing a permit and inspecting any work adding to, altering or extending an existing building sewer installation.

**C. Failure to Obtain Permit.** In the event any part of the side sewer is installed without the issuance of a permit and the inspection of said sewer, the fee for the issuance of said permit and the inspection of said sewer shall be double the amounts herein provided, plus an additional fee of \$100.00.

Sec. 911                    **Performance Guarantee - Public Sewer Construction.** The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for public main extension entered into with the Board. Said surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated costs of the work, or in such other sum as may be fixed by the Board, and shall in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the sewer main for a period of one year following the completion and acceptance of the work by the District.

Sec. 912                    **All Work to be Inspected.** All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance.

No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the inspector.

For public sewer construction, the owner or owners and/or contractor shall deposit with the General Manager a sum to be fixed by the General Manager prior to commencement of work. Said sum shall be estimated to equal the cost of inspecting said work and other expenses regularly incurred in connection therewith. The amount to be charged for inspection shall be on a lineal footage basis on all lines of 6" diameter or more and a flat fee for 4" street laterals established by resolution adopted by the Board of Directors of the District. Should the amount of the deposit be insufficient to pay such costs incurred by the District, the owner or owners and/or contractor shall advance such additional sums as shall be necessary to pay said costs prior to the final inspection of work.

Sec. 913                    **Notification.** It shall be the duty of the person doing the work authorized by permit to notify the District that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays and Holidays excluded, before the work is ready to be inspected. It shall be the duty of the person doing the work to make sure that the work will pass the tests required by the District before giving the above notification.

Sec. 914                    **Condemned Work.** When any work has been inspected and the work condemned, 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 District.

Sec. 915                    **All Costs Paid by Owner.** All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 916                    **Contractor Requirements.** Contractors working in the public right-of-way or District easements or on facilities that will be dedicated to the District upon completion, are required to have a valid Class A California contractor's license, an active Cal-OSHA T-1 annual trench/excavation permit, and shall be bonded with the District. The bonding requirement may be waived by the District for projects bonded for by an owner or developer.

Sec. 917                    **Public Right-of-Way Excavation Permit.** A separate permit must be secured from the County and/or City or any other agency having jurisdiction thereover by owners or contractors intending to excavate in a public Right-of-Way for the purpose of installing sewers or making sewer connections.

Sec. 918                    **Liability.** The District 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 arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District 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 his work or any failure which may develop therein.

**ARTICLE X**  
Outside Sewers

Sec. 1001     **Special Outside Agreements.** Where special conditions exist relating to any outside sewer, they shall be the subject of special contract between the applicant and the District, and applicant shall be charged for sewage service in the same degree and manner as others now within the District Boundaries.

**ARTICLE XI**  
Miscellaneous Provisions

- Sec. 1101      **Protection from Damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District sewerage works. Any person violating this provision shall be subject to the penalties provided by law.
- Sec. 1102      **Powers and Authorities of District Employees.** Any duly authorized employee of the District shall carry evidence establishing their position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing and otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District. All contractors shall be held strictly responsible for any and all acts of agents or employees done under this ordinance. Upon being notified by the General Manager of any defect arising therefrom in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.
- Sec. 1103      **Separability.** If any section, subsection sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared to be unconstitutional.

**ARTICLE XII**  
Repeal of Inconsistent Ordinances

Sec. 1201     **Inconsistent Ordinances.** All other ordinances and parts of ordinances inconsistent herewith, are hereby repealed. This ordinance shall be in full force and effect upon the expiration of thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the Board of Directors voting for and against said Ordinance in the Napa County Record, a newspaper of general circulation published in the **NAPA SANITATION DISTRICT, NAPA COUNTY, CALIFORNIA**, and which newspaper this Board deems most likely to give notice to the inhabitants of said Sanitation District.


**PASSED AND ADOPTED** by this Board of Directors of **NAPA SANITATION DISTRICT, NAPA COUNTY, CALIFORNIA**, this 15<sup>th</sup> day of September, 2010, by the following vote:


AYES: Directors: GRAVETT, LUCE, SHINNAMON, TECHEL, VAN GORDER

NOES: Directors: NONE

ABSENT: Directors: NONE

Signed:

  
\_\_\_\_\_  
Secretary, Board of Directors  
of the Napa Sanitation District  
Napa County, California

  
\_\_\_\_\_  
Chair, Board of Directors  
of the Napa Sanitation District  
Napa County, California