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Amended to include yearly service charge plus additional definitions,  
update by expansion of, and/or deletion/addition of terms and definitions to add  
clarification by Ordinance 72, adopted July 13, 1994. Final approval by RWQCB on  
major changes made in January, 1992  
are included in this July 13, 1994 revision.  
Revised by Ordinance 73 - February 8, 1995  
Revised by Ordinance 74 - June 14, 1995  
Revised by Ordinance 75 - July 10, 1996

# **NAPA SANITATION DISTRICT**

## **ORDINANCE NO. 67**

Adopted January 22, 1992

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 AN ENGINEER-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 DEFRAY 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 the City of Napa 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.

# ARTICLE 1

## Definitions

Sec. 101.00 **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. Ref. 40CFR 403.3(b)

**Administrator** is the Administrator of the United States Environmental Protection Agency.

**Allowable Peak Day EDU** 1.5 times the Peak Month EDU. - (7/13/94)

**Applicable Pretreatment Standard** is 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** - The State of California. Ref. 40CFR 403.3(c)

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

**Average Monthly EDU** calculated using the average daily flow, BOD, and SS for a 30 consecutive day monitoring period. (Usually a calendar month.) (7/13/94)

**Baseline Monitoring Report (BMR)** is a report submitted by categorical Industrial Users within 180 days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the categorical standard. Ref. 40CFR 403.12(b)

**Bed & Breakfast Facility** shall mean an existing single family dwelling that has been converted to rental rooms with common restroom facilities. Each rental room is considered a "unit". (7/10/96)

**Beneficial Uses** means 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 Professional Judgment (BPJ)** - The highest quality technical opinion of a permit writer, after consideration of all reasonably available and pertinent data or information, forming the basis for the terms and conditions of a permit.

**Bioassay or Aquatic Toxicity Test** is 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 the results obtained using an approved laboratory procedure to measure the quantity of oxygen utilized in the biochemical oxidation of organic matter or in satisfying the oxygen demand of other materials present.

**Board** shall mean the Board of Directors of said District.

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

**Building 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. (7/10/96)

**Bypass** - The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility. Ref.40CFR 403.17

**Categorical Industrial User** - An Industrial User subject to categorical pretreatment standards.

**Categorical Industry** - Means an industry that is subject to the Federal Categorical Pretreatment Standards as published by the United States Environmental Protection Agency. (7/13/94)

**Categorical Pretreatment Standards** - Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories. Ref. 40CFR 403.6 and Parts 405-471

**Chain of Custody** - 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; but if the structure contains living quarters, these shall be regarded as a separate unit chargeable at a single family dwelling rate.

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

**Clean Water Act (CWA)** - (Otherwise known as the Federal Water Pollution Control Act) enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq.; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987, and future amendments.

**Closed-Cup Flashpoint** - 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.

**Code of Federal Regulations (CFR)** is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal government.

**Combined Sewer** shall mean a sewer designed to receive both surface run-off and sewage.

**Combined Wastestream Formula (CWF)** - Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from a categorical Industrial User is combined with other wastestreams prior to treatment. Ref. 40CFR 403.6(e)

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

**Compatible Pollutant** means 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** - A limit based on the mass of pollutant per unit volume, usually expressed in milligrams per liter.

**Confidential 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 Engineer-Manager, constitute trade secrets. Effluent constituents and characteristics shall not be considered confidential information.

**Connection Fee** One time fee charged to new connections, or to existing connections where a change in use 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. (7/10/96)

**Consistent Compliance** means 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. (7/13/94)

**Contamination** means 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** means any wastewater contributor identified in the 1987 Standard Industrial Classification (SIC) Manual and subsequent revisions in any of its Divisions.

**Control Authority** - The Napa Sanitation District. 40CFR 403.12(a)

**Conventional Pollutants** - As defined by Federal law, these include BOD, TSS, fecal coliform bacteria, oil and grease, and pH. Ref. 40CFR 401.16

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

**Cyanide** - A substance when combined with some element or radical results in an extremely poisonous compound with an odor of bitter almonds, i.e., Sodium Cyanide, Potassium Cyanide, Hydrogen Cyanide.

**Daily Maximum Limit** - 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.

**Development Document** - Detailed report of studies conducted by the U.S. EPA for the purpose of developing categorical pretreatment standards.

**Director** - The chief administrative officer of a State or interstate water pollution control agency with an NPDES permit program and state pretreatment program

approved pursuant to Section 402(b) of the Clean Water Act and an approved State pretreatment program. Ref. 40CFR 403.3(e)

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

**District Rules and Regulations** shall mean the Rules and Regulations for sewer use adopted by the Board and as amended from time to time.

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

**Engineer-Manager** shall mean the person or persons appointed by the Board to administer and enforce the rules and regulations of District.

**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)** the combination of flow and strength of a waste that is equivalent to the waste discharged from a single family home. This is often evaluated on a per day basis. (7/13/94)

**Federal Act** means 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). 40 CFR 403.3 (j).

**Flashpoint.** The minimum temperature of a liquid at which the liquid gives off a vapor in sufficient concentration to ignite when tested under specific conditions.

**Flow Equalization** Flow equalization is any method employed by the industry which reduces peak daily flow, BOD, and SS to within allowable limits, as determined by the Engineer Manager. (7/10/96)

**Flow Proportional Composite Sample** - A sampling method which combines discrete aliquots of a sample collected over time, based on the flow of wastestream 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)** - A procedure used to calculate alternative limits where wastestreams regulated by a categorical pretreatment standard and nonregulated wastestreams combine after treatment but prior to the monitoring point.

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

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

**Grab Sample** - A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

**Holding Tank Waste** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump trucks.

**Hotel or Motel Unit** shall mean an individual sleeping quarter which is used, rented or hired out to be occupied for sleeping purposes by guests. A Hotel or Motel unit may or may not contain cooking facilities. (7/10/96)

**Incompatible Pollutant** means any pollutant which is not a "compatible pollutant" as defined in this section.

**Indirect Discharge or Discharge** means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act. Ref.40CFR 403.3(g)

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

**Industrial User (IU) or User** means a source of indirect discharge. Ref. 40CFR 403.3(h)

**Industrial User Management Practices** - 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.

**Insignificant Industrial User** - Means an industry or commercial establishments which have only domestic wastewater or that have no industrial waste flow into the city's sewerage system.(7/13/94)

**Insignificant Violation** - Means 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. (7/13/94)

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

**Instantaneous Maximum Limit** - 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.

**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 causes a violation of the POTW's NPDES permit or prevents 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. Ref. 40CFR 403.3(i)

**Lethal Toxicity or Lethal Concentration (LC)** - toxicant concentration producing death of test organism.

**Local Limits** - 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.)**. The point where the concentration of gas-in-air is sufficiently large enough to result in an explosion if an ignition source is present.

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

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

**Mass Emission Rate** means the weight of material discharged to the public sewer during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

**Material Safety Data Sheet (MSDS)** - An information document regarding chemical products and their hazardous nature.

**Maximum Month EDU** the one month over a period of months that has the highest average monthly loading. (7/13/94)

**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** - Means the arithmetic mean of the values for effluent samples collected during a calendar month or specified thirty (30) day period (as opposed to a rolling thirty (30) day window). (7/13/94)

**Monthly Average Limit** - 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, each separate living quarters to be Referred to as a unit.

**NPDES** shall mean National Pollutant Discharge Elimination System permit issued by a Regional Water Control Board of the State of California.

**NPDES State** - A State (as defined in 40 CFR 1222) or interstate water pollution control agency with a NPDES permit program approved pursuant to section 402(b) of the Act. Ref. 40CFR 403.3(m)

**National Pretreatment Standard or Pretreatment Standard** - Means 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 403.5, including local limits. Ref. 40CFR 403.3(j)

**National Prohibited Discharges** - Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTWs set forth in 40 CFR 403.5.

**Net/Gross Calculations** - An adjustment to Categorical Pretreatment Standards to Reflect the presence of pollutants in the Industrial User's intake water. Ref. 40CFR 403.15

**New Source** means:

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 are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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 1)(b), or 1)(c) of this section 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. Ref. 40CFR 403.3 (k)

**Ninety (90)-Day Compliance Report** - 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. Ref. 40CFR 403.12(d)

**Noncontact 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.

**Nonconventional Pollutants** - All pollutants which are not included in the list of conventional or toxic pollutants in 40 CFR Part 401.

**Nondomestic Waste** shall mean the same as "Industrial Waste".

**Nondomestic Wastewater Discharger or Nondomestic Discharger** shall mean any source of discharge of nondomestic waste to the public sanitary sewer system.

**Oil and Grease (Mineral Based)** - Any material recovered from an acidified sample as a substance soluble in a designated solvent.

**Oil and Grease (Vegetable and Animal Based)** - Any material recovered from an acidified sample as a substance soluble in a designated solvent. This includes fats, oil and grease of all origins.

**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). Ref. 40CFR 403.3(n)

**Peak Day EDU** The maximum daily loading occurring in a 30 consecutive day monitoring period. (7/13/94)

**Periodic Compliance Report** - A report on compliance status submitted by categorical Industrial Users to the Control Authority at least semiannually. Ref. 40CFR 403.12(e)

**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.

**pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. Values above 7.0 represent alkaline conditions, and those below 7.0 represent acid conditions.

**Phenols** - hydroxy derivatives of benzene and its condensed nuclei.

**Pollution** means 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 effects the facilities which serve such beneficial uses. Pollution may include contamination.

**Polynuclear Aromatic Hydrocarbons (PAHs)** - certain cyclic compounds having many nuclei, containing only hydrogen and carbon and a distinguishable odor. Often these are by-products of petroleum processing or combustion.

**POTW Pretreatment Program or Approved POTW Pretreatment Program or Program** - a program administered by a POTW that meets the criteria established in 40CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40CFR 403.11. Ref. 40CFR 403.3(d)

**POTW Treatment Plant** means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. Ref. 40CFR 403.3(p)

**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 application of physical, chemical and/or biological processes to reduce the amount of pollutants, eliminate pollutants, or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater to the public sanitary sewer system. Ref. 40CFR 403.3 (q)

**Pretreatment Standards and Requirements** is defined in 40 CFR 403.3(r) as any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to IUs. Ref 40CFR 403.3 (r)

**Pretreatment Standards for Existing Sources (PSES)** - 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)** - 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.** The EPA list of 126 substances which are an environmental hazard and may be present in water. Because of the known or suspected hazards of these pollutants, Industrial Users of the substances are subject to regulation.

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

**Process Wastewater** - 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** - 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.** 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 which is owned, operated and maintained by a public agency.

**Publicly Owned Treatment Works (POTW)** - A treatment works as defined by Section 212 of the Clean Water Act which is owned by the State or municipality. 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. Ref. 40CFR 403.3(o)

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

**Reclaimed Water** means water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur.

**Regional Administrator** - The appropriate EPA Regional Administrator.

**Regulated Wastestream** - An industrial process wastestream regulated by a national categorical pretreatment standard.

**Removal Credit** - 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** means any family home, group care facility, or similar facility which is occupied by seven or more persons not related by blood, 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)** - A 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.]

**Rooming House** shall mean any structure which provides rental rooms for six or less persons which has not received licensing from the State of California.

**R/V Space** An Area that would allow for the temporary camping or parking of a recreational vehicle, trailer, camper or other type of mobile living space, where a sewage disposal hookup or restroom facility is available for use on the parcel. (7/10/96)

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

**Self-Monitoring** - Sampling and analyses performed by the Industrial User to ensure compliance with the permit or other regulatory requirements. Ref. 40CFR 403.12 (b)(g)

**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.

**Service Unit.** A service unit is defined as flow of 210 gallons per day, BOD of 175 mg/L, and SS of 200 mg/L.

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

**Sewage Sludge** means 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 processes; 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. (7/13/94)

**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** annual charge designed to cover operation and maintenance cost of treatment and collection facilities. (7/13/94)

**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. (7/10/96)

**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 (SIU)** - All IUs subject to categorical pretreatment standards under 40CFR 403.6 and 40CFR Chapter I, Subchapter N; and any noncategorical Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; or 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 IU has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Ref. 40CFR 403.3(t)

**Significant Noncompliance.**

- 1.) Chronic violations (exceeding the daily maximum limit or the average limit 66% of the time during a 6-month period) of the same pollutant parameter;
- 2.) Technical Review Criteria (TRC) violations [33% or more of the measurements for each pollutant parameter taken during a 6-month period

equal or exceed the product of the applicable limit and the TRC value (1.4 times the limit for a conventional pollutant or 1.2 times the limit for a toxic pollutant)];

- 3.) A violation of pass through or Interference;
- 4.) A discharge of imminent endangerment to human health, welfare, or the environment, or which required the POTW to use its emergency authorities under 40 CFR 403.8(f) (1) (vi) (b);
- 5.) Violations of a compliance schedule milestone by 90 days;
- 6.) Failure to provide, within 30 days after the due date, 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 noncompliance.
- 8.) Any other violation deemed significant by the Control Authority. Ref. 40 CFR 403.8(f)(2)(vii)

**Significant Violation** means 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(f)(1)(vi)[B]. (7/13/94)

**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". (7/10/96)

**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. Also known as slug loadings, shock loads, or batch dumps of compatible or noncompatible pollutants from industries, whether accidental or on purpose.

**Slug Load** - Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) to 403.12(f).

**Solvent Management Plan.** 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** - 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** - Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

**Standard Industrial Classification (SIC) Code** - A classification scheme based on the type of manufacturing or commercial activity at a facility: some facilities have several activities which will cause them to have more than one code number.

**Standard Industrial Classification Manual** - Prepared by the Executive Office of the President, Office of Management and Budget 1987 (NTIS Order No. PB 87-10001Z).

**Standard Specifications** shall mean a set of documents containing design and construction standards for all sewerage works within the District, all as adopted December 28, 1962 and subsequent amendments.

**Storm Sewer or Storm Drain** shall mean a sewer which carries storm and surface or ground waters and drainage, but 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, alley-way, 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. (7/10/96)

**Submission** - 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. Ref. 40CFR 403.3(u)

**"TICH"** shall mean Total Identifiable Chlorinated Hydrocarbons.

**Time Proportional Composite Sample** - A sampling method which 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.

**Total Suspended Solids (TSS) or Nonfilterable Solids** shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**Total Toxic Organics (TTO)** - 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)** - 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) of the Clean Water Act and 40CFR 403 (app.B).

**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 land industrial waste.

**Unpolluted Water** means 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.

**Unregulated Wastestream** - 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** - 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. Ref. 40CFR 403.16(a)

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

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

**Volatile Organic Compounds (VOCs)** - as listed in 40CFR 136.

**Waste** includes 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.** 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** means 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 nondomestic 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 nondomestic or domestic wastes, including intercepting sewers, outfall sewers, sewer collection systems, pumps, powerplants 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** means one of the Directors of the Water Management Divisions within the Regional offices of the Environmental Protection Agency or his/her delegated representative. Ref. 40CFR 403.3(f)

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

## **ARTICLE II**

### **General Provisions**

Sec. 201.00 **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. 202.00 **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. 203.00 **Short Title.** This ordinance shall be known as the **SANITARY CODE OF THE NAPA SANITATION DISTRICT.**

Sec. 204.00 **Publication.** Upon adoption, this ordinance shall be entered in the minutes of the Board and an excerpt shall be published once in the Napa County Record, and the Napa Register, newspapers 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. 205.00 **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.

Sec. 206.00 **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. 207.00 **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. 208.00 **Engineer-Manager.** The Board shall employ some fit and qualified person or persons to perform the duties of Engineer-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 Engineer-Manager may delegate certain of his duties to other qualified officers of employees of the District.

Sec. 209.00 **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. 210.00 **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. 211.00 **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 Plumbing Ordinance of the City and the County, 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. 301.00 **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. 302.00 **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. 303.00 **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. 304.00 **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. 305.00 **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 point of 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. 401.00 **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, consisting of a septic tank and leach field complying with the provisions of this ordinance.

Sec. 402.00 **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. 403.00 **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. 404.00 **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. 405.00 **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. 406.00 **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. 407.00 **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. 501.00 **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. 502.00 **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 District Standard Specifications, as adopted December 26, 1962, together with subsequent amendments.

Sec. 503.00 **Separate Sewers.** Except as hereinafter provided, every house and 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, except in a townhouse development in R-UTH District, where the individual building sewers are located a maximum of five feet from the involved common walls and property line. Notwithstanding the provisions hereof, single family residential units with common walls, condominium, 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 Engineer-Manager, be permitted to maintain a common side sewer or sewers.

**Sec. 504.00 Old Building Sewers.** Old building laterals may be used in connection with new buildings only when they are found, upon examination and test, to meet all requirements of the District. If the laterals are not adequate, then the Applicant shall pay for all costs to reconstruct the laterals.

**Sec. 505.00 Cleanouts.** Cleanouts in building laterals shall be provided in accordance with the City and/or County Plumbing Code and the District Standard Specifications, as adopted December 26, 1962, together with subsequent amendments.

**Sec. 506.00 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 Engineer-Manager, and discharged to the public sewer at the expense of the owner.

**Sec. 507.00 Connection to Public Sewer.** The connection of the side sewer into the public sewer shall be made in accordance with District Standard Specifications, as adopted December 26, 1962 together with subsequent amendments and 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. 508.00 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, 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. 509.00 Testing.** All building laterals and street laterals shall be tested in accordance with District Standard Specifications.

## **ARTICLE VI**

### **Public Sewer Construction**

Sec. 601.00 **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. 602.00 **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 on December 26, 1962, together with the subsequent amendments. Copies are on file at the District Office. The Engineer-Manager, with the consent of the Board, may permit modifications or may require higher standards where unusual conditions are encountered.

Sec. 603.00 **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 Engineer-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 Engineer-Manager, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall approve the plans, profiles and specifications and allow the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds and deposits 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 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. (7/13/94)

Sec. 603.02 **Security Deposit Reduction.** "The Engineer-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 Engineer-Manager; however, in no event may the Engineer-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 Code, 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 Engineer-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 until the entire project is accepted by the District Board for Maintenance and Operation. (7/13/94)

Sec. 604.00 **Subdivisions.** The requirements of Sections 601 and 602 of this ordinance shall be fully complied with before any final subdivision map shall be approved by the City or County. 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. 605.00 **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 Board 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. (7/10/96)

Sec. 606.00 **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. 607.00 **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. 608.00 **"As-Built" Drawings.** As a condition of final acceptance by the District, the developer shall supply to the Inspector all information needed to complete the "As-Built" drawings showing the actual locations of all mains, structures, wyes, laterals, and other changes to the construction drawings, shall be filed with the District. The Engineer on the project shall revise the original drawing and prepare an "As-Built" drawing.

Sec. 609.00 **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:

- A. 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 Engineer-Manager;
- B. The developer shall submit to the District the construction and engineering costs for the sewerage works installed.

**Sec. 610.00 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. 611.00 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.

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