

**COUNTY SANITATION DISTRICT No. 2-3
OF
SANTA CLARA COUNTY
CALIFORNIA**

**OPERATIONS
CODE**



**COUNTY SANITATION DISTRICT 2-3
OF SANTA CLARA COUNTY
CALIFORNIA**

**DISTRICT OFFICE
90 ARCHER STREET
SAN JOSE, CALIFORNIA 95112
(408) 453-5373**

OPERATIONS CODE

SANITATION DISTRICT BOARD

James t. Beall, Jr., Chairperson
Supervisor - District 4, County of Santa Clara

Donald F. Gage
Supervisor-District 1, County of Santa Clara

Blanca Alvarado
Supervisor - District 2, County of Santa Clara

Pete McHugh
Supervisor - District 3, County of Santa Clara

S. Joseph Simitian
Supervisor - District 5, Santa Clara County

DISTRICT COUNSEL

Kathy Kretchmer, Deputy County Counsel

Operations Code Adopted September 23, 1997, by Ordinance No. 35

**COUNTY SANITATION DISTRICT 2-3
OPERATIONS CODE**

TABLE OF CONTENTS

		<u>SECTIONS</u>
Article I	Definitions	1.01 to 1.70
Article II	General Provisions	2.01 to 2.15
Article III	Main Sewer and Trunk Sewer	3.01 to 3.03
Article IV	Side Sewers, House Laterals and House Sewers	4.01 to 4.04
Article V	Use of Public Sewers/Sewer Use Regulations	5.01 to 5.40
Article VI	Waste Water Discharge Permits	6.01 to 6.16
Article VII	Sewer Service Charges	7.01 to 7.09
Article VIII	Fees	8.01 to 8.06
Article IX	Reimbursement of Excess Costs	9.01 to 9.04
Article X	Adjustments and Exceptions	10.01 to 10.01
Article XI	Miscellaneous	11.01 to 11.04
Appendix A	Total Toxic Organics (TTO's)	
Appendix B	Wastewater Discharge Permit Fees	

ARTICLE 1

DEFINITIONS

- 1.01** **ACREAGE** shall mean the gross acres of a parcel of land after the acreage of the existing improved streets has been deducted
- 1.02** **AMMONIA** shall mean that form of nitrogen, which is chemically definable as NH_3 .
- 1.03** **ASSESSOR** shall mean the assessor of Santa Clara County, California.
- 1.04** **AUDIT PROTOCOLS** shall mean the procedures to be followed in performing a Mass Audit Study.
- 1.05** **AVERAGE CONCENTRATION** shall mean the concentration of a pollutant in an Industrial User's discharge that is calculated by adding the concentrations of the particular pollutant in all Composite Samples taken during a given time period, including but not limited to self monitoring samples, and dividing the total by the number of samples taken.
- 1.06** **BEST MANAGEMENT PRACTICES** shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of pollutants to the Sanitary Sewer System which have been determined by the District Manager to be Cost Effective for particular industry groups, business types, or specific industrial processes.
- 1.07** **BIDDERS LIST** shall mean a list of qualified vendors or contractors maintained by and on file in the office of the District manager.
- 1.08** **BOARD, DISTRICT BOARD OR SANITARY BOARD** shall mean the governing body of County Sanitation District No. 2-3.
- 1.09** **BOARD MEMBER** shall mean any member of the governing body of the County Sanitation District No. 2-3.
- 1.10** **BIOCHEMICAL OXYGEN DEMAND** shall mean the period or periods of time during each twenty-four-(24) hour day during which industrial wastes are being discharged from a premises into the Sanitary Sewer System.
- 1.11** **CODE OF FEDERAL REGULATIONS** means refer to the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration. Whenever a reference is made to any portion of said Code, or to any other federal regulation such reference shall apply to all amendments and additions to such portion of said code now or hereinafter

enacted.

- 1.12 COMPOSITE SAMPLE** shall mean a flow-proportional or time proportional sample, which accurately represents the average pollutant concentration discharged during a continuous time period, A Composite Sample may be obtained manually or automatically, and discretely or continuously. For manual compositing, at least six (6) individual samples from each sample point shall be combined and mixed to obtain one Composite Sample; flow-proportion may be obtained either by varying the time interval between each discrete sample or the volume of each discrete sample.
- 1.13 CONNECTOR** shall mean any owner or renter of any premise connected to the sewer system.
- 1.14 CONTRACTOR** shall mean any person who performs the work of installing and connecting main, sub-main, lateral sewers or house sewers to the District sewerage system.
- 1.15 COST EFFECTIVE** shall mean that total project costs, if financed over a five (5) year period at the prime interest rate published in the Wall Street Journal plus two percent (2%) at the time the project costs are being determined, do not exceed the total savings that would be generated by the project during the same five (5) year period. Project costs shall also be considered Cost Effective, if financing assistance is available to the discharger, from the District or any other source, at a lower rate and the project costs, if financed over a five (5) year period at that rate do not exceed the total savings that would be generated by the project during the same five (5) year period.
- 1.16 COUNTY** shall mean the County of Santa Clara, California.
- 1.17 CRITICAL USER** shall mean a discharger whose wastewater contains priority pollutants or who discharges waste, which has the potential to cause interference, excluding domestic waste.
- 1.18 DILUTING WATERS** shall mean noncontact cooling water, boiler blowdown, domestic sewage, groundwater, stormwater, surface drainage, or potable waters which are not part of an industrial process and which do not contain Priority Pollutants, but, which are combined with industrial wastewater prior to the monitoring point for Industrial Wastewater discharge.
- 1.19 DISTRICT** shall mean County Sanitation District No. 2-3 of Santa Clara County, California.
- 1.20 DISTRICT COUNSEL** shall mean the Counsel of said District.
- 1.21 DISTRICT ENGINEER** shall mean the Engineer of said District.
- 1.22 DISTRICT MANAGER** shall mean the Manger of said District.

- 1.23 **DOMESTIC SEWAGE** is defined as a combination of liquid or water carrying human or kitchen waste conducted away from the residence, business, institutional buildings or industrial establishments, excluding ground, surface and storm waters and also excluding industrial wastes.
- 1.24 **FRONTAGE** shall mean the distance in feet that a parcel of land runs along an existing street.
- 1.25 **GARBAGE** shall mean solid wastes from the preparation, cooking, and dispensing of foods, and from the handling, storage and sale of produce.
- 1.26 **GRAB SAMPLE** shall mean a single discrete sample collected at a particular time and place which represents the composition of the waste stream only at that time and place.
- 1.27 **GREASE** shall mean grease, oil, fat or other either-soluble matter, and shall include each of the following two types:
- a. dispersed grease, which shall mean grease which is not floatable grease;
 - b. floatable grease, which shall mean grease which floats on the surface of quiescent sewage water or other liquid, or which floats upon dilution of the liquid with water.
- 1.28 **GROUP 1 DISCHARGER**
- a. Shall mean an Industrial User which typically uses copper or nickel as part of its operational process and which discharges Industrial Wastes into the Sanitary Sewer System containing nickel in excess of .005 mg/l or copper in excess of .05 mg/l, and whose discharge contains in excess of .04 pounds per (ppd) nickel or .09 ppd copper.
 - b. For the purpose of subsection (a) above, the pounds of nickel and copper contained in an Industrial User's discharge shall be determined by multiplying the Industrial User's average Process Flow times the average Concentration of nickel or copper measured in the Industrial user's discharge as shown by composite Sampling, including but not limited to self monitoring sampling.
 - c. For the purpose of subsections (a) and (b) above, average Process Flow and Average Concentration for any Industrial Discharger discharging into the Sanitary Sewer System prior to April 1, 1993, shall be calculated on the basis of sampling for the twelve (12) month period April 1, 1992 through March 31, 1993, and for any other Industrial Discharger for the twelve (12) month time period preceding the date of application for reissuance of a discharge permit, or, in the case of an application for a new permit, on the basis of the projected process Flow shown in the Industrial User's Wastewater Discharge Permit application and the projected Average

Concentrations shown in the Industrial user's Wastewater Discharge Permit application.

- 1.29 GROUP 2 DISCHARGER** shall mean all Industrial Users, other than Group 1 and Group 3 Dischargers.
- 1.30 GROUP 3 DISCHARGER** shall mean an Industrial User, other than a Group 1 Discharger, which does not typically use copper or nickel as part of its operational process, and whose average Process Flow is less than one thousand (1,000) gallons per day.
- 1.31 HEALTH DEPARTMENT** shall mean State, County or City Health Department.
- 1.32 HOUSE LATERAL** is that portion of the Side Sewer within a public street.
- 1.33 HOUSE SEWER** is that portion of the Side Sewer within private property.
- 1.34 INDUSTRIAL USER** shall mean any non-residential user that discharges industrial wastes to the Sanitary Sewer System.
- 1.35 INDUSTRIAL WASTES** shall mean the wastes of producing, manufacturing and processing operations of every kind and nature.
- 1.36 INDUSTRIAL WASTES OF EXCESSIVE STRENGTH** are industrial wastes discharged from any premises into the Sanitary Sewer System in any one operating day.
- a. which have an average daily suspended solids content in excess of 300 parts per million, or
 - b. which have an average daily biochemical oxygen demand in excess of 300 parts per million, or
 - c. which contain in excess of 2500 pounds of suspended solids, or
 - d. which contain in excess of 2500 pounds of biochemical oxygen demand.
- 1.37 INSTALLER** is any person that installs Main or Trunk sewers within District for connection to District Sewer System.
- 1.38 INTERFERENCE**
- a. Shall mean a discharge which alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the processes or operation of the Sanitary Sewer System, including the Plant, or causes or significantly contributes to a violation of any requirement of the National Pollutant Discharge Elimination system (NPDES) Permit, which is a permit issued pursuant to Section 402 of the Clean Water Act.
 - b. Shall also mean, includes prevention of bio-solids use or disposal by the

Plant in accordance with published regulations providing guidelines under Section 405 of the Clean Water Act or in regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state regulations (including those contained in any state bio-solids management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Plant.

- 1.39 LOCAL AGENCY** shall mean City, County or other public entity that has jurisdiction over a street or private property.
- 1.40 MAIN SEWER** is any sewer eight inches (8") or less in diameter in any public street to which the Side Sewer is to connect.
- 1.41 MASS AUDIT STUDY** shall mean an investigation of pollution prevention and source reduction measures performed by or for an Industrial User, pursuant to Audit Protocols acceptable to the District, to analyze the volume and concentration of nickel, copper, and/or any other Priority Pollutant identified in regulations adopted by the District in an Industrial User's process streams and discharge, and to identify the Maximum Feasible Reduction measures available to the Industrial User.
- 1.42 MAXIMUM ALLOWABLE CONCENTRATION** shall mean the highest permissible concentration or other measure of pollutant magnitude taken at a specific point in time.
- 1.43 MAXIMUM FEASIBLE REDUCTION MEASURES**
- a. Shall mean all individual measures, and all functionally interdependent measures, of reducing the mass of specified pollutant(s) in an Industrial User's discharge, which the District Manager finds would be Cost Effective if installed by the Industrial user.
 - b. For the purpose of this Section 2040, individual measures which are not Cost Effective shall nonetheless be considered part of a functionally interdependent group of cost Effective measures if they substantially reduce the mass of pollutant(s) discharged, and the other measures with which they are grouped are their functional prerequisite.
- 1.44 OPERATING DAY** shall mean the period or periods of time during each twenty-four (24) day during which industrial wastes are being discharged from a premises into the Sanitary Sewer System.
- 1.45 pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 1.46 PERSON** is any individual, firm, partnership, company, corporation, and association or Government agency.

- 1.47 **PLANT** shall mean the San Jose/Santa Clara Water Pollution Control Plant.
- 1.48 **PREMISE** is any lot, parcel of land, building or establishment, including a condominium as defined in section 783 of the Civil Code of the State of California as an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store and which may also include in addition a separate interest in other portions of such real property.
- 1.49 **PRIORITY POLLUTANTS** shall mean all pollutants as defined by the "General Pretreatment Regulations" of the Environmental Protection Agency, found at 40 CFR 401 and 403, as now or hereafter amended.
- 1.50 **PROCESS FLOW** shall mean the daily, twenty four (24) hour, flow of wastewater from any kind or nature of production, manufacturing or processing operation, including industrial and commercial operations where water is used for the removal of any type of waste other than Sanitary Sewage. Process Flow does not include Diluting Waters.
- 1.51 **PURCHASING OFFICER** shall mean the person responsible for purchasing supplies and equipment for the District.
- 1.52 **REASONABLE CONTROL MEASURES** shall mean control technologies, Best Management practices, source control practices and waste minimization procedures which prevent or reduce the introduction of pollutants to the Sanitary Sewer System and are determined by the District Manager to be cost Effective for particular industry groups, business types, or specific industrial processes.
- 1.53 **SANITARY SEWAGE** shall mean water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding ground, surface and storm waters, and also excluding industrial wastes as defined in Section 1.08 hereof.
- 1.54 **SANITARY SEWER SYSTEM** shall mean all Sewers, Treatment Plants, and other facilities owned or operated by the District for carrying, collecting, pumping, treating, and disposing of Sanitary Sewage and Industrial Wastes.
- 1.55 **SEWAGE TREATMENT PLANT** shall mean the San Jose/Santa Clara Water Pollution Control Plant.
- 1.56 **SEWERS** shall mean as follows:
- a. House Sewer shall mean that portion of the side sewer within private property.
 - b. Lateral Sewer shall mean that portion of the side sewer within a public street, District easement or public service easement.

- c. Main Sewer shall mean a sewer into which the sewage from two or more sub-main sewers is discharged. Main sewers also receive sewage from side sewers.
- d. Outfall Sewer shall mean a sewer extending from the lower end of the collecting system to a point of final disposal.
- e. Sewer shall mean a conduit for carrying off sewage.
- f. Side Sewer shall mean the sewer between sub-main or main sewer and the foundation of the building.
- g. Sub-main Sewer shall mean a sewer into which the sewage from side sewers is discharged.

1.57 SHALL AND MAY. Shall is mandatory, and May is permissive.

1.58 SIDE SEWER is the total length of sewer from the Main Sewer to the foundation of the structure to be connected.

1.59 SIGNIFICANT CHANGE shall mean any change in an Industrial User's operation that results in either of the following:

- a. A flow which exceeds the expected 5-day average allocation as shown in the Sewage Treatment Plant Connection allocation for the property on which the Industrial User is located.
- b. For a Group 2 or 3 Discharger, an increase in average Process Flow for the Dischargers most recent compliance period of twenty-five percent (25%) over the Industrial User's average Process Flow for the Discharger's most immediate preceding compliance period.

1.60 STANDARD METHODS

- a. Shall mean the procedures set forth in the code of Federal Regulations unless another method for the analysis of industrial wastewater has been approved in writing in advance of use of the procedure by the District Manager.
- b. All analyses shall be performed by a laboratory certified by the State for the specific pollutants and matrix to be analyzed, unless otherwise approved in writing, by the District, prior to performance of a sample analysis.

1.61 STORM WATERS shall mean the flow in Sewers resulting from rainfall.

1.62 STREET shall mean any public highway, road, street, drive, avenue, alley, way, court, easement or right of way.

1.63 SUSPENDED SOLIDS shall mean solids that either float on the surface of or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

1.64 TAX COLLECTOR shall mean the tax collector of Santa Clara County,

California.

- 1.65 TOTAL TOXIC ORGANICS (TTOs)** shall be the sum of the concentrations for each of the regulated toxic organic compounds listed at 40CFR 401.15 and which are found in the discharge at a concentration greater than ten (10) micrograms per liter. (Refer to Appendix A for TTO Listing)
- 1.66 TREASURER** shall mean the treasurer of Santa Clara County, California.
- 1.67 TRUCKED OR HAULED WASTE** shall mean any waste discharged into the Sanitary Sewer System after being transported by motorized vehicle from the location where the waste was generated or produced.
- 1.68 TRUNK SEWER** is the sewer in the street constructed to accommodate more than one Main Sewer.
- 1.69 USER** is any owner or renter of any Premise connected to a Trunk Sewer or Main Sewer for the purpose of disposing of any sewage from said Premise.
- 1.70 WRITING** shall mean any form of recorded message capable of comprehension by ordinary visual means.

ARTICLE II

GENERAL PROVISIONS

- 2.01 RULES AND REGULATIONS.** These rules and regulations, providing for the construction and use of sanitary sewers, the issuance of permits and fixing of fees therefor, the establishment of sewer rental charges and collections thereof, the providing for reimbursement of excess costs by County Sanitary District No. 2-3 of Santa Clara County, California, are hereby adopted and all matters with respect thereto shall be performed as herein specified and not otherwise.
- 2.02 PURPOSE.** This Operations Code is intended to provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in the sanitary sewerage facilities hereafter installed, altered or repaired; and also to provide for the employment of a District Manager, the issuance of permits, fixing fees therefor, providing for service charges and collections, providing for reimbursement of excess costs, and a penalty for violations of the provisions hereof.
- 2.03 DISTRICT MANAGER.** There is established the position of District Manager who shall be appointed by and hold office at the pleasure of the District Board and shall receive as compensation for his services a sum fixed by said Board. His duties shall be as prescribed by said Board and by this Operations Code, and shall include without being limited to the supervision of all administrative matters relative to operation, maintenance and repair of the sewer system of District. Said District Manager shall furnish the District with a surety bond in the sum of \$20,000.00.
- 2.04 CONTRACTOR'S REGISTRATION.** Except as provided in Section 2.05 hereof, it shall be unlawful for any person to install or construct a sanitary sewer or make connections to any sanitary sewer in public street or easement in the District who is not a master plumber or contractor, whichever is applicable, licensed under the State Contractor's License Law (Section 7000-7145) of the Business and professional Code of the State of California). All such contractors must register with the District Manager prior to commencing or carrying out any such work within the District.
- 2.05 SAME (EXCEPTION).** Section 2.04 shall not apply to work done solely in private property but such work is subject to inspection by the District representative for workmanship and possible entrance of foreign material.
- 2.06 CONTRACTOR'S BOND AND INSURANCE.** All such contractors and/or master plumbers must file a certificate of insurance with District showing adequate public liability and property damage insurance, and must carry adequate bonds covering performance, and labor and materials in amounts specified by the District Manager to insure the protection of the District, its

officers and employees, and the County of Santa Clara, its officers and employees.

- 2.07 ROAD EXCAVATION PERMITS, BONDS THEREFOR.** No excavation shall be made in any State highway, County road, City street or other public roadway in the District unless and until a road excavation permit be issued therefor. Application for said permit shall be made at the office of the District Manager and shall be accompanied by a cash deposit or, if specifically approved by the District Board a bond in an amount and in the form approved by the District Manager.
- 2.08 CONSTRUCTION.** All construction shall be in accordance with the Standard Specifications approved by the District and on file in the office of the District Manager.
- 2.09 TRENCHES - INSPECTION.** All trenches shall be left open and all connections in the Side Sewers must be left uncovered for inspection, until after the inspection has been made and the pipe laying accepted. Upon written approval after such inspection, trenches shall be backfilled without delay and the street restored to its original condition.
- 2.10 BARRIERS AND LIGHTS.** Installer and/or connector shall maintain such barriers, lights, and signs as are necessary to give a warning to the public at all times during construction and of any dangerous condition to be encountered in consequence thereof. He likewise shall protect the public, in the use of walkways, against any such condition in connection with the construction of Side Sewers.
- 2.11 INSPECTION - PREVIOUS NOTICE.** In all cases when any inspection is required, not less than twenty-four (24) hours notice shall be filed in the office of the District Manager, stating the time when the work will be sufficiently advanced for inspection.
- 2.12 RESPONSIBILITY OF DEFECTS.** All persons performing or permitted to perform work under this Ordinance shall be held strictly responsible for any and all acts of agents or employees in connection with said work. Upon being notified in writing by the District Manager of any defect arising therefrom in any sewer or of any violation of the provisions of this Ordinance, the person or persons responsible for said work shall take immediate steps to correct such defect or violation.
- 2.13 CONDEMNED WORK.** In case any sewer work was inspected and any portion thereof condemned before acceptance by the District, a written notice to that effect shall be given informing the owner of the premises, or the agent of such owner, to make repairs necessary to place the sewer in satisfactory condition.
- 2.14 LIABILITY.** The District, its officers or employees shall not be answerable

for any liability for personal injury or loss of life or damage to any property consequent to the performance of any of the herein described work by any such applicant. The applicant shall save the District, its officers and employees free and harmless from any such liability imposed by law upon the District, its officers or employees including all costs, expenses, fees and interest incurred in legal defense, or in the enforcement of this provisions. Applicant shall be solely liable for any defects in the performance of his work or any failure, which may develop therein.

- 2.15 DRAINAGE AND UNPOLLUTED WATER CONNECTIONS PROHIBITED.** No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer of the District.

ARTICLE III

MAIN SEWERS AND TRUNK SEWERS

- 3.01 PERMIT.** Application for permission to construct a Main Sewer or Trunk Sewer in the District shall be made to the District Manager. Responsibility for the design, specifications, methods of construction, and inspection of the sanitary sewerage facilities to be installed remains with the District. Installers proposed sewerage system must conform to the Master Plan of Sewerage System for the general areas as established by the District.
- 3.02 PROFILES, PLANS, SPECIFICATOINS.** Installer shall furnish to the District a plan and profile of the streets where in the sewers are to be laid and a map showing the topography of the land to be served. Installer may prepare his own plans and specifications, call for his own bids, and let his own contracts, but he shall not let any such contract until after receiving written approval of the plans and specifications for the work by District; nor shall he permit the work to proceed until after arrangements have been made for inspection of the work by District.
- 3.03 PAYMENTS OF FEES AND DEPOSITS.** Installer shall pay in advance all necessary plan checking and inspection fees, and the District shall have the right to charge, and the Installer shall pay, the standard engineering fees charged by said District for such work as may be done by the District. Excavation guaranty deposits shall be returnable and Excavation Bonds may be exonerated within one year after completion of the work upon evidence of satisfactory completion of the work for which such deposit was a guaranty. District reserves the right to use the Excavation Deposit or to call the Excavation Bond to bring work into conformity with the Standard Specifications of District. Cost of such work shall include compensation to the District for time spent by its representatives in arranging and supervising said work.

ARTICLE IV

SIDE SEWERS, HOUSE LATERALS, AND HOUSE SEWERS

- 4.01 APPLICATION FOR PERMITS.** Application for the construction Side Sewers, House Laterals or House Sewers shall be made to the District Manager who shall issue permits and conditions of construction therefor, in accordance with the rules and regulations of this Operations Code. Cost of construction shall be borne by applicant.
- 4.02 SEWER CONNECTIONS.** In the application for a permit to connect House Lateral to a Main Sewer, the owner of the property to be served, or the contractor representing the owner shall advise the District of the location of such connection and extent of such work and shall state the day upon which such work shall be commenced. There shall be no deviation from the location and time as approved, except by prior permission of the District Manager.
- 4.03 PERMIT ISSUANCE FEES AND DEPOSITS.** The application must be approved and countersigned before work is commenced. Copy of the permit must be posted in a conspicuous place near the work on the job at all times. The District Manager is authorized and directed hereby to collect all fees, deposits and service charges which, by the provisions of the ordinance are payable by the connector on or before the delivery of the permit to the connector. Excavation guaranty deposits shall be returnable and excavation bonds may be exonerated within one year after completion of the work upon evidence of satisfactory completion of the work for which such deposit was a guaranty. District reserves the right to use the Excavation Deposit or to call the Excavation Bond to bring work into conformity with the Standard Specifications of District. Cost of such work shall include compensation to District for the time spent by its representatives in arranging and supervising said work.
- 4.04 SEWAGE BACKFLOW PROTECTIVE DEVICES.** To assist in the protection of health and prosperity, the District shall require a backflow valve or overflow device to be installed in any new house sewer constructed after January 10, 1978 serving any building where the lowest floor elevation (containing plumbing fixtures) will be less than one (1) foot above the rim of the upstream manhole or flushing inlet. When an overflow device is installed, the elevation of discharge of said installation shall be at least one (1) foot below the lowest floor elevation (containing a plumbing fixture).

ARTICLE V

USE OF PUBLIC SEWERS/SEWER USE REGULATIONS

- 5.01 1. PURPOSE OF THE PROVISIONS OF ARTICLE V.** The purpose of this Article is to:
- a. Provide for and regulate the disposal of sanitary sewage into the Sanitary Sewer System of the District in such manner and to such extent as is reasonably necessary to maintain and increase the ability of such system to handle and dispose of sanitary sewage;
 - b. Provide for and regulate the disposal of industrial wastes into the Sanitary Sewer System of the District in such manner and to such extent as may be reasonably necessary to maintain and increase the ability of such system to handle and dispose of industrial waste without decreasing the ability such system to handle and dispose of industrial waste without decreasing the ability of said system to handle and dispose of all Sanitary Sewage;
 - c. Prevent the introduction of pollutants into the Sanitary Sewer System which will pass through the treatment works of the San Jose/Santa Clara Water Pollution Control Plant or other wise be incompatible with such works or interfere with the ability of the Plant to treat, discharge and recycle wastewater, or to use or dispose of Plant biosolids.
 - d. Improve opportunities to recycle and reclaim treated effluent and wastewater sludge;
 - e. Protect the physical structures of said sewerage system and the efficient functioning of its component parts;
 - f. Protect the District and its personnel, and preserve and protect the health, safety and comfort of the public;
 - g. Comply with all applicable and compatible laws, rules, regulations and orders of the State of California and of the United States;
 - h. Provide for the charging and collection of various fees and other charges reasonably necessary for the acquisition, construction, reconstruction, maintenance and operation of the sewerage system.
 - i. Protect the environmental health of San Francisco Bay.
- 5.02 LIMITATIONS ON POINT OF DISCHARGE.** No person shall discharge any substances directly into a manhole or other opening in a District sewer other than through a District-approved sewer connection.
- 5.03 DISCHARGE INTO STORM DRAIN PROHIBITED.** It shall be unlawful to discharge any sewage, industrial waste or other polluted waters into any storm drain or natural outlet or channel without a valid NPDES permit.
- 5.04 REGULATION OF TRUCKED OR HAULED WASTE.** No person shall cause, allow, or permit to be discharged into the Sanitary Sewer System any trucked or hauled waste, except at a site specifically designated in a wastewater discharge permit or a receiving station permit.

5.05 PUBLIC NUISANCE. The discharge of unscreened garbage, fruit, vegetable, animal or other solid industrial wastes into any part of the Sanitary Sewer System, in violation of any provision of this Operations Code, is hereby declared to be a public nuisance.

5.06 PROTECTION FROM ACCIDENTAL DISCHARGE.

- A. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Article into either the storm sewer or Sanitary Sewer Systems.
- B. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial user's expense.
- C. All Industrial Users shall notify the District by telephone immediately upon accidentally discharging wastes of reportable quantities as determined in 40 CFR 117 to enable countermeasures to be taken by the District to minimize damage to the Sanitary Sewer System, Plant, treatment processes, and the receiving waters.
- D. Telephone notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.
- E. Notification to the District will not relieve Users of notification requirements under any other federal, state or local law, nor of liability for any expense, loss, or damage to the Sanitary Sewer System, Plant, or treatment process, or receiving waters or for any fines or penalties imposed on the District on account thereof under applicable provisions of state or federal law.

5.07 PRETREATMENT BY OWNER. Whenever deemed necessary by the District Manager, the owner of any private premises shall, at his own expense, provide such treatment or take such other measures as shall be required in order to reduce objectionable characteristics contents or rate of discharge of waters or wastes being deposited in the Sanitary Sewer System so that the same may be received therein without any damage to the Sanitary Sewer System or any undue interference with its operation and without any hazard of any kind to humans or animals.

5.08 MONITORING FACILITIES.

- A. The District Manger may require any Industrial User of the Sanitary Sewer System to construct, at the Industrial User's own expense and at an approved location, monitoring facilities to allow inspection, sampling, and flow measurement of the building Sewer or internal drainage systems.

- B. The monitoring facilities, sampling and measurement equipment and access thereto shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.
- C. Any required monitoring facilities shall be specified in the Wastewater Discharge Permit issued pursuant to this Chapter.

5.09 STORM AND OTHER WATERS.

- A. No person shall discharge, cause, allow or permit any storm water, surface water or roof runoff, to be discharged into the Sanitary Sewer System or any part thereof.
- B. No person shall discharge, cause, allow or permit any ground water or subsurface drainage, to be discharged into the Sanitary Sewer System or any part thereof, without a Wastewater Discharge Permit issued by the District Manager specifically for such discharge.
- C. A Wastewater Discharge Permit for the discharge of, ground water or subsurface drainage shall only be issued if there is no reasonable alternative method for disposal of such water.
- D. If permitted, discharge of ground water or subsurface drainage shall be subject to all applicable requirements of this Operations Code, including but not limited to the payment of applicable permit fees and such terms and conditions as the District Manager may impose in the Wastewater Discharge Permit.

5.10 OBSTRUCTING OR INJURIOUS SUBSTANCES. No person shall discharge, or cause, allow, or permit to be discharged, thrown, or deposited into the Sanitary Sewer System or any part thereof, or into any plumbing fixture or private sewer or drain connected either directly or indirectly to the Sanitary Sewer System, any substance of any kind whatsoever tending to obstruct or injure the Sanitary Sewer System, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the Sanitary Sewer System.

5.11 COPPER-BASED CHEMICAL COMPOUNDS.

- A. No person shall discharge, or cause, allow or suffer to be discharged, any chemical compound containing greater than five percent (5%) copper by weight, to control roots or for any other purpose into the Sanitary Sewer System or any part thereof, or into any plumbing fixture or sewer which discharges, either directly or indirectly, into the Sanitary Sewer System.
- B. No person shall display in any public place any chemical compound containing greater than five percent (5%) copper by weight, to control roots or for any other purpose, without first providing clear and reasonable

written warning that discharge of said compound into the Sanitary Sewer System or any part thereof, or into any plumbing fixture or sewer or drain which discharges, either directly or indirectly, into the Sanitary Sewer System is prohibited by the District.

- C. For the purposes of this Article, warning may be provided by posting a decal, placard or sign at the point of display of the compound. Any warning given under this Article shall be reviewed and must be approved by the District Manager.
- D. For purposes of this section only, public place shall be defined as any building or area (including, without limiting the generality of the foregoing, any store or business establishment) where copper based chemical compounds may be viewed and obtain by members of the general public.

5.12 FLAMMABLE OR EXPLOSIVE SUBSTANCES. No person shall discharge, or cause, allow, or permit to be discharged into the Sanitary Sewer System any gasoline, benzene, naphtha, fuel oil, or any flammable liquid, solid, vapor, or gas or other substance, including but not limited to any substance having a closed cup flash point of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C), using the test methods specified in Section 261.21 of Title 40 of the code of Federal Regulations.

5.13 HOT SUBSTANCES. No person shall discharge, or cause, allow, or permit to be discharged into the Sanitary Sewer System or any part thereof, any liquid, solid, vapor, gas, or thing having or developing a temperature of 150°F or more, or which may cause the temperature at the sewage treatment plant to exceed 104°F.

5.14 TOXIC GASES, VAPORS OR FUMES. No person shall discharge, or cause, allow, or permit to be discharged into the Sanitary Sewer System any substance of any kind whatsoever which results in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause acute health and/or safety problems for workers in the Sanitary Sewer System.

5.15 GREASE, OILS, FATS. No person shall discharge, or cause, allow, or permit to be discharged into the Sanitary Sewer System any liquid or other waste containing floatable and/or dispersed grease, vegetable oil, petroleum oil, non-biodegradable cutting oil, or fat, oil, or grease or products of animal, vegetable or mineral origin, in excess of 150 parts per million by weight.

5.16 SOLID OR VISCOUS MATTER. No person shall discharge, deposit or throw, or cause to be discharged, deposited, or thrown into the Sanitary Sewer System or any part thereof, any ashes, cinders, pulp, paper, sand, cement, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, resins, plastics, wood, animal hair, paunch manure, or any heavy solid or viscous substance capable of

causing obstruction to the flow in the Sanitary Sewer System or any part thereof, or which would interfere with the proper operation of the sewage treatment plant or the treatment of sewage or industrial wastes.

- 5.17 CORROSIVE MATTER.** No person shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any liquid, solid, vapor, gas, or thing having a pH lower than 6.0 or more than 12.5 having any other corrosive property capable of causing damage or hazard to the Sanitary Sewer System or any part thereof, or to any personnel operating, maintaining, repairing, or constructing said Sanitary Sewer System or any part thereof, or working in or about said system.

5.18 INTERFERING SUBSTANCES.

- A. No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any thereof, any Industrial Waste containing any of the following toxic substances exceeding the concentrations set forth below:

<u>Toxic Substance</u>	<u>Maximum Allowable Concentration</u>
Antimony	5.000 mg/l
Arsenic	1.000 mg/l
Beryllium	.750 mg/l
Cadmium	0.700 mg/l
Chromium, total	1.000 mg/l
Copper	2.700 mg/l
Cyanides	0.500 mg/l
Lead	0.400 mg/l
Manganese	35.000 mg/l
Mercury	0.010 mg/l
Nickel	2.600 mg/l
Phenol & Derivatives	30.000 mg/l
Selenium	2.000 mg/l
Silver	0.700 mg/l
TTO	2.130 mg/l
Xylene	1.500 mg/l
Zinc	2.600 mg/l

- B. No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System or any part thereof, any toxic or poisonous substances or any other pollutant, including biochemical Oxygen Demand, in sufficient quantity to injure or cause an interference with the sewage treatment process, or in sufficient quantity to constitute a hazard to humans or animals, or in sufficient quantity to create a hazard for humans, or aquatic life in any waters receiving effluent from the Sanitary Sewer System, or which may create a hazard in the use or disposal of sewage sludge.

- C. Compliance with the above limits may be based on a Grab Sample or a

Composite Sample.

- 5.19 PROHIBITION ON USE OF DILUTING WATERS.** The use of Diluting Waters as a partial or complete substitute for adequate treatment, to achieve compliance, or to meet local limitations for wastewater, or to avoid or minimize any requirements imposed in a Wastewater Discharge Permit is prohibited.
- 5.20 SUSPENDED SOLIDS; DISSOLVED MATTER.** No person shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any liquid containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle, process or treat such matter at the sewage treatment plant.
- 5.21 NOXIOUS OR MALODOROUS MATTER.** No person shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any solid, liquid, vapor, gas, or thing which is so malodorous or noxious that their discharge into the Sanitary Sewer System would cause a public nuisance.
- 5.22 RADIOACTIVE MATTER.** No person shall discharge, cause, allow, or permit to be discharged, any radioactive waste into the sewer system, except, that:
- A. Persons authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials may discharge, cause to be discharged, or permit to be discharged such wastes, provided that such wastes are discharged in strict conformance with the California radiation control regulations (California Code of Regulations, Title 17, Chapter 5, Subchapter 4), and federal regulations and recommendations for safe disposal of such wastes; and
 - B. The persons acting does so in compliance with all applicable rules and regulations of all other regulatory agencies having jurisdiction over such discharges.
- 5.23 COLORED MATTER.** No person shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- 5.24 GARBAGE.** No person shall discharge, deposit, or throw, or cause, allow or permit to be discharged, deposited, or thrown into the Sanitary Sewer System of the District, or any part thereof, any garbage, or any fruit, vegetable, animal or other solid material from any food-processing plant or other industrial plant or retail grocery store, irrespective of whether or not the same shall have been first passed through a mechanical grinder, and no person shall install, operate, use or maintain upon the premises of any food processing plant, or any other industrial

plant or retail grocery store, any mechanical grinder or waste grinder that is connected directly or indirectly to the Sanitary Sewer System of the District, or any part thereof.

No person shall discharge, deposit, or throw, or cause, allow or permit to be discharged, deposited; or thrown into the Sanitary Sewer System or any part thereof, any garbage or fruit, vegetable, animal or other solid kitchen waste material resulting from the preparation of any food or drinks, in any dwelling, restaurant, or eating establishment, unless the same shall have first been passed through a mechanical garbage or waste grinder in conformance with the applicable provisions of the Plumbing and Electrical Codes of the entity having jurisdiction thereover.

5.25 OIL AND GREASE REMOVAL DEVICES.

- A. Any type of business or establishment where grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease removal device of a size and design approved by the District Manager.
- B. Each grease removal device shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of grease.
- C. The grease removal device should be situated on the Discharger's premises but when such a location would be impractical or cause undue hardship on the Discharger, the District may, subject to the issuance of an encroachment permit by the entity having jurisdiction thereover, allow the device to be installed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- D. Waste discharge from fixtures and equipment in establishments which may contain grease or other objectionable materials including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease removal device when approved by the District Manager provided, however, that toilets, urinals, wash basins, and other fixtures containing fecal material shall not flow through the grease removal device.
- E. Grease removal devices shall be maintained in efficient operating condition by periodic removal of the accumulated grease. The use of chemicals to dissolve grease is specifically prohibited. No accumulated grease shall be introduced into any drainage piping or public or private sewer. Users with oil and grease removal devices must maintain them in good operating condition at all times.
- F. The Discharger must develop and maintain a record of periodic

maintenance and pumping of the removal device records are to be retained for a period of not less than three years.

- G. Pumping must be sufficiently frequent to prevent objectionable odors, surcharge of the removal device, or interference with the operation of the Sanitary Sewer System.
- H. Abandoned grease removal devices shall be emptied and filled as required for abandoned septic tanks.

5.26 SCREENED INDUSTRIAL WASTES.

- A. No person shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any garbage, or any fruit, vegetable, animal, or other solid industrial wastes resulting from the processing packaging, or canning of fruits, vegetables, or other foods or products, unless such wastes have first been passed through screens having openings not exceeding 1/32 of an inch in dimension, provided that the District Manager, by written permission, may authorize the discharge into the Sanitary Sewer System of such wastes if they are first passed through screens having larger openings if the District Manager is satisfied that such larger openings will provide screening efficiency and effectiveness equal or better than that provided by the above-specification openings of 1/32 of an inch in dimension.
- B. Each person who discharges, or causes, allows, or permits to be discharged into the Sanitary Sewer System or any part thereof, any such wastes resulting from the processing packaging, or canning of fruits, vegetables, or other foods or products, shall install within or upon his premises from which such wastes are discharged, before such discharge of such wastes is made into said Sanitary Sewer System or any part of such system, and thereafter maintains in good operating order, screens as hereinabove specified and appurtenances thereto, including but not limited to all necessary conveyors and elevators, all in sufficient quantity and of sufficient size and quality to continuously and effectively screen not less than 100% of the peak hydraulic and solids loading imposed on such screens and appurtenances during any processing period.
- C. No person shall discharge any such screened wastes into said Sanitary Sewer System, or any part of said system, unless and until he shall obtain from the District a Wastewater Discharge Permit grating approval to do so. The District Manager may require such a person to provide to do so. The District manager may require such a person to provide to the District manager a report prepared by a registered professional engineer which shows, to the satisfaction of the District Manager, that the provisions of this chapter have been complied with by such person before the Wastewater Discharge Permit is granted, and in no event shall the District Manager issue such Permit until he is satisfied that the provisions of this

Section have been complied with by such person. The District Manager shall not issue such Permit if any such wastes cannot be processed successfully by the physical and biological processing units of the Water Pollution Control Plant.

- D. Any and all equipment, sewers, pipelines, or other facilities capable of discharging any garbage, fruit, vegetables, animal, or other solid industrial wastes resulting from the processing, packing, or canning of fruits, vegetables, or other foods or products, into said Sanitary Sewer System or any part thereof, before such wastes have been screened as required by paragraph (A) above, shall be locked, closed and sealed by the District manager or his authorized representative. Each person operating such equipment, sewers, pipelines, or other facilities shall install therein, at his own expense and cost, such valves or other devices or modifications thereto, as may be necessary to enable the District Manager to carry out the provisions of this paragraph (D). No person shall break any such lock or seal, and no person shall discharge, or cause, allow or permit to be discharged into any such equipment, sewers, pipelines, or other facilities capable of discharging such industrial wastes into said Sanitary Sewer System or any part thereof, any unscreened industrial wastes without first having been issued a Wastewater Discharge Permit.

5.27 GROUP 1 DISCHARGERS – APPROVED MASS AUDIT STUDY REQUIRED. No Group 1 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing copper or nickel unless the District Manager has approved a Mass Audit Study for that Discharger.

5.28 GROUP 1 DISCHARGES – MASS EQUIVALENT CONCENTRATION LIMIT.

- A. The discharge permit for each Group 1 Discharger shall contain a mass equivalent concentration limit (MECL) for nickel and/or copper, established by the District Manager on the basis of the District Manager's projection of the annual mass of copper and/or nickel that would remain in the Group 1 Discharger's discharge, divided by the District Manager's projection of the Group 1 Discharger's annual Process Flow, after the installation of Maximum Feasible Reduction Measures for copper and nickel by the Group 1 Discharger.
- B. No Group Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any Industrial Waste containing nickel or copper in excess of the MECL established in that Discharger's permit, unless the District manager can establish that the Average Concentration of the pollutant exceeding the MECL, for the one year period immediately preceding the date on which exceedance occurs, is not greater than 110% of the MECL for that pollutant.

5.29 GROUP 1 DISCHARGERS – PROCESS FLOW EXCEEDING MECL FLOW. Any Group 1 Discharger, whose average Process Flow for the preceding consecutive six (6) months exceeds 125% of the average Process Flow used in calculating the MECL contained in that Discharger's permit, shall submit, within thirty (30) days, an addendum to the Discharger's Mass Audit Study demonstrating that the increased flow is solely due to increased flow is solely due to increased production by the Discharger and that no further maximum Feasible Reduction Measures are available to reduce either Process Flow or Average Concentration from the increased flow, or shall submit within ninety (90) days, a revised Mass Audit Study, based on the increased flow.

5.30 GROUP 1 DISCHARGERS – REVISION OF MECL.

A. Any Group 1 Discharger may file an application for revision of the Discharger's MECL, where:

- (1) Production increases or process changes are projected to cause the Discharger to exceed the Discharger's MECL; or
- (2) The Discharger is proposing to implement a water conservation project that will result in exceedance of the Discharger's MECL, and the mass discharge does not exceed the mass that was used in calculating the Discharger's MECL.

B. An application of revision of the Discharger's MECL shall be accompanied by the applicable fee as established by resolution of the Sanitary board and either;

- (1) An addendum to the Discharger's Mass Audit Study demonstrating that the exceedance of the MECL will be solely due to increased production, process change, or implementation of a water conservation project by the Discharger and that no further Maximum Feasible Reduction Measures are available to reduce either Process Flow or Average Concentration; or
- (2) A revised Mass Audit Study, based on the projected Process Flow and Average Concentration that will result from the production increase, process change, or implementation of a water conservation project.

C. The District Manager may recalculate the MECL for a Group 1 Discharger and revise the Discharger's compliance schedule, based on the projected Process Flow and Average Concentration, that would exist after implementation of both the proposed production increase, process change, or water conservation project, and implementation of any further Maximum Feasible Reduction Measures.

5.31 GROUP 1 DISCHARGER – APPLICATION FOR RECLASSIFICATION. Any Group 1 discharger may apply for reclassification as either a Group 2 or Group 3 Discharger, upon payment of the applicable fee, if the discharger can establish all of the following.

- A. During the twelve (12) month period immediately preceding the date of the application for reclassification, the Average Concentration in the Industrial User's Process Flow did not exceed .005 mg/1 nickel or .05 mg/1 copper and the discharge did not contain excess of .04 ppd nickel or in excess of .09 copper.
- B. The Discharger has implemented all Maximum Feasible Reduction Measures, as specified by the District Manager.
- C. The Discharger has been in compliance with Section 15.14.645 for the immediately preceding twelve (12) consecutive months.

5.32 GROUP 2 DISCHARGER – DAILY MAXIMUM AVERAGE CONCENTRATION LIMIT.

- A. No Group 2 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing nickel in excess of .005mg/1 unless:
 - (1) The average annual concentration of nickel in the Discharger's discharge, for the one year period immediately preceding the date on which the nickel exceeds .005mg/1, is less than .5mg/1; or
 - (2) The Discharger has installed all Reasonable Control Measures as specified by the District Manager, and the average daily concentration of nickel in the Discharger's discharge has not exceeded 1.1mg/1 since the date Discharger's permit was issued.
- B. No Group 2 Discharger shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing copper in excess of .05mg/1 unless:
 - (1) The average annual concentration of copper in the Discharger's discharge, for the one year's period immediately preceding the date on which copper exceeds .05mg/1, is less than .4 mg/1; or
 - (2) The Discharger has installed all Reasonable Control Measures as specified by the District Manager, and the average daily concentration of copper in the Discharger's discharge has not exceeded 1.0mg/1 since the date the Discharger's permit was issued.
- C. As an alternative to meeting the requirements of subsections A and B

above, any Group 2 Discharger may elect to be treated as a Group 1 Discharger. Such election may only be made after performance of a Mass Audit Study by the Group 2 Discharger.

5.33 GROUP 3 DISCHARGERS – BEST MANAGEMENT PRACTICES. No Group 3 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing nickel in excess of .005mg/l, or copper in excess of .05mg/l, unless the Discharger has implemented all applicable Best Management Practices adopted by the District Manager.

5.34 COMPLIANCE.

- A. Group 1 Dischargers lawfully discharging industrial wastewater to the Sanitary Sewer System on January 1, 1995 shall cause their facilities to be in full compliance with Section 6227 not later than April 1, 1997. The District Manager shall include as a condition of the Wastewater Discharge Permit for any Group 1 Discharger a compliance schedule for the installation of Maximum Feasible Reduction Measures by the Discharger.
- B. Group 2 Dischargers lawfully discharging Industrial Waste to the Sanitary Sewer System on January 1, 1995 shall cause their facilities to be in full compliance with Section 6231 not later than July 31, 1997. The District Manager shall include as a condition of the Wastewater Discharge Permit for any such Group 2 Discharger a compliance schedule for installation of Reasonable Control Measures by the Discharger.
- C. Industrial Users lawfully discharging Industrial Waste containing cyanide in excess of the Maximum Allowable Concentration limit for cyanide set forth in Section 6215 shall cause their facilities to be in full compliance with said limit not later than December 31, 1996. The District Manager shall include in the Wastewater Discharge Permit for any Discharger not immediately in compliance with the cyanide limit an interim cyanide limit of one (1.0) mg/l and a requirement that an action plan be developed by the Discharger to achieve compliance.
- D. For the purposes of this Section 6232, the term “lawfully discharging” includes, but is not limited to facilities under construction, for which a Wastewater Discharge Permit has been issued.
- E. The District Manager may extend the time period set forth in subsections A and B above at the request of a Discharger for a maximum of one (1) year, provided that:
 - (1) Such extension would not cause interference with operation of the Sanitary Sewer System or the Plant; and
 - (2) The District Manager makes a written determination that the

Discharger has installed all Maximum Feasible Reduction Measures, or Reasonable Control Measures, but still cannot achieve full compliance; and

- (3) The Discharger has implemented an action plan to achieve compliance.

F. In the event that the District Manager extends the time period set forth in subsection A above, the District Manager shall recalculate the Mass Equivalent Concentration Limit for the Discharger, based on the mass of copper and nickel discharges by the Discharger, divided by the Average Process Flow measured after the installation of maximum Feasible Reduction measures by the Discharger.

5.35 FEDERAL PRETREATMENT REGULATIONS. No Industrial User shall discharge, into the Sanitary Sewer System in violation of any federal or state regulating discharges by such Users, including but not limited to the Federal Pretreatment Regulations found in Title 40 of the Code of Federal Regulations.

5.36 DISPOSAL OF UNACCEPTABLE WASTE. A "California Hazardous Waste Manifest" form must be completed for material disposed of at a Class 1 dump site and a copy furnished to the District Manager upon request.

5.37 RESPONSIBILITY. The primary responsibility for enforcement of the provisions of this Code shall be vested in the District Manager or agents of the District as he shall designate and, provided further, that field inspectors or other employees of the District and the San Jose/Santa Clara Water Pollution Control Plant are hereby authorized to act as agents of the District for and on behalf of the District Manager, with the power to inspect and issue notices for violations of this Code.

5.38 FALSIFICATION OF INFORMATION. No connector shall knowingly make any false statement, representation, record, report, plan or other document or knowingly tamper with or render inaccurate any monitoring device or equipment installed or operated pursuant to this Ordinance or of any permit issued under this Title. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any permit issued under this Code.

5.39 POWER TO INSPECT.

- A) The District Manager and other duly authorized employees and agents of the District bearing credentials and identification shall, in all cases affected by this Code be permitted to enter upon all properties for the purpose of (1) determining the size, depth, location, and condition of any sewer or storm drain connection, (2) determining the location or discharge connections of roof and surface drains and plumbing fixtures, (3) inspecting, observing, measuring, sampling and testing the quality,

consistency, and characteristics of sewage being discharged into any public sewer or natural outlet, and (4) inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to (a) water usage and effluent discharged, (b) chemical usage, and (c) hazardous waste records.

- B) The District Manager may terminate service or revoke the permit of any person who has discharged wastewater to the Sanitary Sewer System and has unreasonably refused access to the City.

5.40 CONNECTION OF SWIMMING POOLS AND EQUIPMENT.

Connection of swimming pools and swimming pool equipment to sanitary sewers shall not be permitted unless and until a permit from the District is obtained thereof. A permit giving permission for connection of the pool or equipment shall require that they be separated from the sewer by an air gap and a sump. The maximum size discharge out of the sump is to be 2-1/2 inch I.D. pipe.

The District Manager may, as a condition of such permit, include therein any requirements which in his opinion are necessary for the protection of the District or its inhabitants.

ARTICLE VI

WASTEWATER DISCHARGE PERMITS

6.01 WASTEWATER DISCHARGE PERMITS; MANDATORY PERMITS. All Critical Users proposing to connect or to discharge into a District sewer must obtain a Wastewater Discharge Permit before connecting to or discharging into a District sewer. All existing Critical users connected to or discharging into a District sewer must obtain a Wastewater Discharge Permit within 180 days of promulgation of administrative regulations for their issuance and use by the District Manager. (Refer to Appendix B for Related Fees)

6.02 TERMINATION OF SERVICE AND PERMIT REVOCATION.

- A) The District Manager may revoke any Wastewater discharge Permit, and/or terminate, or cause to be terminated wastewater service to any premises:
 - 1. If a discharge of wastewater from the premises cause or threatens to cause a violation of any provision of this Chapter or of Chapters 12.04 through 12.16 or applicable local, State or Federal regulations or
 - 2. If a discharge of wastewater from the premises causes or threatens to cause a condition of contamination, pollution, or nuisance.
- B) Written notice of the permit revocation or service terminate, and a statement of the grounds therefor, shall be delivered to the Discharger. The notice shall be effective ten (10) calendar days after it is served to the Discharger, unless the District Manager determines that immediate permit revocation or suspension of service is necessary for the preservation of public health or safety or of the protection of public or private property. If the District Manager determines that immediate permit revocation or suspension of service is necessary, the District Manager may act to revoke the permit or suspend service immediately after written notice is delivered to the Discharger.
- C) It shall be unlawful for any person to discharge any material into the Sanitary Sewer System from any premises for which the permit has been revoked or wastewater service has been suspended or terminated.

6.03 CORRECTION OF VIOLATIONS; COLLECTION OF COSTS; INJUNCTION.

- A. The District may abate any violation of this Article.
- B. The cost of such abatement may be added to the Sewer service charge of the owner or tenant of the property upon which the violation occurred, and the District shall have all available remedies for the collection of such costs

as it has for the collection of Sewer service charges.

6.04 CIVIL PENALTIES. Any person who intentionally or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the District in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.

6.05 MANDATORY WASTEWATER DISCHARGE PERMITS. No Critical User shall connect, discharge, cause, allow, or permit any discharge, into the Sanitary Sewer System except in accordance with a Wastewater Discharge Permit issued by the District Manager.

6.06 PERMIT DURATION AND AMENDMENT.

- A. Wastewater Discharge Permits shall be issued for a specific duration, not to exceed five (5) years.
- B. Permits shall be subject to amendment by the District as limitations or requirements for wastewater discharge are modified and changed.
- C. The holder of a Wastewater Discharge permit shall be informed of any proposed amendment to its permit at least thirty (30) days prior to the effective date of the amendment.
- D. The District Manager may include a compliance schedule in an amended permit.

6.07 DELINQUENT FEES.

- A. Any person who fails to file an application for a wastewater discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows:
 - (1) Up to and including thirty (30) days delinquency, the penalty shall be fifty percent (50%) of the permit fee.
 - (2) More than thirty (30) days but less than one year delinquency, the penalty shall be one hundred percent (100%) of the permit fee.
 - (3) More than one (1) year delinquency, the penalty shall be one thousand percent (1,000%) of the Permit fee.
- B. Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the District may have

with respect to the discharge.

6.08 SIGNATURE REQUIREMENTS.

- A. Permit applications, discharge reports and any other reports required by the District Manager shall be signed by an Executive Officer of the business filing the application.
- B. Such Executive Officer shall be at least of the level of Vice President, General Partner, President, or an individual responsible for the overall operation of the facility applying for said Permit, or meet Federal requirements for NPDES applications as contained in Title 40 of the Code of Federal Regulations.

6.09 ADDITIONAL INFORMATION.

- A. If the District Manager is not satisfied that the permit application has sufficient information to determine whether the permit should be issued, the District Manager may refuse to issue the permit or request that the applicant submit further information.
- B. The applicant shall have thirty (30) working days or such longer period of time as allowed by the District Manager, after reviewing the information, to complete the application.
- C. If the returned application is not resubmitted within the specified time period, then a new application for Wastewater Discharge permit must be submitted along with the application fees for a new permit.

6.10 NO TRANSFER OF PERMIT. Wastewater Discharge Permits are issued to a specific user for a specific operation. No user shall assign, transfer or sell a Wastewater Discharge Permit, or use the permit for on premises or for facilities or operations not covered by the permit.

6.11 DENIAL OF PERMIT.

The District Manager may deny a Wastewater Discharge Permit if any one or more of the following conditions exist:

- A. The application is not accompanied by the required fee(s).
- B. The application contains false or misleading information.
- C. The issuance of the permit would result in the discharge of Industrial Wastes of such quantity or strength that the public health or safety, or public or private property are endangered.
- D. The issuance of the permit would cause the Plant to violate any permit

conditions, laws, or regulations of the State and/or Federal government.

- E. The applicant has not provided adequate information to establish that its discharge will comply with all requirements of this Chapter and with such other terms and conditions as the District Manager may deem necessary to include in the Discharger's permit.
- F. The applicant has not provided plans for sufficient protection from accidental discharges to the land, storm Sewer system, and Sanitary Sewer System.

6.12 PERMIT APPEALS.

- A. Any permittee or permit applicant may appeal a notice of revocation of a Wastewater Discharge Permit, notice of denial of a permit, any term or condition of a permit, amendment of a permit, or notice of termination of service to the District Manager.
- B. A request for hearing on a decision to revoke a permit or terminate service shall be filed, in writing, with the District Manager, within ten (10) days after the date the notice of revocation or termination of service is served on the permittee. A request for hearing on a decision to revoke a permit or terminate service shall, except in the case of immediate permit revocation or suspension of service for the preservation of public health or safety or for the protection of public or private property, stay the effect of the notice of revocation or termination of service, during the pendency of the appeal.
- C. A request for hearing on a decision to deny a permit, on the terms or conditions in a permit, on an amendment to a permit, shall be filed, in writing, with the District Manager, within thirty (30) days after the date the notice of decision is served on the applicant.
- D. Failure of a permittee or applicant to timely request a hearing shall be deemed acceptance of the District Manager's decision, and the District Manager's decision shall be deemed final and effective.
- E. At the hearing before the District Manager, the applicant shall be given an opportunity to present witnesses and documentary and other evidence.
- F. The hearing will be conducted informally and technical rules of evidence shall not apply. Any and all evidence which the District Manager deems reliable, relevant and not unduly repetitious may be considered.
- G. The applicant may be represented at the hearing by any other person.
- H. The District Manager shall provide written notice of decision on the appeal to the permittee or applicant. The decision of the District Manager on the appeal shall be deemed as final and effective three (3) days after notice of

the decision on appeal is served on the permittee or applicant.

- I. Filing of a request for hearing shall not entitle any person to discharge in violation of any of the provisions of this Code.

6.13 DISCHARGE REPORTS.

- A. The District Manager may require that any person discharging wastewater into the Sanitary Sewer System file periodic discharge reports or a zero discharge report.
- B. The periodic discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the Discharger to meet applicable discharge limits.
- C. The zero discharge report shall certify that the Discharger does not discharge Industrial Waste to the Sanitary Sewer System.
- D. The District Manager may also require such periodic discharge reports and zero discharge reports to include information concerning the chemical constituents and quantity of chemicals stored on-site, even though they may not normally be discharged.
- E. In addition to discharge reports, the District Manager may require Industrial Users to submit such additional reports as may be necessary to allow the District to evaluate the Industrial User's discharge, including but not limited to self-monitoring reports.
- F. It shall be unlawful for any person who has discharged wastewater to the Sanitary Sewer System to refuse to file any report requested by the District Manager.

6.14 PERMIT APPLICATIONS.

- A. All persons requiring a Wastewater Discharge Permit shall file a complete application, in the form prescribed by the District Manager, and accompanied by the applicable fees.
- B. For new construction, permit applications shall be filed with the District Manager at the time that an application for a Building Permit for a new building or structure is made.
- C. All persons discharging wastewaters into the Sanitary Sewer System for which a Wastewater Discharge permit has been issued must apply for a new permit prior to making a Significant Change in the operations affecting

their discharge.

6.15 PERMIT CONDITIONS.

- A. Wastewater Discharge Permits shall be expressly subject to all provisions of this Article and all other regulations, user charges, discharge limitations, and fees established by the District and all applicable local, State and Federal law and regulations.
- B. The permit may include such terms and conditions as the District Manager may deem necessary to implement this Article, the regulations issued by the District Manager under this Article, or any other applicable local, State or Federal law and regulations, including but not limited to:
 - (1) Limits on the average and maximum wastewater constituents and characteristics;
 - (2) Requirements for installation and maintenance of flow monitoring, inspection, and sampling facilities;
 - (3) Specifications and pretreatment requirements for monitoring programs which may include sampling locations, frequency of sampling, numbers, types and standards for tests and reporting schedule;
 - (4) Compliance schedules;
 - (5) Requirements for submission of technical reports or discharge reports;
 - (6) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District and affording the District access thereto;
 - (7) Requirements of notification to the District of any new introduction of wastewater constituents or any Significant Change in the volume or character of the wastewater constituents being introduced into the wastewater stream;
 - (8) Requirements and plans for protection against accidental discharges, including but not limited to berming of chemicals and waste materials. The review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Code or other state or federal regulations;
 - (9) Requirements for notification of accidental discharges.

6.16 PROMULGATION OF REGULATIONS.

- A. The District Manager shall, by July 31, 1995, review and revise existing administrative regulations and promulgate new regulations, concerning Industrial Wastewater discharge, as necessary to implement this Article.
- B. The District Manager may, from time to time, as necessary to implement this Article, review and revise administrative regulations, and promulgate new regulations, concerning industrial wastewater.

ARTICLE VII

SEWER SERVICE CHARGES

7.01 GENERAL. There is hereby levied and assessed upon each premise which is discharging sewage that ultimately passes through the sewerage system of said Cupertino Sanitary District, a service charge payable as hereinafter provided.

7.02 RESIDENTIAL.

- A. For each single family dwelling a charge of Twenty-Two Dollars and Fifty Cents (\$22.50) per month, or \$270.00 per year.
- B. For each separate dwelling unit with a single family plus extra unit, a charge of Twelve Dollars and Sixty Six Cents (\$12.66) per month, or \$151.92 per year.
- C. For each town house or condominium premises, a charge of Twenty-Two Dollars and Fifty Cents (\$22.50) per month, or \$270.00 per year.
- D. For each separate dwelling unit in a duplex, multifamily premises up to four units, a charge of Twelve Dollars and Sixty Six Cents (\$12.66) per month, or \$151.92 per year.
- E. For each separate dwelling unit in a multifamily premises with five or more units, a charge of Twelve Dollars and Sixty-Six Cents (\$12.66) per month, or \$151.92 per year.
- F. For each separate mobilehome within a mobilehome premises, a charge of Twelve Dollars and Seventy-One Cents (\$12.71) per month, or \$152.52 per year.
- G. For each church premises, a charge of Twenty-Two Dollars and Fifty Cents (\$22.50) per month, or \$270.00 per year.

7.03 COMMERCIAL OR INDUSTRIAL (LESS THAN 50,000 GALLONS PER DAY DISCHARGES). For each office, commercial building, restaurant, bar, ice cream parlor, laundry, car wash, school, service station, other commercial establishment or industrial establishment, a service charge based on the annual water consumption, as determined by the District Manager, and which service charge shall be determined by multiplying the appropriate rate selected below by the annual water usage:

101 2.012 per hundred cubic feet for Retail Stores and Industrial and Professional Offices

102 1.816 per hundred cubic feet for Domestic Laundry

- 103 3.465 per hundred cubic feet for Restaurants
- 104 2.155 per hundred cubic feet for Repair Shops and Service Stations
- 105 2.520 per hundred cubic feet for Recreation and Country Clubs
- 106 13.513 per hundred cubic feet for County Fairgrounds
- 107 2.027 per hundred cubic feet for Medical (office)
- 108 2.143 per hundred cubic feet for Motels
- 802 2.172 per hundred cubic feet for Convalescent Homes

Plus \$0.79 per year as per customer charge for infiltration/inflow.

- A. However, a minimum service charge of Sixteen Dollars and Eighty-Eight Cents (\$16.88) per month shall be levied against each retail store, industrial warehouse, professional office, repair shop and service station.

7.04 COMMERCIAL OR INDUSTRIAL (GREATER THAN 50,000 GALLONS PER DAY DISCHARGES). For each commercial or industrial establishment discharging 50,000 or more gallons of sewage per day into the sewerage system, a service charge to be determined as follows:

- \$ 371,286.36 per year for each million gallons per day of sewage discharged into the sewerage system; plus
- \$ 5,967.86 per year for each thousand pounds per day of biochemical oxygen demand contained in the sewage discharged into the sewerage system; plus
- \$ 4,082.41 per year for each thousand pounds per day of suspended solids contained in the sewage discharged into the sewerage system; plus
- \$ 28,587.81 per year for each thousand pounds per day of ammonia contained in the sewage discharge into the sewerage system; plus
- \$ 1,193.76 per million gallons of sewage discharged into the sewerage system; plus
- \$ 164.79 per thousand pounds of biochemical oxygen demand discharged into the sewerage system; plus
- \$ 164.08 per thousand pounds of suspended solids discharged into the sewerage system; plus

\$ 1,338.86 per thousand pounds of ammonia discharged into the sewerage system; plus

\$ 0.79 per year, as a per customer charge for infiltration/ inflow.

- A. The rate of discharge of sewage used in the above calculations shall be determined by the District Manager based on the annual water consumption (seasonal users, as fruit processors, etc., shall have the rate of discharge calculated over the number of days of operation per season).
- B. The rates per day of biochemical oxygen demand, suspended solids and ammonia used in the above calculations shall be determined from representative samples taken from the sewage discharged from the establishment.

7.05 UNMETERED AND METERED WASTES. When rates are herein specified to be in accordance with the use of water, all such premises shall be separately metered. Where such metering is not provided, or for newly constructed units, the District Manager shall make a reasonable estimate of the volume of water consumed to be used as a basis for sewer service charges.

The District Manager may meter the sewer line, and if the results differ from that used as a basis for sewer service charges for the previous billing, the user will be charged for any excess usage or credited for any overpayments. The new billing will be adjusted to conform to the actual metering.

7.06 WHEN SERVICE CHARGES ARE DUE. All accounts are due and payable in advance at the office of the District Manager on the first day of July each year. Billings will be sent by the District Manager. Bills are sent as a courtesy and failure to receive a bill does not relieve owner of responsibility to pay or of penalties levied for non-payment.

7.07 ALTERNATIVE METHOD OF BILLING AND COLLECTING RATES AND CHARGES. The District may elect to use the tax roll on which general District taxes are collected for the collection of current or delinquent rates and charges, including fees, tolls, rates, rentals, or other charges for services and facilities furnished by it. In such case, proceedings therefor shall be had as now or hereafter provided in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code of the State of California.

This method shall not apply to public property or other property which, in the opinion of the District Manager, cannot be conveniently handled by this method.

7.08 PAYMENT OF SERVICE CHARGES, NEW CONNECTIONS.

- A. Existing Buildings – The amount of service charges due between the date of application and the next billing in which the account can be included

on the tax roll, shall be paid at the time the connection permit is issued.

- B. New Construction – A construction time credit of four (4) months shall be allowed when computing amount of sewer service charges due between the date of application and next billing in which the account can be included on the tax roll. This amount shall be paid at the time the connection permit is issued.

7.09 DELINQUENT SERVICE CHARGES.

- A. Accounts Billed By District Manager – Shall become delinquent two calendar months from and after the date that they have become due and payable. A penalty equal to 100% of the monthly service charge may be charged for each calendar month, or portion thereof, that the account remains delinquent. If an account is delinquent more than 120 days, service may be disconnected. The District may collect unpaid sewer service charges by suit, in which event it shall have judgement for the cost of suit and reasonable attorneys' fees.
- B. Accounts Billed by Tax Roll – Are subject to the same penalty as prescribed by law for General Taxes.

ARTICLE VIII

FEES

- 8.01 INSPECTION FEES.** Each connector shall pay a fee of Forty Dollars (\$40.00) to District for the issuing of each permit which fee shall include the inspection of the connection of the house sewer to the house lateral.
- 8.02 HOUSE LATERAL FEE.** Before the issuance of a permit for the installation of a house lateral, connector shall pay District a fee of Sixty Dollars (\$60.00) which fee shall include the inspection of the house lateral installation.
- 8.03 CONNECTION FEES FOR CONNECTORS AND INSTALLERS.** Connectors shall pay District an "equivalent" frontage fee for connection to the District's sewerage system which equals \$15.00 per "equivalent" front foot of property of said connector which abuts a sewer line of District and sought to be sewered by said connection to the District's system. The "equivalent" frontage shall be the average width of the property to be served, excluding terrain unsuitable for building site purposes. The "equivalent" frontage at irregular shaped parcels shall be that determined by the Manager-Engineer, subject to appeal and adjustments which may be directed by the Board of Directors. This fee is waived in the event the sewer line was previously installed by connector or others on behalf of the lands of connector.
- 8.04 SEWAGE TREATMENT PLANT CONNECTION FEE.** All connectors of property sought to be sewered by a connection to the District's sewer system shall also pay a sewage treatment plant connection fee, the amount of which shall be equal to the sewage treatment plant connection fee that would have been charged had the connection been made in the City of San Jose.
- 8.05 PAYMENT OF FEES.**
- A. Fees due and payable by connectors shall be paid prior to the issuance of a connection permit to connector.
 - B. Fees due and payable by installers shall be paid prior to the approval of the plans and specifications of the sewerage system to be installed by the Installer.
- 8.06 DEPOSIT OF FEES.** All fees received by District shall be deposited with the Treasurer of the County of Santa Clara and credited to the operating fund of District.

ARTICLE IX

REIMBURSEMENT OF EXCESS COSTS

9.01 EXCESS COSTS. Excess costs equal the sum of the following:

- A. The difference between the estimated cost of installing an eight-inch (8") line and the actual cost of installing a larger line, where a line of greater than eight-inches (8") in diameter was installed by Installer at the direction of the District within the limits of the development.
- B. One-half the cost of installing an eight-inch (8") line and appurtenances or a six-inch (6") line and appurtenances, depending upon which size is installed by Installer, along the boundary line of property of Installer where a sewer line has been installed by Installer along said boundary and is subject to probably future use by connectors other than Installer.
- C. One hundred percent of the costs of installing all sewer lines and appurtenances beyond the property line of Installer where sewer lines have been extended wholly outside the property of Installer and are subject to probably future use by connectors other than Installers.

9.02 APPROVAL OF EXCESS COSTS. The District shall have the right to audit the excess costs submitted by the Installer, and to approve for reimbursement only so much thereof as it determines to be just and reasonable. Such excess costs, if any, shall be computed when said line is completed by Installer and accepted by the District, and said amount shall be credited in the name of the Installer to the Installer's Reimbursement Account for the segment or segments of the sewerage constructed by the Installer.

9.03 DISBURSEMENT FROM REIMBURSEMENT ACCOUNT. Semiannually all fees credited to each Installer's reimbursement account shall be disbursed to Installer's who have been carried thereon for a period in excess of six months.

9.04 TERMINIATION OF RIGHT TO REIMBURSEMENT. The Installer shall be carried on said Reimbursement Account until one of the following shall first occur:

- A. Reimbursement of an amount equal to excess costs.
- B. The lapse of ten years from date of entry of Installer's name on Reimbursement Account.
- C. Withdrawal of said sewer lines, or of the property sewered thereby from said Sanitation District No. 2-3.

Upon occurrence of "B" above, the District shall succeed to the reimbursement credit of the Installer, and shall be entitled to all payments due thereon until the total excess cost therefor has been disbursed.

ARTICLE X

ADJUSTMENTS AND EXCEPTIONS

- 10.01** The Board of Directors of County Sanitation District No. 2-3 hereby retains the right to grant adjustments and exceptions to the provisions of this Ordinance in order to vary or modify the strict application thereof in cases in which there are particular difficulties or unnecessary hardships in the way of such strict application. Application for any adjustment or exceptions shall be made to the Board of Directors of said District in the form of a written application.

ARTICLE XI

MISCELLANEOUS PROVISIONS

11.01 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewage works. Any person violating these provisions shall be subject to the penalties provided by law.

11.02 POWERS AND AUTHORITIES OF INSPECTORS. The officers, inspectors, manager and any duly authorized representative of the District shall wear or carry an official badge of office or other evidence establishing his position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purpose of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of this Code and any other ordinances, rules and regulations of the District.

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

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

11.04 RELIEF ON OWN MOTION. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Code should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof; provided that no relief as to provisions imposed upon the District by higher authority may be granted by the Board hereunder without the consent of the higher authority having jurisdiction thereover.

APPENDIX "A"

TOTAL TOXIC ORGANICS (TTO's) From 40 CFR 401.15

- | | |
|---------------------------------------|---|
| 1. Acenaphthene | 26. Endrin and metabolites |
| 2. Acrolein | 27. Ethylbenzene |
| 3. Acrylonitrile | 28. Fluranthene |
| 4. Aldrin/Dieldrin | 29. Haloethers |
| 5. Benzene | 30. Halomethanes |
| 6. Benzidine | 31. Heptachlor and metabolites |
| 7. Carbon Tetrachloride | 32. Hexachlorobutadiene |
| 8. Chlordane | 33. Hexachlorocyclohexane |
| 9. Chlorinated benzenes | 34. Hexachlorocyclopentadiene |
| 10. Chlorinated ethanes | 35. Isophorone |
| 11. Chloroalkyl ethers | 36. Naphthalene |
| 12. Chlorinated naphthalene | 37. Nitrobenzene |
| 13. Chlorinated phenols | 38. Nitrophenols |
| 14. Chloroform | 39. Nitrosamines |
| 15. 2-chlorophenol | 40. Pentachlorophenol |
| 16. DDT and metabolites | 41. Phenol |
| 17. Dichlorobenzenes | 42. Phthalate esters |
| 18. Dichlorobenzidine | 43. Polychlorinated biphenyls |
| 19. Dichloroethylenes | 44. Polynuclear aromatic hydrocarbons |
| 20. 2,4-dichlorophenol | 45. 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin (TCDD) |
| 21. Dichloropropane & Dichloropropene | 46. Tetrachloroethylene |
| 22. 2,4-dimethylphenol | 47. Toluene |
| 23. Dinitrotoluene | 48. Toxaphene |
| 24. Diphenylhydrazine | 49. Trichloroethylene |
| 25. Enosulfan and metabolites | 50. Vinyl chloride |

APPENDIX "B"

WASTEWATER DISCHARGE PERMIT FEES

<u>Permit Action</u>	<u>Fee</u>
Issuance of Group 1 Discharge Permit	One Thousand Four Hundred Dollars (\$1,400)
Issuance of Group 2 Discharge Permit	One Thousand Fifty Dollars (\$1,050)
Issuance of Group 3 Discharge Permit, Including Temporary Discharge Permit	Five Hundred Sixty Dollars (\$560)
Application for Permit Reclassification of Revision of Maximum Equivalent concentration Permit Limit	Five Hundred Sixty Dollars (\$560)

