

**Article 5**  
**Sewer Service**

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**Chapter 5.01**  
**General Provisions - Sewer**

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**5.01.010 Rules and Regulations.** The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise. (Ord. 81-4, §201, 1981).

**5.01.020 Purpose.** This ordinance is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the District. (Ord. 81-4, §202, 1981).

**5.01.030 Violation Unlawful.** Following the effective date of this ordinance it shall be unlawful for any person whose building is required to be connected to a public sewer under Sec. 5.02.050 to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this ordinance provided. (Ord. 81-4, §205, 1981).

**5.01.040 Relief on Application.** Excluding the provisions of Chapter 5.03 of this ordinance, when any person by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provisions

complained of, and requesting suspension or modification of that provision as applied to his premises.

If such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to a particular premises, to be effective as of the date of the application and continuing during the period of special circumstances. (Ord. 81-4, §206, 1981).

**5.01.050 Relief on Own Motion.** Excluding the provisions of Chapter 5.03 of this ordinance, the Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such period of such special circumstances, or any part thereof. (Ord. 81-4, §207, 1981).

**5.01.060 District Inspector.** The Manager or Engineer shall employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all lateral sewers, public sewers, and facilities in connection therewith in said District, to be known as the District Inspector. (Ord. 81-4, §208, 1981).

**5.01.070 Permits and Fees.** No main sewer, lateral sewer, or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained from the District and all applicable fees paid. (Ord. 81-4, §209, 1981).

**Chapter 5.02**  
**Use of Public Sewers Required**

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**5.02.010 Disposal of Wastes.** It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste. (Ord. 81-4, §301, 1981).

**5.02.020 Treatment of Waste Required.** It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance. (Ord. 81-4, §302, 1981).

**5.02.030 Unlawful Disposal.** Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage. (Ord. 81-4, §303, 1981).

**5.02.040 Occupancy Prohibited.** No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of District. (Ord. 81-4, §304, 1981).

**5.02.050 Sewer Required.** The owner of any building situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer. (Ord. 81-4, §305, 1981).

**5.02.060 Abandoned Sewage Disposal Systems.** Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting with the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line. (Ord. 81-4, §306, 1981).

**Chapter 5.03**  
**Pretreatment**

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**General Provisions**

**5.03.010 Purpose and Policy.**

(A) Purpose. This chapter sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the District. This chapter shall apply to all persons using the POTW. It provides for the setting of user charges and fees for the equitable distribution of costs to all users. Revenues derived from the application of the provisions of this chapter shall be used to defray the District's cost of operating and maintaining an adequate wastewater collection system, to provide for the treatment of said wastewater, and to provide sufficient funds for capital outlay, bond service costs, capital improvements depreciation and pretreatment. This chapter also enables the District to comply with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403).

(B) Objectives. The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which may pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect District personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) To enable the District to comply with all federal or state laws to which it is subject.

**5.03.020 Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

**AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.**

(A) If the industrial user is a corporation, AUTHORIZED REPRESENTATIVE shall mean:

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

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

(B) If the industrial user is a partnership, or sole proprietorship, an AUTHORIZED REPRESENTATIVE shall mean a general partner or proprietor, respectively;

(C) If the industrial user is a federal, state or local governmental facility, an AUTHORIZED REPRESENTATIVE shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility;

(D) The individuals described in subsections (1) through (3) of this definition may designate another AUTHORIZED REPRESENTATIVE if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

**BEST MANAGEMENT PRACTICES (BMP).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in sections 5.03.080 (A) and (B) of this chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20° centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

**BOARD.** The Board of Directors of the Humboldt Community Services District

**BUILDING SEWER OR LATERAL.** A sewer conveying wastewater from the premises of a user to the POTW.

**BYPASS.** The intentional diversion of wastestreams from any portion of an industrial user's treatment facility

**CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD.** Any

regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**COLOR.** The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

**COMPOSITE SAMPLE.** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

**DISTRICT.** The Humboldt Community Services District or HCSD.

**ENVIRONMENTAL PROTECTION AGENCY (EPA).** The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Quality Control Board or other duly authorized official of said agency.

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

**GENERAL MANAGER or MANAGER.** The General Manager duly appointed by the Governing Board of the Humboldt Community Services District or his duly authorized representative who is charged with certain duties and responsibilities by this article.

**GRAB SAMPLE.** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

**GREASE INTERCEPTOR.** A plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

**INDIRECT DISCHARGE or DISCHARGE.** The introduction of source regulated under Section 307 (b), (c) or (d) of the Act.

**INDUSTRIAL USER or USER. (IU)** A source of Indirect Discharge. Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT.** The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERFERENCE.** A discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its

sludge processes, use, or disposal; and therefore is a cause of a violation of the City of Eureka's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act. Interference to the sanitary sewer system includes blockage that can cause sanitary sewer overflows.

**MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**NEW SOURCE.**

(A) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

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

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

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

(B) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (A)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(C) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program

(a) any placement, assembly, or installation of facilities or equipment; or

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

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**NONCONTACT COOLING WATER.** Water used for cooling which does not come into direct



contact with any raw material, intermediate product, waste product, or finished product.

**NUISANCE.** Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

**PASS THROUGH.** A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City of Eureka's NPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON.** Any individual, his heirs, executor, administrators, or assigns and shall include partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

**pH.** A measure of the acidity or alkalinity of a substance, expressed in standard units.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

**PREMISES.** A parcel of real estate, including any improvements thereon, which is determined by the District to be a single user for the purpose of receiving, using and paying for services.

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

**PRETREATMENT STANDARDS or STANDARDS.** Prohibitive discharge standards, categorical pretreatment standards, and local limits.

**PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in 5.03.080 of this chapter.

**PUBLICLY OWNED TREATMENT WORKS or POTW.** Any devices or storage, treatment,

recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the District's jurisdiction over the industrial users and responsibility for the operation and maintenance of its treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

**SEPTIC TANK WASTES.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**SEWAGE.** Human excrement and gray water (household showers, dishwashing operations, and the like).

**SIGNIFICANT INDUSTRIAL USER.** Applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gpd or more of process wastewater, contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the City of Eureka's treatment plant or, is designated as significant by the District on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**SLUG LOAD.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in 5.03.080 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE.** A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

**STORMWATER.** Any flow occurring during or following any form of natural precipitation including snowmelt.

**SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

**TOXIC POLLUTANT.** One of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of this Act.

**TREATMENT PLANT EFFLUENT.** Any discharge of treated wastewater from the POTW into waters of the state.

**UPSET.** An exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.

**WASTEWATER.** Liquid and water-carried industrial wastes, and sewage from residential

dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT. The portion of the POTW designed to provide treatment of sewage and industrial waste.

**5.03.030 Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD	- Biochemical Oxygen Demand
CFR	- Code of Federal Regulations
COD	- Chemical Oxygen Demand
EPA	- U.S. Environmental Protection Agency
gpd	- Gallons per day
IU	- Industrial User
l	- liter
mg	- milligrams
mg/l	- milligrams per liter
NPDES	- National Pollutant Discharge Elimination System
O&M	- Operation and Maintenance
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Cost and Recovery Act
SIC	- Standard Industrial Classifications
SWDA	- Solid Waste Disposal Act (42 USC 6901, et seq.)
TSS	- Total Suspended Solids
USC	- United States Code

**5.03.040 Vandalism.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment or other part of the POTW. Any person found in violation of this requirement shall be subject to the enforcement actions set out in this chapter.

**5.03.050 Confidential Information.** Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from District inspection and sampling activities, shall be available to the public unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information and will be available to the public without restriction.

**5.03.060 Conflicting Provisions.**

(A) All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict.

(B) In the event any provision of this chapter conflicts or is otherwise inconsistent with the latest edition of the Uniform Plumbing Code which has been or may be adopted by this code, the provisions of this chapter shall prevail.

**5.03.070 Severability.** If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**5.03.080 Prohibited Discharge Standards.**

(A) No person shall discharge any substances directly into a manhole or other opening in the POTW other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the District issues a permit for such direct discharges.

(B) No person shall introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirement. Furthermore, no person may contribute the following substances to the POTW:

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

(2) Any wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering District personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference or cause a sewage overflow, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(5) Any wastewater having a temperature greater than 150° F (65.5° C), or which will inhibit biological activity in the City of Eureka's treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the City of Eureka's treatment plant to exceed 104° F (40° C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(8) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(9) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which

consequently imparts color to the City of Eureka's treatment plant's effluent thereby violating the City of Eureka's NPDES permit. Color (in combination with turbidity) shall not cause the City of Eureka's treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

(10) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the General Manager, in compliance with applicable state or federal regulations.

(11) Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the District Manager.

(12) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(13) Any medical wastes, except as specifically authorized in writing by the District Manager in a wastewater discharge permit.

(14) Any wastewater causing the City of Eureka treatment plant's effluent to fail a toxicity test.

(15) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(16) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(17) Any discharge of petroleum/mineral oil products is limited to 25 mg/l.

(18) Any trucked or hauled pollutants.

(C) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility, if required by this Article, before connecting with the POTW, or be permanently sealed.

**5.03.090 Federal Categorical Pretreatment Standards.** The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

**5.03.100 Specific Pollutant Limitations (Local Limits).**

(A) The General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against pass through and interference. The local limits below are to be applied as instantaneous maximum allowable discharge limits. No person shall discharge wastewater containing in excess of the following:

0.113 mg/l	arsenic
0.119 mg/l	benzene
0.044 mg/l	cadmium
0.023 mg/l	chloroform
0.692 mg/l	copper
0.796 mg/l	cyanide
0.009 mg/l	1,1 dichloroethane
0.062 mg/l	1,2 dichlorobenzene

0.021 mg/l	1,3 dichlorobenzene
0.081 mg/l	1,4 dichlorobenzene
0.070 mg/l	ethylbenzene
3.915 mg/l	lead
0.009 mg/l	mercury
0.049 mg/l	methylene chloride
0.574 mg/l	nickel
0.146 mg/l	silver
0.376 mg/l	toluene
1.438 mg/l	total chromium
0.392 mg/l	total phenols
0.520 mg/l	total xylenes (total xylenes is defined as the sum of ortho, para, and meta xylenes)
0.678 mg/l	zinc

(B) Concentrations apply at the point where the waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal, unless indicated otherwise. At his discretion, the General Manager may impose mass limitations in addition to or in place of the concentration based limitations above. In compliance with the

(C) The General Manager may develop Best Management Practices (BMP), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of sections 5.03.080 of this chapter.

**5.03.110 Districts Right's of Revision.** The District reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives and/or the general and specific prohibitions established in this article.

**5.03.115 Special Agreement.** The District reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

**5.03.120 Dilution.** No industrial user or wastewater hauler shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

### **Pretreatment of Wastewaters**

**5.03.130 Pretreatment Facilities.** Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the State, or the General Manager, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the District for review, and must be approved by the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provisions of this article.

#### **5.03.140 Additional Pretreatment Measures.**

(A) Whenever deemed necessary, the General Manager may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(B) Each person discharging into the POTW greater than 100,000 gallons per day shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a 24-hour period.

(C) Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the General Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his sole expense.

(D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(E) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20% of the lower explosive limit (LEL) of the meter.

**5.03.150 Tenant Responsibility.** Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this article. This provision is enforceable against the owner, the tenant, or both, without regard to any contractual arrangements as between the owner and tenant.

**5.03.160 Accidental Discharge/Slug Control Plans.** The General Manager may require any industrial user to develop and implement an accidental discharge/slug control plan.

At least once every two years the General Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(A) Description of discharge practices including non-routine batch discharges.

(B) Description of stored chemicals.

(C) Procedures for immediately notifying the District of any accidental or slug discharge, as required by Section 5.03.320 of this chapter. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 5.03.080 of this chapter or exceed any of the local limits.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(E) Procedures for immediately notifying the District of any changes affecting the potential for a slug discharge.

**5.03.170 Wastewater Survey.** When requested by the General Manager, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The General Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be considered a violation of this chapter.

**5.03.180 Wastewater Discharge Permit Requirements.**

(A) Requirement.

(1) It shall be unlawful for any significant industrial user to discharge wastewater into the District's POTW without first obtaining a wastewater discharge permit. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the enforcement actions set out in this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(2) The General Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(B) Existing connections. Any significant industrial user which discharges industrial waste into the District's POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 45 days after said date, apply to the District for a wastewater discharge permit in accordance with 5.03.190 of this chapter, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this chapter



except in accordance with a wastewater discharge permit issued by the District.

(C) New connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the District's POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin.

(D) Extra jurisdictional industrial users. The District may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

**5.03.190 Wastewater Discharge Permit Application.**

(A) Contents. All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The General Manager shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(B) Application signatories and certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(C) Misleading, incomplete or false information. Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law.

**5.03.200 Wastewater Discharge Permit Decisions.** The General Manager will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the General Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The General Manager may deny any application for a wastewater discharge permit.

**5.03.210 Duration of Permit; Reissuance.**

(A) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the General Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(B) A permitted industrial user shall apply for wastewater discharge permit reissuance by

submitting a complete wastewater discharge permit application in accordance with 5.03.190 of this chapter a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit.

**5.03.220 Permit Contents.** Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the City of Eureka's treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(A) Wastewater discharge permits shall contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the District, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits applicable to the user including Best Management Practices based on applicable standards in federal, state, and local law.

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or local law.

(5) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(6) Requirements to control Slug Discharges, if determined by the District to be necessary.

(B) Wastewater discharge permits may contain, but need not be limited to the following:

(1) Limits on the average and/or maximum rate of discharge or storage, time of discharge, and/or requirements for flow regulation and equalization.

(2) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(9) Other conditions as deemed appropriate by the General Manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

**5.03.230 Appeals.** Any person, including the industrial user, may petition the District to reconsider the terms of a wastewater discharge permit within ten days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(D) If the District fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the General Manager is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such District action, file a written appeal to the Board. The written appeal shall be heard by the Board within 30 days after the date of filing. The Board shall make a final ruling on the appeal within ten days after the close of the meeting.

**5.03.240 Permit Modification**

(A) The General Manager may modify the wastewater discharge permit with good cause including, but limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) To address information indicating that permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;

(5) For a violation of any terms or conditions of the wastewater discharge permit;

(6) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

(B) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

**5.03.250 Transfer of Permit.**

(A) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days advance notice to the General Manager and

the General Manager approves in writing to the wastewater discharge permit transfer. The notice to the General Manager must include a written certification by the new owner and/or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- (2) Identifies the specific date on which the transfer is to occur.
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

#### **5.03.260 Revocation of Permit.**

(A) Wastewater discharge permits may be revoked for the following reasons:

- (1) Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide notification to the District of changed condition pursuant to 5.03.310 of this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the District timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of a permitted facility;
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

(B) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

### **Reporting Requirements**

#### **5.03.270 Baseline Monitoring Reports.**

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the District a report which contains the information listed in division (B) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a report which contains the information listed in division (B) of

this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) Identifying information. The name and address of the facility including the name of the operator and owners.

(2) Wastewater discharge permits. A list of any environmental control wastewater discharge permits held by or for the facility.

(3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow measurement. Information including the method and calibration of flow measuring equipment, showing the measured average daily and maximum daily flow, in gallons per hour, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the District) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in 5.03.360 of this chapter. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User shall submit documentation as required by the General Manager.

(c) Sampling and analysis must be performed in accordance with procedures set out in 5.03.360 and 5.03.370 of this chapter.

(6) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out 5.03.280 of this chapter.

(8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with 5.03.190(B) of this chapter, and signed by an authorized representative as defined by Section 5.03.020.

**5.03.280 Compliance Schedule Progress Report.** The following conditions shall apply to the schedule required by 5.03.270 (B) (7) of this chapter. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events

leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the General Manager no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the General Manager.

**5.03.290 Report on Compliance with Categorical Pretreatment Standard Deadline.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the District a report containing the information described in 5.03.270(B)(4) and (5) of this chapter. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 5.03.190 (B) of this chapter.

**5.03.300 Periodic Compliance Reports.**

(A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the General Manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution preventative alternative, the user must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with 5.03.190(B) of this chapter.

(B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(C) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in 5.03.370 of this chapter, the results of this monitoring shall be included in the report.

**5.03.310 Reports of Changed Conditions.** Each industrial user is required to notify the General Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before

the change.

(A) The General Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(B) No industrial user shall implement the planned changed conditions until and unless the General Manager has responded to the industrial user's notice.

(C) For purposes of this requirement, flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

**5.03.320 Reports of Potential Problems.**

(A) In the case of any discharge including, but not limited to, accidental discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the District of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the General Manager, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(C) Failure to notify the District of potential problem discharges shall be deemed a separate violation of this chapter.

(D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (A) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(E) Significant Industrial Users are required to notify the General Manager immediately of any changes that would affect the Users potential for a slug discharge.

**5.03.330 Reports from Nonsignificant Industrial Users.** All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the General Manager may require.

**5.03.340 Notice of Violation; Repeat Sampling and Reporting.** If sampling performed by an industrial user indicates a violation, the industrial user must notify the District within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

**5.03.350 Notification of the Discharge of Hazardous Waste.**

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the names of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this division (A) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 5.03.310 of this chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 5.03.270, 5.03.290 and 5.03.300 of this chapter.

(B) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(C) In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(D) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State Law.

**5.03.360 Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

**5.03.370 Sample Collection; Determination of Noncompliance.**

(A) Sample collection.

(1) Except as indicated in subsection (2) and (3) of this division (A), the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the



laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 5.03.270 and 5.03.290 of this chapter a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by Section 5.03.300 the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(B) Determination of noncompliance. The General Manager may use a grab samples to determine noncompliance with pretreatment standards.

### **Administration and Enforcement**

**5.03.380 Record Keeping.** Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter, including documentation associated with Best Management Practices. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the General Manager.

**5.03.390 Duties of the General Manager.** Except as otherwise provided in this chapter, the General Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other District personnel.

### **5.03.400 Compliance Monitoring.**

(A) Inspection and sampling. The General Manager shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the General Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the District, state, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(2) The District, state, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The District may require the industrial user to install monitoring equipment as

necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(5) Unreasonable delays in allowing District personnel access to the industrial user's premises shall be a violation of this chapter.

(6) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the District, unless a time extension is otherwise granted by the District.

(B) Search warrants. If the General Manager has been refused access to a building, structure, or property or any part thereof, and if the General Manager has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the District designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the District Legal Council may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

**5.03.410 Publication of Industrial Users in Significant Noncompliance.** The District shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or

Pass Through (including endangering the health of District personnel or the general public);

(D) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation which the District determines will adversely affect the operation or implementation of the local pretreatment program.

#### **5.03.420 Administrative Enforcement Remedies.**

(A) Notification of violation. Whenever the General Manager finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the General Manager or his agent may serve upon said person a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the General Manager. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(B) Consent Orders. The General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Person responsible for noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 5.03.420 (D) and 5.03.420 (E) of this ordinance and shall be judicially enforceable.

(C) Show Cause Hearing. The General Manager may order a Person which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the General Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the Person as defined in Section 5.03.020 and required by Section 5.03.190 (B). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Person.

(D) Compliance Orders. When the District finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not

come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(E) Cease and desist orders.

(1) When the General Manager finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the General Manager may issue an order to the person directing it to cease and desist all such violations and directing the person to:

- (a) Immediately comply with all requirements;
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(2) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(F) Administrative fine.

(1) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(2) Assessments may be added to the person's next scheduled sewer service charge and the General Manager shall have such other collection remedies as may be available for other service charges and fees.

(3) Unpaid charges, fines, and penalties shall, after 30 ~~60~~ calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(4) Persons desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the General Manager shall convene a hearing on the matter within 30 days of receiving the request from the industrial person. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial person. The District may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(G) Emergency suspensions.

(1) The General Manager may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager may also immediately

suspend a person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(b) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager, prior to the date of any show cause or termination hearing as set forth in this chapter.

(2) Nothing in this division (E) shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(H) Termination of discharge.

(1) In addition to those provisions in 5.03.260 of this chapter, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(e) Violation of the pretreatment standards in 5.03.080 through 5.03.120 of this chapter.

(2) Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken.

#### **5.03.430 Judicial Enforcement Remedies.**

(A) Injunctive relief. Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the District may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

(B) Civil penalties.

(1) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The District may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

(3) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the District may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person.

**5.03.440 Supplemental Enforcement Action.**

(A) Water supply severance. Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply.

(B) Public nuisances. Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable state and District codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the District of any costs incurred in removing, abating or remedying said nuisance.

**5.03.450 Remedies Non-Exclusive.** The remedies provided for in this ordinance are not exclusive. The District reserves the right to take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

**5.03.460 Affirmative Defenses to Discharge Violations.**

(A) Upset.

(1) For the purposes of this section, UPSET means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (3) of this division (A) are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the industrial user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(c) The industrial user has submitted the following information to the General Manager within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

- (i) A description of the indirect discharge and cause of noncompliance.
- (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
- (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(B) Bypass.

(1) For the purposes of this section,

(a) BYPASS shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(b) SEVERE PROPERTY DAMAGE shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this division (B).

(3) Bypass notification

(a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten days before the date of the bypass if possible.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the General Manager within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass

(a) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

(i). Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii). There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(iii). The industrial user submitted notices as required under subsection (3) of this section.

(b) The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in subsection (4)(a) of division (B).

**5.03.999 Criminal Prosecution.**

(A) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(B) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(D) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.



**Chapter 5.04**  
**Lateral Sewers and Connection**

**Sections:**

5.04.010	Permit Required
5.04.020	Design and Construction Requirements
5.04.030	Separate Sewers
5.04.040	Old Building Sewers
5.04.050	Cleanouts
5.04.060	Sewer Too Low
5.04.070	Connection to Public Sewer
5.04.080	Maintenance of Building Sewer
5.04.090	Testing
5.04.100	Individual Lift Pumps
5.04.110	Duplex Lift Pump Station
5.04.120	Minimum Size Allowed for Lateral Sewers

**5.04.010 Permit Required.** In accordance with Chapter 5 of this ordinance, no person shall construct a lateral sewer or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein. (Ord. 81-4, §501, 1981).

**5.04.020 Design and Construction Requirements.** Design and construction of lateral sewers shall be in accordance with the requirements of the District and in accordance with standard District specifications. (Ord. 81-4, §502, 1981).

**5.04.030 Separate Sewers.** No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same lateral sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same lateral sewer provided the property cannot be subdivided into smaller legal-sized lots. (Ord. 81-4, §503, 1981).

**5.04.040 Old Building Sewers.** Old lateral sewers may be used in connection with new buildings only when they are found, upon examination and test by the District Inspector, to meet all requirements of the District. (Ord. 81-4, §504, 1981).

**5.04.050 Cleanouts.** Cleanouts in lateral sewers shall be provided in accordance with the rules, regulations and ordinance of the District. All cleanouts shall be maintained watertight. (Ord. 81-4, §505, 1981).

**5.04.060 Sewer Too Low.** In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the Manager, and discharged to the public sewer at the expense of the Owner. (Ord. 81-4, §506, 1981).

**5.04.070 Connection to Public Sewer.** The connection of the lateral sewer shall be made in strict accordance with standard District specifications and at the applicant's expense. The connection to the lateral sewer provided by the District shall be made in the presence of the District Inspector and under his supervision and direction. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the District Inspector. (Ord. 81-4, §507, 1981).

**5.04.080 Maintenance of Building Sewers.**

All users shall keep, operate, and maintain their building sewer connections, including that portion thereof within a public right-of-way, in good order and condition and free of roots, grease, sand, and other nonstructural related obstructions and shall be liable for damages which may result from their failure to do so. Upon the final acceptance by the District of the work of the installation of that portion of the building sewer within the public right-of-way, the District shall assume the responsibility for the repair or replacement of said portion of the building sewer which is necessitated or caused by any subsequent structural failure, except to the extent that the failure is the result of latent defects or misrepresented work or conditions upon acceptance. The District shall have the sole authority to determine whether an obstruction in a building sewer is the result of structural or nonstructural cause. The District shall be admitted at all reasonable hours to all parts of any premises connected with the sewerage system for the purpose of checking the fixtures and the establishment of service charges as provided in this chapter.

**5.04.090 Testing.** All building sewers and lateral sewers shall be tested in strict accordance with standard District specifications. (Ord. 81-4, §509, 1981).

**5.04.100 Individual Lift Pumps.** Individual lift pumps that serve a private residence shall be designed for pumping domestic sewage and shall be capable of passing a minimum of 1 1/2 inch solids. The pump shall be installed in a watertight basin or container that is designed to hold no more than 12 hours average domestic wastewater flow. Installation in a septic tank is not allowed. It shall have automatic controls that will energize the pump at a preset water level and de-energize the pump when container is emptied. The pump shall be located outside the building footing for ease of maintenance. The pressure sewer line that the pump connects to shall be equal to or larger in size than the pump discharge. A ball valve and check valve designed for sewage applications shall be installed on the pump discharge. (Ord. 81-4, §510, 1981).

**5.04.110 Duplex Lift Pump Station.** A duplex lift pump station shall be installed for all multiple living unit buildings, trailer courts, and commercial or industrial installations. Both pumps shall be installed in a common basin or container and shall be connected so that the standby unit will automatically take over in the event of failure of the lead pump. An audio and/or visual alarm shall be incorporated into the pump controls that will signal when either unit has failed and/or an abnormally high water level in the basin or container has occurred. The property owner or responsible party designated by him will give the pump station immediate attention when an alarm occurs to prevent the overflow of untreated sewage which constitutes a public nuisance and health hazard. In addition to the above, all other criteria of Sec. 5.04.100 applicable to individual lift pumps shall also apply to duplex lift pump stations. (Ord. 81-4, §511, 1981).

**5.04.120 Minimum Size Allowed for Lateral Sewers.** A gravity lateral sewer serving a single family residence may be three (3) inch inside diameter provided, however, that a minimum continuous slope of 2% fall (1/4 inch/foot) can be maintained from the building sewer to the point of connection to the District sewer connection provided. Any gravity lateral sewer that may have any portion of the lateral with less than 2% slope shall install a four (4) inch inside diameter pipe from the building to the District sewer connection provided.

All gravity sewer laterals serving multiple living units, commercial, or industrial users must install a minimum four (4) inch lateral or larger if required by General Manager.

A pressure sewer lateral that conveys wastewater from an individual lift pump shall have a pipe diameter equal to or larger than the size of the pump discharge connection, but not less than one and one-half inch (1-1/2") inside diameter. (Ord. 81-4, §512, 1981).

**Chapter 5.05**  
**Public Sewer Construction**

**Sections:**

5.05.010	Permit Required
5.05.020	Plans, Profiles and Specifications Required
5.05.030	Subdivisions
5.05.040	Easements or Rights of Way
5.05.050	Persons Authorized to Perform Work
5.05.060	Compliance with Local Regulations
5.05.070	Design and Construction Standards
5.05.080	Completion of Sewer Required
5.05.090	Community Pump Station
5.05.100	Main Extensions
5.05.110	Manifold or Pressure Sewer System

**5.05.010 Permit Required.** No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District. (Ord. 81-4, §601, 1981).

**5.05.020 Plans, Profiles and Specifications Required.** The application for a permit for public sewer construction shall be accompanied by three (3) complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of District, prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the District or District Engineer who shall within twenty (20) days approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the District or District Engineer, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The permit shall describe such terms and conditions as the Board finds necessary in the public interest. (Ord. 81-4, §602, 1981).

**5.05.030 Subdivisions.** The provisions Sections 5.05.010 and 5.05.020 of this ordinance shall be fully complied with before any final subdivision map shall be approved by the Board. The final subdivision map shall provide for the dedication for public use of streets, easements or rights of way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board of Directors may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider. (Ord. 81-4, §603, 1981).

**5.05.040 Easements or Rights of Way.** In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall, at his expense, procure and have accepted by the Board a proper easement or grant of right of way having a minimum width of twenty (20) feet sufficient in law to allow the laying and maintenance of such extension or connection. (Ord. 81-4, §604, 1981).

**5.05.050 Persons Authorized to Perform Work.** Only properly licensed contractors and District Forces shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the Contractor. (Ord. 81-4, §605, 1981).

**5.05.060 Compliance with Local Regulations.** Any person constructing a sewer within a street shall comply with all state, county, city and HCSD laws, ordinances, rules and regulations pertaining to the cutting of pavement opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District. (Ord. 81-4, §606, 1981).

**5.05.070 Design and Construction Standards.** Minimum standards for the design and construction of sewers within the District shall be in accordance with the STANDARD DISTRICT SPECIFICATIONS heretofore or hereafter adopted by District, copies of which are on file in the District office. The District Manager, with the consent of the Board of Directors, may permit modifications or may require higher standards where unusual conditions are encountered.

One (1) complete set of "as-built" drawings showing the actual location of all mains, structures, wyes and laterals shall be filed with the District before final acceptance of the work. (Ord. 81-4, §607, 1981).

**5.05.080 Completion of Sewer Required.** Before any acceptance of any sewer line by the District and prior to the admission of any sewage into the system, the sewerline shall be tested and shall be complete in full compliance with all requirements of the District Engineer. (Ord. 81-4, §608, 1981).

**5.05.090 Community Pump Station.** Developer may be required to construct a community pump station in accordance with Sec 5.04.110 and dedicate said facilities to the District in lieu of individual lift pumps, where the Manager determines it is in the best interest of the District. (Ord. 81-4, §609, 1981).

**5.05.100 Main Extensions**

(A) Extensions Required.

(1) A person applying for a permit to connect a premises to the POTW where the property upon which such premises is situated does not abut the POTW, shall deposit with the District the following sums: in the case of all applications for a new sewer main extension, a sum shall be advanced to the District based upon an estimate by the General Manager of the total costs of all labor, materials, equipment, and other costs incidental to the main extension, plus 20% for general overhead, but excluding the cost of over-sizing sewer mains for the general

benefit of the sewer collection system, but in no event shall the charge be less than \$500.

(2) In lieu of the advance required by the provisions of this division (A), the General Manager may require applicants for new sewer connections to make such sewer connections at their own expense in accordance with such standards as have been or may be adopted by resolution of the District Board of Directors. In such instances, all labor, materials, equipment, and other items necessary for such connections shall be furnished by the applicants.

(3) In cases where a property is connected to the POTW indirectly via connection to another property's lateral ("cross-connected sewer lateral"), the General Manager may order the owner of the property to go through the process set out in part one above and complete the installation of a separate connection. This process shall be required when, in the professional opinion of the General Manager and his public works professionals, a modern direct connection is necessary to prevent backups, overflows, update decayed or vulnerable lateral lines, or presents any other threat to the health and safety of the immediately adjacent properties, neighborhood, or POTW.

(B) Extensions by the applicant.

In lieu of the advances required by the provisions of division (A) of this section, the General Manager may require applicants for new sewer connections to make such sewer main extensions at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for the extension shall be furnished by the applicant. Any extra costs incurred by the applicant in any over-sizing of sewer mains required by the General Manager for the general benefit of the sewer collection system may be reimbursed by the District in accordance with a written agreement with the applicant entered into prior to the construction of such main extension.

**5.05.110 Manifold or Pressure Sewer System.** A manifold or pressure sewer system may be allowed in lieu of a community pump station in specific cases. The District's criteria for evaluating this type of system will be based upon the following: Elevation differential of potential building sites or homes to be served, number of potential buildings the system would ultimately serve and cost comparison of construction and energy requirements of this type of system versus a community pump station. Developer proposing such a system will be required to submit detailed design drawings prepared by a registered engineer of a plan of the complete system designed to serve all properties designated by the District Manager within the proposed system's area. (Ord. 81-4, §610, 1981).

**Rates and Charges**  
**Chapter 5.06**

**Sections:**

5.06.010	Industrial User Wastewater Volume Determination
5.06.020	Pretreatment Charges and Fees
5.06.030	Wastewater User Charges
5.06.040	Billing; persons responsible for payment
5.06.050	Penalty for Nonpayment
5.06.060	Property Liens for Delinquencies

**5.06.010 Industrial User Wastewater Volume Determination.**

(A) Metered water supply. Industrial User (IU) charges which are based on wastewater volumes shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged to the POTW. The total amount of water used from public and private sources shall be determined by means of public meters or private meters installed and maintained at the expense of the user and approved by the District.

(B) Metered wastewater volume and metered diversions. For an IU where, in the opinion of the District, a significant portion of the water received from any metered source does not discharge to the POTW because of the principal activity of the user or removal by other means, the user charges and fees may be applied against the volume of water discharged from such premises into the POTW. Written notification and proof of the diversion of water shall be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The IU may install a meter of a type and at a location approved by the District and at the IU's expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the General Manager and reported to the District.

(C) Estimated wastewater volume.

(1) For IUs where, in the opinion of the District, it is unnecessary or impractical to install meters, the user charges and fees may be based upon a volume estimate prepared by the IU and approved by the District. Such estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

(2) For IUs who, in the opinion of the District, divert a significant portion of their flow from the POTW, the user charges and fees may be based upon a volume estimate prepared by the IU and approved by the District. The estimate shall include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

**5.06.020 Pretreatment Charges and fees.** The Board may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District's pretreatment program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such

applications.

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.

(C) Fees for reviewing and responding to accidental discharge procedures and construction.

(D) Fees for filing appeals.

(E) Other fees as the District may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the District

#### **5.06.030 Wastewater User Charges.**

(A) Classification of users. All users shall be classified by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises and based on the typical wastewater constituents and characteristics for that type of user as determined by the District. The purpose of such classification is to facilitate the distribution of equitable charges to establish recovery of the District costs.

(B) User charges. A schedule of wastewater charges and fees shall be adopted from time to time by ordinance of the District.

(C) Compliance with state regulations. The charges and fees shall be established at a level which will enable the District to comply with any revenue requirements of the State Clean Water Grant Program, and the charges and fees shall be determined in a manner consistent with regulations of the grant program.

(D) Special situations. Notwithstanding any other provision of this chapter, the District Board of Directors shall have the power to establish by ordinance, or by agreement with the user, the service connection charge and the monthly sewer service charges applicable to any public corporation, political subdivision, Municipality, County, District, the State, the United States, or any department or agency thereof, or to any user outside the District limits at rates different from those set forth in this chapter.

#### **5.06.040 Billing; Persons Responsible for Payment.**

(A) Billing.

(1) All sewer service charges shall become due and payable to the District as of the date of billing. All bills delinquent 30 days or more shall be subject to a penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month shall be charged until the charges and penalties are paid in full.

(2) All bills for such charges shall be issued by the District. They shall be combined with bills or statements for water services where the premises in question are connected to the system. The bills shall state their purpose (water, sewer services, or other services) and shall list separately the charge for water each service and the charge for sewer service and the total charge for all services. Neither charge may be paid separately from the other. If the real property with sewer service is not connected to the water system, a separate bill shall be rendered for sewer service only. All bills shall be prepared on a monthly basis.

(B) Persons responsible for payment. All sewer service charges shall be billed to the following persons:

(1) In the case of any person whose premises are connected with the water system, to



the person who requested such connection to the water system, or his successor in interest, or to any person requesting that such bill be charged to him.

(2) In the case of any person whose premises are not connected to the water system, then to the person who requested such connection to the sewage works, or his successor in interest, or, if no such request was made, then to the owner of such premises on the date on which such premises are required by the provisions of this chapter to connect to the sewage works, or to the successor in interest to such person, or to any person requesting that such bill be charged to him.

**5.06.050 Penalty for Nonpayment.** If an invoice for the sewer use charge established by this chapter is unpaid 30 days after mailing, a penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month shall be charged until the charges and penalties are paid in full.

**5.06.060 Properly Liens for Delinquencies.** At least every six months, the District shall record with the county a list of all delinquent charges and the penalties thereon and shall include in each such list the amount of each charge and the penalty thereon, a description of the real property upon which the same is a lien, and the name of the District. Such list when so recorded shall have the force, effect, and priority of a judgment lien and continue for three years after the time of recording unless sooner released or otherwise discharged.

**Chapter 5.07**  
**Sewer Connection Permits and Fees**

**Sections:**

5.07.010	Permit Required
5.07.020	Application for Permit
5.07.030	Compliance with Permit
5.07.040	Agreement
5.07.050	Classes of Permits
5.07.060	Fees - Annexation Charges
5.07.070	All Work to be Inspected
5.07.080	Notification
5.07.090	Condemned Work
5.07.100	All Costs Paid by Owner
5.07.110	Outside Sewers
5.07.120	Permit Optional
5.07.130	Special Outside Agreements
5.07.140	Street Excavation Permit
5.07.150	Liability
5.07.160	Sewer Connection Fees

**5.07.010 Permit Required.** No person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the POTW or appurtenance thereof without first obtaining a permit from the HCSD.

**5.07.020 Application for Permit.** Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Manager may require plans, specifications or drawings and such other information as he may deem necessary.

If the Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, he shall issue the permit applied for upon payment of the required fees. (Ord. 81-4, §802, 1981).

**5.07.030 Compliance with Permit.** After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the Manager or other authorized representatives. (Ord. 81-4, §803, 1981).

**5.07.040 Agreement.** The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant

and may be altered only by the District upon the written notice required for the alteration from the applicant. (Ord. 81-4, §804, 1981).

**5.07.050 Classes of Permits.** There shall be six (6) classes of permits, as follows:

- (A) Single family residential sewer permit;
- (B) Trailer court and multiple dwelling sewer permit;
- (C) Commercial, industrial, and other user sewer permit;
- (D) Church, school, Non-Profit day camp;
- (E) Public sewer construction permit;
- (F) Alteration of existing sewer permit. (Ord. 81-4, §805, 1981).

**5.07.060 Fees - Annexation Charges.** The owner or owners of lands within areas proposed to be annexed to the District or proposed to be connected to the sewage works shall deposit with the Manager of the District a sum to be fixed by the Manager, prior to commencement of proceedings by the Board of Directors on the proposed annexation. The amount to be fixed by the Manager shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred by the District in preparing the examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. (Ord. 81-4, §806, 1981).

**5.07.070 All Work to be Inspected.** All sewer construction work shall be inspected by an Inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the District Inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations the Inspector shall issue a certificate of satisfactory completion. (Ord. 81-4, §807, 1981).

**5.07.080 Notification.** It shall be the duty of the person doing the work authorized by permit to notify the office of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays and Holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification. (Ord. 81-4, §808, 1981).

**5.07.090 Condemned Work.** When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District. (Ord. 81-4, §809, 1981).

**5.07.100 All Costs Paid by Owner.** All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work. (Ord. 81-4, §810, 1981).

**5.07.110 Outside Sewers.** Permission shall not be granted to connect any lot or parcel of land outside the District to any public sewer in or under the jurisdiction of the District unless a permit therefore is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used and the manner of connecting therewith, and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the District for the privilege of using such sewer. (Ord. 81-4, §811, 1981).

**5.07.120 Permit Optional.** The granting of such permission for an outside sewer in any event shall be optional with the Board. (Ord. 81-4, §812, 1981).

**5.07.130 Special Outside Agreements.** Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the District. (Ord. 81-4, §813, 1981).

**5.07.140 Street Excavation Permit.** A separate permit must be secured from the County, City of Eureka, HCSD or any other agency having jurisdiction, by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections. (Ord. 81-4, §814, 1981).

**5.07.150 Liability.** The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from, any liability imposed by law upon the District or its officers, agents, or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein. (Ord. 81-4, §815, 1981).

**5.07.160 Sewer Connection Fees.** If the sewer service requested is not installed and connected to a building structure within two (2) years of the date that sewer connection fees were paid, the sewer service connection permit shall expire and the sewer connection fees refunded to the current property owner. If the applicant has a current active Humboldt County Building Permit for the subject parcel at the time of sewer connection fee payment, then the applicant must install and connect to a building structure within five (5) years of the date the sewer connection fees were paid, or the sewer connection permit shall expire and the connection fees refunded to the current property owner. Any subsequent application for service shall require the payment of the current sewer connection fees in effect.

**Chapter 5.08**  
**Enforcement**

**Sections:**

5.08.010	Purpose
5.08.020	Violation
5.08.030	Public Nuisance
5.08.040	Disconnection
5.08.050	Public Nuisance, Abatement
5.08.060	Means of Enforcement Only
5.08.070	Liability for Violation
5.08.080	Notification of Violation
5.08.090	Finality of Manager's Determination
5.08.100	Form of Notice of Appeal
5.08.110	Scheduling Appeal Hearings
5.08.120	Hearing on Appeal
5.08.130	Damages Recoverable
5.08.140	Persons Responsible
5.08.150	Tenants
5.08.160	Land Owner
5.08.170	Enforcement
5.08.180	Remedies

**5.08.010 Purpose.** The purpose of this ordinance is to specify procedures and define damages recoverable from persons who obtain water or sewer service from the Humboldt Community Services District without prior authorization or without payment of applicable connection and/or permit fees and charges. Existing ordinances of the Humboldt Community Services District provide that any person violating any of the Provisions of the ordinances, rules, or regulations of the District shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation (Section 906 of Ordinance 81-4). This ordinance shall not be construed as repealing such existing provisions of other ordinances previously adopted by the Humboldt Community Services District. This Ordinance merely defines the procedure by which the District shall recover for such expenses, loss, or damage. (Ord. 83-2, §101, 1982).

**5.08.020 Violation.** Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District, except Chapter 5.03 hereof, is subject to the conditions of this Chapter, and shall be served by the Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit of the satisfactory correction thereof. Said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the Manager of any defect arising in any sewer or of any violation or this ordinance, the person or persons having charge of said work shall immediately

correct the same. (Ord. 81-4, §901, 1981).

**5.08.030 Public Nuisance.** It is hereby declared that whenever any community in the District is provided with a sewerage system the further maintenance or use of cesspools or other local means of sewage disposal is a public nuisance. (Ord. 81-4, §902, 1981).

**5.08.040 Disconnection.** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. (Ord. 81-4, §903, 1981).

**5.08.050 Public Nuisance, Abatement.** During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of re-connection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action. (Ord. 81-4, §904, 1981).

**5.08.060 Means of Enforcement Only.** The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty. (Ord. 81-4, §905, 1981).

**5.08.070 Liability for Violation.** Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation. (Ord. 81-4, §906, 1981).

**5.08.080 Notification of Violation.** Upon discovery of any violations of District ordinances with respect to water service and/or sewer service the Manager shall give a written notice to the following persons in the following manner:

(A) If the Manager determines that a violation has occurred with respect to water and/or sewer service, he shall promptly serve a written notice of his findings in that regard to the landowner and to the tenant of the subject premises;

(B) Said notice shall state the following:

(1) The facts on which the Manager relied to determine that there was a violation;

(2) The amount of monetary damages which the Manager has determined is recoverable for said violation;

(3) The person responsible for said violation or person benefited by services received, as determined by the Manager; and

(4) That the person found responsible for, or person benefited by services received, may appeal the manager's determination to the Board of Directors of the District by delivering a written notice to the District offices no later than the tenth day after mailing of the notice by the Manager.

(C) The notice to be mailed to the landowner shall be mailed to the address shown for the

landowner in the records of the Humboldt County Assessor's office and to the landowner's last known address if known to be different from that shown in the records of the Humboldt County Assessor's Office;

(D) The notice to the tenant shall be mailed to the address of the subject premises and to the last known address of the tenant if known to be different from the address of the subject premises;

(E) In addition to mailing said notices as specified above, the Manager shall cause a copy of said notice to be posted in a conspicuous place on the subject premises no later than the date the notices are mailed to the landowner and tenant. (Ord. 83-2, §201, 1982).

**5.08.090 Finality of Manager's Determination.** The Manager's determinations with respect to the existence of violations and the expenses, losses, or damages recoverable by District as a result of said violations shall be final unless a person determined to be responsible for the violation, or a person determined to be benefited by services received, files a written notice of appeal with the District within ten (10) days of mailing of the notice of violation by the Manager. (Ord. 83-2, §202, 1982).

**5.08.100 Form of Notice of Appeal.** The written notice of appeal referred to in Sections 5.08.080 and 5.08.090 above need not be in any particular form. It shall be sufficient if it is signed by the person appealing and there is sufficient information on the notice to permit the Manager to identify the decision appealed from. (Ord. 83-2, §203, 1982).

**5.08.110 Scheduling Appeal Hearings.** Promptly after receipt of a timely notice of appeal the Manager shall place the appeal on the agenda of the regular meeting of the Board of Directors of the District. The Manager shall give the person appealing ten (10) days written notice of the date and time set for the hearing, which shall be scheduled for a regular meeting of the Board of Directors on a date no earlier than ten (10) days after receipt of the notice of appeal and no later than thirty (30) days after receipt of the notice of appeal. (Ord. 83-2, §204, 1982).

**5.08.120 Hearing on Appeal.** At the hearing of any appeal taken in accordance with the provisions of this Ordinance the Board of Directors shall receive a report from the Manager concerning the Manager's findings with respect to the alleged violation. The person taking the appeal may then present whatever evidence he or she may have to show that there was not a violation or that the amount of expense, loss, or damage recoverable by the District is less than the amount determined by the Manager. The party appealing may also request that special arrangements be made for payment of any amount determined to be owed by him or her to the District. At the conclusion of the hearing the Board shall determine and announce whether there was a violation and if so, the amount recoverable from any person responsible for the violation, and any persons benefited by services received. The Board may, but is not required to, allow the persons found liable to pay the amounts determined recoverable by District in monthly installments on a schedule established by the Board. The determination of the board shall be final. (Ord. 83-2, §205, 1982).

**5.08.130 Damages Recoverable.** Any person violating any of the provisions of the ordinances, rules, or regulations of the District shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violations. Such expense,

loss, or damage shall be recoverable pursuant to the procedures specified in this Ordinance. The damages recoverable by District pursuant to this Ordinance shall include but not necessarily be limited to the following:

(A) Permit fees. Where the violation includes a failure to pay a permit fee required by applicable provisions of District ordinances, rules, or regulations, District shall be entitled to recover the greater of either the permit fee in effect when the District had reason to know of the violation or the amount of the permit fee at the time of the violation together with a 10 percent penalty and interest shall accrue thereafter at a rate of 0.5% per month from the time of the violation.

(B) Connection fees. Where the violation is a failure to pay a connection fee required by applicable rules, regulations, or ordinances of District, District shall be entitled to recover the greater of either the connection fee in effect when the District had reason to know of the violation, or the amount of the connection fee at the time of the violation together with a 10 percent penalty and interest shall accrue thereafter at a rate of 0.5% per month from the time of the violation.

(C) Unpaid service charges. Where the violation includes receipt of services from the District for which service charges would ordinarily be assessed under applicable rules, regulations, or ordinances of the District, the District may recover such unpaid service charges together with a 10 percent penalty and interest shall accrue thereafter at a rate of 0.5% per month. (Ord. 83-2, §301, 1982).

**5.08.140 Persons Responsible.** The person or persons responsible for violation shall be individually and severally liable for all expense, loss, damage, or penalty provided for in this ordinance. (Ord. 83-2, §401, 1982).

**5.08.150 Tenants.** The tenant or other person who receives the benefit of District services because of a violation shall be jointly and severally liable with the person responsible for the violation for unpaid service charges. Provided, however, that such person is not liable for any penalties unless that person knew, or should have known, of the violation. (Ord. 83-2, §402, 1982).

**5.08.160 Land Owner.** The land owner shall be jointly and severally liable with the person responsible for violation for unpaid connection fees and permit fees occasioned by the violation. (Ord. 83-2, §403, 1982).

**5.08.170 Enforcement.** In the event of nonpayment by any person of a liability created under this ordinance, the District may:

(A) Bring a civil action for recovery of any unpaid charges or amounts of damage established pursuant to this Ordinance.

(B) Secure the amount of the unpaid charges by filing for record in the office of the county recorder of any county, a certificate specifying the amount of any such charges and the name and address of the person liable therefore. From the time of recordation of the certificate, the amount require to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him, as provided for in §61621 of the California Government Code. The lien may, within ten years from filing of the certificate or within ten years from the date of the last extension of the lien, be



extended by filing for record a new certificate in the office of the county recorder of any county.

(C) Discontinue all District services or facilities; provided, that such discontinuance shall be pursuant to a final determination as provided for in this ordinance and only after service of written notice of the intent to discontinue services or facilities, mailed and posted at least two business days prior to the discontinuance of the services or facilities. Such notice shall be served by the same method as a notification of violation as provided for in 5.08.080 (C)-(E) of this Ordinance.

(D) Disconnect unauthorized connections to any District lines or property if such connections are determined. To impose a risk of damage to District property or employees or to persons or property of those using District services, subject only to provision of such notice as is determined to be practical under the circumstances. (Ord. 83-2, §501, 1982).

**5.08.180 Remedies.** Remedies for recovery by the District for expenses, loss, or damage are cumulative and may be pursued alternately and consecutively as the District determines. The provisions of this ordinance shall not be interpreted to limit any other remedies civil or criminal which are otherwise available. (Ord. 83-2, §502 & §503, 1982).

**Chapter 5.09**  
**Abatement**

**Sections:**

5.09.010	Public Nuisance
5.09.020	Injunction
5.09.030	Damage to Facilities
5.09.040	Correction of Violations; Collection of Costs; Injunction
5.09.050	Falsifying of Information
5.09.060	Termination of Service

**5.09.010 Public Nuisance.** With the exception of the provisions of Chapter 5.03 of this ordinance, discharges of wastewater in any manner in violation of this ordinance or of any order issued by the Manager as authorized by this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to provision of District codes or ordinances, rules and/or regulations governing such nuisance. (Ord. 81-4, §1001, 1981).

**5.09.020 Injunction.** Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District may petition the Superior Court for the issuance of a temporary, preliminary or permanent injunction, as may be appropriate in restraining the continuance of such discharge. . (Ord. 81-4, §1002, 1981).

**5.09.030 Damage to Facilities.** When a discharge of wastes causes an obstruction, damage, or any other impairment to the District facilities, the District may assess a charge against the user for the cost of the work required to clean or repair the facility and add such charge to the user's service charge. . (Ord. 81-4, §1003, 1981).

**5.09.040 Correction of Violations; Collection of Costs; Injunction.** In order to enforce the provisions of this ordinance the District may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this ordinance. (Ord. 81-4, §1004, 1981).

**5.09.050 Falsifying of Information.** It shall be unlawful for any person to knowingly make any false statement, representation, record, report, plan or other document filed with the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance. (Ord. 81-4, §1005, 1981).

**5.09.060 Termination of Service.** In order to affect its powers, the District may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this ordinance is found to exist. In addition, the District may terminate service to

any person who intentionally or negligently violates any provision of this ordinance, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard.

Prior to termination of service, however, the District shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the District shall hold a hearing upon such intended termination. Such hearing shall not be held less than ten days subsequent to the giving of notice as herein required. (Ord. 81-4, §1006, 1981).

**Chapter 5.10**  
**Miscellaneous Provisions - Sewer**

**Sections:**

- 5.10.010 Protection from Damage
- 5.10.020 Powers and Authorities of Inspectors

**5.10.010 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 sewage works. Any person violating this provision shall be subject to the penalties provided by law. (Ord. 81-4, §1101, 1981).

**5.10.020 Powers and Authorities of Inspectors.** The officers, inspectors, managers and any duly authorized employees of the District shall carry evidence establishing his position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purpose of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules, and regulations of the District. (Ord. 81-4, §1102, 1981).