

**TITLE 13  
WATER AND SEWER**

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## CHAPTER 14

### SEWER DEFINITIONS AND USE REQUIREMENTS

#### Sections:

- 13.14.010 Purpose.**
- 13.14.020 Administration.**
- 13.14.030 Abbreviations.**
- 13.14.040 Definitions.**
- 13.14.050 Disclaimer of Liability.**

#### **13.14.010 Purpose.**

This chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Ceres and enables the City of Ceres to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the Porter–Cologne Water Quality Control Act. The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into the disposal facilities, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public;
- D. To promote reuse and recycling of industrial wastewater;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- F. To enable Ceres to comply with U.S. Environmental Protection Agency sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

#### **13.14.020 Administration.**

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City personnel.

#### **13.14.030 Abbreviations.**

- |     |                           |
|-----|---------------------------|
| BOD | biochemical oxygen demand |
| CF  | cubic feet                |

CFR	Code of Federal Regulations
COD	chemical oxygen demand
DU	dwelling unit
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
mg/l	milligrams per liter
mgd	million gallons per day
POTW	publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
TSS	total suspended solids
umhos/cm	umhos per centimeter
U.S.C.	United States Code
WDR	wastewater discharge requirements

**13.14.040 Definitions.**

For the purposes of this Title, and except where otherwise expressly defined in another section of this Title, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Section, they shall be construed as their ordinary meaning within the context which they are used:

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

“Approval authority” means the State of California Central Valley Regional Water Quality Control Board.

“Authorized representative of the user” means:

1. If the user is a corporation:

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

b. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. 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 City of Ceres.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

“Director” means the [Director of Public Works or City Engineer] of the City of Ceres who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

“Dwelling unit” means a structure serving as the residence of any individual or family.

“Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

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

“Grab sample” means a wastewater sample taken without regard to the flow of wastewater and over a period of time not to exceed fifteen (15) minutes.

“House Connection” means a privately owned and maintained residential sewer pipe conveying sewage from a single building or premises to its connection with a main line.

“Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

“Industrial Connection” means a privately owned and maintained sewer pipe, other than residential, conveying sewage from a single building or complex of buildings to its connection with a ~~collection line or~~ main line. The house connection and industrial connection may be the same pipe.

"Industrial Sewage" means all trade waste produced by industrial plants or factories, and does not include sanitary sewage from residences or from hotels, restaurants, eating houses, business establishments, from premises engaged solely in the sale, storage or repair of goods, wares, or merchandise, or from bathrooms, sinks, or drinking fountains in industrial plants or factories.

"Instantaneous maximum allowable discharge limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" means 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 prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, 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 Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"Lateral sewer" means the horizontal piping which extends from a building to the sewer main.

"Local limits" means pollutant limits established by the City to protect against pass through, interference or high maintenance or operational costs.

"Main Line" means a sewer pipe six inches (6"), or larger in diameter designed to serve large areas and receiving sewage from house, commercial or industrial connections.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharp instruments, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes

"New source" means:

1. Any new building, structure, facility, or installation from which there is (or may be) a discharge of pollutants; provided, that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production 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.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
  3. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
    - a. Begun, or caused to begin, as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or 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
    - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 subsection.

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“Pass through” means a discharge which exits the POTW into the disposal facilities 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’s WDR, including an increase in the magnitude or duration of a violation.

“Person” means any individual, 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, and local governmental entities.

“pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

“Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal,

agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Pretreatment” means 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” means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

“Pretreatment standards” or “standards” shall mean prohibited discharge standards and local limits.

“Prohibited discharge standards” or “prohibited discharges” means those absolute prohibitions against the discharge of certain substances listed in Chapter 13.15.

“Publicly owned treatment works” or “POTW” means a “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City of Ceres. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

“Septic tank waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Settleable solids” means that matter in wastewater that will not stay in suspension for one (1) hour, but settles to the bottom.

"Sewage" means sanitary wastewater discharged from dwellings or from rest rooms of business or industrial establishments designed for human occupancy or use. Sewage shall not include industrial waste, stormwater, or irrigation water.

"Sewer Connection Fee" means the fee charged by the City for the right to connect to an existing main line when the property being served has not previously paid or made provision for the payment of its proportionate share of the reasonable cost of construction of main sewer lines.

"Sewer District" means all that area designated by the City Council to receive sewer service.

"Sewer Facility Fee" means the fee charged by the City for permission to connect to the City sewer system. Such fees shall be used to fund or reimburse the City for the reasonable cost of construction of trunk lines, pump stations, treatment works, and sewage disposal.

"Industrial Sewer Service Charge" means the monthly service charge to be assessed to industrial

users for the use of the City sewer system and to treat the industrial waste. The industrial sewer service charge may be based on the effort to treat the industrial waste using flow, biological oxygen demand, suspended solids or other factors to determine the rate.

"Sewers" means only those pipelines designed and constructed to collect and convey sewage to the disposal site.

"Sewer Service Charge" means the monthly service charge assessed to all users of the sewer system for the reasonable costs of operation, maintenance, and replacement of the sewer system and including the treatment and disposal of all sewage and industrial waste discharged into the sewer system.

"Sewer System" means the piping, pump stations, treatment facilities, and other facilities required to transport, treat, and dispose of all sewage and industrial waste discharged from house and industrial connections.

"Significant industrial user" means:

1. A user that:

- a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
- b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- c. Is designated as such by City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any local limit or requirement.

2. Upon a finding that a user meeting the criteria in subsection (1) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any local limit or requirement, City may at any time, on its own initiative or in response to a petition received from a user, determine that such user should not be considered a significant industrial user.

"Slug load" or "slug" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards contained in Chapter 13.15.

"Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Suspended solids" means 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.

"Treatment Facilities" means those facilities required to process the sewage and industrial waste



as necessary to meet all applicable local, state, and federal regulations. The term treatment facility also means those facilities required to dispose of the treated wastewater.

“Trunk line” means a sewer pipe of diameter of twelve inches (12”) or greater conveying sewage from main lines to the disposal site. House or industrial connections shall not be permitted to connect directly to trunk lines.

“User” or “industrial user” means a source of indirect discharge.

“Wastewater” means 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 discharge permit” means the permit required before a significant industrial user can discharge wastewater to the POTW.

“Wastewater discharge requirements” means those requirements imposed by the California Regional Water Quality Control Board on the POTW.

**13.14.050 Disclaimer of Liability.**

A. The degree of protection required by this Title is considered reasonable for regulatory purposes, and is based on scientific, engineering and other relevant technical considerations.

B. The standards set forth in this Title are minimum standards, and this Title does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States.

C. This Title shall not create liability on the part of the Title, or any officer or employee thereof, for any damages that result from reliance on the code or any administrative decision lawfully made thereunder.

## CHAPTER 15

### GENERAL SEWER USE REQUIREMENTS

#### Sections:

<b>13.15.010</b>	<b>Connection Requirements</b>
<b>13.15.020</b>	<b>Sewer Line Construction.</b>
<b>13.15.030</b>	<b>Repairs – Maintenance.</b>
<b>13.15.040</b>	<b>Prohibited Discharge Standards.</b>
<b>13.15.050</b>	<b>Local Limits for All Dischargers.</b>
<b>13.15.060</b>	<b>Additional Local Limits for Commercial and Industrial Dischargers.</b>
<b>13.15.070</b>	<b>City's Right of Revision.</b>
<b>13.15.080</b>	<b>Dilution.</b>
<b>13.15.090</b>	<b>Extension of Sewer Mains.</b>
<b>13.15.100</b>	<b>Service Outside City.</b>
<b>13.15.110</b>	<b>Rules and Regulations.</b>
<b>13.15.120</b>	<b>Concealment and Abetting.</b>

#### **13.15.010 Connection Requirements**

A. No property within the City limits shall dispose of sewage other than into the POTW. The introduction of septic tank waste or waste hauled from other jurisdictions is prohibited.

B. No property within the City or within a territory hereafter annexed to the City shall tie into or connect with the POTW without first obtaining a permit from the City.

C. Each applicant for a permit shall pay a connection fee as set forth by resolution by the City Council.

D. The Director upon receipt of the fee shall issue the permit and at the time of issuance inform the person to whom the permit is issued of the location of the tie-in connection. All connections made with the sewer system shall be in conformity with plans and specifications approved by the Director and are subject to inspection by the Director.

E. Premises situated outside the City may, upon issuance of a permit pursuant to subsection B of this section, be connected to the POTW, by paying all costs and fees appropriate thereto, as set forth by ordinance, and thereafter paying the user fees set in Chapter 13.16.

F. Domestic sewage, consisting essentially of human waste, may be passed into the POTW without screening. Industrial waste must be screened through the equivalent of twenty (20) mesh screen. No peach, plum, cherry, apricot, or other fruit pits may be discharged or permitted to enter into the POTW.

G. The Director shall determine what commercial businesses and industries should be required to install an approved means of measurement, including but not limited to an improved flume or an

automatic recording device. The measurement of sewage may be required to determine the amount of the user charge or to monitor flows.

**13.15.020 Collection Sewer Line Construction.**

The conditions under which sewer lines may be constructed are as follows:

A. Sewer lines may be financed by the formation of assessment districts in accordance with existing State laws governing the formation of such districts.

B. The owner of any undeveloped subdivision, tract, area, or lot within the sewer district may make private arrangements for the construction of sewer lines to serve such subdivision, tract, area or lot in accordance with plans and specifications prepared by a registered engineer in accordance with the City's improvement standards and approved by the City, at their own expense, and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred for plan checking and inspection of the work.

C. The City Council, by resolution, may enter into reimbursement agreements with subdividers or developers to provide partial recovery of the reasonable costs that are incurred to extend sewer lines which provide service to areas outside the subdivider's or developer's project. The reimbursements shall be made from sewer connection fees paid from parcels designated in the agreement as benefiting from the extension.

**13.15.030 Repairs – Maintenance.**

The City shall not be responsible for the repair, maintenance, cleaning or replacement of a lateral sewer.

**13.15.040 Prohibited Discharge Standards.**

A. No user shall introduce or cause to be introduced into the POTW 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 requirements.

B. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR § 261.21;
2. Wastewater having a pH less than 5.5 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (0.5) inch or one and twenty-seven hundredths (1.27) centimeters in any dimension;

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature greater than one hundred five (105) degrees Fahrenheit (forty (40) degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference;
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants including septic tank waste;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. 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 treatment plant's effluent;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, groundwater, artesian well water, roof runoff, street drainage, yard drainage, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to be considered toxic to plant or animal life;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 milligrams per liter (100 mg/l), except as specifically authorized by the Director in the wastewater discharge permit;
18. Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

**13.15.050 Local Limits for All Dischargers.**

A. The local limits listed in subsection B of this section are established to prevent pass through, interference, and short-circuiting at the wastewater treatment plant; and to protect against detrimental impacts to the environment, including the natural groundwater resource, in the vicinity of the wastewater treatment plant. No person shall discharge wastewater containing in excess of these local limits, unless specifically authorized by the Director, or his/her authorized designee, in the wastewater discharge permit.

The local limits listed in subsection B of this section apply at the point where the wastewater is discharged into the publicly owned wastewater collection system. The concentration based on local limits listed in subsection B of this section shall be instantaneous peak limits, unless specifically stated otherwise. All concentration-based local limits for metallic substances are for "total" metal, unless indicated otherwise, and are the maximum allowable for any given sample.

**B. Local Limits.**

<b>Constituent</b>	<b>Limit</b>	<b>Constituent</b>	<b>Limit</b>
<b>Conventional Constituents</b>			
mg/l daily average BOD	250	mg/l peak BOD	400
umhos/cm daily average electrical conductivity	1,300	umhos/cm daily peak electrical conductivity	2,000
mg/l daily average suspended solids	250	mg/l peak suspended solids	400
mg/l total dissolved solids	800		
ml/l daily average settleable solids	15	ml/l peak settleable solids	25
<b>Trace Elements and Miscellaneous Toxics</b>			
mg/ arsenic	1.0	mg/l cadmium	0.7
mg/l chromium	0.4	mg/l copper	2.5
mg/l cyanide	1.0	mg/l lead	0.15
mg/l nickel	1.4	mg/l silver	0.3
mg/l zinc	1.3		

Constituent	Limit	Constituent	Limit
<b>Organic Compounds</b>			
mg/l organic solvents	2.0		

To protect against detrimental impacts to the environment, including the natural groundwater resource, the Director may impose mass limitations in addition to, or in place of, the concentration-based local limits listed in this subsection B.

**13.15.060 Additional Local Limits for Commercial and Industrial Dischargers.**

A. The additional local limits listed in subsection B of this section are established for commercial and industrial dischargers to prevent pass through, interference, and short-circuiting at the wastewater treatment plant, and to protect against detrimental impacts to the environment, including the natural groundwater resource, in the vicinity of the wastewater treatment plant. The concentration-based local limits listed in subsection B of this section shall be instantaneous peak limits, unless specifically stated otherwise. The additional local limits apply at the point where the wastewater is discharged into the publicly owned wastewater collection system.

**B. Additional Local Limits.**

Constituent	Limit	Constituent	Limit
<b>Additional Constituents</b>			
mg/l chloride	80	mg/l sodium	107

To protect against detrimental impacts to the environment, including the natural groundwater resource, the Director may impose mass limitations in addition to, or in place of, the concentration-based local limits listed in this subsection B.

**13.15.070 City's Right of Revision.**

City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**13.15.080 Dilution.**

No user 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 Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**13.15.090 Extension of Sewer Mains**

The City may require a sewer main or trunk sewer line to be designed to serve beyond the limits of the immediate subdivision, area or tract. In such cases, the City Council may enter into a reimbursement agreement for that sewer portion of the cost of construction of the trunk sewer line or sewer main line required to provide sewer service which is in excess of that which would be

required for the lots to be immediately served by such a line. No reimbursement shall be made for sewer mains or trunk sewer lines less than ten inches (10") in diameter.

**13.15.100 Service Outside City.**

Upon proper determination that sewer service can be made available to an area outside of the City, the City Council may designate such area to receive sewer service. Sewer lines serving such area shall be provided under the applicable provisions and in the same manner as provided in this Chapter for areas within the City.

**13.15.110 Rules and Regulations.**

A. There shall be a separate connection to the sewage system for each building unit designated in this Chapter, except that multiple dwellings or buildings on a lot, as shown on the assessor's parcel maps, may be connected by the same house or industrial connection.

B. Permits for sewer connections shall be obtained from the City's Department of Public Works. Such permits connections will not be permitted until the main line is completed and certified as ready for use by the City Engineer.

C. The provisions of Section 6.01.090 relating to common billing for municipal services, payment, and notice and termination of service shall apply equally to charges for sewer service, and those provisions are incorporated in this Chapter by reference.

D. A two-percent discount will be made on all sewer bills paid six (6) months in advance, and a five- percent (5%) discount will be made on all sewer bills paid one (1) year in advance.

E. All persons, firms or corporations must keep their house or industrial connections in good order at their own expense and may be held liable for damages which may result from their failure to do so. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for the purpose of checking the fixtures and establishment of service charges as provided in this Chapter. The City will only repair or replace that portion of a house connection within the City right-of-way that has been damaged by a City maintained tree as defined in Title 12.

F. Upon advance notice to the Finance Department, sewer service charges may be stopped if the property will be vacant for at least one (1) month and if garbage service is also stopped. If any premises are to remain unoccupied for one (1) or more full calendar months and no municipal solid waste accumulates during such vacancy, no charge shall be made during that time, provided the City is notified in writing of such contemplated vacancy on or before the last day of the preceding month. If either sewer or garbage service is recommenced after being stopped, charges shall be imposed for both sewer and garbage.

G. All commercial facilities, where food is prepared for sale, shall be equipped with a grease interceptor, having a minimum size of at least one hundred pounds (100 lbs.).

**13.15.120      Concealment and Abetting.**

It is unlawful and a violation of this Title or any person to cause, permit, aide, abet, or conceal a violation of any provision of this Title.



## CHAPTER 16

### SEWER FEES, RATES, AND CHARGES

#### Sections:

- 13.16.010 Sewer Service Charges.**
- 13.16.020 Other Rates and Charges.**
- 13.16.030 Sewer Service Fund.**
- 13.16.040 Sewer Connection Fee**
- 13.16.050 Sewer Connection Account.**
- 13.16.060 Sewer Facility Fee.**
- 13.16.070 Sewer Facility Fund.**
- 13.16.080 Collection Provisions.**

#### **13.16.010 Sewer Service Charges.**

A. The charges for sewer service shall be set by resolution of the City Council in accordance with California Health and Safety Code section 5471, as amended. The City Council may also set fees for other services provided by the City Sewer Division by resolution.

When sewer service is turned on or terminated at any time between the beginning and ending of the monthly billing period for any flat rate or unmetered installation, the amount charged for that month shall be prorated on a daily basis from the date of commencement or termination of service as is appropriate.

B. The City shall cause to be billed the bimonthly user charges pursuant to this chapter for the previous two (2) month period. Said payment shall be due and payable upon receipt and shall be delinquent on the first day of the month following receipt. Upon becoming delinquent, said payment shall be subject to a ten percent (10%) penalty. Thereafter, if the payment remains unpaid, it shall be subject to an additional penalty of one-half percent (0.5%) per month on the payment and any penalty imposed.

#### C. Charges to Constitute a Lien – Disconnection.

1. Each user charge levied pursuant to this chapter on property within the limits of the City is hereby made a lien upon the premises served by a connection to the POTW.
2. In the event of a failure of payment of the user charge as provided herein for properties located outside of the City limits, the Director is authorized and directed to disconnect such property from the POTW.

#### **13.16.020 Other Rates and Charges.**

1. Rates for garbage grinders, other than household type, and for any other device which discharges waste to the sewer system not specified under this Chapter shall be fixed by the City Council by resolution.

2. Industrial sewer service rates, fees and charges shall be set by resolution of the City Council and may be adjusted to compensate the City for the effect the discharge may have on the system. Such factors as Biological Oxygen Demand (BOD) and Suspended Solids (SS) may be used.

**13.16.030 Sewer Service Fund.**

All moneys collected by the City for sewer service and industrial sewer service charges as set forth under this Chapter shall be placed in a special sewer service fund and shall be expended for operation, maintenance, administrative overhead, and replacement of the sewer system, including any real property, easements or rights-of-way to be used in the City sewer systems, or for payment of principal or interest on any City sewer bonds. Sewer service funds may be expended for the repair or replacement of a house connection in the City right-of-way only if the house connection has been damaged by a City maintained tree, as provided in subsection 13.15.110.E.

**13.16.040 Sewer Connection Fee**

1. Any person, firm or corporation owning or controlling a lot or parcel of land within the City limits, or within any territory designated by the City Council to receive sewer service, may connect their properties to the City sewer system upon construction of the house or industrial connection, at their own expense, payment of the sewer connection fee, and payment for encroachment permits; building permits and inspection fees as required by ordinance. No house or industrial connections can be connected directly to a trunk sewer line. Connection to a manhole is not considered a direct connection.

2. The sewer connection fee shall not exceed the estimated reasonable cost of providing the sewer service. The fee shall be established by resolution by the City Council, which may be amended from time to time, in accordance with state law.

3. If the sewer system is connected by the owner or controller of a property, the property shall be exempt from payment of the sewer connection fee.

4. Any establishment of a new sewer connection or of an increase in an existing sewer connection fee shall adhere to the notice and hearing requirements established by state law.

5. If the sewer system is extended by a developer, the development which will be served by the extension is exempt from the payment of connection fees. The construction of a sewer manhole is considered an extension of the sewer system. The construction of a house connection is not an extension of the sewer system.

6. The connection fee shall be set by resolution of the City Council, and may be adjusted annually or more frequently as deemed necessary by the City Council in accordance with state law.

**13.16.050 Sewer Connection Account.**

All money collected by the City for sewer connection fees as set forth under this Chapter shall be placed in a special sewer connection account and shall be expended for the construction, or repayment for construction, of the sewer lines serving the tract or territory from which the fees

were collected. This includes reimbursing the City for sewer mains constructed to serve areas without sewer and, paying the City of Modesto's connection fee for areas where waste-water is treated by Modesto.

**13.16.060 Sewer Facility Fee.**

The purpose of the sewer facility fee is to develop and maintain an adequate and safe sewer system to serve commercial, industrial, residential, and public facility land uses as established in the General Plan. The purpose of the Sewer Facility Fee is to provide the City with funds to construct, or reimburse for the construction of major improvements, such as trunk lines, pump stations, and treatment facilities to achieve the above stated goal.

In addition to the charges above, sewer facility fees shall be paid in accordance with the current public facility fee administrative procedures. Any additional residential units added to parcels, including the area annexed prior to December 14, 1960, shall pay facility fees for each additional unit added to the parcel after the effective date of the ordinance codified in this Chapter, as provided in said administrative procedures.

The sewer facility fee shall be set by resolution of the City Council, and may be adjusted annually or more frequently as deemed necessary by the City Council.

**13.16.070 Sewer Facility Fund.**

All moneys collected by the City from the sewer facility fee shall be placed in a special sewer facility fund and shall be expended for the construction or repayment for construction of main sewer lines and trunk sewer lines in accordance with Section 13.15, pump stations, treatment facilities, and other major facilities required to treat or dispose of the wastewater discharged into the sewer system.

**13.16.080 Collection Provisions.**

The Finance Director or any other person authorized by resolution of the City Council shall be in charge of the collection of all moneys that may become due to the City by virtue of this Chapter, and shall pay the moneys into the City treasury and account for them in the same manner as are all other sums received.

## CHAPTER 17

### UNAUTHORIZED USE OF SEWERS

#### Sections:

#### **13.17.010 Unauthorized Use of Sewer System.**

#### **13.17.020 Unauthorized Used–Violations.**

#### **13.17.010 Unauthorized Use of Sewer System.**

A. Unauthorized use of the sewer service shall be defined as follows:

1. Dumping of solid or liquid material into the sewer system by way of a house or industrial connection, manhole, or other opening into said system without first obtaining a permit from the City to do so;
2. Discharging or causing to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage, water from yard fountains, ponds, swimming pools, recreational vehicles or lawn sprays or any other contaminated water into any sewage facility which directly or indirectly discharges to the sewer system owned by the City.
3. It is a violation of this Chapter to discharge sewage into any facility or appurtenance not approved for the acceptance of sewage by the City.

B. In emergency situations, the Director of Public Works or his designee has the authority to grant temporary variances for the discharge of liquid other than wastewater to the sewer system.

#### **13.17.020 Unauthorized Used–Violations.**

The penalties for unauthorized use of the sewer system are as follows:

A. Any unauthorized use as defined under Section 13.17 may, in the discretion of the City Attorney, be charged as either an infraction or misdemeanor and shall be punishable as provided in Chapter 1.16.

B. If the unauthorized use consists of an illegal connection to the City sewer, the following shall also apply:

1. If the connection is from a source that can connect to the sewer system, the person causing the illegal connection, or receiving the benefit therefrom, shall pay the appropriate current sewer connection and facility fees, building permit fees, and a penalty equivalent to two (2) years' worth of sewer service charges calculated at the current rate.
2. If the connection is from a source that cannot connect to the sewer system, the connection shall be immediately severed, and the point of connection sealed as directed by the Director of Public Works or his appointed representative. The person causing the illegal connection

or receiving the benefit therefrom shall pay all costs for performing and inspecting the work, and a penalty equivalent to two years' worth of sewer service charges calculated at the current rate.

C. If the unauthorized use is the dumping of solid or liquid material into the sewer system, all costs of inspection, treatment, removal, or monitoring the discharge shall be paid.

## **CHAPTER 18**

### **DISCHARGES OF FATS, OILS, AND GREASE FROM FOOD SERVICE ESTABLISHMENTS**

#### **Sections:**

- 13.18.010 Purpose.**
- 13.18.020 Definitions.**
- 13.18.030 Fog Wastewater Discharge Permit (Fog WDP) Required.**
- 13.18.040 Fog Discharge Limitation.**
- 13.18.050 Public Sewer Overflows; Public Nuisance; Abatement Orders and Cleanup Costs.**
- 13.18.060 Best Management Practices (Bmps) Required.**
- 13.18.070 Prohibitions.**
- 13.18.080 Fog Pretreatment Required.**
- 13.18.090 Commercial Properties.**
- 13.18.100 Grease Interceptor Requirements.**
- 13.18.110 Grease Trap Requirements.**
- 13.18.120 Grease Interceptor Maintenance Requirements.**
- 13.18.130 Variance and Waiver of Grease Interceptor or Grease Trap Requirement.**
- 13.18.140 Fees/Purpose.**
- 13.18.150 Charges and Fees.**
- 13.18.160 Grease Disposal Mitigation Fee.**
- 13.18.170 Fog WDP Application.**
- 13.18.180 Fog WDP Application Fee.**
- 13.18.190 Fog WDP Conditions.**
- 13.18.200 Fog WDP Duration and Renewal.**
- 13.18.210 Exemption From Fog WDP.**
- 13.18.220 Nontransferability of a Fog WDP.**
- 13.18.230 Facilities and Drawing Submittal Requirements.**
- 13.18.240 Monitoring and Reporting Conditions.**
- 13.18.250 Recordkeeping Requirements.**
- 13.18.260 Falsifying Information or Tampering with Process.**
- 13.18.270 Inspections and Sampling Conditions.**
- 13.18.280 Notification of Spill.**
- 13.18.290 Notification of Planned Changes.**
- 13.18.300 Harmful Discharge.**
- 13.18.310 Determination of Noncompliance with Fog WDP Conditions.**
- 13.18.320 Compliance Schedule.**
- 13.18.330 Fog WDP Suspension or Revocation.**
- 13.18.340 Violation—Penalty.**

**13.18.010 Purpose.**

A. The purpose of this Chapter is to facilitate the maximum beneficial use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) into the public sewer, and to specify appropriate fog discharge requirements for food service establishments (FSES) as defined in this Chapter.

B. This Chapter shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.

C. The provisions set forth in this Chapter are designed to ensure compliance with federal, state and local laws and regulations, and to allow the City to meet applicable standards.

D. This Chapter also establishes quantity and quality standards of all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows ("SSOs").

**13.18.020 Definitions.**

Unless otherwise defined under this Chapter, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations 136.

Subject to the foregoing, the meaning of the terms used in this Chapter shall be as follows:

"Best Management Practices ("BMPS") means the activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.

"Change In Operations" means any change in the ownership, food types, or operational procedures that have the potential to change the amount of FOG discharged by FSES in an amount that alone or collectively causes or creates a potential for SSOs to occur.

"Collection system" means portions of the public sewer consisting of all pipes, sewers and conveyance systems conveying wastewater to the publicly owned treatment works (POTW), excluding privately owned sewer service lateral line connections.

"Compliance Schedule" means a time schedule, enforceable under the provisions of this Chapter, that contains increments of progress (e.g., milestones, in the form of dates). These milestones shall be for the commencement or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for permittees to comply with all applicable federal, state or local

environmental regulations which may directly or indirectly affect the quality of the permittee's wastewater.

“Composite Sample” means a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

“Director” means the City's Director of Public Works or his or her authorized representative.

“Discharger” means any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.

“Effluent” means any wastewater outflow from a FSE or privately-owned sewer service lateral that is discharged into the public sewer.

“Enforcement Officer” means any City employee or agent of the City with authority to enforce the provisions of this Chapter and the authority to make any decision, on behalf of the Director, required or called for by this Chapter.

“Fats, Oils, And Grease (“FOG”)” means any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

“FOG control program” means the FOG control program developed by the City, as required by and pursuant to State Water Resources Control Board Order No. 2006-0003, and any subsequent modifications.

“Fog Wastewater Discharge Permit (“FOG WDP”)” means a permit issued by the City, subject to the requirements and conditions established by the City, authorizing a permittee to discharge wastewater from a FSE into the public sewer.

“Food grinder” means any device installed in the plumbing or sewage system for grinding food or food waste.

“Food Service Establishment (“FSE”)” means a facility, including but not limited to, any commercial entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, service or manufacturing, packing or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to Health and Safety Code section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (“CURFFL”) (Health and Safety Code sections 113700 et seq.). A limited food preparation establishment is not considered an FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that there is no wastewater discharge containing a significant amount of FOG.



“Grab Sample” means a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

“Grease Control Device” means any grease interceptor, grease trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the public sewer. A grease control device may also include any other proven method to reduce FOG subject to the approval of the Director.

“Grease Disposal Mitigation Fee” means a fee charged to a permittee when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE, impossible or impracticable. The grease disposal mitigation fee is intended to cover the costs of increased maintenance of the public sewer, for inspection and cleaning of FOG that a usual and customary, and properly maintained, grease control device would otherwise prevent from entering the public sewer.

“Grease Interceptor” means a multi-compartment device that is generally required, according to the California Plumbing Code, to be located underground between an FSE and the connection to the public sewer. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. To be effective, these devices must be cleaned, maintained and have the FOG removed and disposed of in a proper manner, at regular intervals.

“Grease Trap:” means a grease control device that is used to serve individual plumbing fixtures and should only be used in those cases where the use of a grease interceptor or other grease control device is determined by the Director to be impossible or impracticable. A grease trap is typically installed indoors, under or near a dishwashing sink.

“Hot Spots” means the areas in sewer lines that have experienced SSOs or that must be cleaned or maintained frequently to avoid blockages of the public sewer.

“Hearing Officer” means a person appointed by the City to review FOG violations that are appealed pursuant to Title 1.

“Infiltration” means water entering the public sewer from the ground through such means as defective pipes, pipe joints, connections or manhole walls.

“Inflow” means water entering the public sewer system through a direct stormwater or runoff connection which may cause an almost immediate increase in wastewater flows in the public sewer.

“Inspector” means a person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, processing or disposal facilities.

“Interceptor” means a grease interceptor.

“Manifest” means that receipt which is retained by a permittee for the disposal of FOG, recyclable wastes or liquid wastes.

“New Construction” means any structure planned or under construction for which a sewer connection fee has not been paid.

“Obstruction” means any discharge which, alone or in combination with discharges from other sources, inhibits or disrupts the public sewer, operations or is otherwise a violation of the Ceres Municipal Code, including, but not limited to its waste discharge requirements.

“Permittee” means a food service establishment that has received a Fats, Oils and Grease Wastewater Discharge Permit and is subject to the requirements and conditions established in this Chapter or as otherwise established by the Director.

“Public Sewer” means a sewer which is controlled by a public authority.

“Publicly Owned Treatment Works (“POTW”)” means the Ceres Wastewater Treatment Facility.

“Remodeling” means any physical or operational change to a FSE causing a change in FOG quantity or consistency or that involves any one or a combination of the following:

1. Under slab plumbing in the food processing area;
2. A thirty percent (30%) increase in the net public seating area;
3. A thirty percent (30%) increase in the size of the kitchen area; or
4. Any change in the size or type of food preparation equipment.

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

“Sewage” means a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with such inflow and infiltration as may be present.

“Sewer Facilities or System” means Any and all facilities used for collecting, conveying, pumping, treating and disposing of sewage, wastewater or sludge.

“Sewer Lateral” means a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer.

“Sludge” means any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

“Storm Drain” means a pipe or conduit for carrying storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“User” means any person who contributes, causes or permits the contribution of wastewater into the POTW.

“Waste” means the sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

“Wastewater” means the liquid and water-carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the POTW.

**13.18.030 Fog Wastewater Discharge Permit (Fog WDP) Required.**

No person shall discharge, or cause to be discharged, any wastewater from FSEs directly or indirectly into the public sewer without first obtaining a FOG WDP pursuant to this Chapter.

**13.18.040 Fog Discharge Limitation.**

No FSE shall discharge FOG, or cause FOG to be discharged into the public sewer that causes an SSO or that may accumulate or cause or contribute to blockages in the public sewer or the public sewer lateral which connects the FSE to the public sewer.

**13.18.050 Public Sewer Overflows; Public Nuisance; Abatement Orders and Cleanup Costs.**

Any FSE determined by the Director to have contributed to a sewer blockage, SSO or any public sewer obstruction resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance created by sewer line failures and blockages, SSOs or any other public sewer obstruction. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSEs alone or collectively, are the responsibility of the private property owner, FSE, and individuals who are responsible officers or owners of the FSE. If the Director determines that the public health and safety require the City to act immediately to contain and clean up any SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or if the City so acts at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the property owner or the owner/operator of the FSE, and individuals who are responsible officers or owners of the FSE and may constitute a debt to the City, due and payable upon the City's request for reimbursement of such costs depending upon the Director's determination of the cause of the SSO.

**13.18.060 Best Management Practices (Bmps) Required.**

Every FSE shall implement BMPs in its operations, in accordance with the requirements and guidelines established by the Director, to minimize the discharge of FOG to the grease control device or the public sewer. Detailed requirements for BMPs shall be specified in the FOG WDP and all FSEs are required, at a minimum, to comply with the BMPs set forth in the FOG WDP as well as any additional BMPs established by the Director. BMPs may include, but are not limited to, kitchen practices and employee training procedures that are essential in minimizing FOG discharge to the public sewer.

**13.18.070 Prohibitions.**

FSEs are prohibited from doing any of the following:

- A. Installing food grinders in the plumbing system of new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the Director.
- B. Introducing any additives into an FSE's plumbing system, grease trap or grease interceptor for the purpose of emulsifying FOG, biologically or chemically treating FOG for grease remediation or as a supplement to grease interceptor maintenance, unless a specific written authorization from the Director is first obtained.
- C. Disposing waste cooking oil into the public sewer or storm drain. All waste cooking oils shall be collected and stored properly in receptacles such as rendering bins, barrels or drums for recycling or other acceptable methods of disposal.
- D. Discharging wastewater with temperatures in excess of one hundred forty degrees Fahrenheit (140°F) into any grease control device, including grease traps and grease interceptors.
- E. Discharging wastes containing fecal materials from toilets, urinals, washbasins or other fixtures to waste lines directed to grease interceptors or other grease control devices, or vice versa.
- F. Discharging a FOG and solid materials removed from a grease control device to the public sewer. Grease removed from grease interceptors shall be waste hauled to an approved disposal site as part of the operation and maintenance requirements for grease interceptors.
- G. Operating grease interceptors with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease interceptor. The grease and solids layers combined shall not exceed twenty-five percent (25%) of the total interceptor liquid depth to avoid overloading the interceptor.
- H. Discharging FOG and other pollutants into the public sewer system.

**13.18.080 Fog Pretreatment Required.**

- A. Every FSE is required at the time of construction, remodel, or change in operations to install, operate and maintain an approved type and adequately sized grease interceptor necessary to

maintain compliance with the objectives of this Chapter, subject to the variance and waiver provisions of Section 13.04.130. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater from FSEs prior to discharge to the public sewer as determined by the then current Uniform Plumbing Code (UPC). Fixtures, equipment, and drain lines located in the food preparation and clean up areas of any FSEs that are a source of FOG discharges shall be connected to the grease interceptor.

**B. Compliance shall be established as follows:**

1. New construction of any FSE shall include complete installation of an approved type and adequately sized grease interceptor, with a minimum size of one thousand (1,000) gallons, prior to commencing discharges of wastewater to the public sewer.

*2. Existing FSEs.*

a. Any existing FSE, which, in the Director's determination, has caused or contributed to grease-related blockage in the public sewer, has one or more sewer laterals connected to hot spots or has contributed significant FOG to the public sewer, shall be deemed to have reasonable potential to adversely impact the public sewer and shall be required to install grease interceptors within one hundred eighty (180) days upon issuance of written notification by the Director.

b. Any existing FSE or FSE that changes ownership or that undergoes remodeling or a change in operations, as defined in this Chapter, shall be required to install a grease interceptor or to obtain a variance or waiver in accordance with Section 13.18.130.

**13.18.090 Commercial Properties.**

Any owner of a commercial property where FSEs are located or their official designee shall be responsible for the installation and maintenance of a grease interceptor serving multiple FSEs that are located on a single parcel.

**13.18.100 Grease Interceptor Requirements.**

A. Any FSE required by this Chapter to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter.

B. Grease interceptor sizing and installation shall conform to Chapter 10 Traps and Interceptors of the 2018 or most current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the Director and shall have a minimum of two (2) compartments with fittings designed for grease retention. The Director reserves the right to make determinations of grease interceptor size, adequacy, location and need, based on review of relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and or inspection needs.

C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

D. An access manhole, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and each sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

**13.18.110 Grease Trap Requirements.**

A. No new construction, change in operation or remodel of an FSE shall include installation of a grease trap without prior express written permission from the Director.

B. Existing grease traps shall be maintained in efficient operating condition by daily removal of the accumulated grease.

C. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.

D. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.

E. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

**13.18.120 Grease Interceptor Maintenance Requirements.**

A. Grease interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor, which includes wastewater, accumulated FOG, floating materials, sludge and solids.

B. All grease interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the Director.

C. All grease interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have the grease retention fittings shall be repaired or retro fitted with appropriate grease retention fittings.

D. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, public sewer, storm drain or public right-of-way, or onto the surface of any street or parking area.

E. The Director may require any FSE with a grease interceptor to submit data and information necessary to establish the required maintenance frequency of the grease interceptor.

F. The required maintenance frequency for every FSE with a grease interceptor shall be determined in one of the following methods:

1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the grease interceptor does not exceed twenty-five percent (25%) of the total designed hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from being discharged to the public sewer.
  2. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months.
  3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in Subsection 13.18.120F.1. has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in Subsection 13.18.120F.1. and guidelines adopted by the City pursuant to the FOG control program. The City may change the required maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG control program. Based on the actual generation of FOG from the FSE, the required maintenance frequency may increase or decrease.
  4. The owner, operator or FOG WDP permittee of an FSE may submit a request to the Director for a change in the required maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in Subsection 13.18.120F.1., and that it is in full compliance with the conditions of its FOG WDP and this Chapter. Upon determination by the Director that the requested revision is justified, the FOG WDP shall be revised accordingly to reflect the change in required maintenance frequency.
  5. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in Subsection 13.18.120F.1., the FSE shall be required to have the grease interceptor serviced immediately such that all FOG, and other materials are completely removed from the grease interceptor. If deemed necessary, the Director may also increase the required maintenance frequency of the grease interceptor.
- G. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed of by waste haulers at an approved disposal site in accordance with all applicable federal, state, or local laws.
- H. The Director may direct City staff to service an FSE's grease interceptor if, in the opinion of the Director, the FSE has failed to comply with the terms of the FOG WDP or with this chapter. The FSE shall be responsible for any and all expenses of the City in undertaking such work.

**13.18.130 Variance and Waiver of Grease Interceptor or Grease Trap Requirement.**

A. An FSE may request that the Director grant a variance from the grease interceptor or grease trap requirement to allow alternative pretreatment technology in lieu of a grease interceptor or grease trap, if the FSE demonstrates that the alternative equals or exceeds the effectiveness of a grease interceptor or grease trap, and that it is impossible or impracticable to install, operate or maintain a grease interceptor or a grease trap. The Director's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

1. There is no adequate space for installation or maintenance of a grease interceptor or a grease trap.
2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap or between the grease interceptor or the grease trap and the private collection lines or the public sewer.
3. The FSE can prove that the alternative pretreatment technology is equally or more effective than a grease interceptor or a grease trap in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the public sewer, for at least three (3) months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in its lateral or tributary downstream sewer lines. Any variance issued pursuant to this Section may be revoked at any time in the discretion of the Director.

B. A conditional waiver of the requirement to install a grease interceptor or a grease trap may be granted for FSEs that the Director determines to have negligible FOG discharge and insignificant impact to the public sewer. Although a waiver from installation of a grease interceptor or a grease trap may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a grease interceptor or a grease trap. The Director's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

1. Quantity of FOG discharge as measured or indicated by the size of the FSE based on water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions that may reasonably be shown to contribute to FOG discharges;
2. Adequacy of implementation of BMPs and compliance history;
3. Sewer size, grade, condition based on visual and other information, FOG deposition in the sewer by the FSE, and history of maintenance and SSOs caused by FOG from the FSE;
4. Changes in operations that significantly affect FOG discharge; and
5. Any other condition that the Director deems reasonably related to the generation of FOG discharges.



C. Where the installation of a grease interceptor or a grease trap is not feasible and no equivalent alternative pretreatment can be installed, an FSE may be granted a waiver of the grease interceptor or grease trap requirement upon the payment of a grease disposal mitigation fee as described in Section 13.18.160. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer. The Director's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon, but not limited to, evaluation of the following conditions:

1. There is inadequate space for installation or maintenance of a grease interceptor or a grease trap.
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap or between the grease interceptor or grease trap and the private collection lines or the public sewer.
3. A variance from grease interceptor or grease trap installation to allow alternative pretreatment technology cannot be granted.

D. An FSE may submit to the City of Ceres Wastewater Division an application for waiver or variance from the grease interceptor or grease trap requirement. The FSE bears the burden of demonstrating that the installation of a grease interceptor or a grease trap is not feasible or otherwise required. Upon determination by the Director that reasons are sufficient to justify a variance or waiver, the FOG WDP will be issued or revised to include the variance or waiver and relieve the FSE from the requirement.

E. A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance. A variance or waiver may be revoked by the Director at any time upon his or her determination that any of the terms or conditions for its issuance is not satisfied or if the conditions upon which the variance or waiver was based have changed so that the justification for the variance or waiver no longer exists. The variance or waiver shall be valid so long as the FSE remains in compliance with the terms and conditions until the expiration date specified in the variance or waiver.

#### **13.18.140 Fees/Purpose.**

It is the purpose of Sections 13.18 to provide for the recovery of costs from users of the public sewer for the implementation of the program established in this Chapter.

#### **13.18.150 Charges and Fees.**

A. The City may adopt charges and fees by resolution which may include:

1. Fees for reimbursement of costs of setting up and operating the City's FOG program;
2. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards; and

3. Other fees as the City may deem necessary to carry out the requirements contained in this Chapter.

B. Costs incurred by the City as a result of required on-site sampling and analysis shall be reimbursed to the City by the owner, user or FOG DWP permittee.

**13.18.160 Grease Disposal Mitigation Fee.**

Any FSE that operates without a grease control interceptor or a grease trap may be required to pay an annual grease disposal mitigation fee to equitably cover the costs of increased maintenance of the public sewer as a result of the FSE's inability to adequately remove FOG from its wastewater discharge. This Section shall not be interpreted to allow new construction or an existing FSE undergoing remodeling or a change in operations to operate without an approved grease interceptor or a grease trap unless the Director has determined that it is impossible or impracticable to install or operate a grease control interceptor or a grease trap for the subject facility under the provisions of Section 13.18. of this Chapter.

A. The grease disposal mitigation fee shall be established annually by the Director, and shall be based on the estimated annual increased cost of maintaining the public sewer for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or a grease trap.

B. The grease disposal mitigation fee may be waived or reduced, not more frequently than annually, when the discharger demonstrates to the reasonable satisfaction of the Director that the discharger has used BMPs and waste minimization practices on a regular basis that have significantly reduced the introduction of FOG into the public sewer.

C. The grease disposal mitigation fee may not be waived or reduced when the FSE does not comply with the minimum requirements of this Chapter or its discharge into the public sewer in the preceding twelve (12) months has caused or potentially caused or contributed, alone or collectively, sewer blockage or SSOs in the sewer downstream, or in the area surrounding the FSE, in the twelve (12) months prior to the waiver request.

**13.18.170 Fog WDP Application.**

A. Any person required to obtain a FOG WDP shall complete and file with the Director, prior to commencing or continuing discharges, an application in a form prescribed by the Director. All applicable fees required by this Chapter shall accompany the application. The FOG WDP application may be obtained from the City's Industrial Waste Division.

B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.

C. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the FOG WDP application.

D. After evaluation of the data furnished, the FOG WDP may be issued, subject to terms and conditions set forth in this Chapter and as otherwise determined by the Director to be appropriate to protect the public sewer.

**13.18.180 Fog WDP Application Fee.**

A FOG WDP application fee shall be paid by the applicant in an amount established by resolution of the City Council. Payment of the FOG WDP application fee must be received by the Director upon submission of the FOG WDP application. A permittee shall also pay any delinquent invoices in full prior to any FOG WDP renewal.

**13.18.190 Fog WDP Conditions.**

The issuance of a FOG WDP may include, but is not limited to, any of the following conditions or limits:

- A. Limits on discharge of FOG and other pollutants;
- B. Requirements for proper operation and maintenance of grease interceptors and other grease control devices;
- C. Grease interceptor maintenance frequency and schedule;
- D. Requirements for implementation of BMPs;
- E. Requirements for maintaining and reporting status of BMPs;
- F. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests including the ultimate disposition of the wastes that contain FOG;
- G. Requirements to self-monitor;
- H. Requirements for the FSE to construct operate and maintain, at its own expense, grease control device and sampling facilities;
- I. Additional requirements as otherwise determined to be reasonably appropriate by the Director to protect the public sewer or as specified by other regulatory agencies; and
- J. Other terms and conditions which may be reasonably applicable to ensure compliance with this Chapter.

**13.18.200 Fog WDP Modification of Terms and Conditions.**

A. The terms and conditions of an issued FOG WDP may be subject to modification in the sole discretion of the Director during the life of the FOG WDP based on:

- 1. The permittee's current or anticipated operating data;

2. Changes in the requirements of state or federal regulatory agencies that oversee and monitor the City; or

3. A determination by the Director that such modification is appropriate to further the objectives of this Chapter and all applicable regulations.

B. A permittee may request modification of the terms and conditions of an issued FOG WDP. Any request shall be in writing stating the requested change and the reasons for the change. The Director shall review the request, make a determination on the request, and respond in writing.

C. A permittee shall be informed of any change in the FOG WDP limits, conditions or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the FOG WDP shall include a reasonable time schedule for compliance.

**13.18.200 Fog WDP Duration and Renewal.**

FOG WDPs shall be issued annually. At least thirty (30) days prior to the expiration of the FOG WDP, the permittee shall re-apply and pay applicable fees for the renewal of the WDP in accordance with the provision of this Chapter.

**13.18.210 Exemption From Fog WDP.**

A. A limited food preparation establishment may not be considered an FSE and may be exempt from obtaining a FOG WDP. Exempt establishments shall be engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there may not be wastewater discharge containing significant amount of FOG.

B. An exemption from obtaining a FOG WDP may be requested in writing. If the Director determines that the reasons for the request are valid, an exemption may be granted.

C. A limited food preparation establishment may be required to follow the BMPs defined for all FSEs. A limited food preparation establishment that discharges FOG in excess of the defined limits may be reclassified as an FSE and required to obtain a FOG WDP at the Director's discretion.

**13.18.220 Nontransferability of a Fog WDP.**

A FOG WDP issued pursuant to this Chapter is for a specific FSE, for a specific operation and creates no vested rights. No holder of a FOG WDP shall assign, transfer or sell the FOG WDP or use the FOG WDP on any premises or for any facilities, operations or discharges not expressly encompassed within the FOG WDP. Any FOG WDP that is transferred to a new owner or operator or to a new facility in violation of this Chapter is void.

**13.18.230 Facilities and Drawing Submittal Requirements.**

Upon request by the City:

A. Any FSE may be required to submit two (2) copies of facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The submittal shall be in

a form and content acceptable to the Director for review of the existing or proposed grease control device, grease interceptor, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the FSE of the responsibility of modifying the facilities or procedures in the future as necessary to produce an acceptable discharge, and to meet the requirements of this Chapter or the requirements of any other regulatory agency.

B. The City may require the drawings be prepared by a California registered civil, chemical, mechanical, or electrical engineer.

C. All drawings shall be submitted to the Wastewater Division.

**13.18.240 Monitoring and Reporting Conditions.**

A. The Director may require periodic reporting of the status of implementation of BMPs, in accordance with the FOG control program.

B. The Director may require visual monitoring at the sole expense of the permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.

C. The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the permittee needed for determining compliance with any conditions or requirements as specified in the FOG WDP or this Chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the Director and shall be submitted upon request of the Director. Failure by the permittee to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of this Chapter and shall be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG WDP or in this Chapter. The permittee shall be responsible for any and all costs and expenses of the City in undertaking such monitoring analyses and preparation of reports.

D. Other reports may be required, such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this Chapter.

**13.18.250 Recordkeeping Requirements.**

The permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three (3) years. The permittee shall, upon request, make the manifests, receipts and invoices available to the Director, any inspector or any enforcement officer. These records may include:

A. An on-site logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices;

- B. A record of BMPs being implemented, including employee training;
- C. Copies of records and manifests of waste hauling interceptor contents;
- D. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors;
- E. Records of any spills or cleaning of the sewer lateral or public sewer; and
- F. Any other information deemed appropriate by the Director to ensure compliance with this Chapter.

**13.18.260 Falsifying Information or Tampering with Process.**

It shall be unlawful to make any false statement, representation; record; report; plan or other document that is filed with the City or the Director, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Chapter.

**13.18.270 Inspections and Sampling Conditions.**

A. The Director may inspect or order the inspection and sample the wastewater discharges of any FSE to ascertain whether the intent of these regulations is being met and the permittee is complying with all requirements. The permittee shall allow access to the FSE premises, during normal business hours, for purposes of inspecting the FSE's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.

B. The Director shall have the right to place or order the placement on the FSE's property, or other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where an FSE has security measures in force, the permittee shall make necessary arrangements so that the Director or an inspector shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

C. In order for the Director to determine the wastewater characteristics of the discharger for purposes of determining compliance with FOG WDP requirements, the permittee shall make available for inspection and copying by the Director, an inspector, an enforcement officer or service personnel, all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation and wastewater disposal. All such records shall be kept by the permittee a minimum of three (3) years.

**13.18.280 Right of Entry.**

A. Whenever the Director, an authorized enforcement official, or inspector need to make an inspection to enforce any provisions of this Chapter, a request for entry of the premises or building must be made to the property owner or occupant.

B. Any request for entry shall state that the property owner or occupant has the right to refuse

entry, and that in the event such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction.

C. In the event the owner or occupant refuses entry after such request has been made, the enforcement official is empowered to seek a warrant from a court of competent jurisdiction in obtaining such entry.

**13.18.280 Notification of Spill.**

A. In the event a permittee is unable to comply with any FOG WDP condition due to a breakdown of equipment, accidents, or human error or the permittee has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FOG WDP or this Chapter, the user/permittee shall immediately notify the City by telephone at the number specified in the FOG WDP. If the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSOs, the user/permittee shall immediately notify the City.

B. Confirmation of this notification shall be made in writing to the Director at the address specified in the FOG WDP postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

C. Such notification shall not relieve the permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to persons or property; nor shall such notification relieve the permittee of any fees or other liability which may be imposed by these regulations or other applicable law.

**13.18.290 Notification of Planned Changes.**

A. A permittee shall notify the Wastewater Division at least sixty (60) days prior to any facility expansion or remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. A permittee shall notify the Wastewater Division in writing of the proposed expansion or remodeling and shall submit any information requested by the Wastewater Division for evaluation of the effect of such expansion or remodeling on the permittee's FOG discharge to the public sewer.

**13.18.300 Harmful Discharge.**

A. The City may suspend the wastewater service or revoke a FOG WDP when such suspension or revocation is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or which causes obstruction to the collection system or the POTW, or causes the City to violate any condition of its permits.

B. Any person notified of a suspension of the wastewater treatment service or revocation of a FOG WDP shall immediately stop or eliminate all discharges to the public sewer. In the event of a failure of the person to comply voluntarily with the suspension order, the Director shall take such steps as he or she deems necessary, including immediate severance of the sewer connection, to

prevent or minimize damage to the collection system or the POTW. The Director shall reinstate the FOG WDP or the wastewater treatment service only upon proof of the elimination of the nonconforming discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within fifteen (15) days of the date of occurrence.

**13.18.310 Determination of Noncompliance with Fog WDP Conditions.**

**A. Sampling and Inspection Procedures.**

1. Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Director.
2. Noncompliance with FOG WDP discharge conditions, or any discharge provisions of these regulations may be determined by an inspection of the grease control device, grease interceptor and associated manifest and documentation, or analysis of a grab or composite sample of the effluent of an FSE.
3. Any sample taken from a sample point, as determined representative by the Director, is considered representative of the discharge to the public sewer.

B. Any permittee found to be in violation of the FOG WDP terms and conditions may be issued a warning notice of violation in which there will be a specified time period to correct the violation. If the violation is not corrected within the specified time period the permittee may be issued a notice of violation, with a specified time period to correct the violation. If the violation is not corrected within the time period specified, the permittee shall be considered in noncompliance.

C. Any permittee determined to be in noncompliance with the terms and conditions specified in its FOG WDP or with any provision of this Chapter may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the City for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Section 13.18.340.

Noncompliance fees shall be in the amount determined by the Director. If the permittee remains compliant for twelve (12) consecutive months following the notice of noncompliance, the fee may be waived at the discretion of the Director.

**13.18.320 Compliance Schedule.**

A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its FOG WDP or any provision of this Chapter, or needs to construct or acquire and install a grease control device or grease interceptor, the Director may require the permittee to enter into a compliance schedule on terms and conditions specified by the Director.

B. The compliance schedule may contain terms and conditions including, but not limited to, requirements for installation of a grease control device, grease interceptor and facilities, submittal



of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Chapter.

C. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule during its term, the Director may issue an order suspending or revoking the FOG WDP pursuant to Section 13.18.330 of this Chapter.

**13.18.330 Fog WDP Suspension or Revocation.**

A. The City may suspend or revoke any FOG WDP when the Director determines that a permittee:

1. Fails to comply with the terms and conditions of a compliance schedule order;
2. Knowingly provides a false statement, representation, record, report, or other document to the City or the Director;
3. Refuses to provide records, reports, plans, or other documents required by the City or the Director to determine FOG WDP terms or conditions, discharge compliance or compliance with this Chapter;
4. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method;
5. Refuses reasonable access to the FSE for the purpose of inspection and monitoring;
6. Fails to make timely payment of all amounts owed to the City for user charges, FOG WDP fees or any other fees imposed pursuant to this Chapter;
7. Causes obstruction, sewer blockages or SSOs in the public sewer;
8. Violates grease interceptor or grease trap maintenance requirements, any condition or limit of its FOG WDP or any provision of this Chapter; or
9. Fails to report significant changes in operations, or wastewater constituents and characteristics.

**13.18.340 Violation–Penalty.**

A. Any violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, is unlawful and shall be an infraction or misdemeanor as determined by the City Attorney.

B. Any user, discharger or permittee in violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, may be ordered by the Director to cease and desist operations until the violation is cured. Continuance of operations after notice to cease and desist has been furnished to the user or permittee shall be unlawful and an infraction or misdemeanor as determined by the City Attorney. Each day in which any such violation shall continue shall be deemed a separate offense.

C. The violation of any of the provisions of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, or the doing of any act prohibited or the failure or omission to do any act required by this Chapter, or the orders, rules, and regulations and permits issued under this Chapter, is a public nuisance and may be enjoined by the City Attorney.

D. If any violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, causes damage to the POTW, the Director may seek to recover civil damages from the user causing such damage.

E. The Director is authorized to levy against any person administrative fines of up to ten thousand dollars (\$10,000.00) per day for each violation of the rules, regulations, and permits issued under this Chapter. The notice shall provide information as to the reason for the administrative fine and the authority and the notice shall also specify the person's right to appeal.

1. The Director shall provide written notice of such levy to the person by certified mail. The user, discharger or permittee has the right to appeal the administrative action to the City of Ceres Administrative Hearing Officer by filing an appeal with the City Clerk. The appeal hearing shall be held in accordance with the applicable provisions of Title 1.

2. The appeal shall be submitted within twenty (20) days of receipt of the notice and shall be accompanied by a nonrefundable fee set by resolution of the Council.

F. The remedies and provisions of this Section are cumulative, and are in addition to any other remedy or provision of law.

## Chapter 19

### INDUSTRIAL SEWAGE

#### Sections:

- 13.19.010 Discharge Into City Sewer—Permit Required.**
- 13.19.020 Application for Permit.**
- 13.19.030 Investigation and Issuance of Permit Application.**
- 13.19.040 Change From Sanitary Sewage System.**
- 13.19.050 Rate Schedule.**
- 13.19.060 Gallonage Statement Required.**
- 13.19.070 Use of Moneys Collected.**
- 13.19.080 Revision or Revocation of Permit.**

#### **13.19.010 Discharge Into City Sewer—Permit Required.**

No person, firm or corporation shall empty any industrial sewage into the City sewer, without having obtained a permit therefor from the City, except as expressly provided in this Chapter. For the purpose of this Chapter, "industrial sewage" means all trade sewage produced by industrial plants or factories, and does not include sanitary sewage from bathrooms in industrial plants or factories, residences, or from hotels, restaurants, eating houses or from business establishments or from premises engaged solely in the sale, storage or repair of goods, wares or merchandise.

#### **13.19.020 Application for Permit.**

A. Written application for the permit required under the provisions of this Chapter shall be made to the City, by filing an application with the City Public Works Department upon application forms provided by the City together with an application fee as set by resolution of the City Council to help cover the cost of investigation of permit applications. Such application shall be in writing and shall contain the following information:

1. Name and address of applicant;
2. Exact location and nature of business of applicant;
3. Proposed location of connection;
4. Estimated gallonage of sewage proposed to be discharged;
5. Character of sewage proposed to be discharged;
6. Such other information as may be deemed necessary by the Director of Public Works or his designee.

B. In each application, the applicant shall agree faithfully to comply with the following: (1) all City ordinances, rules and regulations, now in force or effect or which may be subsequently adopted; (2) also all laws, rules and regulations of Stanislaus County, State of California, and the

Federal Government relating to the emptying of the applicant's industrial sewage into the Ceres sewer system; and (3) the payment of all industrial sewer service charges and sewer service charges that are made by the city in accordance with the schedule of charges adopted or to be adopted as provided in this Chapter or as may be subsequently adopted in any amendment to this Chapter or amendment to any resolution provided by this Chapter.

**13.19.030 Investigation and Issuance of Permit Application.**

Upon the filing of an application with the Public Works Department pursuant to the provisions of this Chapter, the Director of Public Works or his designee shall investigate such application and determine if the following conditions or criteria are satisfied:

- A. That the sewer pipe into which the connection is to discharge has sufficient unused carrying capacity for the disposal of other sewage;
- B. That the character of the sewage proposed to be discharged by the applicant is such that it can be successfully treated in the wastewater treatment facility;
- C. That such sewage will not result in damage to the plant or sewer system;
- D. That provision has been made by the applicant to screen the sewage or remove the solid matter therefrom as provided by the permit granted to the City by the California Water Quality Control Board, or any other department, bureau or board of the State as required by the laws of California.

If the above conditions and criteria are satisfied, the City may at its discretion may issue a permit with conditions, and may impose such conditions with respect to the discharge of such sewage. Such conditions may include: the requirement of treatment; the installation of monitoring equipment; the maintenance of individual screens to reflect sewage products; or requirement of construction and use of tanks designed to equalize the flow and reduce peak loads. As a further condition to the granting of a permit by the City to the applicant for industrial sewage disposal through the City sewer system, the City may require that applicant furnish and install an approved means of monitoring and recording the flow of its sewage, which monitoring device shall be kept and maintained at all times in a satisfactory operating condition. The monitoring device shall be subject to inspection and verification by the City.

E. That the character of the sewage, once treated by the City can be discharged without violating any permits or agreements for such discharge;

F. That the flows do not exceed the following without City Council approval:

- 1. More than two thousand five hundred (2,500) gallons per gross acre per day; or,
- 2. More than five hundred (500) gallons per employee per day with a total discharge not to exceed thirty thousand (30,000) gallons per day; or,
- 3. Total discharge of less than thirty thousand (30,000) gallons per day.

**13.19.040 Change From Sanitary Sewage System.**

In the case where a sewage connection to the sewer system is proposed to be converted to industrial sewage, then upon request of the Public Works Department, the person owning or operating the industrial plant, shall, at his own expense, change the connection to meet all the requirements imposed in the permit.

**13.19.050 Rate Schedule.**

All persons to whom a permit shall have been granted for the disposition of industrial sewage into the sewer system, shall pay to the City the appropriate industrial sewer service charge. Such charges may be from time to time established by the resolution of the City Council. All such rate schedules shall become effective upon the first day of the month following their adoption by the City Council. All charges shall be paid monthly, and the charges may be set on an individual basis, dependent upon the burden placed on the City's sewage system as determined by the City Council.

**13.19.060 Gallonage Statement Required.**

In order to facilitate the payment of charges made in accordance with the rate schedule as set forth in Section 13.19.050, each and every person who holds an industrial sewage connection permit, may be required, not later than the tenth day of each month, to submit to the City a statement showing the gallonage which was processed, treated, used or discharged during the preceding calendar month, the approved rate for such items, and the total amount of the industrial sewer service charge. Accompanying this statement shall be a check or cash in the amount calculated.

If upon an audit of the statement an error is found, or, if upon later investigation the amount of gallonage it is found that an error exists, the person making the statement shall pay such additional sum, or the City may make such refund, as may be necessary to properly adjust the payment. If it is determined that an understatement is intentional, then a penalty shall be imposed of up to one hundred percent (100%) of the amount due from the understatement. This amount is in addition to paying the industrial sewer service charge on the under-reported amount.

In unique circumstances, as determined by the Director, the owner may be required to install a meter to accurately measure the discharge flow into the City's sewer system and pay meter and volume charges based on the measure flow consistent with this Title.

**13.19.070 Use of Moneys Collected.**

All industrial sewer service charges and other moneys collected or derived pursuant to the provisions of this Chapter or any amendments hereto shall be deposited in the sewer service fund as defined in Section 13.16.030 and expended as stated in Section 13.16.030.

**13.19.080 Revision or Revocation of Permit.**

Whether after the granting of a permit, as provided for in this Chapter, circumstances should change, by reason of increased flow; change of character of discharge; change in regulations; or for any other cause whatsoever, which change reasonably requires modification of the conditions prescribed at the time of issuing the original permit; then, the City Public Works Department may revoke the permit or may impose further conditions with respect thereto, including the requirement of such pretreatment necessary to remedy the changed circumstances.

## CHAPTER 23

### JUDICIAL ENFORCEMENT REMEDIES

#### Sections:

- 13.23.010 Injunctive Relief.**
- 13.23.020 Civil Penalties.**
- 13.23.030 Criminal Prosecution.**
- 13.23.040 Remedies Nonexclusive.**

#### **13.23.010 Injunctive Relief.**

When the Director finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Superior Court of Stanislaus County through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Director may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **13.23.020 Civil Penalties.**

A. A user who has violated, or continues to violate, any provision of this Title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to City for a maximum civil penalty of ten thousand dollars (\$10,000.00) 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.

B. The Director 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 City, including fines levied by any State or Federal agency.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **13.23.030 Criminal Prosecution.**

A. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement,

shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

B. A user who 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 twenty-five thousand dollars (\$25,000.00), or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who 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 issued hereunder, 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 twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than fifty thousand dollars (\$50,000.00) per violation, per day, or imprisonment for not more than one (1) year in the County jail or imprisonment in the State prison for sixteen (16), twenty (20) or twenty-four (24) months, or by both fine and imprisonment.

**13.23.040 Remedies Nonexclusive.**

The remedies provided for in this chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one (1) enforcement action against any noncompliant user.

## CHAPTER 24

### SUPPLEMENTAL ENFORCEMENT ACTION

#### Sections:

- 13.24.010      Performance Bonds.**
- 13.24.020      Liability Insurance.**
- 13.24.030      Water Supply.**
- 13.24.040      Public Nuisances.**
- 13.24.050      Informant Rewards.**
- 13.24.060      Contractor Listing.**

#### **13.24.010      Performance Bonds.**

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

#### **13.24.020      Liability Insurance.**

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### **13.24.030      Water Supply.**

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

#### **13.24.040      Public Nuisances.**

A violation of any provision of this Title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of Title 19 governing such nuisances, including reimbursing City for any costs incurred in removing, abating, or remedying said nuisance.

#### **13.24.050      Informant Rewards.**

The Director may pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative fine levied against the user, the Director may disperse up to ten percent (10%)



of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars (\$5,000.00).

**13.24.060 Contractor Listing.**

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to City. Existing contracts for the sale of goods or services to City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director.

## CHAPTER 25

### WASTEWATER DISCHARGE PERMIT APPLICATION

#### Sections:

- 13.25.010 Wastewater Analysis.**
- 13.25.020 Wastewater Discharge Permit Requirement.**
- 13.25.030 Wastewater Discharge Permitting—Existing Conditions.**
- 13.25.040 Wastewater Discharge Permitting—New Connections.**
- 13.25.050 Wastewater Discharge Permit Application Contents.**
- 13.25.060 Application Signatories and Certification.**
- 13.25.070 Wastewater Discharge Permit Decisions.**

#### **13.25.010 Wastewater Analysis.**

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within twenty-one (21) calendar days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

#### **13.25.020 Wastewater Discharge Permit Requirement.**

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Section 13.25 may continue to discharge for the time period specified therein.

B. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in this chapter. 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.

#### **13.25.030 Wastewater Discharge Permitting—Existing Conditions.**

Any user required to obtain a wastewater discharge permit, as specified in Section 13.25.020, who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future shall, within ninety (90) days after said date, apply to the Director for a wastewater discharge permit in accordance with Section 13.25.020, and shall not cause or allow discharges to the POTW to continue after six (6) months of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Director.

#### **13.25.040 Wastewater Discharge Permitting—New Connections.**

Any user required to obtain a wastewater discharge permit, as specified herein, who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in

accordance with Section 13.25.020, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

**13.25.050 Wastewater Discharge Permit Application Contents.**

All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information:

- A. The name and address of the facility, including the name of the owner and operator;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Estimate of wastewater flows (average and peak per day) and description of pollutants and estimated concentrations;
- H. Time and duration of discharges; and
- I. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**13.25.060 Application Signatories and Certification.**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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.

**13.25.070 Wastewater Discharge Permit Decisions.**

The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.

## CHAPTER 26

### WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

#### Sections:

<b>13.26.010</b>	<b>Wastewater Discharge Permit Duration.</b>
<b>13.26.020</b>	<b>Wastewater Discharge Permit Contents.</b>
<b>13.26.030</b>	<b>Wastewater Discharge Permit Appeals.</b>
<b>13.26.040</b>	<b>Wastewater Discharge Permit Modification.</b>
<b>13.26.050</b>	<b>Wastewater Discharge Permit Transfer.</b>
<b>13.26.060</b>	<b>Wastewater Discharge Permit Revocation.</b>
<b>13.26.070</b>	<b>Wastewater Discharge Permit Reissuance.</b>

#### **13.26.010 Wastewater Discharge Permit Duration.**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### **13.26.020 Wastewater Discharge Permit Contents.**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body or disposal fields receiving the treatment plant's effluent, prevent excessive maintenance and operational costs, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

#### **B. Wastewater discharge permits must contain:**

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to City, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits based on applicable pretreatment standards;
4. Self-monitoring, sampling, flow measuring, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on State and local law; and

5. A statement of applicable civil and criminal penalties for violation of this chapter, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable State or local law.

C. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;
2. 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;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment along with a statement that all costs associated with said monitoring will be at discharger's expense;
7. 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; and
8. Other conditions as deemed appropriate by the Director to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

#### **13.26.030 Wastewater Discharge Permit Appeals.**

The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit or the denial of a permit within fourteen (14) days of notice of its issuance or denial.

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 reasons 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.

D. If the Director fails to act within fourteen (14) days, a request for reconsideration shall be deemed to be denied.

E. Any person aggrieved by any decision of the Director with respect to implementation of this chapter may appeal to the City Council by filing a written letter of appeal with the Director within five (5) days of such decision. The letter must state the name and address of the facility, including the name of the owner and operator, and the reason for the appeal. The Council shall fix a time and place for hearing such appeal and the Director shall give notice in writing to such person of the time and place of hearing by serving it personally or by depositing it in the United States mail, addressed to the person filing the appeal at the address shown on the notice of appeal. The findings of the Council shall be final and conclusive and shall be served upon the applicant in the manner prescribed above for service of notice of hearing.

**13.26.040 Wastewater Discharge Permit Modification.**

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

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

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to City's POTW, City personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. To reflect a significant change in the cost of operating or maintaining the POTW or disposal facilities;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

**13.26.050 Wastewater Discharge Permit Transfer.**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

A. States that the new owner or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

**13.26.060 Wastewater Discharge Permit Revocation.**

The Director may revoke a wastewater discharge permit in accordance with this Chapter for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 13.26.040,

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the Director timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;



- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;  
or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

**13.26.070 Wastewater Discharge Permit Reissuance.**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.26.020, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

## CHAPTER 27

### REPORTING REQUIREMENTS

#### Sections:

- 13.27.010 Periodic Compliance Reports.**
- 13.27.020 Reports of Changed Conditions.**
- 13.27.030 Reports of Potential Problems.**
- 13.27.040 Reports from Unpermitted Users.**
- 13.27.050 Notice of Violation–Repeat Sampling and Reporting.**
- 13.27.060 Analytical Requirements.**
- 13.27.070 Sample Collection.**
- 13.27.080 Record Keeping.**

#### **13.27.010 Periodic Compliance Reports.**

A. All significant industrial users shall, at a frequency determined by the Director 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 this chapter or the wastewater discharge permit and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13.27.

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

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Section 13.27, the results of this monitoring shall be included in this report.

#### **13.27.020 Reports of Changed Conditions.**

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.26.020.

B. The Director may issue a wastewater discharge permit under Section 13.26.020 or modify an existing wastewater discharge permit under Section 13.26.040 response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

**13.27.030 Reports of Potential Problems.**

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the 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 user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

**13.27.040 Reports from Unpermitted Users.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

**13.27.050 Notice of Violation–Repeat Sampling and Reporting.**

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within five (5) calendar days after becoming aware of the violation.

**13.27.060 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 procedures approved by the EPA.

**13.27.070 Sample Collection.**

A. Except as indicated in subsection B of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

**13.27.080 Record Keeping.**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director.

## Chapter 28

### CROSS-CONNECTION CONTROL FOR WATER SYSTEM

#### Sections:

- 13.28.010**     **Definitions.**
- 13.28.020**     **Purpose.**
- 13.28.030**     **Abandonment of Wells.**
- 13.28.040**     **Protection of Public Water System at Service Connection.**
- 13.28.050**     **Type of Protection.**
- 13.28.060**     **Testing and Certification.**
- 13.28.070**     **Failure to Comply.**

#### **13.28.010**     **Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

“Air-gap separation” means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel. Supply pipes less than one inch (1") diameter shall have a minimum air-gap of one inch (1").

“Approved” means, in reference to air-gap separation, a double check valve assembly, or a reduced pressure principle backflow prevention device or method, means as approval by the Stanislaus County Health Officer or the City.

“Approved double check-valve assembly” means an assembly of two (2) independently acting, approved check valves, including tightly-closing shutoff valves on each end of the check-valve assembly and suitable connections available for testing the water tightness of each valve. To be approved, these devices must be readily accessible for maintenance and annual testing and in no case shall be less than twelve inches (12") above the flood level of the surrounding ground or floor, and no more than thirty inches (30") in a location where no part of the assembly will be submerged.

“Approved reduced pressure principal backflow prevention device” means a device incorporating two (2) or more independently acting approved check valves and an automatically operating differential relief valve located between the two (2) checks, two (2) shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two (2) check valves which must be less than the pressure on the public water supply side of the device. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall open to the atmosphere thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and annual testing and installed in no case less than twelve inches (12") above the

flood level of the surrounding ground or floor and no more than thirty inches (30") in a location where no part of the valve will be submerged.

"Approved water supply" means any water supply approved by, or under the public supervision of a public health agency of the State or Stanislaus County.

"Auxiliary water supply" means a water supply originating on the premises that is used exclusively for fire protection or irrigation and is not connected in any manner to the domestic supply system on the premises.

"City" means the City of Ceres, acting through the City Manager or his designated representatives.

"Cross-connection" means any real or potential unprotected connection between any part of a water system used or intended to supply containing water or substance that is not or cannot be approved as safe and potable for human consumption.

"Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public and consumer's potable water system to such a degree or intensity that there would be a danger to health.

"Pollution hazard" means an actual or potential threat to the physical properties of the water system or the public water supply that would not constitute a health or system hazard as defined.

"Stanislaus County Health Officer" means the operating head of the Stanislaus County Department of Environmental Health or their designated representatives.

"System Hazard" means an actual or potential threat of severe damage to the physical properties of the public potable water system, with a pollution [pollutant] or contamination [contaminant] which would have an extended effect on the quality of potable water in the system.

"Well" means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or
2. Wells used for dewatering excavation during construction, or stabilizing hillsides or earth embankments.

#### **13.28.020 Purpose.**

A. The City Council declares that the purpose of the ordinance codified in this Chapter is to protect the public water supply against actual or potential cross-connections by:

1. Requiring abandonment of private wells before premises connect to City water supply and by isolating within the premises contamination or pollution that may occur because of either

an undiscovered or unauthorized cross-connection on the premises;

2. Eliminating existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;
3. Eliminating cross-connections between drinking water systems and other sources of water such as processed water used for any purpose which jeopardizes the safety of the drinking water supply;
4. Preventing the creation of a cross-connection in the future;
5. Encouraging residents to use public sources of water supply exclusively;
6. Protecting the drinking water supply within premises located in the City of Ceres; where plumbing is inadequate or cross-connections may endanger the drinking water supply available on the premises.

B. All regulations cited in this Chapter shall be reasonably interpreted. When interpreting these regulations, it shall be recognized that there are varying degrees of hazards and all interpretations shall apply the principle that the degree of protection should correspond with the degree of hazard.

**13.28.030 Abandonment of Wells.**

A. The owner of property upon which a private well is located shall have the well destroyed before being connected to the City water supply. The Director may, in special cases, consider alternatives to the abandonment of a private well, in the Director's sole discretion, with consideration and requirement to ensure the City's water system is adequately protected.

B. Abandonment of wells shall be conducted pursuant to State and Federal laws and regulations.

C. Destruction of all abandoned wells, exploration holes, or test holes shall be done in such a manner that they will not produce water or act as a conduit for mixing or otherwise transferring of water between permeable zones or aquifers, and will not be a hazard to the safety and wellbeing of people or animals.

D. Destruction of the well shall be done at customer expense, with the customer having the option of having the City or private contractor do the work. All work shall be inspected by and completed to the satisfaction of the Stanislaus County Health Officer or the City.

**13.28.040 Protection of Public Water System at Service Connection.**

No water service connection to any premises shall be installed or maintained by the City unless the water supply is adequately protected in accordance with the requirements and regulations of applicable State and Federal regulations, and these regulations:

- A. Each service connection from the public water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the

public water system, unless source is provided by the City.

B. Each service connection from the public water system for supplying water to premises on which any substance is or may be handled in such fashion as to permit entry into the water system shall be protected against backflow of the substance from the premises into the public system. This shall include the handling of process water and waters originating from the public water supply system which have been subject to deterioration in sanitary quality.

C. Approved backflow prevention devices shall be installed on service connections to any premises where internal cross-connections exist. It shall be the responsibility of the water user to provide, test and maintain protective devices as required at their expense.

**13.28.050 Type of Protection.**

A. The protection device required shall depend upon the degree of hazard. An air-gap separation or a reduced pressure backflow prevention device shall be used where there is an existing or potential health or system hazard. A double check-valve assembly may be used where there is an existing or potential pollution hazard.

B. The public water system shall be protected at the service connection as provided below. Only those devices on the City of Ceres list of approved backflow prevention assemblies, which is current at the time of the assembly installation, may be used. Backflow prevention assemblies in service at the time of adoption of this Chapter which do not comply with the provisions of this Chapter may continue in use until the assembly is determined to be defective. Any such assembly that is determined to be defective shall be replaced by an assembly that complies with the provisions of this Chapter.

1. At the service connection to any premises where there is allowed an auxiliary water supply, handled in a separate piping system with no known or easily established cross-connection, the public water supply shall be protected by an approved double check-valve assembly. When the auxiliary water supply may be contaminated, an air-gap or an approved reduced pressure principle backflow prevention device shall be installed at the service connection.

2. At the service connection to any premises on which a substance that would be objectionable, but not hazardous to health, if introduced into the public water supply, is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double check-valve assembly.

3. At the service connection to any premises on which there is an auxiliary water supply where cross-connections are known to exist, and public water supply shall be protected by an approved reduced pressure principle backflow prevention device.

4. At the service connection to any premises on which a material dangerous to health or toxic substance in toxic concentration is or may be handled in such manner as to permit its entry into the water system, the public water supply shall be protected by an air-gap separation. The air-gap shall be located as close as possible to the meter and all piping between the meter and



receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing the alternative is acceptable to the City the Stanislaus County Health Officer.

5. At the service connection to any sewage treatment plant, sewage pumping station, or stormwater pumping station, the public water supply shall be protected by an air-gap separation. The separation device shall be located as close as possible to the meter and all piping between the meter and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing there are no direct connections to sewage pumps or waste lines and this alternative is acceptable to the City or Stanislaus County Health Officer. Final decision in this matter shall rest with the State Department of Public Health.

6. At the service connection to hospitals, medical buildings, mortuaries and other premises where the Health Officer and/or the City determines that a special hazard exists, the public water supply shall be protected by an approved reduced pressure principle backflow device.

7. Where a health or safety hazard exists on a premise by reason of an existing plumbing installation, or lack thereof, the owner or his agent shall install additional plumbing or make such correction as deemed necessary to abate the hazard and bring the plumbing system into compliance with applicable provisions of this Chapter.

C. The property owner or consumer who is responsible for any protective device shall have such device inspected and tested in accordance with requirements of the City or Stanislaus County Health Department. The City shall be furnished with a copy of the test result on an annual basis. Backflow tester shall be qualified and approved by the City of Ceres and the American Water Works Association (AWWA).

#### **13.28.060 Testing and Certification.**

The owner and/or operator's premises shall be available for inspection during reasonable hours to authorized representatives of the City of Ceres to determine if protection of the public water system is required at the service connection (s).

A. Any owner and/or operator of a facility or premises where a service connection with a backflow prevention assembly is installed pursuant to this Chapter, shall have each assembly tested at the time of installation and annually thereafter or more often as the City of Ceres may require. All required field testing shall be performed by a person who is currently registered with the City of Ceres as a certified tester.

B. Reports from tests performed on backflow prevention assemblies shall be filed with the City of Ceres before the test due date. In addition, such reports shall provide written notification of any device failure to the City of Ceres within forty-eight (48) hours. Both the owner and the tester shall be responsible for filing the report with the City.

C. The owner and/or operator at their own expense shall repair or replace any defective backflow prevention assembly as specified by the provisions of this Chapter. If at any time a pressure vacuum breaker (PVB) device fails, the City of Ceres shall be notified prior to any repairs being made so that the degree of hazard can be determined for proper protection.

D. When a new device is to be installed due to a failed test or a new installation, all materials and installation requirements shall meet the City of Ceres standard specifications.

1. To be a certified tester with the City of Ceres all the following requirements must be met:

a. Certified testers shall be certified by the American Water Works Association or equivalent and submit their card to the City annually each January.

b. Testers shall have the proper testing equipment that has been calibrated to the manufacturer's specifications within the previous twelve (12) months and proper documentation of such calibration shall be submitted to the City annually each January.

c. Must have an active City of Ceres business license.

d. Any tester found guilty of improperly performing a test, repairs to a device, or installation, shall be removed from the City's certified tester list and shall not be allowed to perform any future backflow testing, repairs, maintenance or installations within the City of Ceres Water System.

E. Field testing procedures shall be conducted pursuant to the latest edition of the "Manual of Cross-Connection Control," published by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research for which the tester has been certified.

1. For the testing of reduced pressure principle assemblies, pressure vacuum breakers, and double check-valve assemblies: Required equipment shall include a differential pressure gauge incorporating a minimum differential range of 0-15 pounds per square inch (psi) with maximum 0.2 psi graduations.

#### **13.28.070 Failure to Comply.**

Failure to comply with any Section of this Chapter may be cause for the discontinuance of water service by the City or the Stanislaus County Department of Public Health. The City shall give notice in writing of any violations of this Chapter to the property owner and consumer. If no action is taken within ten (10) days after such notice has been mailed or delivered in person, the City may discontinue delivery of water. If it is determined by either the City or the Stanislaus County Health Officer that any immediate hazard exists as a result of failure to comply, the City may immediately discontinue service to the premises. Delivery of water shall not be resumed until a protective device has been properly installed and approved as provided in this Section.