

**Title 14
WATER AND SEWERS**

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Article I. General Provisions

14.01.010 Purpose and policy.

This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Dixon and enables the City of Dixon 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 Dixon 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.

This section and DMC [14.01.200](#) shall apply to all users of the POTW. DMC [14.01.300](#) through [14.01.1050](#) shall apply to all nonresidential users of the POTW. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. [Ord. 12-004; Ord. 13-004 § 25.]

14.01.020 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 of Dixon personnel. [Ord. 12-004.]

14.01.030 Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

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

[Ord. 12-004.]

14.01.040 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

“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 author-

ity 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 Dixon.

“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).

“City” means the City of Dixon or the City Council of Dixon.

“Director” means the Director of Public Works of the City of Dixon 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.

“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.

“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.

“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 DMC [14.01.230](#).

“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 Dixon. 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 human excrement and gray water (household showers, dishwashing operations, etc.).

“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 wastestream 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 DMC [14.01.230](#).

"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.

"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.

"Wastewater treatment plant" or "treatment plant" means that portion of the POTW which is

designed to provide treatment of municipal sewage and industrial waste. [Ord. 12-004; Ord. 13-004 § 26.]

Article II. General Sewer Use Requirements

14.01.200 Connection requirements.

A. Connection Required. 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. Permit Required. 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. Connection Fee. Each applicant for a permit shall pay a connection fee as set forth by resolution.

D. Issuance of Permit – Specifications for Connections. 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. Connection – Outside City Limits. 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 DMC [14.01.211](#).

F. Screening Requirements. 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. Installation – Means of Measurement. 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 and/or to monitor flows. [Ord. 12-004; Ord. 15-017 § 1.]

14.01.210 User charges.

A. Sewer User Charges. Each property connected to the POTW shall pay a user charge. User

charges for sewer service shall be set from time to time by resolution of the City Council, in accordance with this chapter and California law.

B. When User Charges Are Due and Payable. On or before the first day of alternate months, beginning with February 1, 1995, 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.

D. Disposition of Moneys Received – “Sewer Enterprise Fund.” The funds received from the collection of the charges or rentals authorized by this chapter shall be deposited with the City Treasurer and shall be accounted for and be known as the “Sewer Enterprise Fund,” and when appropriated by the City Council shall be available for the payment of the interest on any or all sewer bonds issued and outstanding or which may be issued for the sanitary and sewage facilities and to retire such bonds when any become due and the payment of the cost and expenses of acquisition, construction, maintenance, and repair of the City sewage system, treatment and disposal works and extensions and improvements thereto. [Ord. 12-004; Ord. 14-002 § 1.]

14.01.211 Monthly sewer user charges.

Repealed by Ord. 14-002. [Ord. 12-004.]

14.01.220 Repairs – Maintenance.

The City shall not be responsible for the repair, maintenance, cleaning or replacement of a lateral sewer. [Ord. 12-004.]

14.01.230 Prohibited discharge standards.

A. General Prohibitions. 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. Specific Prohibitions. 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 and/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. [Ord. 12-004.]

14.01.240 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.

Constituent	Limit	Constituent	Limit
Conventional Constituents			
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
Trace Elements and Miscellaneous Toxics			
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		
Organic Compounds			
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. [Ord. 12-004; Ord. 13-004 § 27.]

14.01.250 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
Additional Constituents			
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. [Ord. 12-004.]

14.01.260 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. [Ord. 12-004.]

14.01.270 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. [Ord. 12-004.]

Article III. Pretreatment of Wastewater

14.01.300 Pretreatment facilities.

All nonresidential users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all local limits and the prohibitions set out in DMC [14.01.230](#) within the time limitations specified by the State of California, or the Director, whichever are more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating

procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to City under the provisions of this chapter. [Ord. 12-004.]

14.01.310 Additional pretreatment measures.

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

B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary to comply with local limits or for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

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

E. User is to be responsible for all wastewater discharge testing done in accordance with the user's permit requirements including sampling labor and laboratory analysis. [Ord. 12-004.]

14.01.320 Accidental discharge/slug control plans.

At least once every two (2) years, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Article VI of this chapter; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. [Ord. 12-004.]

Article IV. Wastewater Discharge Permit Application

14.01.400 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. [Ord. 12-004.]

14.01.410 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 Article III of this chapter 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 Articles VIII through X, inclusive, of 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. [Ord. 12-004.]

14.01.420 Wastewater discharge permitting – Existing conditions.

Any user required to obtain a wastewater discharge permit, as specified in DMC [14.01.410](#), 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 DMC

[14.01.440](#), 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. [Ord. 12-004.]

14.01.430 Wastewater discharge permitting – New connections.

Any user required to obtain a wastewater discharge permit, as specified in DMC [14.01.410](#), 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 DMC [14.01.440](#), must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence. [Ord. 12-004.]

14.01.440 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. [Ord. 12-004.]

14.01.450 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.

[Ord. 12-004.]

14.01.460 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. [Ord. 12-004.]

Article V. Wastewater Discharge Permit Issuance Process**14.01.500 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. [Ord. 12-004.]

14.01.510 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.

A. 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 in accordance with DMC [14.01.540](#), 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.

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

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/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. [Ord. 12-004.]

14.01.520 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. [Ord. 12-004.]

14.01.530 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. [Ord. 12-004.]

14.01.540 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 and/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. [Ord. 12-004.]

14.01.550 Wastewater discharge permit revocation.

The Director may revoke a wastewater discharge permit in accordance with Article VIII of 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 DMC [14.01.610](#);
- 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. [Ord. 12-004.]

14.01.560 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 DMC

[14.01.440](#), a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit. [Ord. 12-004.]

Article VI. Reporting Requirements

14.01.600 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 DMC [14.01.450](#).

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 DMC [14.01.660](#), the results of this monitoring shall be included in this report. [Ord. 12-004.]

14.01.610 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 DMC [14.01.440](#).

B. The Director may issue a wastewater discharge permit under DMC [14.01.460](#) or modify an existing wastewater discharge permit under DMC [14.01.530](#) in 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. [Ord. 12-004.]

14.01.620 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. [Ord. 12-004.]

14.01.630 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. [Ord. 12-004.]

14.01.640 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. [Ord. 12-004.]

14.01.650 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. [Ord. 12-004.]

14.01.660 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. [Ord. 12-004.]

14.01.670 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. [Ord. 12-004.]

Article VII. Compliance Monitoring

14.01.700 Right of entry – Inspection and sampling.

The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Director may require the user to install monitoring equipment as necessary per City specifications. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be regularly calibrated to ensure their accuracy.

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

E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this chapter. [Ord. 12-004.]

14.01.710 Search warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from the Superior Court of Solano County. [Ord. 12-004.]

14.01.720 Publication of users in significant noncompliance.

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with this chapter. The term "significant noncompliance" shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the

environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

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

F. Failure to provide, within thirty (30) days after the due date, any required monitoring reports;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program. [Ord. 12-004.]

Article VIII. Administrative Enforcement Remedies

14.01.800 Notification of violation.

When the Director finds that 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, the Director may serve upon that user a written notice of violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. [Ord. 12-004.]

14.01.810 Consent orders.

The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to DMC [14.01.830](#) and [14.01.840](#) and shall be judicially enforceable. [Ord. 12-004.]

14.01.820 Show cause hearing.

The Director may order a user which 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, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. [Ord. 12-004.]

14.01.830 Compliance orders.

When the Director finds that 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, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. [Ord. 12-004.]

14.01.840 Cease and desist.

When the Director finds that 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, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking

any other action against the user. [Ord. 12-004.]

14.01.850 Administrative fines.

A. When the Director finds that 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, the Director may fine such user in an amount not to exceed ten thousand dollars (\$10,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. [Ord. 12-004.]

14.01.860 Emergency suspensions.

The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, increases operational or maintenance costs, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to

recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in DMC [14.01.870](#) are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under DMC [14.01.820](#) or [14.01.870](#).

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. [Ord. 12-004.]

14.01.870 Termination discharge.

In addition to the provisions in DMC [14.01.550](#), any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment requirements in Articles II and III of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under DMC [14.01.820](#) why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user. [Ord. 12-004.]

Article IX. Judicial Enforcement Remedies

14.01.900 Injunctive relief.

When the Director finds that 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, the Director may petition the Superior Court of Solano 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 and/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. [Ord. 12-004.]

14.01.910 Civil penalties.

A. A user who 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, 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. [Ord. 12-004.]

14.01.920 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. [Ord. 12-004.]

14.01.930 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. [Ord. 12-004.]

Article X. Supplemental Enforcement Action

14.01.1000 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. [Ord. 12-004.]

14.01.1010 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. [Ord. 12-004.]

14.01.1020 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. [Ord. 12-004.]

14.01.1030 Public nuisances.

A violation of any provision of this chapter, 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 Chapter 9.01 DMC governing such nuisances, including reimbursing City for any costs incurred in removing, abating, or remedying said nuisance. [Ord. 12-004.]

14.01.1040 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). [Ord. 12-004.]

14.01.1050 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. [Ord. 12-004.]

Article XI. Residential Brine Discharging Water Softening and Conditioning Appliances

14.01.1100 Purpose.

The purpose of this article is to protect the quality of the waters of the State and the environment, including, but not limited to, the groundwater in the vicinity of the City of Dixon's POTW, by limiting the amount of brine entering, and subsequently passing through, the POTW, and to comply with CDO No. R5-2008-0136 issued by the Regional Water Board. It is also the purpose of this article to reduce the expenditure of public funds and mitigate rate increases by lessening the need for new capital facilities to treat wastewater for excessive salinity levels. [Ord. 12-004.]

14.01.1110 Authorization.

This article is enacted pursuant to the police power authority contained in the California Constitution, Article XI, Section 7 and also under the authority in Cal. Health & Safety Code § 116775 et seq. and Cal. Water Code § 13148. [Ord. 12-004.]

14.01.1120 Definitions.

The following definitions shall apply to the terms used in this article, in addition to the definitions included in DMC [14.01.040](#):

“Brine” means a heavily saturated solution containing sodium, chloride, or other salt of the alkali metals.

“CDO” means cease and desist order.

“Director” means the Director of Utilities of the City of Dixon.

“ECO:Logic” means ECO:Logic Consulting Engineers, Inc.

“Effluent” means treated water discharged from the City wastewater treatment plant to land, where it both evaporates and percolates into the groundwater.

“POTW” means publicly owned treatment works, consisting of the City’s wastewater collection system and wastewater treatment plant.

“Regional Water Board” means the California Regional Water Quality Control Board, Central Valley Region, created and exercising its powers pursuant to the Porter-Cologne Water Quality Control Act, Cal. Water Code § 13000 et seq.

“Residence” means a structure which is, or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitation, homes, whether attached to another structure or not, duplexes, triplexes, apartments, condominiums and mobile homes.

“Residential brine discharging water softening or conditioning appliance” means a water softening or conditioning appliance located within or ancillary to a residence located within the City which discharges brine into a sewer system that is tributary to the POTW, whereby the capacity of the appliance to remove hardness from water is renewed by the on-site application of a chloride salt-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.

“Saline” means of or containing a salt of potassium, sodium, chloride, magnesium, or other of the alkali metals. [Ord. 12-004.]

14.01.1130 Findings.

A. The State Legislature has found and declared that pollution prevention should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship for society.

B. The City owns and operates the City’s POTW.

C. The POTW is regulated by the Regional Water Board.

D. On June 24, 1994, the Regional Water Board adopted waste discharge requirements under Order No. 94-187 applicable to the POTW.

E. On June 24, 2005, the Regional Water Board adopted CDO No. R5-2005-0078, which required certain programs and projects, including improvements to the POTW, to ensure compliance with the groundwater limitations of the waste discharge requirements.

F. The CDO No. R5-2005-0078 states that the City’s “effluent is relatively saline due to a saline and hard water supply.” Further, it states that the City “believes that many residences and businesses use water softeners, and that the discharge of brine from the water softeners accounts for most of the excess salinity in the effluent.”

G. The City was unsuccessful in satisfactorily implementing certain programs and projects within the timelines required under CDO No. R5-2005-0078.

H. The City and ECO:Logic worked with the Regional Water Board for several years to obtain a revised CDO.

I. On September 11, 2008, the Regional Water Board rescinded CDO No. R5-2005-0078 and adopted CDO No. R5-2008-0136 to address water quality issues at the POTW because the Regional Water Board asserts that the City is in violation of the groundwater limitations of the waste discharge requirements.

J. The Regional Water Board found in CDO No. R5-2008-0136 that site-specific numeric groundwater limitations based on the approved Background Groundwater Quality Report, dated March 27, 2006, and included in Item 23 under Numeric Groundwater Limitations in the CDO No. R5-2008-0136, satisfied the groundwater limitations previously established by the Regional Water Board in the waste discharge requirements contained in Order No. 94-187 and CDO No. R5-2005-0078.

K. The Regional Water Board further found, in the CDO No. R5-2008-0136, specifically in Item 24 under Numeric Groundwater Limitations, that the City has caused pollution in violation of the groundwater limitations, which are one hundred forty-three (143) milligrams per liter (“mg/l”) for sodium and one hundred six (106) mg/l for chloride.

L. The CDO No. R5-2008-0136 established immediate and temporary effluent limitations for sodium and chloride, two (2) of the primary constituents of salinity, which are three hundred thirty (330) milligrams per liter (“mg/l”) for sodium and three hundred forty (340) mg/l for chloride.

M. The CDO No. R5-2008-0136 also established maximum long-term final effluent limitations for sodium and chloride of one hundred forty-three (143) mg/l and one hundred six (106) mg/l, respectively, by January 1, 2014.

N. The CDO No. R5-2008-0136 ordered the City to submit a salinity source study as described in Cal. Health & Safety Code § 116786, by September 30, 2008, to identify sources of saline prior to implementing regulations to control those sources.

O. A salinity source study, entitled Wastewater Salinity Characterization and Regulatory Compliance, was completed by ECO:Logic and submitted to the Regional Water Board on September 30, 2008. As then required by Cal. Health & Safety Code § 116786, this salinity source study is an independent study that analyzes all sources of brine entering the POTW, including, but not limited to, the groundwater supply, residential water softening and conditioning appliances, residential discharges, industrial and commercial discharges, and direct groundwater infiltration and surface water inflow into the sewer collection system, and quantifies the total chloride load from each source of brine.

P. Further, the City staff and ECO:Logic have provided additional information to the City Council for the record regarding the remedial actions taken by the City to reduce the discharge of brine into the POTW from each saline source, to the extent technologically and economically feasible, to bring the City into compliance with the waste discharge requirements, including the adoption and enforcement of this chapter and the local limits contained therein; the isolating and repairing of significant leaks in sewer lines causing groundwater infiltration caused largely by agricultural irrigation and land use along the sewer line route; and inspections performed by City staff of certain industrial and commercial facilities the housekeeping practices of which had resulted in excessive salinity being introduced into the sewer, which have largely been corrected. The salinity source study and additional information provided to the City Council as described above are collectively referred

to as the "Study." A copy of the Study is on file at the City Clerk's Office located at 600 East A Street, Dixon, CA 95620-3697.

Q. The Study identified chloride as a constituent of major concern, although not the only saline constituent of concern, because existing chloride effluent levels are the farthest above the final effluent limitations established in CDO No. R5-2008-0136. Chloride is a major component in the brine discharged from residential brine discharging water softening or conditioning appliances.

R. The Study also showed that approximately one thousand five hundred twenty (1,520) pounds per day ("lbs/day") of chloride enters the wastewater treatment plant ("total chloride load").

S. The Study concluded that approximately one thousand one hundred twenty-four (1,124) lbs/day, or seventy-three and nine-tenths percent (73.9%) of the total chloride load, comes from residential uses.

T. The Study further concluded that approximately five hundred eighty (580) lbs/day, or forty-eight and four-tenths percent (48.4%) of the total chloride load, comes from existing residential brine discharging water softening or conditioning appliances. The Study estimated there are approximately one thousand (1,000) existing residential brine discharging water softening or conditioning appliances in Dixon.

U. The CDO No. R5-2008-0136 requires the City to adopt an ordinance prohibiting the installation of new residential water softening or conditioning appliances that discharge sodium, chloride, or other saline substances to the community sewer system by November 30, 2008.

V. The Study assessed the technological and economic feasibility of alternatives to the proposed ordinance, including evaluating and updating local limits; education, monitoring and enforcement of local limits as part of a nonresidential source pretreatment program; improvements to water supply wells; and education and enforcement actions taken to lower chloride and sodium discharge into the community sewer system from residential sources from toilet use, bathing, laundry, cleaning, food preparation and home businesses. The Study concluded that some of these alternatives are not technologically and economically feasible and those that are will not on their own, or cumulatively, reach the level of effectiveness necessary for the City to achieve timely compliance with the waste discharge requirements.

W. The Study concluded that the potential brine discharge reduction due to adoption of an ordinance prohibiting the installation of new brine discharging water softening and conditioning

appliances, based on projections in the 1993 General Plan of a population of the City at build-out of about twenty-two thousand (22,000) residents, in seven thousand (7,000) households, is a reduction of two hundred (200) lbs/day. The Study also concluded that “control of new residential [brine discharging water softening and conditioning appliance] installation is a necessary means of compliance with the adopted [waste discharge requirements].”

X. Based upon the Study’s conclusions, the City determined and found that prohibiting the installation of any new residential brine discharging water softening or conditioning appliances is a necessary means of achieving compliance with the waste discharge requirements and CDO No. R5-2008-0136 issued by the Regional Water Board. Therefore, on November 25, 2008, the City Council adopted Ordinance No. 08-018, which added Part XIV to Chapter 17 of Article I of the Dixon City Code prohibiting the installation of new brine discharging water softening and conditioning appliances.

Y. The Study also concluded that, with reference to existing brine discharging water softening and conditioning appliances,

[e]ven if business and other residential source control efforts are reasonably effective, about 400 pounds per day additional chloride, most practically from control of existing residential [brine discharging water softening and conditioning appliances] must be removed to attain compliance with the [waste discharge requirements], unless saline treatment or dilution strategies can be implemented at the [wastewater treatment plant].

Z. To further reduce the saline levels of wastewater passing through the POTW, the City must either further reduce sources of brine in wastewater entering the POTW, remove brine from wastewater at the treatment plant, or both. Construction and operation of advanced treatment facilities for brine removal at the treatment plant will require large amounts of energy, at a high cost, and will generate a brine waste byproduct that will require high cost waste disposal.

AA. A technical memorandum, prepared by ECO:Logic in 2009, preliminarily evaluated removal of saline substances from wastewater at the treatment plant and estimated, without any brine source control, the present-worth cost of installing and operating a reverse osmosis treatment facility for a period of twenty (20) years to be approximately sixty million dollars (\$60,000,000.00). The design, environmental review, and construction of such a reverse osmosis treatment facility was estimated to take approximately thirty-six (36) to forty (40) months.

BB. On October 11, 2009, the Governor approved Assembly Bill No. 1366, an act to add Cal.

Water Code § 13148, which allows any local agency that owns or operates a community sewer system, within specified areas of the State, to take action, by ordinance or resolution, to control saline inputs from residential brine discharging water softening or conditioning appliances to protect the quality of waters of the State, including requiring the removal of previously installed residential brine discharging water softening or conditioning appliances. The addition of Cal. Water Code § 13148 took effect on January 1, 2010.

CC. The removal of the estimated 1,000 existing residential brine discharging water softening or conditioning appliances is anticipated to take up to two (2) years if an effective incentive program is implemented. If the incentive program is successful at removing all of the existing residential brine discharging water softening or conditioning appliances, and if additional salinity reduction efforts for nonresidential water softening or conditioning sources are successful, it is possible the City may be able to meet the final effluent limitations established in CDO No. R5-2008-0136 without constructing advanced reverse osmosis treatment facilities. However, in the event the reduction of salinity due to the removal of existing residential brine discharging water softening or conditioning appliances does not fully meet the established effluent limits, advanced treatment facilities required to further reduce salinity levels to meet the limits will be smaller, have a lower capacity requirement, and a lower associated cost than if no existing residential brine discharging water softening or conditioning appliances were removed. Therefore, it is the intent of this article to establish an incentive program to encourage the timely removal of existing residential brine discharging water softening or conditioning appliances.

DD. The City Council has considered the technological and economic feasibility of alternatives to this article, as well as the potential saline discharge reduction achievable as a consequence of adopting this article.

EE. Residents within the City of Dixon shall maintain the ability to soften or condition their water by using water softening or conditioning appliances that do not discharge brine to the POTW. Among these are portable exchange water softeners, which use a removable tank to hold the ion-exchange conditioning material. The ion-exchange tank is removed by a vendor and is “regenerated” with brine at a facility outside the City of Dixon where brine discharges are allowed.

FF. The City has adopted and is enforcing regulatory requirements that limit the volumes and concentrations of saline discharges from nonresidential sources in the POTW to the extent technologically and economically feasible, including enforcement of local limits and related regulations provided in this chapter. [Ord. 12-004.]

14.01.1140 Prohibition on new water softening/conditioning appliances.

No person shall install or in any manner assist in the installation of a residential brine discharging water softening or conditioning appliance that discharges into the POTW, or that discharges into a private sewer or community sewer system that is tributary to the POTW, or that discharges to land within the City.

A violation of this section is unlawful and punishable by a fine not to exceed one thousand dollars (\$1,000.00). A violation of this section is also declared to constitute a public nuisance, which nuisance may be abated by civil action brought by the City Attorney, or by the issuance of administrative citations pursuant to Chapter 9.01 DMC, Article VI. [Ord. 12-004.]

14.01.1150 Removal of existing water softening/conditioning appliances.

Every person who has an existing brine discharging water softening or conditioning appliance that is installed upon residential property or premises owned by him or her and that discharges into the POTW shall remove and dispose of the installed residential brine discharging water softening or conditioning appliance no later than November 11, 2010. Persons occupying or leasing the residential property or premises of another who has an existing brine discharging water softening or conditioning appliance installed thereon shall promptly notify the property owner of the requirements of this chapter. [Ord. 12-004.]

14.01.1160 Water softening/conditioning appliance exchange program.

A. The City of Dixon hereby establishes an exchange program to encourage owners of residential brine discharging water softening or conditioning appliances to voluntarily remove and dispose of their residential brine discharging water softening or conditioning appliances without being subject to the enforcement actions included in this chapter. The exchange program shall become effective on the effective date of April 7, 2011, and shall remain in effect for six hundred (600) days. The City Council may extend the effective period of this section for an additional term of not more than two hundred (200) days by resolution.

B. Owners of residential brine discharging water softening or conditioning appliances that qualify for the program will, subject to the conditions of subsections D and E of this section, be compensated six hundred dollars (\$600.00), which exceeds the reasonable value and reasonable cost of the removal and disposal of each residential brine discharging water softening or conditioning appliance removed from a specific property. Fifty percent (50%) of the payment shall be in the form of a check. Fifty percent (50%) of the payment shall be in the form of a credit on the customer's sewer account. The credit shall apply to the specific customer, at that specific residence only. The credit shall not transfer with ownership of the property, or move with the owner. Payments are subject to budget limits.

C. Upon expiration of the exchange program, any property owner who has a brine discharging water softening or conditioning appliance that is installed or maintained upon residential property or premises owned by him or her and that discharges into the POTW is in violation of this chapter. Any property owner in violation of this chapter in this manner will be responsible for all fines, penalties, and the costs to remove and dispose of the violating residential brine discharging water softening or conditioning appliance. However, the property owner will be compensated two hundred dollars (\$200.00) as the reasonable value of the violating residential brine discharging water softening or conditioning appliance removed from the property.

D. To qualify for the exchange program, the owner of the residential property where the brine discharging water softening or conditioning appliance is located shall complete and submit the appropriate City application form prescribed by the Director to participate in the program. Only those property owners receiving written notification from the City acknowledging qualification for the program will be eligible for compensation. Upon successful qualification for the exchange program, the City will make arrangements with a licensed plumber for removal and disposal of the residential brine discharging water softening or conditioning appliance.

E. To qualify for the full compensation amount, the property owner must submit with the application form purchase receipts, installation receipts, or any other information deemed by the Director to be sufficient to prove the brine discharging water softening or conditioning appliance was installed on the residential property prior to April 7, 2011, and was in operation on said effective date. Failure to provide documented proof in the form of receipts shall reduce the exchange program compensation amount by fifty percent (50%).

F. The City will enter into agreements with licensed plumbers to perform, at the City's cost, the removal, disposal, and documentation of brine discharging water softening or conditioning appliances for residential property owners who qualify for the exchange program. [Ord. 12-004; Ord. 13-003 §§ 1 – 3.]

14.01.1170 Enforcement.

The Director shall administer, implement and enforce the provisions of this article. In addition to any other provision of this article, the Director may implement any other enforcement remedies included in this chapter, including disconnecting the unlawfully installed residential brine discharging water softening or conditioning appliance from the POTW, and billing the property owner for the costs to remove and dispose of the appliance. All remedies contained in this chapter shall be cumulative and the use of one (1) or more remedies by the Director shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

[Ord. 12-004.]

14.01.1180 Medical exemption.

The Director shall have the authority to allow medical exemptions and may permit the installation or continued use of individual residential brine discharging water softening or conditioning appliances; provided, that all of the following conditions are met:

- A. An application for medical exemption has been made on forms prescribed by the Director and the exemption shall not be effective until approved by the Director;
- B. The medical need for soft water is verified in writing by the applicant's physician; and
- C. The applicant's finances, in the opinion of the Director, preclude the use of an alternative water softening or conditioning appliance that does not discharge brine into the POTW.

The Director shall have the authority to rescind medical exemptions if the City is in violation of State waste discharge requirements for salinity levels, and in the opinion of the Director it is essential that the medical exemption be terminated, or upon the termination of any of the required criteria for such exemption. Such termination shall become effective after sixty (60) days' written notice from the City to the applicant. [Ord. 12-004.]

Article XII. Discharges of Fats, Oils, and Grease from Food Service Establishments

14.01.1200 General provisions.

A. Purpose.

1. The purpose of this article 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 herein.
2. This article shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.
3. The provisions set forth in this article are designed to ensure compliance with Federal, state, and local laws and regulations, and to allow the City to meet applicable standards.
4. This article also establishes quantity and quality standards on 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).

B. Definitions.

1. Unless otherwise defined herein, 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.

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

a. "Best management practices (BMPs)" means activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer as defined in Attachment C of the FOG Permit.

b. "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 the FSEs in an amount that alone or collectively causes or creates a potential for SSOs to occur.

c. "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.

d. "Compliance schedule" means a time schedule, enforceable under the provisions of this chapter, which contain increments of progress (e.g., milestones, in the form of dates). These milestones shall be for the commencement and/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, or repairs and corrections 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.

e. "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.

f. "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 City Engineer/ Public Works Director required or called for by this chapter.

g. "Fats, oils, and grease" or "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, wax and other trichlorotrifluoroethane soluble material, or any substance that originates from petroleum or minerals that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

h. "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.

i. "FOG wastewater discharge permit" or "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.

j. "Food service establishment" or "FSE" means a facility, including but not limited to any commercial entity discharging wastewater into the collection system, 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, serving or manufacturing, packaging 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 Cal. Health & Safety Code § 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (Cal. Health & Safety Code § 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 FOG that exceeds 100 mg/L.

k. "Food grinder" means any device installed in the plumbing or sewage system for the purpose of grinding food or food waste.

l. "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.

m. "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.

n. "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.

o. "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 and/or impracticable. A grease trap is typically installed indoors, under or near a dishwashing sink.

p. "Hot spots" mean areas in public sewer lines that have experienced SSOs or that must be cleaned or maintained frequently to avoid blockages of the public sewer.

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

r. "Inspector" means a person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, processing and/or disposal facilities.

s. "Interceptor" means a grease interceptor.

t. "Manifest" means that receipt which is retained by a permittee for the disposal of FOG, recyclable wastes and/or liquid waste.

u. "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 Dixon Municipal Code, including but not limited to its waste discharge requirements.

v. "Permittee" means a FSE that has received a FOG WDP and is subject to the requirements and conditions established in this article or as otherwise established by the Director.

w. "Remodeling" means any physical and/or operational change to a FSE causing a change in FOG quantity or consistency and/or that involves any one (1) or a combination of the following:

- (i) Under slab plumbing in the food processing area.
- (ii) A thirty percent (30%) increase in net public seating area.
- (iii) A thirty percent (30%) increase in size of the kitchen area.
- (iv) Any change in the size or type of food preparation equipment. [Ord. 14-009 § 1.]

14.01.1210 Regulations.

A. FOG Wastewater Discharge Permit (FOG WDP) Required. No person shall discharge, or cause to be discharged, any wastewater from FSEs directly into or indirectly into the public sewer without first obtaining a FOG WDP pursuant to this article.

B. FOG Discharge Limitation. No FSE shall discharge FOG or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level set forth in DMC [14.01.230](#) or that may accumulate and/or cause or contribute to blockages in the public sewer.

C. 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 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 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 per Chapter 9.01 DMC, Public Nuisances.

D. 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 and/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 therein 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.

E. Prohibitions. FSEs are prohibited from doing any of the following:

1. 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.
2. Introducing any additives into an FSE's plumbing system, grease trap and/or grease interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation and/or as a supplement to grease interceptor maintenance, unless a specific written authorization from the Director is first obtained.
3. 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.
4. Discharging wastewater with temperatures in excess of one hundred five (105) degrees F (forty (40) degrees C) into any grease control device, including grease traps and grease interceptors.
5. Discharging wastes containing fecal materials from toilets, urinals, washbasins or other

fixtures to waste lines directed to grease interceptors and/or other grease control devices, or vice versa.

6. 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.

7. Operating grease interceptors with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease interceptor.

8. Discharging FOG and other pollutants above the local discharge limits set forth in DMC [14.01.230](#).

F. FOG Pretreatment Required. Every FSE is required at the time of construction, remodel, and/or change in operation to install, operate, and maintain at the expense of the permittee, an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this article subject to the variance and waiver provisions of subsection K of this section. 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), as adopted and amended by Chapter 16.05 DMC. Fixtures, equipment, and drain lines located in the food preparation and cleanup areas of any FSEs that are a source of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

1. New Construction of FSEs. 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 into 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 (1) or more sewer laterals connected to hot spots, and/or has contributed significant FOG to the public sewer; 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 and/or a change in operations, as defined in this article, shall be required to install a

grease interceptor or to obtain a variance or waiver in accordance with subsection K of this section.

G. Commercial Properties. Any owner of a commercial property where FSEs are located, and 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.

H. Grease Interceptor Requirements.

1. Any FSE required by this article 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 article.
2. Grease interceptor sizing and installation shall conform to the then current edition of the Uniform Plumbing Code, as adopted and amended by Chapter 16.05 DMC. 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.
3. 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.

I. Grease Interceptor Maintenance Requirements.

1. 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.
2. All grease interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the Director.
3. All grease interceptors are required to have grease retention fittings as designed for proper functions. Any interceptor that does not have the grease retention fittings shall be repaired and/or retrofitted with appropriate grease retention fittings.
4. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any public sewer, storm drain or public right-of-way, or onto the surface of any street or parking area.

5. 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.
6. The required maintenance frequency for every FSE with a grease interceptor shall be determined in one (1) of the following methods:
 - a. 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 fifty percent (50%) 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.
 - b. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months.
 - c. As a default, FSEs will fully pump out and clean grease interceptors on a quarterly basis unless the City approves a different maintenance schedule based on data which demonstrates that requirements under subsection (1)(6)(a) of this section can be met under a different maintenance schedule 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.
 - d. 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 (1)(6)(a) of this section, and that it is in full compliance with the conditions of its FOG WDP and this article. 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.
 - e. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in subsection (1)(6)(a) of this section, 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.

7. 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, and/or local laws.

8. 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 article. The FSE shall be responsible for any and all expenses of the City in undertaking such work.

J. Grease Trap Requirements.

1. 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.

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

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

4. Grease traps shall be inspected periodically by the owner 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 removed and cleaned during the maintenance process.

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

K. Variance and Waiver of Grease Interceptor or Grease Trap Requirement.

1. Variance from Grease Interceptor or Grease Trap Requirements. 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:

- a. There is no adequate space for installation and/or maintenance of a grease interceptor or a grease trap;
- b. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap and/or between the grease interceptor or the grease trap and the private collection lines or the public sewer; and
- c. 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 and/or tributary downstream sewer lines. Any variance issued pursuant to this section may be revoked at any time in the discretion of the Director.

2. Conditional Waiver of Requirement to Install Grease Interceptor or Grease Trap. 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, deny, or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

- a. 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.
- b. Adequacy of implementation of BMPs and compliance history.
- c. 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.
- d. Changes in operations that significantly affect FOG discharge.
- e. Any other condition that the Director deems reasonably related to the generation

of FOG discharges.

3. Waiver of Grease Interceptor or Grease Trap Installation Requirement with a Grease Disposal Mitigation Fee. 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 DMC [14.01.1220\(C\)](#). 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:

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

4. Application for Variance or Waiver of Requirement for Grease Interceptor or Grease Trap. An FSE may submit to the City of Dixon Collections 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.

5. Terms and Conditions of Variance or Waiver. 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. [Ord. 14-009 § 1.]

14.01.1220 Fees.

A. Purpose. It is the purpose of this section to provide for the recovery of costs incurred by the City from users of the public sewer for the implementation of the program established in this article.

B. Charges and Fees.

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

- a. Fees for reimbursement of costs of setting up and operating the City's FOG program;
- b. Fees for consistent removal by the City of pollutants otherwise subject to Federal pretreatment standards;
- c. Other fees as the City may deem necessary to carry out the requirements contained in this article.

2. 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.

C. 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 and/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 and/or operate a grease control interceptor or a grease trap for the subject facility under the provisions of DMC [14.01.1210\(K\)](#).

1. 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 and/or a grease trap.

2. 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.

3. The grease disposal mitigation fee may not be waived or reduced when the FSE does not comply with the minimum requirements of this article and/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. [Ord. 14-009 § 1.]

14.01.1230 Administration.

A. FOG WDP Application.

1. 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 article shall accompany the application. The FOG WDP application may be obtained from the City's Collections Division.
2. 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, as well as any other information reasonably required by the Director for evaluation of the application.
3. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the FOG WDP application.
4. After evaluation of the data furnished, the FOG WDP may be issued, subject to terms and conditions set forth in this article and as otherwise determined by the Director to be appropriate to protect the public sewer.

B. 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.

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

1. Limits on discharge of FOG and other pollutants.
2. Requirements for proper operation and maintenance of grease interceptors and other grease control devices.

3. Grease interceptor maintenance frequency and schedule.
4. Requirements for implementation of BMPs.
5. Requirements for cooperating and assisting City staff with inspections of the facility.
6. Requirements for maintaining and reporting status of BMPs.
7. 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.
8. Requirements to self-monitor.
9. Requirements for the FSE to construct, operate, and maintain, at its own expense, grease control device and sampling facilities.
10. Additional requirements as otherwise determined to be reasonably appropriate by the Director to protect the public sewer or as specified by other regulatory agencies.
11. Other terms and conditions which may be reasonably applicable to ensure compliance with this chapter.

D. FOG WDP Modification of Terms and Conditions.

1. 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:
 - a. The permittee's current or anticipated operating data;
 - b. Changes in the requirements of State or Federal regulatory agencies that oversee and monitor the City; or
 - c. A determination by the Director that such modification is appropriate to further the objectives of this article and all applicable regulations.
2. 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 reasons for the change. The Director shall review the request, make a determination on the request, and respond in writing.
3. A permittee shall be informed of any change in the FOG WDP limits, conditions and/or requirements at least thirty (30) 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.

E. 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 provisions of this article.

F. Exemption from FOG WDP.

1. 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, will not generate wastewater containing significant amount of FOG.

2. A business that qualifies for an exemption under this section may request such an exemption from obtaining a FOG WDP from the City in writing. If the Director determines that the reasons for the request are valid, an exemption may be granted.

3. 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.

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

H. Facilities and Drawing Submittal Requirements. Upon request by the City:

1. 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 article or the requirements of any other regulatory agency.

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

3. All drawings shall be submitted to the Collections Division.

I. Monitoring and Reporting Conditions.

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

2. 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.

3. The Director may require reports from 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 article. 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 article 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 article. The permittee shall be responsible for any and all costs and expenses of the City in undertaking such monitoring analyses and preparation of reports.

4. 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 article.

J. 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 years. The permittee shall, upon request, make the manifests, receipts and invoices available to the Director, any inspector and/or any enforcement officer. These records may include;

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

2. A record of BMPs being implemented, including employee training.

3. Copies of records and manifests of waste hauling interceptor contents.
4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
5. Records of any spills and/or cleaning of the sewer lateral or public sewer.
6. Any other information deemed appropriate by the Director to ensure compliance with this article.

K. Falsifying Information or Tampering with the Process. It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the City and/or the Director, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required in this article.

L. Inspections and Sampling Conditions.

1. The Director may inspect or order the inspection and sampling 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.
2. 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 and/or an inspector shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
3. In order for the Director to determine the wastewater characteristics of the discharger for purposes of determining compliance with the FOG WDP requirements, the permittee shall make available for inspection and copying by the Director, an inspector, an enforcement officer and/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.

M. Right of Entry. Users or permittees of premises where wastewater is created or discharged shall allow the Director, an inspector and/or an enforcement officer reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time. No persons or occupants of premises shall interfere with, delay, resist or refuse entrance to the Director, an inspector and/or an enforcement officer attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer. In the event of an emergency involving an actual or imminent SSO, the Director, an inspector and/or an enforcement officer may access adjoining businesses or properties that share a public sewer with an FSE in order to prevent or remediate the actual or imminent SSO.

N. Notification of Spill.

1. 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 article, the user and permittee shall immediately notify the City by telephone at the number specified in the FOG WDP. Such notification shall also inform the City if the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSOs.
2. Confirmation of this notification shall be made in writing to the Director at the address specified in the FOG WDP postmarked no later than five (5) 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.
3. 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.

O. Notification of Planned Changes. A permittee shall notify the Collections Division at least thirty (30) 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 Collections Division in writing of the proposed expansion or remodeling and shall submit any information requested by the Collections Division for evaluation of the effect of such expansion or remodeling on the permittee's FOG

discharge to the public sewer. [Ord. 14-009 § 1.]

14.01.1240 Enforcement.

A. Harmful Discharge.

1. 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 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.

2. Any person notified of a suspension of the wastewater treatment service and/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 and/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.

B. Determination of Noncompliance with FOG WDP Conditions.

1. Sampling and Inspection Procedures.

a. Refer to DMC [14.01.660](#) for the sample collection requirements.

b. The following conditions may result in a noncompliance with FOG WDP discharge conditions:

(i) Failed inspection for any reason including, but not limited to, inadequate or poorly maintained grease control device, grease interceptor and associated manifest and documentation, or analysis of a grab or composite sample of the effluent of an FSE.

2. Notice of Violation. Any permittee found to be in violation of the FOG WDP terms and conditions 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.

3. Noncompliance Fee. Any permittee determined to be in noncompliance with the terms and conditions specified in its FOG WDP or with any provisions of this article 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 Articles VIII through X of this chapter.

C. Compliance Schedule.

1. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its FOG WDP or any provisions of this article, or needs to construct and/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.

2. 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 article.

3. 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 subsection D of this section.

D. FOG WDP Suspension and/or Revocation.

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

- a. Fails to comply with the terms and conditions of a compliance schedule order.
- b. Knowingly provides false statement, representation, record, report, or other document to the City and/or the Director.
- c. Refuses to provide records, reports, plans, or other documents required by the City and/or the Director to determine FOG WDP terms or conditions, discharge compliance or compliance with this article.

- d. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method.
- e. Refuses reasonable access to the FSE for the purpose of inspection and monitoring.
- f. 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 article.
- g. Causes obstruction, sewer blockages or SSOs in the public sewer.
- h. Violates grease interceptor or grease trap maintenance requirements, any condition or limit of its FOG WDP or any provisions, or wastewater constituents and characteristics.

E. Violation – Penalty.

1. Any violation of this article, or the orders, rules, regulations and permits issued under this article is subject to the provisions in DMC [14.01.900](#) through [14.01.930](#).
2. The remedies and provisions of Articles IX and X are cumulative, and are in addition to any other remedy or provision of law. [Ord. 14-009 § 1.]

Article XIII. Private Sewer Laterals

14.01.1310 Purpose.

A. The purpose and intent of this article to establish regulations for the maintenance, repair, and replacement of private sewer laterals within the City.

B. It is the further purpose and intent of this article to increase public awareness of private sewer systems and the impact of sewer spills on public health and the environment, to prevent blockages of the sewer system and accidental discharge of wastewater into the storm drain system to provide for the maximum beneficial use of the City's sewer system, to ensure the regulations are equitably implemented throughout the City, and to protect public health, safety and the environment. [Ord. 14-010 § 1.]

14.01.1320 Definitions.

For the purposes of this chapter, the following terms are defined. To the extent not inconsistent with the provisions of this chapter, terms defined in the plumbing code shall apply.

“Authorized inspector” means an inspector so designated by the Director.

“Building code” means the most recent edition of the California Building Code as adopted (with or without amendments) by the City.

“Common interest developments” means a development characterized by individual ownership of houses, housing units or parcels coupled with the shared ownership or right to use common areas and/or facilities such as private sewer laterals.

“Correction grace period” means a period of one hundred eighty (180) days from the date of issuance of notice of participation by the City of a private sewer lateral issue.

“Corrective measures” means appropriate actions taken by a property owner to maintain a fully functional sewer lateral. Corrective measures may include, but are not limited to, video inspection, a program of scheduled cleaning, repair or replacement of a private lateral. Any repairs or line replacement must be made in accordance with DMC Title [14](#) and the plumbing code.

“Director” means the City Engineer/Public Works Director, Community Development Director, or other official as designated by the City Manager.

“Failure to act” means a situation in which a private property owner has been notified by the City or has knowledge that the property’s sewer lateral may not be fully functional and has failed to make an objective good faith effort to properly maintain a fully functional private sewer lateral servicing the owner’s property, and a sanitary sewer overflow has occurred.

“Fully functional private sewer lateral” means a private sewer lateral that is structurally sound, free of impediments, is maintained in a safe and sanitary condition, does not cause an obstruction within the public sewer and does not constitute a public nuisance.

“Multi-unit complexes” means a development consisting of a building or buildings or portion thereof designed or used exclusively for multiple family residential occupancy, including but not limited to apartments, apartment houses, duplexes, and all other multiplexes.

“Notice of participation” means written notification from the City advising a property owner of corrective measures that may be taken by the property owner to ensure the private sewer lateral is fully functional.

“Plumbing code” means the most recent edition of the California Plumbing Code as adopted (with or without amendments) by the City.

“Private property building remodels” means all construction projects including additions, alterations, change of use, or repairs that require a building permit, and that either:

1. Involve a bathroom, kitchen, or laundry facility; or
2. Constitute valuation of forty percent (40%) or greater. For purposes of this subdivision, “valuation” means the estimated cost to replace a building and structure in-kind, based on the current replacement costs as established in the City’s resolution for computation of building permit fees adopted pursuant to DMC Title 16.

“Private lateral sewer discharge (PLSD)” means a sewage discharge that is caused by blockages or other problems within a privately owned lateral.

“Private sewer lateral” means that portion of a private property’s building sewer as defined by the plumbing code, and is further defined as the piping of a drainage system that extends from the end of the building drain to the public sewer which includes the connection to the public sewer.

“Public sewer” includes systems used in the collection and conveyances of wastewater to a treatment plant that is controlled by the City.

“Qualified plumber” means a company or plumber with a valid and appropriate licensure, as required by the State, to provide private sewer lateral services, including video inspection, cleaning, maintenance, repair, and connection to the public sewer. [Ord. 14-010 § 1.]

14.01.1330 Regulations.

These rules shall apply to every private sewer lateral in the City that connects to a public sewer. Refer to Article II, General Sewer Use Requirements, for sewer connection requirements and use charges.

A. Property Owner Responsibility.

1. Every property owner whose property is serviced by a private sewer lateral shall be responsible for all preventative and corrective maintenance activities for the private sewer lateral including the connection to the public sewer, which may include but is not limited to periodic video inspection, cleaning, repair or replacement of the line and connection joint.
2. A property owner shall complete necessary corrective measures within the correction grace period to ensure that the private sewer lateral is fully functional.
3. The Director shall have the authority to, in his or her sole and absolute discretion,

extend the correction grace period if a property owner makes a request for an extension of time and presents good cause for the request.

B. Standard of Maintenance. The Director shall be authorized to, in his or her sole and absolute discretion, require additional information from a property owner and to inspect corrections or repairs to assure that such work has been performed in accordance with all applicable rules and codes. Corrections of repairs may include, but not limited to, removal of grease, roots, or other obstruction or properly installed and tested connections or pipe repairs. If the Director determines that a correction or repair is inadequate, then the City shall notify the property owner and the property owner shall be responsible for completing the necessary further corrections or repairs. The City shall provide notice to the property owner upon the City's acceptance of the corrections or repairs.

C. Notice and Required Corrections.

1. Where inspection and/or investigation reveals that a property's private sewer lateral may not be functional or compliant with applicable rules and codes, the City shall provide the property owner with a written notice of participation describing the City's private sewer lateral program and advising the property owner of the corrective measures that must be taken.
2. The property owner shall contact a qualified plumber to have the private sewer lateral video inspected and cleaned.
3. If the video inspection demonstrates that the private sewer lateral is functional and that cleaning, repair or replacement is not necessary, then no corrective measures shall be required.
4. If the video inspection demonstrates that the private sewer lateral is not functional, then the property owner is responsible to take the corrective measures within the correction grace period to make the line fully functional.

D. Private Property Building Remodels. In addition to the conditions required for property owners, all private property building remodels, as defined in DMC [14.01.1320](#), shall be required to have the lateral video inspected by a qualified plumber, at the sole expense of the property owner.

E. Common Interest Developments. In addition to the conditions required for property owners, all common interest developments, as defined in DMC [14.01.1320](#), must video inspect the commonly owned private sewer lateral system to and including the point of connection to the

City's main line every five (5) years to ensure the system is fully functional. [Ord. 14-010 § 1.]

14.01.1340 Administration of repair and replacement.

A. Every property owner is required within the correction grace period to make the private sewer lateral serving the property fully functional as described in this code.

B. Repair and replacement of a private sewer lateral requires a City building permit on private property and an encroachment permit for all work within the right-of-way which includes the connection to the public sewer. Prior to issuance of a permit by the City to complete corrective measures, the property owner shall submit a plot plan indicating the location of the private sewer lateral line and the proposed corrective measures. A final inspection of the work by the City's authorized inspector is required as part of the City permitting process. A post construction video inspection will be required by the property owner prior to sign off of the permits.

C. Spot Repairs. If only a portion of the private sewer lateral is defective, the owner may propose to perform a spot repair. Approval by the City Engineer is required for spot repairs. Upon completion of the repair, the private lateral shall be tested and must pass the requirements of the plumbing code and City standards.

D. New and Replaced Lines. All new or replaced private sewer laterals shall be approved, designed and constructed in accordance with DMC Title [14](#) and the plumbing code.

E. All new and replaced private sewer laterals and pipe joint connections shall be constructed using materials approved by the Director that are designed to prevent root intrusion for the life of the product.

F. All new or replaced sewer laterals shall include a cleanout located at or near the property line. The cleanout shall be designed and constructed in accordance with DMC Title [14](#) and the plumbing code.

G. Upon completion of the line replacement, the private sewer lateral shall be tested and must pass the requirements of the plumbing code and City standards to the satisfaction of the Director.

H. All landscape improvements related to the repair, replacement, or new installation of a private sewer lateral project shall be designed and constructed in accordance with applicable local and State rules and laws pertaining to landscaping within the City, including but not limited to Chapter 13.05 DMC.

I. When the necessary corrective measures have been completed within the correction grace period, the property owner shall provide the City with documentation of the corrective measures taken. [Ord. 14-010 § 1.]

14.01.1350 Enforcement.

A. A public nuisance in accordance with DMC 9.01.020(H)(15), (I)(13), or (I)(16) shall be deemed to exist upon a failure to act as defined in DMC [14.01.1320](#).

B. In the event of a sewer overflow from a private property, the property owners and tenants shall immediately suspend all wastewater discharges per DMC [14.01.860](#).

C. The City shall investigate all sewer overflows from private property to determine whether a failure to act has occurred.

D. The City Manager, or his or her designee, shall determine whether or not a failure to act has occurred and what enforcement action, if any, may be appropriate.

E. A failure to act or a violation of the provisions of this chapter by a private property owner may result in one (1) or more of the following enforcement actions:

1. In the event the property owner does not respond to the notification of the violation within two (2) hours and the violation is threatening the public health or safety, the City Engineer, or his or her designee, shall be granted the right to enter the property, repair the defect, and charge the property owner for any and all expenses and administrative costs incurred by the City, County or any related agency to remove the threat.

2. In the event of a user's failure to immediately comply voluntarily with the suspension of discharge order during a private lateral sewer discharge, the Director may take such steps as deemed necessary, including immediate severance of the water connection to prevent or minimize the danger to the public health and safety.

3. A first offense warning may be issued with a specific period for correction as detailed in Chapter 9.01 DMC;

4. An administrative citation may be issued for violations in the amounts and manner set forth in DMC 9.01.620 and may include any expenses and administrative costs incurred by the City, County or any related agency incurred subsequent to the initial inspection and identification of the nuisance.

5. The City Council may impose a fine of up to ten dollars (\$10.00) per gallon of spilled sewerage and up to ten thousand dollars (\$10,000.00) per day for a closure of public

property as a result of a spill from private property as set forth in Chapter 9.01 DMC.

6. A misdemeanor complaint may be filed in accordance with DMC [14.01.920](#). [Ord. 14-010 § 1.]