

APPENDIX D

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* Prior history: Former Ch. 6, Sewage Collection and Disposal, was added by Ord. 1070-N.S., amended by Ords. 826-C.S., 853-C.S., 881-C.S., 987-C.S., 1133-C.S., 1296-C.S., 1429-C.S., 1444-C.S., 1533-C.S., 1659-C.S., 1920-C.S., 1950-C.S., 2049-C.S., 2097-C.S., 2108-C.S., 2153-C.S., 2162-C.S., 2169-C.S., 2196-C.S., 2261-C.S., 2275-C.S., 2276-C.S., 2417-C.S., 2441-C.S., 2556-C.S., 2659-C.S., 2672-C.S., 2673-C.S., 2700-C.S., 2721-C.S., 2764-C.S., 2776-C.S., 2796-C.S., 2876-C.S., 2908-C.S., 3009-C.S., 3129-C.S., and replaced by Ord. 3137-C.S.

Article 1. Title, Purpose, and General Provisions

5-6.101 Title.

The ordinance codified in this chapter shall be known and may be cited as the City of Modesto Sewage Collection and Disposal Ordinance. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.102 Purpose and Intent.

The purpose of this chapter is to set forth uniform requirements for direct and indirect discharges of pollutants into the wastewater collection and treatment system for the City of Modesto which will enable the City to comply with all applicable State and federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403).

The intent of this chapter is:

- (a) To prevent the introduction of pollutants into the City sewage system which potentially could interfere with the operation of the collection system, treatment processes or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the City sewage system which will pass through said system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the sewage system;
- (c) To protect municipal personnel who may come into contact with sewage, sludge and effluent in the course of their employment as well as protecting the general public;
- (d) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (e) To ensure the quality of the wastewater treatment plant sludge is maintained at a level which allows its marketability;
- (f) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal sewage system;
- (g) To preserve the hydraulic capacity of the municipal sewage system; and
- (h) To require users of the sewage system to comply with federal and State law. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.103 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases shall be defined herein. Words and phrases used in this chapter and not otherwise defined shall be interpreted, as defined in the Code of Federal Regulation, Standard Methods for the Analysis of Wastewater, or as established by State regulatory agencies.

(a) The following terms shall have these meaning(s) in this chapter:

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act;

Administrative order. An enforcement document which directs industrial users to implement corrective or remedial measures;

Administrator. The person appointed by the Director to manage the affairs of the City of Modesto, POTW Pretreatment Program;

Aliquot. A portion of a sample. Often an equally divided portion of a sample;

Apartment. A building or portion thereof containing three (3) or more dwelling units;

Approval authority. The State of California Water Resources Control Board, except for certain EPA oversight functions;

Authorized representative of industrial user. May be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively. A duly authorized representative is responsible for the overall operation of the facilities from which the direct or indirect discharge originates;

Baseline monitoring report (BMR). A required report for all industrial users subject to a categorical pretreatment standard. A BMR provides information that documents an industrial user's compliance status with all applicable pretreatment standards. If an industrial user is not in compliance with the BMR, a compliance schedule will be submitted with the BMR describing actions to achieve compliance;

Batch process. A treatment process in which a tank or vessel is filled with wastewater (or solution), the wastewater (or solution) is treated to meet discharge standards and is then released into the sanitary system. A batch process is intermittent not continuous;

Best available technology (BAT). A level of technology that is based on the very best (state-of-the-art) control and treatment measures that have been developed or are capable of being developed for a particular industrial category;

Best practical technology (BPT). A level of technology represented by the average of the best existing wastewater treatment performance levels within an industrial category;

Biochemical oxygen demand (BOD). A test that measures the organic strength of wastewater. The test represents the quantity of oxygen required by sewage for biochemical oxidation in five (5) days at twenty (20) degrees Celsius in ppm;

Biodegradable. Organic matter that can be broken down by bacteria to more stable forms which will not create a nuisance or give off offensive odors;

Blowdown. The removal of accumulated solids in boilers to prevent plugging of boiler tubes and steam lines. In cooling towers, blowdown is used to reduce the amount of dissolved solids in the recirculated cooling water;

Building sewers. A privately owned pipeline conveying wastewater from the premises of a user to a sewer main;

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

Categorical industrial user. Are all industrial users subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

Categorical industry. An industry which possesses industrial processes, defined in the Code of Federal Regulations as Categorical Processes;

Categorical limits. Industrial wastewater discharge pollutant effluent limits developed by the EPA that are applied to the effluent from any industry, in any category, anywhere in the United States, that discharge to a publicly owned treatment works (POTW). These are pollutant effluent limits based on the technology available to treat the wastestreams from the processes of the specific industrial category and normally are measured at the point of discharge from the regulated process. The pollutant limits are listed in the Code of Federal Regulations;

Categorical standards. Industrial waste discharge standards developed by EPA that are applied to the effluent from any industry, in any category, anywhere in the United States, that discharges to a POTW. These are standards based on the technology available to treat the wastestreams from the processes of the specific industrial category and normally are measured at the point of discharge from the regulated process. The standards are listed in the Code of Federal Regulations;

Cease and desist order. An order by the Director requiring immediate termination of an activity or situation which threatens to create or does create a significant safety hazard noncompliance with the provisions of this chapter, or noncompliance with State and/or Federal law. The order shall be enforceable in court.

Chemical oxygen demand (COD). A test that measures the inorganic and organic strength of wastewater. The test measures the amount of oxygen consumed from a chemical oxidant, in milligrams per liter (mg/l), under conditions outlined under the latest edition of Standard Methods for the Analysis of Wastewater;

City. The City of Modesto in the State of California;

Collection system. The combined pipes, conduits, manholes, ditches, rockwells, and other structures, usually underground, whose purpose is to convey wastewater or storm water;

Commercial user. Any user whose premises are used to provide a product or service for retail or wholesale. Commercial shall include, but shall not be limited to, the following: motel; hotel; boarding and rooming house; health care facility;

Compatible pollutants. Those pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and ammonia that are normally removed by the existing POTW treatment processes;

Compliance. The act of meeting specified conditions or requirements;

Compliance directive. An enforcement document which directs an industrial user to implement corrective or remedial measures;

Compliance schedule. An enforcement document which directs a user to create or imposes upon a user, a time schedule for meeting any provision of the sewer ordinance;

Consistent removal. The act of removing pollutants from wastewater in a manner which prevents the level of pollutants from exceeding any treatment standard at any time;

Control authority. The division of the City of Modesto, Public Works Department, which administers the POTW Pretreatment Program;

Cooling wastewater. The water discharged from any use to which the only pollutant added is heat or uses such as air conditioning, cooling or refrigeration;

Correction notice. A notice to a user or users orally or in writing, to correct its noncompliance with the sewer ordinance;

Corrosion. The gradual deterioration or destruction of a substance or a material by chemical action. Corrosive materials deteriorate the collection system;

Deleterious. Refers to something that can be or is hurtful, harmful, or injurious to health or the environment;

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the State of California. Direct discharges are regulated under the NPDES program;

Director. The Public Works Director of the City or such other persons as may be designated by the Public Works Director to perform the services or make the determinations permitted or required in this chapter to be made by the Public Works Director of the City;

Discharge permit. Formal authorization by the Modesto Control Authority, stipulating the conditions under which wastewater effluent may be released into the sewage system;

Discharger. Any person that discharges or causes a direct or indirect discharge to a public sewer;

Dissolved solids. Solids that are completely dissolved in water and are not removable by laboratory filtration;

Domestic wastewater/sanitary sewage. The liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special pretreatment, into the public sewer or into a private wastewater disposal system;

Dry industry. Any user who does not discharge nondomestic wastewater and is a member of a category of users which the Director has determined to have a potential for impact upon the POTW;

Duplex. A building containing two (2) dwelling units;

Dwelling group. Two (2) or more buildings on any one (1) lot, containing three (3) or more dwelling units;

Dwelling unit. A suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family;

Enforcement. A series of procedures and/or actions used to ensure compliance with legislation or associated rules, ordinances, or limitations;

Environmental Protection Agency (EPA). The Federal agency charged by law with carrying out and obtaining compliance with the Clean Water Act of 1977 and other Federal environmental laws and promulgating, interpreting and enforcing regulations implementing such statutes;

Flammable liquid. A liquid which by itself, or any component of it present in greater than one (1) percent concentration, has a flashpoint below one hundred (100) degrees Fahrenheit (thirty-eight (38) degrees Centigrade);

Flashpoint. The minimum temperature at which a liquid gives off vapor in sufficient concentration to ignite when exposed to any source of ignition;

Grab sample. A single sample of water collected at a particular time and place which represents the composition of the water only at that time and place;

Grease. Fats, oils, greases, or other ether-soluble matter, which shall include each of the following two (2) types:

(1) Dispersed grease. Grease which is not floatable, and

(2) Floatable grease. Grease which floats on the surface of quiescent sewage water or other liquid or which floats upon dilution of the liquid with water;

Hazardous material management plan. A document prepared by an industry which contains copies of material safety data sheets (MSDS) as well as additional information regarding the storage, handling and disposal of all chemicals used on site by the industry;

Hazardous waste. Any waste that is potentially damaging to environmental health and/or the collection system because of toxicity, ignitability, corrosivity, chemical reactivity or other reasons;

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks;

House sewer line. The line connecting a user's property to the sewage system;

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any regulated sources to the POTW, which may include certain holding tank wastes. These discharges are subject to EPA pretreatment regulations;

Industrial user. Any person who discharges or causes a discharge of industrial wastewater directly or indirectly to the City sewage system which requires a permit under the provisions of this chapter. This specifically includes any categorical users connected to the City sewage system whether or not they discharge process wastewater;

Industrial wastewater/industrial waste. All water-carried wastes and wastewater of the community, excluding domestic wastewater, and including all wastewater from any commercial or industrial production, manufacturing, processing, agricultural or other operation. These may also include wastes of human origin similar to domestic wastewater;

Industrial wastewater discharge. Liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into the sewage system by an industrial user;

Inspector. A person authorized by the Director to inspect any development discharging or anticipating discharge to the wastewater collection system and/or the POTW;

Interceptor. A device or trap to reduce the amount of grease, sand, or oil entering the sewage system;

Interference. A discharge that alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, including either the use or disposal of sludge, and

(2) Is a cause of a violation of any requirement of the City NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any applicable regulation;

Local limits. Pollutant discharge limits set by the local POTW based on the treatment plant's efficiency in treating specific pollutants;

Lot. A parcel of land consisting of one (1) or more contiguous lots of record in one (1) ownership;

Major industry. Any industrial user whose effluent discharge exceeds four million (4,000,000) gallons per month (MG/mo), or whose biochemical oxygen demand (BOD) is greater than or equal to twenty thousand (20,000) pounds per month, or total suspended solids (TSS) is greater than or equal to ten thousand (10,000) pounds per month;

Mass emission rate. The weight of material discharged to the sewage system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents;

Material safety data sheets (MSDS). A document normally developed by a chemical manufacturer or formulator, which provides pertinent information about a hazardous substance or mixture. The MSDS is required to be available to employees and inspectors when a hazardous substance is used or found in the workplace;

Milestone. A time interval given in a compliance schedule specifying the date which an assigned task is to be completed leading to the completion of the objective(s) in the compliance schedule;

Minor industry. Any industry with an average effluent discharge which exceeds twenty-five thousand (25,000) gallons per day (GPD), or has a reasonable potential, in the opinion of the City, to adversely affect the POTW;

Mobile home park. Any area or tract of land where two (2) or more spaces are rented or leased or held for rent or lease to accommodate mobile homes;

Mobile home space. Each space in a mobile home park designed to be used for parking a mobile home on a temporary, semi-permanent or permanent basis;

Mobile home subdivision. Any area or tract of land improved to subdivision standards with mobile home lots;

National Pollutant Discharge Elimination System permit (NPDES permit). A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342), governing direct discharges to the waters of the State;

National pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users. This term includes categorical limits established pursuant to Title 40 CFR Section 403.5, or under the authority of this chapter;

New source. An industrial user or source constructed after the date of publication of proposed regulation in the Federal Register as defined in 40 CFR 403.3(k) as revised October 17, 1988;

Nonbiodegradable. Any substances that cannot readily be broken down by bacteria to simpler forms;

Noncompatible pollutants. Those pollutants that are not removed by the POTW treatment system. These pollutants may be toxic waste and may cause pass through or interference with the treatment system;

Noncontact cooling water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat;

Nonintegrated facility. Industrial wastewater sources at a single facility that generate wastewater from different categorical pretreatment processes, but do not combine the wastestreams prior to pretreatment or discharge to the sanitary sewer;

Nonsignificant industry. An industry that produces and discharges less than twenty-five thousand (25,000) gallons of wastewater per day and is not classified as a significant or categorical industry;

Notice of violation. A notice issued by the Director or Inspector to the industrial user, hand delivered or mailed, informing the industrial user that a violation has occurred;

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

Order to show cause hearing. A meeting with representatives of a user and the Director or his/her designee to discuss reasons for noncompliance and corrective actions. At this time, the user may be issued an administrative order and/or fine(s);

Pass through. A discharge from an industrial source that passes through the POTW to the waters of the State in concentrations which, alone or in conjunction with other discharges, cause an NPDES permit violation;

Permit. The authorization by the City to the POTW facilities to discharge under specified rules and conditions;

Permittee. A person who has received a permit to discharge wastewater pollutants into the City sewage system subject to the requirements and conditions established by the City;

Person. An individual, partnership, copartnership, firm, company, corporation, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context;

pH. Mathematically, pH is the logarithm (base 10) of the reciprocal of the hydrogen ion activity in a substance. The pH range is from zero (0) to fourteen (14) where zero (0) is the most acidic and fourteen (14) the most basic, and seven (7) is neutral;

Pollutant. Any substance which causes an impairment (reduction) of water quality to a degree that may have an adverse effect on any beneficial use of the water.

Pollutants include: any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into waters and onto the ground, or deposited where subsurface waters may become contaminated by leaching;

Pollution. The man-made or man-induced impairment (reduction) of chemical, physical, biological, and radiological integrity of water;

Pollution prevention permit. The authorization by the control authority to wet industries or dry industries to discharge under specified rules and conditions;

Premises. Any lot, piece or parcel of land, and building or other structure or any part of any building or structure used or useful for human habitation or gathering or carrying on any business, industry or occupation;

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutant to a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means except as prohibited by 40 CFR, Section 403.6(d);

Pretreatment facility. Any works or device for treatment, control, or flow limitation of sewage or industrial waste, prior to discharge into a public sewer;

Pretreatment requirements. Requirements for users, established by the City, State, or other regulatory agency for the insurance of compliance to pretreatment standards. Requirements may include, but are not limited to, the installation and maintenance of treatment equipment, metering facilities, and/or monitoring facilities;

Pretreatment standards. The maximum levels of pollutants allowed to be discharged under local, State, or Federal guidelines when implementing the best available technology to treat the process wastewater of the users;

Process wastewater. Any wastewater contaminated by human activities including, but not limited to, that originating from manufacturing, agriculture, processing, rinsing, washing or producing;

Public owned treatment works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater from persons outside the City, who are, by contract or agreement users of the City treatment plant;

Receiving waters. Waters which are defined under 40 CFR 122 (NPDES System) as "Waters of the United States;"

Residential user. Any user whose premises contain a dwelling unit(s) intended for permanent occupancy. Residential shall include, but shall not be limited to, the following: single-family residential; multi-family residential; condominiums/townhouses; mobile homes; senior residential housing;

Restaurant. A place where food is processed and served to the public;

Sanitary sewer. A pipe or conduit (sewer) intended to carry domestic wastewater from homes, businesses, and industries to the treatment works. Storm water runoff or unpolluted water should be collected and transported in a separate system of pipes or conduits (storm sewer) to natural watercourses;

Sewage. Industrial waste or sanitary sewage, or both;

Sewage system. The facility designated and used for the collection, treatment, and disposal of industrial wastes and sanitary sewage;

Sewer bond redemption charge. A charge established to compensate the City for having provided collection and treatment facilities before being able to collect revenue from the benefited properties;

Sewer District. The Modesto Municipal Sewer District No. 1 established by the City Council by Resolution No. 66-543 effective August 16, 1966, encompassing the City of Modesto and portions of contiguous unincorporated areas, the legal description and boundaries of which have been recorded in the office of the Recorder of the County of Stanislaus, including areas heretofore or hereafter annexed thereto;

Sewer lateral/sewer main. A pipeline which collects sewage from one (1) or more individual users and transports it to subtrunk and trunk sewers;

Sewer main service area. An area that is one hundred sixty (160) acres or less which is served by the extension of sewer mains. The sewer mains are connected to either a subtrunk sewer or a trunk sewer;

Sewer service. The services and facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage;

Sewer service charge. A charge established to pay the cost of operation, maintenance, and debt service of the sewage system;

Shall is mandatory; may is permissive;

Show cause order. An order for an industrial user to appear before the Director or the Director's designee to explain any noncompliance and why specified enforcement actions should not be taken;

Significant industrial user (SIU) includes:

(1) All categorical users, and

(2) Any noncategorical users that:

(i) Discharge twenty-five thousand (25,000) gallons or more per day of process wastewater (excluding domestic wastewater),

(ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD, SS) capacity of the POTW, or

(iii) Has a reasonable potential, in the opinion of the City, to adversely affect the POTW;

Significant noncompliance (SNC) includes:

(1) Chronic violations where sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period;

(2) Violations where thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the technical review criteria (TRC) in a six (6) month period;

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (BMR, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date;

(4) Any discharge that has caused imminent endangerment of human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Any other violation(s) of an effluent limit (average or daily maximum) that the City believes has caused, alone or in combination with other discharges, interference with POTW (e.g. slug loads) or pass through, or endangerment of health of the POTW personnel or the public;

(6) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by delay of ninety (90) days or more after any compliance schedule date;

(7) Any other violations or violations that the Director considers to be significant;

Significant violation. A violation which remains uncorrected for forty-five (45) days after notification of noncompliance; is part of a pattern of noncompliance over a twelve (12) month period; involves a failure to accurately report noncompliance; or resulted in the POTW exercising its emergency authority under Section 403.8(f)(1)(vi)(B);

Slug load/slug discharge. Any discharge of water, sewage, or industrial waste which in concentration of any given constitute or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation;

Spill containment. A government agency approved protection system installed by the permittee to prohibit the discharge of noncompatible pollutants to the sewer;

Standard industrial classification. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended and supplemented;

Standard methods. Procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation;

State. The State of California;

Storm water. Water resulting from any form of natural precipitation;

Subtrunk sewer. A pipeline designed to transport sewage from the subtrunk sewer service area to the trunk sewer;

Subtrunk sewer extension charge. A charge established to equalize the costs of connecting the in-tract facilities and/or oversize facilities of a particular subdivision or trunk sewers so that developments close to the chosen trunk sewer alignments do not receive unfair advantage over those located further away;

Subtrunk sewer service area. An area that is one hundred sixty (160) acres or larger that is not adjacent to a trunk sewer that is served by a subtrunk sewer;

Technical review criteria (TRC). An EPA term that defines the magnitude of a limits violation. The TRC is calculated by multiplying the daily average maximum limit by the applicable TRC value (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.);

Total suspended solids (TSS). Any insoluble material contained as a component of wastewater and capable of separation from the liquid portion of the wastewater by the appropriate filtering procedures and expressed in terms of milligrams per liter;

Total toxic organics (TTO). The sum of the concentrations of the toxic organic compounds, listed in the Code of Federal Regulations, present in the industrial users process wastewater discharge;

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of the Act Section 307(a) or other Acts;

Trunk sewer. A pipeline which transports sewage from sewer main service areas and subtrunk sewer service areas to the water quality control plant;

User. Any person responsible for payment of sewer service charges for premises or any person who discharges, causes or allows the discharge of wastewater directly or indirectly to the sewage system. This includes residential, commercial, and industrial users as defined herein. This term specifically includes any categorical users connected to the City sewerage system whether or not they discharge process wastewater;

Waste manifest. The receipt which is retained by the generator of hazardous wastes as required by the State and/or the United States Government pursuant to RCRA, or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid nonhazardous wastes as required by the POTW;

Waste hauler. Any person carrying on or engaging in vehicular transport of wastewater as part of, or incidental to, any business for the purpose of discharging said wastewater into the POTW's system;

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the City's facilities;

Wastewater discharge permit. A control mechanism issued to an industrial user, or any person discharging to the sewage system that the Director determines needs a permit, to regulate its discharge of toxic, organic, or hydraulic loading to the wastewater collection, conveyance, and treatment system;

Water quality control plant. The plant owned by the City and designed for the treatment and disposal of sewage, including a remote oxidation ponding site;

Water quality requirements. Requirements for City's treatment plant effluent, or for receiving waters, established by law, or by State or Federal regulatory agencies, for the protection of receiving water quality;

Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof;

Wet industry. Any user which is not a significant industrial user (SIU) and has a nondomestic wastewater discharge. (Added by Ord. 3137-C.S., § 1, and Ord. 3365-C.S., § 3, effective 12-9-04)

5-6.104 Authority.

The City is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Under 40 CFR 403.8(f)(1) and the Porter-Cologne Water Quality Control Act Chapter 5.5, the City is granted the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of discharge permits, the discharge of any waste, directly or indirectly, to the City sewer facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the City's sewer facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the City's boundaries, including those users that are tributary to the City or within areas for which the City has contracted to provide sewerage services.

The City has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by the City either within or without its territorial limits. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.105 Responsibility for Administration.

This chapter shall be administered for the City by the Director or his/her designee. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.106 Delegation of Authority.

Whenever any power is granted to or a duty imposed upon the Director, the power may be exercised or the duty may be performed by a person authorized by the Director. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.107 User Classification.

The Director will classify all users in accordance with the principal activity conducted upon the premises. The purpose of classification is to facilitate regulation of discharge to public sewers on the basis of each user's waste quality, quantity, and flow; to provide an effective means of industrial waste source control; and to establish a system of sewer use

charges based upon flow and waste strength which will ensure equitable recovery of district capital and operating costs. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.108 Tenant Responsibility.

Any person who shall occupy any premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the owner. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.109 Confidential Information.

All user information and data on file with the City shall be available to the public and governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. The demonstration of the need for confidentiality made by the permittee must meet the burden necessary for withholding such information from the general public under applicable State and federal Law. Any such claim must be made at the time of submittal of the information by marking the submittal "Confidential Business Information" on each page containing such information. Information which is demonstrated to be confidential shall not be transmitted to anyone other than a governmental agency without prior notification to the user. Information concerning utility usage data may be deemed confidential, at the discretion of the Director, unless the user has violated the City's utility usage policy. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

Article 3 Sewerage Construction and Sewer Use

5-6.301 Connection to Sewage System Required.

Every building or structure in the Sewer District in which plumbing fixtures are installed shall be connected to the sewerage system where a sewer lateral is available within the time period provided for in Section 5-6.302. This requirement shall apply to any building or structure existing on July 1, 1967, as well as any building or structure thereafter constructed.

A sewer lateral is immediately available for the purpose of this section when such a sewer lateral is located within one hundred (100) feet from the property line of any lot which can be served by such sewer lateral. A sewer lateral is available to new development when such a sewer lateral is located within one hundred (100) feet of the property line of any lot connecting to the sewerage system. (Added by Ord. 3137-C.S., § 1, and Ord. 3377-C.S., § 1, effective 3-1-05)

5-6.302 Connection to Sewage System--When Required.

Every building or structure connected to a septic tank at the time a sewer lateral becomes available as defined in Section 5-6.301 shall be connected to the sewerage system within five (5) years after the sewer lateral becomes available. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.303 Connection to Sewage System--Upon Annexation--When Required.

(a) Buildings or structures connected to septic tanks in territory annexed to the Sewer District after July 1, 1967, for which sewer service is immediately available, as defined in Section 5-6.301, shall pay appropriate sewer service charges commencing five (5) years after such annexation, unless the buildings or structures are earlier connected to a sewer lateral. In the latter event, sewer charges shall commence upon connection.

(b) Buildings or structures must be connected to a sewer lateral when they are sold or ownership is otherwise transferred at any time after annexation to the Sewer District. (Added by Ord. 3137-C.S., § 1, and Ord. 3377-C.S., § 1, effective 3-1-05)

5-6.304 Exception to Mandatory Sewer Connection.

If the Council determines that extraordinary hardship will result from strict compliance with the provisions of Sections 5-6.301, 5-6.302, 5-6.303, the Council, by resolution, may vary the conditions so that substantial justice may be done and the public interest secured, provided that such variation does not have the effect of nullifying the intent and purpose of this chapter. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.305 Repair of Private Sewage Disposal System.

No building permit shall be issued for the installation, alteration or repair of any private sewage disposal system or part thereof, on any lot for which a connection with a sewer lateral is available as defined in this chapter. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.306 Improper Use of Connected Sewers.

The City hereby reserves the right to inspect any existing lateral or collecting sewers that discharges wastewater directly or indirectly to trunk sewers. If it is found that such lateral or collecting sewers are improperly maintained, thereby causing discharge of septic wastewater, excessive groundwater, debris or any other objectionable substance to the City sewers, the Director will give notice of the unsatisfactory condition to the offending discharger and shall direct that the condition be corrected. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.307 Charge for Excessive Sewer Maintenance.

No person shall discharge or cause to be discharged to a trunk sewer, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, or reduction in sewer capacity or any other damage to sewers or sewerage facilities of the City. Any excessive sewer or sewerage maintenance expenses including administrative costs attributed thereto will be charged to the offending discharger by the City.

Any refusal to pay such charges for excessive maintenance expenses duly authorized by the City shall constitute a violation of this chapter. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.308 Industrial Waste Line Connection.

Each industrial user shall have not more than one (1) industrial waste line connection to the City's sewage system, unless specifically approved by the Director. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.309 Rules and Regulations.

(a) No person shall connect property outside the Sewer District to the sewage system without first obtaining the consent of the City Manager and the Public Works Director, and paying the fees and charges imposed by the City. In considering applications for furnishing sewer service to property located outside the Sewer District, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. Any agreements for the provision of such sewer service shall be approved as to form by the City Attorney.

(b) Each user shall be responsible for the construction, maintenance and repair of his/her house sewer line. Each user shall be liable for damages which may result to the sewage system from his/her failure to keep his/her house sewer line in good order. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for purposes of checking the house sewer line and all fixtures and facilities connected thereto.

(c) When a sewer connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use density changes that will increase the fees. (Added by Ord. 3191-C.S., § 1, and Ord. 3365-C.S., § 3, effective 12-9-04)

Article 8 Costs and Funding

5-6.801 Sewer Bond Redemption Charges.

Each person owning property within the Sewer District shall pay a charge to the City for connection to the sewage system in accordance with the following rates:

(a) Residential. A bond redemption charge shall be paid to the City for connection to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution.

(b) Commercial and Industrial. A bond redemption charge shall be paid to the City for connection to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution. Churches shall pay a commercial bond redemption charge.

(c) Unconnected Standby Sewer Service Charges. Properties which paid unconnected standby sewer charges prior to July 1, 1969, shall be exempt from sewer bond redemption charges.

A fee shall be paid to the City for the purpose of covering the cost of inspection of the premises to make determinations on the acreage to be covered by the bond redemption charge. Said fee shall be in accordance with a schedule approved by the Council from time to time by resolution. For those properties connected to the sewage system whose zoning designation and/or use is changed from Residential to Commercial and Industrial or from Commercial and Industrial to Residential, a bond redemption charge equal to the difference, if any, between the current rate for the existing use and the current rate for the proposed use shall be paid to the City. If the current rate for the proposed use is less than the current rate for the existing use, the user shall not be entitled to a refund. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.802 Payment of Sewer Bond Redemption Charges.

(a) The sewer bond redemption charge set forth in Section 5-6.801(a) shall be paid for connection to the sewage system at the time a building permit is issued for a building or structure. In those cases where a building exists, the sewer bond redemption charge shall be collected at the time a plumbing permit is issued to connect said building or structure to the sewage system. The Council may, by resolutions adopted from time to time, establish conditions under which the sewer bond redemption charges set forth in Section 5-6.801(a) may be spread over a period of time and paid in installments.

(b) The sewer bond redemption charge set forth in Section 5-6.801(b) shall be paid for connection to the sewage system at the time connection is made or development occurs. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.803 Subtrunk Sewer Extension Charges.

(a) Residential and Commercial Areas. Each person owning property within the Sewer District shall pay a subtrunk sewer extension charge to the City at the time of connecting to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution.

(b) Industrial Areas. For industrial areas, the extension of subtrunk sewers will be on an individual basis for areas served since size of these subtrunk sewers is dependent upon specific need.

A fee shall be paid to the City for the purpose of covering the cost of inspection of the premises to make determinations on the acreage to be covered by the subtrunk extension charge. Said fee shall be in accordance with a schedule approved by the Council from time to time by resolution. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.804 Payment of Subtrunk Sewer Extension Charges.

Subtrunk sewer extension charges shall be paid at the time sewer service is made available to any subdivision, tract, area or lot in the Sewer District. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. The Council may, by resolutions or agreements adopted or entered into from time to time, establish conditions under which the subtrunk sewer extension charges set forth in Section 5-6.803 may be spread over a period of time. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.805 Construction of New Sewer Laterals.

Any person within the Sewer District may connect his/her property to the City sewage system by construction of a new sewer main under one of the following methods and constructing building lateral connecting the property to a sewer main:

(a) By Improvement District Proceedings. Sewer mains may be financed by the formation of assessment districts and sale of improvement bonds in accordance with existing State laws governing the formation of such districts and the sale of such bonds.

(b) By Private Contracts--Undeveloped Land. The owner of any undeveloped subdivision, tract, area or lot within the Sewer District may make private arrangements for the construction of sewer mains to serve such subdivision, tract, area or lot in accordance with plans and specifications prepared by a registered engineer and approved by the City, at his/her own expense, and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred by it in the inspection of the work in accordance with a Schedule of Fees approved by the Council from time to time by resolutions and on file in the offices of the City Clerk and Public Works Director.

(c) By Private Contract--Developed Land. The owner of any developed subdivision, tract, area or lot within the Sewer District may make private arrangements for the construction of sewer mains to serve such subdivisions, tract, area or lot in accordance with plans and specifications prepared by a registered engineer and approved by the City, or in

accordance with plans and specifications prepared by the City Engineer and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred by it for any preparation of plans and specifications and for inspection of the work in accordance with a Schedule of Fees approved by the Council from time to time by resolution and on file with the City Clerk and Public Works Director. (Added by Ord. 3137-C.S., § 1, amended by Ord. 3365-C.S., § 3, effective 12-9-04)

5-6.806 Participation in Cost of Constructing Subtrunk Sewers.

(a) Whenever the City requires a design and construction of a sewer subtrunk beyond that which is required to serve a subdivision, improvement district, or area by itself, the City may provide the portion of the increased cost of constructing the sewer subtrunk directly resulting from such increased design. Said cost shall be determined by the Director in accordance with existing City policy governing reimbursement from Capital Facilities Fees, or any other source, as set forth in a resolution of the City Council.

(b) Expenditures of funds by the City in accordance with the provisions of this section shall be on the basis that said expenditures will be recovered by the City from subtrunk sewer extension charges set forth in Section 5-6.803. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.807 Participation in Cost of Existing Sewers.

No property shall be permitted to connect to the City sewage system without participating in the cost of the sewer mains which serve the area where the property is located.

Any property connecting to the City sewage system that has not already participated in the cost of a sewer main and which is to be served by an existing sewer shall either make reimbursement, through the City, of the property's proportionate share of private funds expended on the existing sewer main in accordance with any agreements on file with the Director or shall pay to the City a fee which shall be in accordance with a schedule approved by the Council from time to time by resolution, whichever is the greater sum.

The acreage used to determine the sewer main fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the sewer main fee. The remaining acreage shall pay a sewer main fee at such time as it is developed.

Notwithstanding anything to the contrary contained in this chapter, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting both the criteria set forth below:

(a) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than two hundred twenty-five (225) new, permanent, on-site, full-time employees;

(b) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000.00).

If the property is developed beyond that development approved by the Council the developer shall pay a sewer main fee on the additional acreage developed. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer main fee shall be paid based on the total acreage developed or being developed had the above criteria not been applied. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.808 Lien.

Each sewer service charge, fee, and/or fine levied by or pursuant to this chapter on any premises within the Sewer District is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

5-6.809 Judicial Review.

Unless the user given a notice of violation or order makes a timely responsive statement or a request for hearing, the notice or order is a final order. If a timely request for a hearing is made, the order constituting the hearing decision shall be a final order. Any person adversely affected by a final order may appeal the order to the appropriate court in the County of Stanislaus. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)