

# **DELTA DIABLO SANITATION DISTRICT CODE**

**2011**

A Codification of the General Ordinances  
of the Delta Diablo Sanitation District  
Contra Costa County, California

(Rev. November 9, 2011)

# PREFACE

The Delta Diablo Sanitation District Code is a codification of the general and permanent codes of the Delta Diablo Sanitation District of Contra Costa County, California.

The Code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter .12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section.

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# TITLE 1- GENERAL PROVISIONS

## Chapters:

**1.01 Code Adoption**

**1.04 Definitions**

**1.08 General Penalty**

**1.12 Appeal Process**

**1.16 Severability**

## **Chapter 1.01 - CODE ADOPTION**

### **1.01.010 Title - Citation - Reference**

- A. This Ordinance Code shall be known as the “Delta Diablo Sanitation District Code,” and it shall be sufficient to refer to said Code as such in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of titles, chapters, sections, and subsections of the “District Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.
- B. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 94 § 2, 2010)

### **1.01.020 References**

Every reference to this Code or any portion of this Code applies to this Code as now or hereafter amended. (Ord. 94 § 2, 2010)

### **1.01.030 Authority for Recodification and Amendment**

This Code consists of all the regulatory, penal, and administrative ordinances of the Delta Diablo Sanitation District codified pursuant to the provisions of section 4766 of the Health and Safety Code and sections 25126-25130 of the Government Code, including those secondary codes previously adopted by reference as authorized by sections 50022.1-50022.8 of the Government Code. (Ord. 94 § 2, 2010)

### **1.01.040 Effect of Adoption and Recodification**

Neither the adoption or recodification of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the Delta Diablo Sanitation District shall in any manner affect the prosecution for violations of ordinances, which violations were committed before the effective date hereof, nor be construed as a waiver of any license, fee, charge, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, charge, fee, or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 94 § 2, 2010)

### **1.01.050 References Carry-Over**

Matters of record and other references to, or material connected with ordinances substantially recodified herein, or to or with earlier versions of later amended provisions hereof, shall be construed to apply to the substantially corresponding current provisions of this Code. (Ord. 94 §



2, 2010)

**1.01.060 Effective Date of Recodification**

This recodified Code shall become effective on the date the ordinance adopting this recodified Code as the “Delta Diablo Sanitation District Code” shall become effective. (Ord. 94 § 2, 2010)

## Chapter 1.04 - DEFINITIONS

### 1.04.010 Definitions

The following terms when used in this Ordinance Code shall have the following respective meanings:

- A. "Auditor-controller" means the county auditor-controller of Contra Costa County.
- B. "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 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l). (Ord. 94 § 2, 2010)
- C. "Board" means the governing Directors of Delta Diablo Sanitation District. (Ord. 15 § 3.11, 1980)
- D. "Chemical Oxygen Demand" (or "COD") means the measure of oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant. (Ord. 94 § 2, 2010)
- E. "Charge" means a rental or fee established pursuant to this Code for services and facilities furnished by the District to any premise in connection with the operation of the sewerage facilities. (Ord. 15 § 3.04, 1980)
- F. "City" (or "Cities") means the cities of Pittsburg (Zone No. 2) and/or Antioch (Zone No. 3), California.
- G. "Clerk" means the clerk of the Board.
- H. "Commercial owner" means any owner who is not a residential, industrial, or institutional owner.
- I. "Commercial sewerage service" means the furnishing of sewerage service to the premises of any commercial owner.
- J. "Daily Discharge" means either:
  - 1. The total mass of the constituent discharged over the "calendar" day (12:00 am through 11:29 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling for a constituent with limitations expressed in units of mass or;
  - 2. The unweighted arithmetic mean measurement of the constituent over the "calendar" day for a constituent with limitations expressed in other units of measurement (e.g., concentration). (Ord. 94 § 2, 2010)

- K. "District" means the Delta Diablo Sanitation District, including all of its zones. (Ord. 15 § 3.10, 1980)
- L. "Domestic sewage" means the water borne waste derived from the ordinary living processes and of such character as to permit satisfactory disposal without special treatment by the system.
- M. "Engineer" means the District Engineer, or his/her designee, or any other person designated by the Board to perform the services or to make the determinations permitted or required under this Code to be made by the Engineer.
- N. "Family" means any one or more persons comprising a single-family unit.
- O. "Identifiable commercial activity" means any activity proposed to be or presently being conducted on the premises of any commercial or industrial owner and which can be identified as separate and/or different from any other activity proposed to be or presently being conducted on the premises.
- P. "Industrial liquid waste" means any and all liquid or water borne waste from industrial, commercial, or any processes requiring special treatment, except domestic sewage.
- Q. "Industrial owner" means the owner of any establishment engaged in any production, manufacturing, processing, or similar operation.
- R. "Institutional owner" means any owner, public or private, operating a public or nonprofit school, church, hospital, lodge, club, fire department, library, memorial building or other public or nonprofit activity, which introduces into the District's sewerage system primarily segregated domestic waste or wastes from sanitary conveniences.
- S. "Institutional sewerage service" means the furnishing of sewerage service to the premises of any institutional owner.
- T. "Lateral sewer" (or "structure sewer") means a sanitary sewer not owned by the District, connecting a structure to a public sewer at or within either a public right-of-way or an easement area owned by the District.
- U. "Lodging unit" means any unit of one or more rooms having one or more plumbing fixtures suitable for lodging for one or more persons, but without kitchen or laundry facilities, in any multiple lodging structure including, but not limited to, any rooming house, hotel or motel.
- V. "Main extension" (or "sewer extension") means the extension of any trunk sewer or main sewer, exclusive of side sewers and lateral sewers.
- W. "Main sewer" means a public sewer which has been or is being constructed to accommodate more than one side sewer.

- X. "Manager" means the General Manager of the Delta Diablo Sanitation District, or his/her designee.
- Y. "Multiple dwelling structure" means any two or more single-family dwelling units in any single building or structure or group of buildings or structures, including but not limited to any apartment house or apartment court, excepting any multiple lodging structure.
- Z. "Multiple lodging structure" means any two or more lodging units in any single building or structure or group of buildings or structures, including but not limited to any rooming house, hotel or motel.
- AA. "Occupant" means any person actually occupying any premises, whether as owner or tenant or under contract or otherwise.
- BB. "Ordinance Code" or "Code" means this Ordinance Code of the Delta Diablo Sanitation District and references to 'sections' or 'chapters' refer to portions of this Code. (Ord. 94 § 2, 2010)
- CC. "Owner" means the person owning fee title to any premises, as shown by the official records of the county recorder of Contra Costa County.
- DD. "Person" means any individual, partnership, firm, business entity, association, corporation, or public agency, including the state of California and the United States of America.
- EE. "Premises" means any lot, or any piece or parcel of land comprised of one or more lots of record in one ownership, or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.
- FF. "Publicly Owned Treatment Works" (or "POTW") means a treatment works as defined by Section 212 of the Clean Water Act, which is owned by the District. This definition includes any device or system used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances transporting wastewater to a wastewater treatment facility. (Ord. 94 § 2, 2010)
- GG. "Sanitary Sewer" (or "Sewer") means a pipe or conduit which carries sewage and/or industrial wastes and to which storm, surface, or groundwaters are not intentionally admitted. Unless otherwise qualified, the word "sewer" shall be taken to mean "sanitary sewer." A District sewer or public sewer is any sewer located on District property, or within an easement granted to the District, or within a public right-of way, and which is maintained by the District or other public agency tributary to the treatment facility operated by the District. (Ord. 15 § 3.34, 1980)
- HH. "Sewage" means the water borne wastes received from human habitation and use of premises for residential, commercial, institutional, or industrial purposes. (Ord. 15 § 3.33, 1980)

- II. "Sewer connection" (or "Connection") means the physical attachment of a building to a public sewer by a side sewer or lateral sewer.
- JJ. "Sewerage service" means the services and facilities for collection, treatment and disposal of sewage furnished or available to premises by the sewerage system.
- KK. "Sewerage system" (or "System") means all facilities for collecting, pumping, treating, and disposing of wastewater within the boundaries of the District, and which is maintained by the District or other public agency tributary to the treatment facility operated by the District. (Ord. 15 § 3.35, 1980)
- LL. "Side sewer" means a privately owned and maintained sewer which connects the lateral sewer of any house or other building to a main sewer. The side sewer begins at the point of connection to the main sewer and terminates at the point of connection to the house or building plumbing system two feet outside the foundation, and shall not be considered as part of the "Sewerage system" as defined above.
- MM. "Single-family dwelling unit" means any single-family dwelling of one or more rooms having one or more plumbing fixtures suitable for residential occupancy by any number of persons living together as a single family, including each group of rooms constituting a dwelling unit for a single family in any multiple-dwelling structure.
- NN. "Street" means any public highway, road, street, avenue, alley, way, easement or right-of-way in the District.
- OO. "State" means the State of California, its government, or any political subdivision thereof. (Ord. 15 § 3.37, 1980)
- PP. "Tax collector" means the county tax collector of Contra Costa County
- QQ. "Total Dissolved Solids" (or "TDS") means the portion of solids that passes through a filter of 2.0 µm (or smaller) nominal pore size under specified conditions. (Ord. 94 § 2, 2010)
- RR. "Total Suspended Solids" (or "Suspended Solids" or "TSS") means solids that float on the surface of, are in suspension in, or settle from wastewater or other liquids, and which are largely removable by standard laboratory filtration procedures. (Ord. 15 § 3.39, 1980).
- SS. "Treasurer" means the county treasurer of Contra Costa County.
- TT. "Trunk sewer" means a public sewer which has been or is being constructed to accommodate more than one main sewer. (Ord. 55 § 1, 1992; Ord. 7 § 6, 1964)
- UU. "User" means any person that discharges, causes, or permits the discharge of wastewater into a District sewer. (Ord. 15 § 3.41, 1980)
- VV. "Waste" means sewage and any and all other water substances, liquid, solid, gaseous,

radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal. (Ord. 15 § 3.45, 1980)

- WW. "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. (Ord. 15 § 3.45, 1980)
- XX. "Zone" means a subdivision of the District, such as Zone No. 1 (Bay Point), Zone No. 2 (Pittsburg), and Zone No. 3 (Antioch). (Ord. 15 § 3.51, 1980)
- YY. "Zone No. 1" means the service zone of the District which contains the unincorporated area of the county (Bay Point).
- ZZ. "Zone No. 2" means the service zone of the District which contains the area of the city of Pittsburg.
- AAA. "Zone No. 3" means the service zone of the District which contains the area of the city of Antioch. (Ord. 10 § 1, 1978)

## Chapter 1.08 - GENERAL PENALTY

### 1.08.010 Violations of Ordinances

- A. Punishment. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any Ordinance of the District is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any Ordinance of the District, any person convicted of a misdemeanor under the Ordinances of the District shall be punished by a fine not to exceed one-thousand dollars or by imprisonment not to exceed thirty (30) days, or by both.
  
- B. Separate Offenses. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the Ordinances of the District is committed, continued or permitted by any such person, and he/she is punishable accordingly. (Ord. 36 § 5, 1988)

## Chapter 1.12 -APPEAL PROCESS

### 1.12.010 Appeals of Determinations

- A. Any person or owner who has a right to appeal, as provided in any section of this Code, or who is dissatisfied with any determination made pursuant to this Ordinance Code by the Engineer, may, at any time within ten (10) days after such determination is made, appeal it to the Manager by giving a written notice to the Engineer and Manager, setting forth the determination with which such person is dissatisfied. The Manager shall provide a written response to the person or owner submitting a written appeal within ten (10) days of receipt of the written appeal. If such person or owner is dissatisfied with the determination of the Manager, that determination may be further appealed within ten (10) days of the Manager's written determination to the Board. In the event of any such appeal, the Manager shall report to the Board on the matter appealed. The Board shall consider and decide the appeal and may fix a time and date for its hearing of the appeal prior to its decision. (Ord. 94 § 2, 2010)
  
- B. Pending the Board's decision upon any appeal concerning the amount of any fee or charge required by this Ordinance Code, the person making the appeal shall pay such fee or charge under protest prior to making any connection to the system. After the appeal is heard, the Board shall order refunded to the person making the appeal, such amount of the fee, if any, as the Board determines should be refunded.



## **Chapter 1.16 - SEVERABILITY**

### **1.16.010 Severability**

If any provision of this Ordinance Code is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord. 94 § 2, 2010)

# **TITLE 2 - SEWER SERVICE SYSTEM**

## **Chapters:**

**2.04 Standard Specifications and Permit Issuance Criteria**

**2.08 Septic Tanks, Drain Fields and Similar Works or Systems**

**2.10 Sewer Connections**

**2.16 Capital Facilities Capacity Charges**

**2.18 Annexation Fees**

**2.20 Zone No. 1 Sewer Service Charges**

**2.24 Zone Nos. 2 and 3 Sewer Service Charges**

**2.28 Pretreatment Regulations**

## **Chapter 2.04 - STANDARD SPECIFICATIONS AND PERMIT ISSUANCE CRITERIA**

### **2.04.010 Prohibition against Construction or Maintenance of Substandard Sewerage Systems**

No system or part thereof designed or intended for the collection of sewage and connection to any sewerage system within the exterior boundaries of the Delta Diablo Sanitation District shall be constructed or maintained except in accordance with the provisions of this chapter. (Ord. 1 § 1, 1956)

### **2.04.020 Definitions**

Definitions contained in the Standard Specifications shall govern the interpretation of this chapter. (Ord. 7 § 2, 1962; Ord. 1 § 3, 1956)

### **2.04.030 Standard Specifications**

The current Standard Specifications for Design and Construction from Central Contra Costa Sanitary District, Walnut Creek, California, and subsequent revisions and amendments thereto, are adopted as the Standard Specifications of Delta Diablo Sanitation District and are by this reference incorporated herein as though fully set forth. A copy of said Standard Specifications for Design and Construction is available for reference in the offices of the District. (Ord. 55 § 2, 1992; Ord. 7 § 1, 1962; Ord. 1 § 2, 1956)

### **2.04.035 Sewer Permit Application**

Applications for sewer connections to a District sewerage system shall, in every case, be made by the owner or his agent on a form furnished by the District or City, depending on the zone involved. Each permit application shall be supplemented by such plans, specifications, analyses of strength and quantity of wastewater to be produced, flow data, or other information considered pertinent by the Engineer. In the case of every sewer connection, irrespective of whether a new physical connection is to be made, a new or amended permit application shall be filed with the District prior to any change in activity:

- A. Upon change of occupancy type; or
- B. Upon change of any activity resulting in changes in type of waste; or
- C. Upon change in flow.

The holders of all permits issued hereunder shall be subject at all times to all applicable federal, state and local laws and regulations. At no time and in no way shall the holder of any permit acquire or be regarded as having acquired a vested or continuing right to maintain or to have continued any connection to the public sewer. (Ord. 41 § 15, 1989; Ord. 15 § 4.02, 1980)

#### **2.04.040 Plan Approval**

It is unlawful for any person, firm or corporation to construct any sewerage system, side sewer, or lateral sewer unless and until plans and specifications have been submitted in accordance with Section 2.04.060, approved by the Engineer and a permit issued for construction. (Ord. 55 § 3, 1992; Ord. 1 § 4, 1956)

#### **2.04.050 Public Ownership**

No plans will be approved or a permit for construction issued until all sewerage service structures and facilities, excepting side sewers and lateral sewers, and all property necessary for operation and maintenance of said structures and facilities have been deeded or dedicated to this District. (Ord. 1 § 5, 1956)

#### **2.04.060 Issuance of Permits**

The Engineer shall prepare and publish a procedure for submission and approval of plans and specifications, and issuance of permits in order to ensure compliance with this chapter. A copy of said procedure and permit form will be available at the District's offices. (Ord. 55 § 4, 1992; Ord. 1 § 6, 1956)

Applications for sewer connections to a District sewer shall, in every case, be made by the owner or his agent on a form furnished by the District or city, depending on the zone involved. (Ord. 41 § 16, 1989; Ord. 15 § 4.03, 1980)

## **Chapter 2.08 - SEPTIC TANKS, DRAIN FIELDS AND SIMILAR WORKS OR SYSTEMS**

### **2.08.010 Recitals**

There exist conditions within and throughout Delta Diablo Sanitation District which, in the interests of protecting the public health, require the construction of extensive sanitary sewer works and facilities, and which works of improvement have been constructed and are improved from time to time. The construction, enlargement or modification of septic tanks, drain fields or similar works or systems for the handling and/or treatment of domestic and/or commercial sewage constitute an additional threat to public health within and throughout the District, for the reason that soil conditions are unfavorable and there exist concentrations of population. (Ord. 2 § 1, 1957)

### **2.08.020 Prohibition on Unauthorized Septic Tanks or Similar Works**

On and after the twenty-second day of January, 1957, no septic tank, drain field or similar work or system for the handling and/or treatment of domestic and/or commercial sewage shall be constructed, enlarged or modified within the boundaries of the District, except as hereinafter provided. (Ord. 2 § 2, 1957)

### **2.08.030 Exceptions - Investigation and Report - Fees Required**

Where works mentioned in Section 2.08.020 are claimed necessary to avoid hardship, the Engineer shall determine whether the works proposed can be constructed and operated without the creation of conditions hazardous to public health and whether the economic factors involved require the construction of such works in lieu of providing sanitary sewers, and in so doing may impose reasonable conditions upon granting authorization. The Board may impose by resolution, and the Engineer shall collect, such fees as are appropriate to meet costs of processing applications for authorization of exceptions. (Ord. 55 § 5, 1992; Ord. 2 § 3, 1957)

### **2.08.040 Bonds**

The Engineer, as a condition to the authorization of exceptions, may require the deposit of cash or the posting of bonds to indemnify the District against the costs of correcting any public health menace caused by failure of facilities constructed, enlarged or modified under Section 2.08.030. Abatement of unsanitary facilities may be ordered by the Engineer, and failure to correct conditions within the time specified in such order shall constitute cause for the Board declaring any deposit or bond forfeited. Any cash deposited or bond posted under this chapter and unforfeited shall be refunded immediately after the property side sewer is connected to a main sanitary sewer and the works constructed pursuant to authorization hereunder are abandoned as directed by the Engineer. (Ord. 55 § 6, 1992; Ord. 2 § 4, 1957)

## **Chapter 2.10 - SEWER CONNECTIONS**

### **2.10.010 Permits**

No sewers or premises shall be connected to the District sewer without first obtaining approval and a permit from the Engineer. (Ord. 16 § 1, 1980; Ord. 15 § 9.01, 1980)

### **2.10.020 Sewer Connection Required**

The owner of every premises situated within the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary sewer, is required to install at his/her own expense and as soon as practicable, suitable toilet facilities therein or thereon, and to connect, without any undue delay, and in no event at a date later than ninety (90) days following official notice from the Engineer, such premises directly with the proper public sewer in accordance with the provisions of this Ordinance Code, provided that said public sewer is within three-hundred feet of the outlet of the plumbing system of the premises. (Ord. 41 § 14, 1989; Ord. 30 § 1, 1987; Ord. 15 § 4.01, 1980)

### **2.10.030 Separate Sewer Connection**

- A. There shall be a separate sewer connection to the system for each structure, building, identifiable commercial activity, or separate premises.
- B. Exception. Upon written request to the Engineer, any two (2) or more separate structures, buildings, or identifiable commercial activities on the same lot or adjoining lots, under a single ownership of record, provided the Engineer's written approval is first obtained, may be connected to the system by means of a single sewer connection to serve such structures, buildings, identifiable commercial activities, or separate premises. Under this option of single connection, the connecting sewer shall remain the responsibility of the owner unless constructed as a main sewer and dedication of said sewer is accepted by the District.

### **2.10.040 Sewer Connection Construction**

All main sewers, side sewers, and lateral sewers shall be constructed in accordance with District Standard Specifications and subject to District inspection, but shall remain private sewers subject to private maintenance to the point of connection with the system. (Ord. 94 § 2, 2010)

### **2.10.050 Cost of Sewer Connection**

The connection to the public sewer, including the piping within any public street right-of-way, shall be installed at the sole expense of the owner of the property served. Such connections shall not be made without required approved permits issued by the Engineer, upon receipt of an acceptable complete application, and payment of all applicable fees and charges. (Ord. 41 § 16, 1989; Ord. 15 § 4.03, 1980)

### **2.10.060 Use of Public Sewers Required**

All sewage, waste and wastewater shall be discharged to District sanitary sewers except as provided in Section 2.08.030. Wastewaters may only be discharged into District sewers in compliance with requirements of this Ordinance Code and the conditions of any Industrial Wastewater or Special Discharge Permit issued by the District, subject to the payment of all required District fees and charges. (Ord. 15 § 5.01, 1980)

## Chapter 2.16 - CAPITAL FACILITIES CAPACITY CHARGES

### 2.16.010 Purpose and Scope

The purpose of this Chapter is to impose Capital Facilities Capacity Charges when properties either newly connect to the District's system, or expand the use of the property previously connected to the system. Revenues derived under the provisions of this Chapter will be used for the acquisition, construction, and reconstruction of the wastewater collection, conveyance, treatment, and disposal facilities of the District; to repay principal and interest on debt instruments; or to repay federal or state loans for the construction and reconstruction of said sewerage facilities, together with costs of administration and provisions for necessary reserves. (Ord. 75 § 4, 2002)

### 2.16.020 Definitions

- A. "Capital Facilities Capacity Charge", as used in this Chapter, means a one-time, non-discriminatory charge imposed at the time a structure is connected to the District's system, directly or indirectly, or an existing structure or category of use is expanded or increased. Said charge is to pay for District facilities in existence at the time the charge is imposed, or to pay for new facilities to be constructed in the future, that are of benefit to the property being charged.
- B. "Connection Fee", as used in this Chapter, means a fee equal to the cost necessary to physically connect a building or structure on a parcel of property to the District's system, including but not limited to, installation of meters, meter boxes, structural sewers, lateral sewers, and appurtenances to make the connection, and which fee does not exceed the actual cost of labor, materials, and overhead for the installation of those facilities.
- C. "Equivalent Residential Unit" (or "ERU"), as used in this Chapter, means the typical average wastewater discharge from a single residential unit measured in flow and appropriate discharge constituents, and as determined by the following formula:

Formula:  $ERU_s = Q/Q_d * (W_1 + W_2 * (BOD/BOD_d) + W_3 * (TSS/TSS_d) - W_4 * (TDS/TDS_d))$

Where:

$W_1$	=	Weighting Factor for Volume (Flow)
$W_2$	=	Weighting Factor for BOD
$W_3$	=	Weighting Factor for TSS
$W_4$	=	Weighting Factor for TDS
$Q$	=	User's Volume (Flow)
$Q_d$	=	Volume (Flow) for Equivalent Residential Unit
$BOD$	=	User's BOD
$BOD_d$	=	BOD for Equivalent Residential Unit
$TSS$	=	User's TSS
$TSS_d$	=	TSS for Equivalent Residential Unit
$TDS$	=	User's TDS
$TDS_d$	=	TDS for Equivalent Residential Unit



Note: For Significant Industrial Users (as defined in Chapter 2.28), User's Volume (Q) may be based on maximum hourly flow discharged multiplied by the hours of operation within a calendar day (12:00 am through 11:59 pm).

The following values shall be used for weighting factors:

$W_1$	=	0.742
$W_2$	=	0.148
$W_3$	=	0.110
$W_4$	=	0.000

In calculating the Capital Facilities Capacity Charges, the ratios of User volume and strengths to equivalent residential unit volume and strengths shall not be less than 1.

The following values shall be used for residential unit flows and strengths:

$Q_d$	=	200 gpd
$BOD_d$	=	220 mg/l
$TSS_d$	=	220 mg/l
$COD$	=	400 mg/l
$TDS_d$	=	800 mg/l
Oil and Grease	=	60 mg/l

- D. "Minimum Capital Facilities Capacity Charge", as used in this Chapter, means the charge paid by one equivalent residential unit pursuant to the conditions and requirements specified in this Chapter.
- E. "Non-Discriminatory", as used in this Chapter, means that the Capital Facilities Capacity Charge does not exceed an amount determined on the basis of the same objective criteria and methodology applicable to comparable public or non-public Users, and is not in excess of the proportionate share of the cost of the District's facilities of benefit to the person or property being charged, based upon the proportionate share of use of those facilities.
- F. "Public Agency", as used in this Chapter, means the United States or any of its agencies, the state or any of its agencies, The Regents of the University of California, a county, city, district, school district, local or regional public authority, or any other political entity, subdivision, or public corporation of the state.
- G. "Public Sewer", as used in this Chapter means a collector, interceptor, main or trunk sewer owned and operated by the District, a city or other local sewerage agency which is tributary to the District's sewerage system.
- H. "System", as used in this Chapter, means "Sewerage system", as that term is defined in Section 1.04.010 of this Code, and the existing sewerage treatment systems of the cities of Pittsburg (Zone No. 2) and Antioch (Zones No. 3) benefited by the construction on the District's sewerage treatment plant and main trunk interceptor conveyance facilities.

**2.16.030 Permit, Plan Checking, and Inspection Fees**

- A. Permit, plan checking, and inspection fees, as established by this Code, shall be paid upon application for sewerage service.
- B. If the applicant applies for a rebate within fifteen (15) days of the inspection for which a house lateral inspection fee was paid, the District shall pay a rebate of Five Dollars (\$5.00) for each house lateral inspection performed, provided that the applicant demonstrates to the District's satisfaction, that more than four (4) inspections were performed by District personnel during the same site visit. The amount of rebate shall be increased to Ten Dollars (\$10.00) per inspection if ten (10) or more inspections are made during the same site visit.
- C. For the purpose of calculating the inspection fee for sewer facilities other than house laterals, main laterals, and gravity sewer mains, the applicant shall submit to the District a copy of the contractor's bid to perform the work. (Ord. 75 § 4, 2002)

**2.16.040 Permit, Plan Checking, and Inspection Fees Designated**

A. Plan Check Fee

- 1. Initial Review \$250.00
- 2. Subsequent Plan Check Fees (Per Check) \$50.00

B. Inspection Fees

- 1. Permit Fee \$50.00
- 2. Sanitary Sewer
  - a. Lateral or Side sewer \$100.00
  - b. Trunk and Main Sewer
    - i. Installation
      - a) Minimum (fee for up to 300 feet) \$50.00
      - b) Per foot (for each foot over 300 feet) \$0.20
    - ii. TV Inspection
      - a) Minimum (fee for up to 300 feet) \$500.00
      - b) Per foot (for each foot over 300 feet) \$0.80



4. Industrial Sewerage Service. An industrial service is defined as service to a facility that produces raw materials and/or manufactures commodities or finished goods to be sold by commercial enterprises. For industrial sewerage service, the number of ERU(s) shall be computed for each identifiable commercial activity, but in no case shall each fee so computed be less than the minimum Capital Facilities Capacity Charge, as established by this Code.
  5. Lodging Facilities. For lodging facilities, each separate lodging unit shall be considered to be 0.65 of an ERU. All fees and charges shall be determined by using the number of lodging units regardless of buildings and services furnished for the sole use of the lodging facility population. Buildings or other commercial areas of a lodging facility constructed for purposes other than lodging shall be considered identifiable commercial activities, and the fees and charges shall be determined accordingly. All sewers within the property lines of the lodging facility shall be constructed in accordance with District specifications and subject to District inspection, but shall remain as private sewers, subject to private maintenance to the point of connection with the system.
- B. The Capital Facilities Capacity Charge for classifications of Users other than the basic residential unit shall be based upon the ratios of the pertinent constituents and flows multiplied by the basic charge for a residential unit but shall never be less than that basic charge. One or more constituents may be taken into consideration depending upon the impact it may have on the plant process, solids handling and final effluent quality. These constituents may include but are not limited to BOD, suspended solids, total dissolved solids, COD, and oil and grease. When available, calculations will be based upon information provided by the applicant. In other cases, the Engineer shall establish the basis for determining the flow and constituent quantities for each User classification.
  - C. In calculating Capital Facilities Capacity Charges, the ERU formula shall be used. Values for flow and constituent strength quantities may be determined by the Engineer for various User classifications using surveys, special studies, predetermined values in the state revenue guidelines, or other data as deemed appropriate.
  - D. The Engineer may allow for a flow reduction due to landscaping irrigation, evaporation, and process water usage. At the discretion of the Engineer, the capital facility capacity charge may be reviewed and adjusted based on the first year's actual water usage. At the Engineer's discretion, there may be subsequent adjustments based on changes in water usage. (Ord. 63 § 5, 1994; Ord. 33 § 5, 1998; Ord. 15 § 6.07, 1980)
  - E. Credits and Exemptions.
    1. The Capital Facilities Capacity Charges shall not be applicable to connections to the system proposed to be made for lands used, or to be used, as schools by public school Districts.
    2. When a parcel that has been connected to the sewer system undergoes additional development or redevelopment, and the new structure is for the same use (e.g., single family dwelling replaces single family dwelling), and a connection permit is applied

for, the following rules shall apply.

- a. No Capital Facilities Capacity Charge shall be payable if the new structure contains less or the same number of ERUs as contained in the old structure.
- b. If a Capital Facilities Capacity Charge previously had been paid to the District, and the new structure contains fewer units than the old structure, no refund shall be payable by the District.
- c. If the new structure contains more units than the old structure, a Capital Facilities Capacity Charge shall be paid only for the additional ERUs constructed, in the amount in effect at the time of payment.
- d. When a structure is remodeled, prior to issuance of a new permit, Capital Facilities Capacity Charges shall be due and payable for all new additional ERU in the structure. (Ord. 80 § 3, 2004; Ord. 75 § 4, 2002)

#### **2.16.060 Capital Facilities Capacity Charge Designated**

Every person or entity connecting to the District's sewerage system as authorized by Title 2, shall pay the Capital Facilities Capacity Charge based on the location of the property within the following zones:

Zone 1	\$3,940 / ERU
Zone 2	\$4,358 / ERU
Zone 3	\$5,033 / ERU

The minimum charge in any zone will be an amount equal to one ERU. (Ord. 87 § 4, 2006)

#### **2.16.070 Capital Facilities Capacity Charge Adjustment**

- A. The Board of Directors may reduce the Capital Facilities Capacity Charges by seventy-five (75%) percent, when one or more of the following conditions have been satisfied:
  1. The property to be served by the connection is to be used exclusively for physically or mentally handicapped persons, in accordance with the provisions of Welfare and Institutions Code Section 5116;
  2. The property to be served by the connection has received a density bonus or other incentive from the public agency with land use jurisdiction, pursuant to California Government Code Section 65915 through 65918, or will be used for lower income housing, as defined in California Health & Safety Code Section 50079.5, or for very low income housing, as defined in California Health & Safety Code Section 50105;
  3. The property to be served by the connection will consist of senior citizen housing, in accordance with the provisions of Civil Code Section 51.3.

4. The property to be served by the connection will be used by a non-profit association as a child day care facility, in compliance with the California Day Care Facilities Act (California Health & Safety Code Sections 1596.70 et seq.).
5. Before any reduction is granted by the Board of Directors under Subsection A of this Section, the developer shall enter into a contract with the District. The contract shall provide that if the use of the property is subsequently changed so that none of the above conditions applies to the property, the developer, or current owner, or both, shall pay forthwith to the District, the difference between the Capital Facilities Capacity Charges paid and the current Capital Facilities Capacity Charges. (Ord. 75 § 4, 2002)

### **2.16.072 Temporary Connections**

- A. A temporary connection is defined as a connection to the District's sewerage system for less than one (1) year. Such connections add wear and tear to the system and will be assessed a temporary connection charge for the period of connection to the system based on the peak volume of flows and the zone where the temporary connection is served. Such temporary connections may be less than the minimum charge of one ERU. The basis of computation of the temporary connection charge for capacity rental shall be based on that connection's share of interest on debt service used for system expansion as determined by the Manager. (Ord. 94 § 2, 2010)
- B. Should a connection originally determined to be temporary remain connected to the system for more than one (1) year, that connection will be deemed a permanent connection subject to the Capital Facilities Capacity Charge for the zone in which the connection is served. Prior connection charge payments for temporary service will be credited as payment toward the permanent connections Capital Facilities Capacity Charge. (Ord. 94 § 2, 2010)

### **2.16.080 Charges Payment Schedule**

Except where otherwise specifically required, or where the Board has approved an alternative schedule for payment of charges, the charges herein provided for shall be paid at the time of application for sewerage service, and/or a county or city building or plumbing permit. (Ord. 75 § 4, 2002)

### **2.16.082 Requirements for Alternative Payment Schedule**

- A. Pursuant to California Health and Safety Code Section 5474, the District may permit an owner of property to pay Capital Facilities Capacity Charges in installments for up to a three (3) year period when all of the following conditions are met:
  1. The capital facilities capacity will be used on the owner's property;
  2. The amount of the Capital Facilities Capacity Charge exceeds fifty-thousand dollars (\$50,000) per parcel;

3. The owner has signed the District's Alternative Payment Schedule Agreement;
  4. The owner has agreed not to file any legal action challenging the amount of the Capital Facilities Capacity Charge or any administrative fee imposed in the Alternative Payment Schedule Agreement.
- B. Payment Schedule. The owner shall pay twenty-five percent (25%) of the total Capital Facilities Capacity Charge and all administrative fees prior to issuance of a sewer permit. During the three years succeeding issuance of the permit, the owner shall pay the remaining seventy-five percent (75%) of the total Capital Facilities Capacity Charge plus interest in thirty-six (36) equal monthly installments billed by the District. If the owner desires to pay the Capital Facilities Capacity Charge in fewer than three years from the issuance of the sewer permit, the payment schedule shall be adjusted accordingly.
- C. Interest. Interest shall be charged on the unpaid balance at a rate that is equal to the prime rate at the time the Alternative Payment Schedule Agreement is approved plus one percent, but not to exceed twelve percent (12%) per annum.
- D. Late Payments. The owner's failure to pay any monthly installment when due shall subject the owner to a penalty of ten percent (10%) of the installment payment.
- E. Lien. In addition to other legal remedies the District may have to recover any monies owing under the Alternative Payment Schedule Agreement, as authorized under California Health and Safety Code Section 5474, the District may make the outstanding balance of the Capital Facilities Capacity Charge and the interest thereon a lien against the owner's property to which District's facilities are connected.
- F. Administrative Costs. The owner shall pay an administrative fee to cover the District's costs of administering the Alternative Payment Schedule Agreement in an amount established by the Board of Directors. (Ord. 84, § 2, 2005)

### **2.16.090 Separate Connection for Each Premise – Exception**

There shall be a separate connection to the District's sewerage system for each structure, building, identifiable commercial activity, or separate premises; except that upon written request to, and approval by the Engineer, any two (2) or more separate structures, buildings, or identifiable commercial activities, on the same lot, under a single ownership of record, may be connected to the system by means of a single connection to serve such structures, buildings, identifiable commercial activities, or separate premises; in which case a Capital Facilities Capacity Charge shall be levied, and which charge shall be the total of the applicable fees and charges, as set forth in this Chapter for each structure, building, identifiable commercial activity, or separate premises, and the responsibility for payment of fees and charges for all facilities and services furnished shall be assumed by the owner. Under this option of connection, the connecting sewer shall remain a private sewer unless constructed as a main sewer, and upon District's acceptance, deeded or dedicated to the District. (Ord. 75 § 4, 2002)

### **2.16.100 Change of Use**

Where Capital Facilities Capacity Charges have previously been paid for sewerage service for a structure, building, identifiable commercial activity, or separate premises, and it is proposed to alter the original character or use for the structure, building, identifiable commercial activity, industrial, or institutional activity, or separate premises, the Engineer may establish and collect Capital Facilities Capacity Charges at the current rate in affect at the time of payment for the new proposed use, giving credit for the ERU previously used for the calculation of previous charges paid to the District. (Ord. 75 § 4, 2002)

### **2.16.110 Appeals of Determinations**

Any person or owner who has a right to appeal, as provided in any Section of the Code, or who is dissatisfied with any determination made pursuant to this Chapter by the Engineer or any other District officer, may appeal the determination as defined by Section 1.12.010 Appeal Process. (Ord. 94 § 2, 2010)

### **2.16.120 Capital Facilities Capacity Charges and Inspection Fees— Refunds**

The District shall refund a Capital Facilities Capacity Charge or inspection fee paid in accordance with Sections 2.16.060 and 2.16.040 if all the following conditions are satisfied:

- A. No construction has occurred on the parcel.
- B. A request for refund is made to the District within twelve (12) months after the date the connection/permit receipt was issued.
- C. The original connection/permit receipt and sewer permit, if applicable, is returned to the District.
- D. The District has obtained confirmation from the appropriate jurisdiction (county or city) that any action taken by that jurisdiction based on the connection/permit receipt and sewer permit, if applicable, is being reversed. (Ord. 75 § 4, 2002)

### **2.16.130 Transfer of Capital Facilities Capacity – Property Subject to Public Project**

Where capital facilities capacity has been established for a property through the owner's payment of Capital Facilities Capacity Charges, and the ability to use the capacity for the property has been permanently reduced or eliminated due to a public entity's project on the property, the property owner may request a transfer of the property's capital facilities capacity to a new property, if the owner will use the new property for the same use as the original property. Such a request must be made within twelve (12) months of the time that either a final order in condemnation of the original property is recorded or a deed conveying the property owner's interest in the original property to the condemning agency is recorded. To qualify for a transfer, the property owner shall provide the District a certified copy of either the final order in



condemnation for condemnation of the original property or the recorded deed conveying the property owner's interest in the original property to the condemning agency. The property owner shall also provide documentation from the public entity establishing that the public entity did not compensate the property owner in any way for the loss of capital facilities capacity at the original property. (Ord. 82, § 2, 2004)

### **2.16.132 Limited Transfer of Capital Facilities Capacity – Private**

#### **Purposes**

- A. Where capital facilities capacity has been established for a property, the capacity reserved for that property is not transferable to another property except as provided in Section 2.16.130 and in this Section.
  
- B. Where:
  - 1. A property owner has operated an identifiable commercial activity as defined in Section 1.04.010 of the Code on his/her property located in the District; and
  - 2. Capital facilities capacity has been established for that property through either the current or a previous property owner's payment of Capital Facilities Capacity Charges; and
  - 3. The property owner has submitted a written application for transfer of the capacity and made a monetary deposit in the amount estimated by the Manager to pay all expenses for a special study, to be planned and performed by the District or its consultant to determine any impact on District facilities caused by the transfer; and
  - 4. The owner ceases operation of the identifiable commercial activity at that property; and
  - 5. The owner relocates the entire activity to another property within the District and will use the new property for the same use as the original property; the owner may request a transfer of the capital facilities capacity reserved for the original property to the new property.
  
- C. The request for a transfer of capacity may be granted if all of the following conditions are met.
  - 1. The owner has paid all costs to the District associated with the transfer of capacity, including the cost of the study to determine any impact on District facilities caused by the transfer; the costs of any such impact as determined by the District and based on the study; and any costs to administer the transfer; and
  - 2. The owner has paid the current Capital Facilities Capacity Charge for any additional capacity required at the new property; and
  - 3. Should the transfer of capacity be into a District zone with a higher Capital Facilities Capacity Charge than the zone of the original property, the owner has paid the

incremental increase between the capacity charges. Should the transfer be to a zone with a lower or equal capacity charge, no additional charges will be paid by the owner, and no refund will be made by the District; and

4. If the owner retains ownership of the original property, the owner has placed a deed restriction on its title indicating the amount of sewer capacity available for the property and that any additional capacity must be purchased at the rate of the Capital Facilities Capacity Charges in effect at the time of transfer of title for the property to the new owner; and
5. The owner has agreed not to file any legal action challenging the Capital Facilities Capacity Charge, or any other costs the owner is required to pay to obtain the transfer; and
6. The owner has signed a contract for the transfer of capacity consistent with the requirements of this Section. (Ord. 84, § 3, 2005)

## Chapter 2.18 - ANNEXATION FEES

### 2.18.010 Purpose

The purpose of this Chapter is to establish fees by this District in the amounts and for the same purposes that have been previously established by actions adopted by the governing Board of Directors of the District for the annexation of property to the District.

“Annexation Fee”, as used in this Chapter, means the fee to be paid by an applicant for annexation of property into the District’s jurisdiction.

Revenues derived under the provisions of this Chapter shall be used to repay principal and interest on debt or other financing instruments. Financing instrument revenues are used for the acquisition, construction, and reconstruction of the existing wastewater collection, treatment, and disposal facilities of the District that serve the annexed property.

### 2.18.020 Application Requirements

As a condition to securing approval by the Board of Directors of the District of an annexation, applicants shall agree to, and comply with, the following requirements:

- A. Pre-payment of all administrative costs incurred by the District in processing the annexation.
- B. Payment of annexation fees as provided in Section 2.18.040.
- C. The annexed territory shall be subject to the terms and conditions of all Ordinances and Resolutions pertaining to fees for connection to the District’s facilities and use of said facilities, including but not limited to, Industrial Wastewater and Special Discharge Permit fees, Capital Facilities Capacity Charges, and Sewer Service User Fees.

### 2.18.030 Annexation Fees

- A. Annexation Fees. Each Equivalent Residential Unit (ERU) (as defined in Section 2.16.020), or fraction thereof, annexed into an area designated on that map entitled “Delta Diablo Sanitation District Service Area”, dated 10/10/01, and maintained in the Office of the District Engineer, or in an area added to that map subsequent to 10/10/01, shall pay an annexation fee in the amount prescribed by Chapter 2.18.
- B. Time of Payment. The annexation fee shall be paid before or at the time an application for connection to the District’s sewerage system is made.
- C. Application Deposit. All costs relative to the processing of an application for annexation to the District shall be borne by the applicant. An application deposit established by the Engineer shall be paid with the filing of the application for annexation, and any additional cash deposit that the Engineer determines to be required to be advanced to

cover the estimated cost thereof shall be paid. After final action (approval, disapproval, or withdrawal of the application) on the annexation application, if the Engineer determines that the District's costs are less than the fee deposit, the excess deposit shall be refunded to the applicant or person or company who made the deposit.

**2.18.040 Annexation Fee Designated**

- A. Annexation Fee \$156 per ERU
- B. General Application for Annexation Actual costs as determined by Engineer
- C. Local Agency Formation Commission Fees Actual costs as determined by Engineer

**2.18.050 Procedures**

The Manager is hereby authorized to establish procedures and fees for processing annexation of territory to the District. Said procedures may include provisions for collection by the District of fees charged by other local and state agencies involved in the annexation process for submittal to said agencies by the District on behalf of the annexation proponent.

The District's staff is hereby directed to provide the proponents of any proposed annexation a copy of procedures and fee schedules established pursuant to the authority of this section.

## **Chapter 2.20 - ZONE NO. 1 SEWERAGE SERVICE CHARGES**

### **2.20.010 Definitions**

Unless otherwise defined by this Chapter or clearly required by its context, terms used in this Chapter shall have the meanings set forth for them in Chapter 1.04 of this Code. (Ord. 9 § 1, 1978)

### **2.20.020 Zone No. 1 Charges**

Annual sewerage service charges as provided in this chapter are established for services and facilities furnished by the District to its Zone No. 1 area and premises connected to, or required to be connected to, the District's Sewerage system. Revenues derived under this chapter shall be used only for the acquisition, planning, construction, reconstruction, maintenance and operation of its sanitary or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewerage facilities and to repay federal or state loans or advances made to such entity for the construction or reconstruction of sanitary or sewerage facilities. (Ord. 9 § 2, 1978)

### **2.20.030 Operative Date for Charges**

Annual sewerage service charges are hereby assessed and levied upon all premises connected to the District's Zone No. 1 system on July 1, 1978, and thereafter for each succeeding fiscal year. Premises first connected to the system after July 1, 1978 shall pay the annual sewerage service charge on the date on which application is made to connect to the system for the current fiscal year as provided in this chapter. (Ord. 9 § 3, 1978)

### **2.20.040 Annual and Sewerage Service Charges**

- A. Annual Sewerage Service Charges. For each premises connected or required by this chapter to be connected to the system, the annual sewerage service charge required to be paid is the applicable amount set forth in Section 2.20.050, except where annual sewerage service charges are paid for under a contractual agreement between the District and the premises' owner or occupant. Such agreed charges shall, as a minimum, be substantially equivalent to the applicable charges specified in Section 2.20.050.
- B. Initial Annual Sewerage Service Charges. The initial annual sewerage service charge shall be paid to the District at the time of application for sewerage service prorated for the number of months remaining in the current fiscal year until the next following June 30th, including the month during which application is made. The initial charge for services for less than one year and other bills requiring proration shall be prorated only on the basis of the number of months in the period, and any period of less than a full month shall be counted as a full month. (Ord. 9 § 4, 1978)

### **2.20.050 Required Charges**

- A. **Minimum Annual and Unit Charges.** Minimum annual sewerage service charges are established and shall be paid as follows:
1. Minimum rate for any premises shall be one "annual unit charge". An "annual unit charge" shall be that amount of money determined by the Board, in an order or resolution, to be required per unit to meet the annual costs of the operation and maintenance of the District's Zone No. 1 system, plus bond principal and interest and District-wide capital improvements for the fiscal year that charges are to be made;
  2. Each unit shall have one "annual unit charge";
  3. Each unit in a multiple dwelling structure shall have one "annual unit charge";
  4. The minimum annual charge for multiple lodging structures, identifiable commercial activity and institutional owners shall be the rate established by order or resolution of the Board after consideration of the Engineer's recommendations for charges. Such rate charge shall be the sum of money determined by multiplying the "annual unit charge" for a unit by number which shall be the same multiple as was determined, or must be used to compute the Capital Facilities Capacity Charge fee under Chapter 2.16 of this Code.
- B. **Vacant Premises.** If any premises shall become vacant, the applicable minimum annual sewerage service charge shall continue to be charged to and collected from the owner of such premises until the premises have been disconnected from the system and the Engineer notified in writing by the owner of that disconnection.
- C. **Outside Zone Connections.** Unless the Board otherwise provides, charges for facilities and services furnished or available to premises located outside the boundaries of the District's Zone No. 1 shall be the same as the charges which would be applicable if the premises were located within Zone No. 1 of the District.
- D. **Exemptions.** No premises served by the Zone No. 1 system shall be exempt from payment of charges without Board approval by order or resolution setting forth the basis for exemption.
- E. **Separate Connections.**
1. There shall be a separate connection to the system for each structure, building, identifiable commercial activity or separate premises.
  2. Upon written request to the Engineer any two or more separate structures, buildings, or identifiable commercial activities on the same lot, under a single ownership of record, provided the Engineer's written approval is first obtained, may be connected to the system by means of a single connection to serve such structures, buildings, identifiable commercial activities, or separate premises. In this single connection situation, one total annual service charge shall be levied, which charge shall be the total of the applicable minimum annual sewerage service charges set forth in this chapter for each structure, building, identifiable commercial activity, or separate

premises, and the responsibility for payment of this total annual charge for all facilities and services furnished is the responsibility of the owner. Under this option of single connection, the connecting sewer shall remain a private side sewer, unless constructed as a main sewer and dedication of said sewer is accepted by the District.

- F. Use Change and Charge Adjustment. Where applicable fees and annual sewerage service charges have already been paid for sewerage service to be provided for a structure, building, identifiable commercial activity, or separate premises, and it is proposed to alter the original character of use for the structure, building, identifiable commercial activity, or separate premises, the District may establish and collect Capital Facilities Capacity Charges and/or annual sewerage service charges, in accordance with District codes and this Section 2.20.050, for the new proposed use, giving credit for Capital Facilities Capacity Charges previously paid. (Ord. 55 § 8, 1992; Ord. 9 § 5, 1978)
- G. Wastewater Volume Determination - Metered Water Supply
1. When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Engineer, significant portions of water received are not discharged to a District sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District. (Ord. 41 § 24, 1989; Ord. 15 § 5.13, 1980)
  2. When charges and fees are based upon water usage and when, in the opinion of the Engineer, a significant portion of the water received from any metered source does not flow into the District sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the District sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the District if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Engineer. For users who, in the opinion of the Engineer, divert a significant portion of their flow from a District sewer, the charges and fees may be based upon measurement of the flow and volume to be discharged prepared by the user and approved by the District, provided the user obtains a wastewater discharge permit and pays the applicable charges and fees. The measurement must include the method, calculations and type of equipment used to determine the wastewater volume. All approved metered diversions shall be by written agreement between the user and the District. (Ord. 41 § 25, 1989; Ord. 15 § 5.14, 1980)

## **2.20.060 Collection of Annual Charges**

- A. Authority and Conflict. This section is enacted pursuant to Health and Safety Code Sections 4766 and 5473 to 5473.11, inclusive, and constitutes the codes referred to in Sections 4766 and 5473 of the Health and Safety Code. In the case of any conflict between the provisions of this section and chapter and those of Sections 5473 to 5473.11, the latter shall prevail.
- B. Tax Roll Collection.
1. All District Zone No. 1 annual sewerage service charges for the fiscal year shall be collected on the county tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency.
  2. All things required by Health and Safety Code Sections 5473 to 5473.11 are to be done in a timely manner by the Engineer so that the Board for each fiscal year can take all actions required of it in order to collect the annual sewerage service charges for that year on the tax roll.
- C. Direct Collection.
1. If any levied Zone No. 1 annual sewerage service charges for a fiscal year or portion thereof cannot be collected on the tax roll, they shall be collected as follows:
    - a. By the Engineer, who may take any reasonable and proper action necessary to insure payment, including the billing and the filing of liens, as provided in Health and Safety Code Section 5473.11. The Engineer may also institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the District may be collected;
    - b. Collection by consent or agreement, with another entity, department or utilities' rates, pursuant to Health and Safety Code Sections 5471 and 5472;
    - c. Such other action may be taken as authorized by law and by the Board, including disconnection from the system with no reconnection to be made until all past due charges, penalties and other related District costs have been paid. In the event of such disconnection, the premises' owner shall fully reimburse the District for all expenses incurred by District in disconnecting and/or reconnecting any such premises, or in doing other things authorized by this chapter.
  2. Charges collected pursuant to this subsection C are subject the following:
    - a. A basic penalty of ten percent of any unpaid charge shall be added to the annual sewerage service charge for nonpayment within the time and in the manner prescribed in this chapter and collected;
    - b. A further penalty of one and one-half percent per month for nonpayment of any annual sewerage service charge and basic penalty shall be added and collected.



- c. Charges not paid within thirty days of the District's initial billing or other initial request for payment shall be considered delinquent and subject to the penalties provided above in Subdivision 2 of this Subsection C. (Ord. 55 § 9, 1992; Ord. 9 § 6, 1978)

### **2.20.070 Connections and Permits**

No person shall connect any premises or cause any premises to be connected with, and no connection shall be made to the Zone No. 1 system without:

- A. First obtaining a permit from the Engineer approving the connection proposed; and
- B. The payment of the applicable fees as provided for in District ordinances. (Ord. 9 § 7, 1978)

### **2.20.080 Engineer's General Duties**

The Engineer shall supervise all connections to the Zone No. 1 system and enforce all provisions of this Code. All quantities of domestic sewage and industrial liquid waste shall be determined by the Engineer and shall be based upon the respective percentages of domestic sewage, industrial liquid waste, water and/or solids actually discharged into the system. Any owner or occupant of any premises who disagrees with any quantity determination made by the Engineer may, at his own expense, install measuring devices approved by the Engineer. (Ord. 55 § 10, 1992; Ord. 9 § 8, 1978)

### **2.20.090 Appeals**

Any person or owner who has a right to appeal as provided in any section of the District's ordinances, or who is dissatisfied with any determination made hereunder by the Engineer or any other District officer, may appeal the determination as defined by Section 1.12.010 Appeal Process. (Ord. 94 § 2, 2010)

### **2.20.100 Violation**

Every person who violates any provisions of this Chapter is guilty of a misdemeanor and punishable as provided in Health and Safety Code Section 4766. (Ord. 9 § 10, 1978)

## **Chapter 2.24 - ZONE NOS. 2 AND 3 SEWERAGE SERVICE CHARGES**

### **2.24.010 Definitions**

- A. "Customer" means any person, partnership, firm, corporation, institution, association, or governmental agency owning or controlling premises located within District Zone Nos. 2 and 3 which are being furnished sewerage services and facilities ("sewerage system") by the cities of Antioch and Pittsburg and for which these two cities charge and bill that customer on monthly, bi-monthly, annual or other regular basis for such services and facilities provided, including sewer standby or immediate availability charges.

### **2.24.020 Authority**

The Ordinance codified in this chapter is enacted pursuant to Chapter 3 (commencing at Section 4700), Sections 5470, 5471, 5472, 5473.10, and 5473.11 of the Health and Safety Code. In the case of any conflict between the provisions of this chapter and those of the Health and Safety Code noted in this Section, the latter shall prevail. (Ord. 10 § 2, 1978)

### **2.24.040 Zone Nos. 2 and 3 Charges**

- A. Annual Sewerage Service Charges. For each customer's premises connected or to be connected to the sewerage system, the annual sewerage service charge to be paid is the applicable amount set forth in Section 2.24.050, except where annual sewerage service charges are paid for under a contractual agreement between the District and the customer for the premises. Such agreed charges shall, as a minimum, be substantially equivalent to the applicable charges specified in Section 2.24.050.
- B. Initial Annual Sewerage Service Charges. The initial annual sewerage service charge shall be paid to the District at the time of application for sewerage service, and shall be prorated for the number of months remaining in the current fiscal year until the next following June 30th, including the month during which application is made. The initial charge for services for less than one year and any other charges requiring proration shall be prorated only on the basis of the number of months in the period and any period of less than a full month shall be counted as a full month. (Ord. 14 § 1~ 1980; Ord. 10 § 4, 1978)

### **2.24.050 Required Charges**

- A. Minimum Annual and Unit Charges. Minimum annual sewerage service charges are established and shall be paid as follows:
1. Minimum rate for any customer premises shall be one "annual unit charge." An "annual unit charge" shall be that amount of money determined by the Board in order or resolution to be required per unit to meet the annual costs assigned to Zone Nos. 2 and 3 and the customers therein to finance the continued construction of the District's facilities and provision of system benefits.

2. Each customer premises shall have at least one "annual unit charge."
  3. Each dwelling unit in a multiple dwelling structure shall have one "annual unit charge."
  4. The minimum annual charge for multiple lodging structures, identifiable commercial activity and institutional owners shall be the rate established by order or resolution of the Board after consideration of the Engineer's recommendations for charges. Such rate charge shall be the sum of money determined by multiplying the "annual unit charge" for a unit by a number which shall be the same multiple as was determined, or must be used to compute the Capital Facilities Capacity Charges under Chapter 2.16 of this Code.
- B. Vacant Premises. If any customer premises shall become vacant, the applicable minimum annual sewerage service charge shall continue to be charged to and collected for such premises until the premises have been disconnected from the sewerage system and the Engineer notified in writing by the customer and/or involved city of that disconnection.
- C. Outside Zone Connections. Unless the Board otherwise provides, charges for customer premises connected to but located outside the boundaries of the District Zone Nos. 2 and 3, shall be the same as the charges which would be applicable if the premises were located within Zone Nos. 2 and 3 of the District.
- D. Exemptions. No customer premises served by the Zone Nos. 2 and 3 systems shall be exempt from payment of charges without Board approval by order or resolution setting forth the basis for exemption.
- E. Use Change and Charge Adjustment. Where applicable, annual sewerage service charges have already been levied for the current fiscal year for a customer's structure, building, identifiable commercial activity, or separate premises, the Engineer shall collect an annual service charge in accordance with this chapter for the new proposed use, giving credit for any charge previously paid. (Ord. 14 § 2, 1980; Ord. 10 § 5, 1978)
- F. Wastewater Volume Determination - Metered Water Supply
1. When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Engineer, significant portions of water received are not discharged to a District sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District. (Ord. 41 § 24, 1989; Ord. 15 § 5.13, 1980)
  2. When charges and fees are based upon water usage and when, in the opinion of the Engineer, a significant portion of the water received from any metered source does not flow into the District sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the

volume of water discharged from such premises into the District sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the District if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Engineer. For users who, in the opinion of the Engineer, divert a significant portion of their flow from a District sewer, the charges and fees may be based upon measurement of the flow and volume to be discharged prepared by the user and approved by the District, provided the user obtains a wastewater discharge permit and pays the applicable charges and fees. The measurement must include the method, calculations and type of equipment used to determine the wastewater volume. All approved metered diversions shall be by written agreement between the user and the District. (Ord. 41 § 25, 1989; Ord. 15 § 5.14, 1980)

#### **2.24.060 Collection of Annual Charges**

- A. Authority and Conflict. This section is enacted pursuant to Health and Safety Code Sections 4766 and 5473 to 5473.11, inclusive, and constitutes the ordinances referred to in Sections 4766 and 5473 of the Health and Safety Code. In the case of any conflict between the provisions of this section and chapter and those of Sections 5473 to 5473.11, the latter shall prevail.
- B. Tax Roll Collection.
  - 1. All District Zone Nos. 2 and 3 annual sewerage service charges for the current fiscal year shall be collected on the county tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from its general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency.
  - 2. All things required by Health and Safety Code Sections 5473 to 5473.11 to be done by the District's staff or its clerk shall be done in a timely manner by the Engineer so that the Board for each fiscal year can take all actions required of it in order to collect the annual sewerage service charges for that year on the tax roll.
- C. Direct Collection.
  - 1. If any levied Zone Nos. 2 and 3 annual sewerage service charges for a fiscal year or portion thereof cannot be collected on the tax roll, they shall be collected as follows:
    - a. By the Engineer who may take any reasonable and proper action necessary to insure payment, including the billing and the filing of liens as provided in Health and Safety Code Section 5473.11. The Engineer may also institute action in any court of competent jurisdiction to collect any charges which may be due and

payable in the same manner as any other debts owing to the District may be collected.

- b. Collection by consent or agreement with another entity, department or utilities' rates pursuant to Health and Safety Code Sections 5471 and 5472.
  - c. Such other action may be taken as authorized by law and by the Board, including disconnection of customers' premises with no reconnection to be made until all past due charges, penalties and other related District costs have been paid. In the event of such disconnection, the customer shall fully reimburse the District for all expenses incurred by District in disconnecting and/or reconnecting any such premises, or in doing other things authorized by this chapter.
2. Charges collected pursuant to this Subsection C are subject to the following:
- a. A basic penalty of ten percent of any unpaid charge shall be added to the annual sewerage service charge for nonpayment within the time and in the manner prescribed in this chapter, and collected.
  - b. A further penalty of one and one-half percent per month for nonpayment of any annual sewerage service charge and basic penalty shall be added and collected.
  - c. Charges not paid within thirty days of the District's initial billing or other initial request for payment shall be considered delinquent and subject to the penalties provided above in Subdivision 2 of this Subsection C. (Ord. 55 § 11, 1992; Ord. 14 § 3, 1980; Ord. 10 § 6, 1978)

## Chapter 2.28 - PRETREATMENT REGULATIONS

### 2.28.001 Purpose and Policy

This Chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works of Delta Diablo Sanitation District (hereafter the District) and enables the District to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this Chapter are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works 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 wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide revenues derived from the application of this Chapter which shall be used to defray the District's cost of operating and maintaining the Pretreatment and Pollution Prevention Program;
- F. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Publicly Owned Treatment Works is subject; and
- G. To comply with applicable provisions of the California Water Code and applicable Orders, Judgments and regulations of the State Water Resources Control Board and the Regional Water Quality Control Board, as they may be established or amended from time to time.

This Chapter shall apply to all Users of the Publicly Owned Treatment Works. The Chapter authorizes the issuance of Industrial Wastewater and Special 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.

### 2.28.004 Administration

Except as otherwise provided herein, the District, by and through its Manager shall administer,

implement, and enforce the provisions of this Chapter. Any powers granted to, or duties imposed upon the Manager, may be delegated by the Manager to a duly authorized District employee.

## **2.28.007 Abbreviations**

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

A.	BMP	Best Management Practice
B.	BMR	Baseline Monitoring Report
C.	BOD	Biochemical Oxygen Demand
D.	CFR	Code of Federal Regulations
E.	CIU	Categorical Industrial User
F.	COD	Chemical Oxygen Demand
G.	EPA	U.S. Environmental Protection Agency
H.	gpd	gallons per day
I.	IU	Industrial User
J.	mg/l	milligrams per liter
K.	MGD	Million Gallons per Day
L.	NOV	Notice of Violation
M.	NPDES	National Pollutant Discharge Elimination System
N.	POTW	Publicly Owned Treatment Works
O.	RCRA	Resource Conservation and Recovery Act
P.	SIC	Standard Industrial Classification
Q.	SIU	Significant Industrial User
R.	SNC	Significant Noncompliance
S.	SDP	Special Discharge Permit
T.	TSS	Total Suspended Solids
U.	TTO	Total Toxic Organics
V.	U.S.C.	United States Code
W.	µg/L	Micrograms per Liter
X.	WN	Warning Notice

## **2.28.010 Definitions**

Unless otherwise superseded by applicable state or federal laws or regulations, the terms used in this Chapter shall have the meanings as defined herein. All definitions and meanings of terms used herein shall be subject to the interpretation of the District in its custom and usage of the terms defined herein.

A. “Act” (or “the Act”). The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. Throughout this Code, there are references to the Act and the regulations promulgated pursuant to 40 CFR Part 403 implementing the Act. As used or cited throughout this Code, any reference to “the Act” or 40 CFR Part 403 and its various subdivisions, shall mean and refer to “the Act” and 40 CFR Part 403 as they may be amended from time to time.

- A.
- B. “Amalgam”. An alloy containing mercury, tin, silver, or copper, that is used in dentistry to restore teeth.
- C. “Amalgam Separator”. A device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
- D. “Amalgam Waste”. Includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam; amalgam sludge captured by chair-side traps, vacuum filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- E. “Approval Authority(ies)”. State Water Resources Control Board; California Regional Water Quality Control Board, San Francisco Bay Region.
- F. “Authorized” (or “Duly Authorized Representative of the User”).
  - 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 local manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Wastewater or Special Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - 2. If the User is a partnership or sole proprietorship: A general partner or proprietor, respectively.
  - 3. If the User is a federal, state, or local governmental facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - 4. The individuals described in paragraphs 1 through 3 above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for



environmental matters for the company and the written authorization is submitted to the District.

- G. “Batch Discharge”. A definite quantity or volume of wastewater produced under conditions that are considered uniform.
- H. “Beneficial Uses”. Uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.
- I. “Best Management Practices” (or “BMPs”). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials
- J. “Bypass”. The intentional diversion of waste streams from any portion of the User’s treatment facility.
- K. “Categorical Pretreatment Standard” (or “Categorical Standard”). Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of User and that appear in 40 CFR Chapter 1, Subchapter N, Parts 405 – 471.
- L. “Categorical Industrial User” (or “CIU”). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- M. “Collection System”. Pipelines, pump stations, manholes, and other similar facilities which accept, collect, and convey sanitary sewage to the treatment plant.
- N. “Compatible pollutant”. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the District’s National Pollutant Discharge Elimination System (NPDES) permit where the District’s treatment works has been designed to remove or reduce such pollutants, or if such pollutants do not interfere with the treatment plant operations in passing through the treatment process and do not cause any violation of the water requirements.
- O. “Contamination”. An impairment of the quality of the waters of the District or state by waste to a degree which creates a hazard to public health. Contamination shall include any equivalent effect resulting from the disposal of wastewater whether or not waters of the District or state are affected thereby.
- P. “Control Authority”. The District by the authority granted by Environmental Protection Agency (EPA) through the submission and approval of the District’s Pretreatment Program in accordance with the requirements of 40 CFR Part 403.11 and defined in 40 CFR Part 403.12(a).

- Q. “Cooling water”. The water discharged from any use such as air conditioners, cooling, or refrigeration, or to which the only pollutant added is heat.
- R. “Daily Maximum”. The arithmetic average of all effluent samples for pollutant collected during a calendar day.
- S. “Daily Maximum Limit”. The maximum allowable discharge limit of pollutant during a calendar day. Where the Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where the Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all the measurements taken that day.
- T. “District Sewer”. A sewer owned and operated by the District or cognizant city (Zone No. 2 – Pittsburg, Zone No. 3 – Antioch), and the tributary to the treatment facility operated by the District. (Ord. 15 § 3.12, 1980)
- U. “Environmental Protection Agency” (or “EPA”). The U.S. Environmental Protection Agency. (Ord. 15 § 3.14, 1980)
- V. “Existing Source”. Any source of discharge that is not a New Source.
- W. “Fats, Oils, and Grease”. Organic polar compounds derived from animal and or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable using analytical test procedures established in 40 CFR Part 136, as may be amended from time to time. References to oil and grease are to include animal/vegetable and mineral/petroleum based oils and grease.
- X. “Food Service Establishments” (or “FSE”). Those establishments primarily engaged in activities of food preparation, food service, or the making available for consumption of foodstuffs, and that utilize one or more of the following preparation methods: cooking by frying (all methods), baking (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a heated food product, whether served on or in washable and reusable plates or containers or those of a disposable type.
- Y. “Grab Sample”. A sample which is taken from a wastestream without regard to flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- Z. “Grease Removal Device” (or “GRD”). A device to remove fats, oils, and grease from wastewater such as, but not limited to, a grease interceptor or grease trap.
1. Grease Interceptor. A precast or cast-in-place concrete grease removal device with a minimum capacity of 1000 gallons.
  2. Grease Trap. A rust/corrosion resistant grease removal device with a minimum grease containment capacity of 40 pounds and a minimum flow rating of 20 gallons

per minute (gpm).

3. Any other device as required by the Cities or District.
- AA. “Holding Tank Waste”. Any waste from holding tanks such as vessels, chemical toilets, septic tanks, and tank trucks. (Ord. 15 § 3.18, 1980)
  - BB. “Industrial User”. Establishments engaged in producing, manufacturing, or processing operations, and all other establishments engaged in any activity resulting in the production of industrial wastes which have or require District sewer service (see also “Significant Industrial Users”). (Ord. 15 § 3.20, 1980)
  - CC. “Industrial Waste”. The waterborne waste and wastewater from any production, manufacturing or processing operation of whatever nature including institutional and commercial operations where water is used for the removal of significant quantities of waste other than from human habitation of premises connected to the public sewers. Contents of chemical toilets, septic tanks, waste holding tanks, and waste sumps shall be classed as industrial waste. (Ord. 15 § 3.21, 1980)
  - DD. “Interference”. A discharge that alone or in conjunction with a discharge from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits used there under, 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.
  - EE. “Local Limits”. Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibition listed in 40 CFR Part 403.5(a)(1) and (b).
  - FF. “Major Violation”. Any violation of pretreatment standards or requirements which, in the judgment of the District, constitutes significant non-compliance with any District standard or requirement. This shall include, but not be limited to, instances of chronic violations of wastewater discharge limits, Slug Discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to accurately report noncompliance, and any other violation or group of violations.
  - GG. “Medical Waste”. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
  - HH. “Monthly Average”. The sum of all “daily discharges” over a “calendar” month, calculated as the sum of all “daily discharges” measured during that month.

- II. “Monthly Average Limit”. The highest allowable average of “daily discharges” measured during a “calendar” month divided by the number of “daily discharges” measured during that month.
- JJ. “National Pretreatment Standard” (or “Pretreatment Standard” or “Standard”). Any regulation containing pollutant discharge limits or Best Management Practices promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which applies to Significant Industrial Users. This Standard includes prohibited discharge standards, categorical Pretreatment Standards, and Local Limits as established pursuant to 40 CFR Part 403.5.
- KK. “New source”. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under Section 307(c) of the act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. The determination of “substantially independent” shall be pursuant to 40 CFR Part 403.3(k)(1)(iii).
- LL. “Noncontact Cooling Water”. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- MM. “North American Industry Classification System” (or “NAICS”). The standard, adopted in 1997 to replace the Standard Industrial Classification (SIC) System. The NAICS is used in classifying business establishments and was developed under the auspices of the Office of Management and Budget.
- NN. “Pass Through”. A discharge that exits the District’s facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation or a potential violation of any requirement of the District’s NPDES permit, including an increase in the magnitude or duration of a violation (40 CFR Part 403.3(n)).
- OO. “pH”. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- PP. “Pollutant”. 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.)

- QQ. “Pollution”. The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the District, cities, or state by waste which unreasonably affects such waters for any beneficial use or affects facilities serving such beneficial use. The term "pollution" also includes contamination.
- RR. “Pretreatment”. 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 pollutants into District facilities. The reduction or alteration can be obtained by use of chemical, biological, or physical properties, by process changes, or by other means except as prohibited by 40 CFR Part 403.6(d).
- SS. “Pretreatment Requirements”. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- TT. “Prohibited Discharge Standards” (or “Prohibited Discharges”). Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.28.020 of this Code.
- UU. “Reclaimed Water” (or “Recycled Water”). Water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur. (Ord. 15 § 3.30, 1980)
- VV. “Residential User”. A User whose premises are primarily for residential purposes and has no significant producing or processing activity of a commercial or industrial nature. (Ord. 15 § 3.32, 1980)
- WW. “Septic Tank Waste”. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- XX. “Significant Industrial User” (or “SIU”).
1. An Industrial User subject to categorical Pretreatment Standards; or
  2. An Industrial 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 the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- YY. "Slug Load" (or "Slug Discharge"). Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.28.020. A Slug Discharge is any Discharge of a non-routine episodic nature, including but not limited to an accident spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits, or permit conditions. (Ord. 15 § 3.36, 1980)
- ZZ. "Special Discharge Permit". A permit that authorizes temporary discharges to the District's sewerage system from sources that are not able to discharge to a municipality's storm drain system including but not limited to: groundwater remediation system, groundwater monitoring well purge water, construction dewatering, temporary discharges while permanent solutions for pollutants are developed. The Special Discharge Permit will specify the conditions for acceptance of the wastewater.
- AAA. "Storm Water". Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- BBB. "Total Toxic Organics" (or "TTO"). Total toxic organic pollutants as specified by the District which are detectable by EPA approved methods listed in 40 CFR Part 136.
- CCC. "Unpolluted Water". Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable for disposal to storm or natural drainages or directly to surface waters. (Ord. 15 § 3.40, 1980)
- DDD. "Upset". An exceptional incident in which there is unintentional and temporary noncompliance with national categorical pretreatment standards and/or other requirements because of factors beyond the reasonable control of the industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (Ord. 41 § 13, 1989; Ord. 15 § 3.40.1, 1980)
- EEE. "User Classification". A classification of Users based on the 2007 North American Industry Classification System (NAICS) Manual prepared by the United States Executive Office of Management and Budget, or as amended. (Ord. 15 § 3.42, 1980)
- FFF. "Wastewater constituents and characteristics". The individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater. (Ord. 15 § 3.47, 1980).
- GGG. "Wastewater Treatment Plant" (or "Treatment Plant"). The portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

HHH. "Waters of the District". Any water, surface or underground, within the boundaries of the District. (Ord. 15 § 3.48, 1980)

III. "Waters of the State". Any water, surface or underground, within the boundaries of the state. (Ord. 15 § 3.49, 1980)

### **2.28.020 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 sewer system any pollutants, substances, or wastewater which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

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 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 6.0 or more than 10.0, 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;
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 which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
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, except at discharge points designated by the Manager in accordance with Section 2.28.115;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly

- or by interaction with other wastes, are sufficient to create a public nuisance 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 impart color to the treatment plant's effluent, thereby violating the District's NPDES permit or the receiving water quality standards;
  11. Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable state or federal regulations;
  12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Manager;
  13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  14. Medical Wastes, except as specifically authorized by the Manager in an Industrial Wastewater or Special Discharge Permit;
  15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  16. Detergents, surface active agents, or other substances which might cause excessive foaming in the POTW;
  17. Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than 300 mg/L, or total petroleum hydrocarbon concentrations of more than 100 mg/L;
  18. Any interference with the treatment plant or disposal processes, including any recycling or reclamation processes;
  19. All prescription and non-prescription (over the counter) pharmaceutical drugs or medications;
  20. Any stormwater, groundwater, rainwater, street drainage, subsurface drainage, yard drainage unless a specific permit is issued by the District;
  21. Any unpolluted water including but not limited to cooling water, process water or blowdown from cooling towers or evaporative coolers, or any other unpolluted water unless a permit for such has been obtained from the District prior to the discharge. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative, in the determination of the District, is unacceptable.
  22. Any septic tank waste, holding tank waste, portable toilet water, grease interceptor



waste or oil and sand interceptor waste, unless a permit is issued by the District, or unless such sludge or waste is transported to the District by a permitted waste hauler.

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.

#### **2.28.025 Prohibited Discharge Location**

No User shall discharge any wastewater directly to a manhole or other opening in, or connecting to the District sewage system other than through sewer laterals or other sewer connections approved by the District, unless a permit has been obtained for such discharge. A permit will be issued only for direct discharge in the event the discharge is otherwise in compliance with provisions of this Code and no other alternative is reasonably available in the opinion of the District.

#### **2.28.030 Documentation of Proper Disposal**

All industrial Users and waste haulers shall maintain complete and accurate records documenting proper disposal of wastes and wastewater that is generated in the District's service area and transported from the original site for disposal. The minimum documentation required shall include:

- A. The location where the waste or wastewater was generated;
- B. The transporter's name and phone number;
- C. Description and volume of the waste or wastewater; and
- D. Name, location and phone number of the facility where the waste or wastewater was disposed.

#### **2.28.035 Acceptance of Groundwater**

Wastewater generated from groundwater remediation discharge, dewatering operations at a construction site, cleanup of spills, leaking underground storage tanks, or similar sources shall not be discharged through direct or indirect connection to the public sewer unless an Industrial Wastewater or Special Discharge Permit is issued by the District. The District may approve the discharge of such water at its discretion taking into account feasible alternative method(s) of disposal as may be available.

The District retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

#### **2.28.040 National Categorical Pretreatment Standards**

Users must comply with the Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Manager may impose equivalent concentration or mass limits in accordance with Section 2.28.040E and 2.28.040F and 40 CFR Part 403.6(c).
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial Users. The User must supply appropriate actual or projected long term production rates for the unit of production specified in order to facilitate this process pursuant to 40 CFR Part 403.6(c)(2).
- C. The Manager may allow wastewater subject to a categorical Pretreatment Standard to be mixed with other wastewater prior to treatment. In such cases, the User shall identify all categorical wastestreams and provide sufficient information on each non-categorical wastestream to determine whether it should be considered dilute for each pollutant. Absent information showing that non-categorical wastestreams contain the pollutant in question at levels above that of the supply water, such wastestreams shall be considered dilute. In such situations, the Manger shall apply the combined wastestream formula as found in 40 CFR Part 403.6(e) to determine the appropriate limits.
- D. A Categorical Industrial User (CIU) may request an adjustment to a categorical standard to reflect the presence of pollutants in the Industrial User's intake water when its water source is from the same body of water that the POTW discharges into pursuant to 40 CFR Part 403.15.
1. Any CIU wishing to obtain credit for intake pollutants must include, in their permit application, sample data showing influent water pollutant levels, which form the basis for the credit request in their permit application.
  2. Unless the categorical standard was written to be applied on a net basis, the information supplied by the CIU must also demonstrate that the treatment system it proposes or uses to meet the categorical standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
  3. In response to an acceptable application, the Manager may adjust the Categorical Standards only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent pollutant concentration.
  4. The Manager may waive the requirement for the intake water to be drawn from the same body of water the POTW discharges to if the Manager determines that no environmental degradation will result.
- E. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to

equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Manager. In no event shall any mass limit established herein be less stringent than the Categorical Pretreatment Standard. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.28.040E(1)(a) through 2.28.040E(1)(g) below.

1. To be eligible for equivalent mass limits, the Industrial User must submit information with its permit application or permit modification request which:
  - a. Shows it has a pretreatment system, which has consistently met all applicable pretreatment standards and maintained compliance without using dilution;
  - b. Describes the water conserving practices and technologies it employs or will employ, to substantially reduce water use during the term of its permit;
  - c. Includes the facility's actual average daily flow rate for all wastestreams from continuous effluent flow metering;
  - d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production;
  - e. Shows that the long term average flow and production are representative of current operating conditions;
  - f. Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate;
  - g. Shows the daily and monthly average pollutant allocations currently provided based on the proposed unit of production.
  
2. An Industrial User subject to equivalent mass limits must:
  - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates;
  - d. Notify the Manager if production rates are expected to vary by more than twenty (20) percent from the baseline production rates submitted according to Section 2.28.040E(1)(d). The Manger may reassess and revise equivalent limits as necessary to reflect changed conditions;
  - e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section 2.28.040E(1)(b) so long as it discharges under an equivalent mass limit.

3. Equivalent Mass Limits:

- a. Will not exceed the product of the actual average daily flow from regulated processes of the User and the applicable concentration based daily maximum and monthly average standards (and the appropriate unit conversion factor).
  - b. May be reassessed and the permit revised upon notification of revised production rate, as necessary to reflect changed conditions at the facility.
  - c. May be retained in subsequent permits if the User's production basis and other information submitted in section 2.28.040E(1) is verified in their reapplication.
  - d. The Manager may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414 (organic chemicals), 419 (petroleum refining), and 455 (pesticide formulating, packaging, and repackaging) to concentration limits in permits for such Users. In such cases, the Manager will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.
  - e. The Manager is obliged under federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.
  - f. Once incorporated into its permit, the User must comply with the equivalent limits in lieu of the Categorical Standards from which they were derived.
  - g. The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.
  - h. Users subject to permits with equivalent mass or concentration limits calculated from a production-based standard shall notify the Manager if production will significantly change. The notification is required within two (2) business days after the User has a reasonable basis to know that the production will significantly change in the next calendar month. Users who fail to notify the Manager of such anticipated changes must meet the more stringent of the equivalent limits or the User's prior limits.
- F. The Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to Industrial Users. The conversion is at the discretion of the Manager.

When converting such limits to concentration limits, the Manager will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.28.060 of this Chapter. In addition, the Manager will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and

make this information publicly available.

## **2.28.045 State and Federal Pretreatment Standards**

In the event that either state or federal pretreatment standards for discharges to District facilities are more stringent than the limitation, requirements, and standards set forth in this Chapter, the most stringent standard or requirement shall apply. Nothing herein shall preclude the District from adopting any local standards, requirements or permit conditions, including without limitation any Local Limits and permit-based requirements for implementation of Best Management Practices, which may be more stringent than federal or state Pretreatment Standards.

### **2.28.050 Local Limits**

- A. The Manager is authorized to establish Local Limits or Best Management Practices (BMP's) pursuant to 40 CFR Part 403.5(c), as Pretreatment Standards.
- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following daily maximum limits:

<b>Parameter</b>	<b>Limit</b>
Ammonia as N	200 mg/L
Arsenic	0.15 mg/L
Cadmium	0.10 mg/L
Chromium, total	0.50 mg/L
Copper	0.50 mg/L
Cyanide	0.20 mg/L
Lead	0.50 mg/L
Mercury	0.003 mg/L
Nickel	0.50 mg/L
Oil and Grease – Animal/Vegetable	300 mg/L
Oil and Grease – Petroleum/Mineral	100 mg/L
pH	6-10 s.u.
Phenols	1.00 mg/L
Selenium	0.25 mg/L
Silver	0.20 mg/L
Total Toxic Organics (TTO)	2.00 mg/L (*)
Zinc	1.0 mg/L

(\*) Delta Diablo Sanitation District's Local Discharge Limits include a parameter called Total Toxic Organics (TTO). The required analytical methods for TTO analysis are listed in 40 CFR Part 136 and include the following EPA methods: 624,625, 608, and 613/1613, respectively. Unless specifically required, EPA method 613/1613 for dioxins is not mandatory for routine TTO analysis. The constituents with concentrations greater than the minimum limit/reporting limit must be added together to determine compliance with the District's Local Discharge Limit for TTO of 2.0 mg/L. The following is a list of the constituents of TTO:

### **EPA Method 624 Compounds**

Acrolein  
Acrylonitrile  
Benzene  
Bromodichloromethane (Dichlorobromomethane)  
Bromform  
Bromomethane (Methyl Bromide)  
Carbon tetrachloride (Tetrachloromethane)  
Chlorobenzene  
Chloroethane (Ethyl Chloride)  
2-Chloroethyl vinyl ether (mixed)  
Chloroform (trichloromethane)  
Chloromethane (Methyl Chloride)  
Dibromochloromethane (Chlorodibromomethane)  
1, 2-Dichlorobenzene  
1, 3-Dichlorobenzene  
1, 4-Dichlorobenzene  
1, 1-Dichloroethane  
1, 2-Dichloroethane  
1, 1-Dichloroethene (1, 1-dichloroethylene)  
trans-1, 2-Dichloroethene  
1, 2-Dichloropropane  
1, 2-dichloropropylene  
cis-1, 3-Dichloropropene  
trans-1, 3-Dichloropropene  
Ethylbenzene  
Methylene Chloride (Dichloromethane)  
1, 1, 2, 2,-Tetrachloroethane  
Tetrachloroethene (PCE)  
Toluene  
1, 1, 1-Trichloroethane  
1, 1, 2-Trichloroethane  
Trichloroethene (TCE)  
Trichlorofluoromethane  
Vinyl chloride (Chloroethylene)

### **EPA Method 625 Compounds**

Acenaphthene  
Acenaphthylene  
Anthracene  
Benzidine  
Benzo (a) anthracene  
Benzo (a) pyrene  
Benzo (b) fluoranthene  
Benzo (g, h, i) perylene  
Benzo (k) fluoranthene

Benzyl butyl phthalate  
4-Bromophenyl phenyl ether  
Bis (2-Chloroethoxy) methane  
Bis (2-Chloroisopropyl) ether  
4-Chloro-3-methylphenol  
2-Chloronaphthalene  
2-Chlorophenyl  
4-Chlorophenyl phenyl ether  
Chrysene  
Dibenzo (a, h) anthracene  
1, 2-Dichlorobenzene  
1, 3-Dichlorobenzene  
1, 4-Dichlorobenzene  
3, 3'-Dichlorobenzidine  
2, 4-Dichlorophenol  
Diethyl phthalate  
Di-n-butylphthalate  
2, 4-Dinitrophenol  
2, 4-Dinitrotoluene  
2, 6-Dinitrotoluene  
Di-n-octylphthalate  
1,2-Diphenylhydrazine/Azo  
Bis (2-Ethylhexyl) phthalate  
Fluoranthene  
Fluorene  
Hexachlorobenzene  
Hexchlorobutadiene  
Hexachlorocyclopentadiene  
Hexachloroethane  
Indeno (1, 2, 3-cd) pyrene  
Isophorone  
2-Methyl-4, 6-dinitrophenol  
Naphthalene  
Nitrobenzene  
2-Nitrophenol  
4-Nitrophenol  
N-Nitrosodimethylamine  
N-Nitroso-di-n-propylamine  
N-Nitrosodiphenylamine  
Pentachlorophenol  
Phenanthrene  
Phenol  
Pyrene  
1, 2, 4-Trichlorobenzene  
2, 4, 6-Tribromophenol

### **EPA Method 608 Compounds**

Aldrin  
alpha-BHC  
beta-BHC  
delta-BHC  
gamma-BHC (Lindane)  
Chlordane  
4, 4'-DDD  
4, 4'-DDE  
4,4'DDT  
Dieldrin  
Endosulfan I  
Endosulfan II  
Endosulfan sulfate  
Endrin  
Endrin aldehyde  
Endrin ketone  
Heptachlor  
Heptachlor epoxide  
Methoxychlor  
PCB 1016  
PCB 1221  
PCB 1232  
PCB 1242  
PCB 1248  
PCB 1254  
PCB 1260  
Toxaphene

### **EPA Method 1613 Compound**

2, 3, 7, 8-tetrachloro-dibenzo-p-dioxin (TCDD) \*

\* As determined by Manager to be necessary

The above limits apply at the point where the wastewater is discharged to the POTW and are maximum allowable discharge limits (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 and the duration of the sampling event). All concentrations for metallic substances are for total metal unless indicated otherwise. The Manager may impose mass limitations in addition to the concentration based limitations above.

C. No person shall discharge any wastewater:

1. Having a temperature higher than one-hundred-fifty degrees F (Fahrenheit) or sixty-five degrees C (Celsius);



2. Containing more than three-hundred milligrams per liter of oil or grease of animal or vegetable origin;
  3. Containing more than one hundred milligrams per liter of oil or grease of mineral or petroleum origin; or
  4. Having a pH lower than 6.0 or greater than 10.0.
- D. Additional limits specific to the discharge of groundwater or surface water remediation projects. No person shall discharge groundwater or surface water in excess of:
1. Benzene, Toluene, Ethylbenzene & Xylene (BTEX) 1.0 mg/L
  2. Total Petroleum Hydrocarbons (TPH) 10.0 mg/L

The Manager may develop Best Management Practices (BMPs), by code or in Industrial Wastewater or Special Discharge Permits, to implement local limits and the requirements of Section 2.28.020.

**2.28.055 District's Right of Revision**

The District reserves the right to establish, by Ordinance Code or as set forth in Industrial Wastewater or Special Discharge permits, more stringent Standards or Requirements on discharges to the POTW to effectuate the purposes of this Code, to the maximum extent allowed by law.

**2.28.060 Prohibition of Use of 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 Manager 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.

**2.28.065 Prohibition on Slug Discharges**

No User shall discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause interference with the wastewater treatment process. For the purposes of this section, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or limitations in sections 2.28.020, 2.28.045, or 2.28.050 shall be deemed a slug discharge.

**2.28.070 Prohibition of Bypass**

- A. Bypass of pretreatment equipment and/or discharge points is prohibited and the District

may take enforcement action against any User for bypass unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance;
  3. The industrial User submits the following notices:
    - a. If an industrial User knows in advance of the need for a bypass, it shall submit to prior notice to the District, if possible:
      - i. An industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the District within twenty-four (24) hours from the time the industrial User becomes aware of the bypass. A written submission shall be provided within five (5) days of the time the industrial User becomes aware of the bypass. This written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and time, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
      - ii. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- B. The District may approve an anticipated bypass, after considering its adverse affects, if the District determines that it will meet the three conditions specified in part (A) of this Section.

### **2.28.100 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Code and shall achieve compliance with all Pretreatment Standards, Local Limits, permit conditions and the prohibitions set out in Chapter 2.28 within the time limitations specified by EPA, the state, or the District, whichever is 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 Manager for review, and shall be acceptable to the Manager 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 the District under the provisions of this Code.

### **2.28.105 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Manager 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 ordinance.
- B. The Manager 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. An Industrial Wastewater or Special Discharge Permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of a type and capacity approved by the District for Zone No. 1, the City of Pittsburg for Zone No. 2; or the City of Antioch for Zone No. 3, and shall comply with Sections 2.28.650 through 2.28.655, *Fats, Oils, and Grease* and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with this Chapter 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.

### **2.28.110 Accidental Discharge/Slug Discharge Control Plans**

The Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Manager of any accidental or Slug Discharge, as required by Section 2.28.275;
- 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.

### **2.28.115 Hauled Wastewater**

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Manager, and at such times as are established by the Manager. Such waste shall not violate Chapter 2.28 or any other requirements established by the District.
- B. The Manager may require haulers of industrial waste to obtain Industrial Wastewater or Special Discharge Permits. The Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Code.
- C. Industrial waste haulers may discharge loads only at locations designated by the Manager. No load may be discharged without prior consent of the Manager. The Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

### **2.28.150 Wastewater Analysis**

When requested by the Manager, a User must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### **2.28.155 Industrial Wastewater or Special Discharge Permit Requirements**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Wastewater or Special Discharge Permit from the Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 2.28.160 may continue to discharge for the time period specified therein.
- B. The Manager may require other Users to obtain an Industrial Wastewater or Special Discharge Permits as necessary to carry out the purposes of this Code.
- C. Any violation of the terms and conditions of an Industrial Wastewater or Special Discharge Permit shall be deemed a violation of this Code and subjects the Industrial Wastewater or Special Discharge Permittee to the sanctions set out in Sections 2.28.450

through 2.28.575 of this Chapter. Obtaining a discharge permit does not relieve a Permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law.

### **2.28.160 Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain an Industrial Wastewater or Special Discharge Permit who was:

- A. Discharging wastewater into the POTW prior to October 1, 2010;
- B. Who does not have an Industrial Wastewater or Special Discharge Permit; and
- C. Who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Manager for an Industrial Wastewater or Special Discharge Permit in accordance with Section 2.28.170, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with an Industrial Wastewater or Special Discharge Permit issued by the Manager.

### **2.28.165 Wastewater Discharge Permitting: New Connections**

Any User required to obtain an Industrial Wastewater or Special Discharge Permit 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 Industrial Wastewater or Special Discharge Permit in accordance with Section 2.28.170 must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

### **2.28.170 Wastewater Discharge Permit Application Contents**

- A. All Users required to obtain an Industrial Wastewater or Special Discharge Permit must submit a permit application. The Manager may require Users to submit all or some of the following information as part of a permit application:
  - 1. Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises;
  - 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  - 3. Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - b. Types of wastes generated, and 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. Type and amount of raw materials processed (average and maximum per day);
  - e. 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;
4. Time and duration of discharges;
  5. The location for monitoring all wastes covered by the permit;
  6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.28.040C (40 CFR 403.6(e)).
  7. Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Manager, of regulated pollutants in the discharge from each regulated process.
    - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 2.28.290. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Manager or the applicable Standards to determine compliance with the Standard.
    - e. Sampling must be performed in accordance with procedures set out in Section 2.28.295.

8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 2.28.265E.
9. Any other information as may be deemed necessary by the Manager to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **2.28.175 Application Signatories and Certifications**

- A. All Industrial Wastewater and Special Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 2.28.310.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Manager prior to or together with any reports to be signed by an Authorized Representative.

#### **2.28.180 Wastewater Discharge Permit Decisions**

The Manager will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Manager will determine whether to issue an Industrial Wastewater or Special Discharge Permit. The Manager may deny any application for an Industrial Wastewater or Special Discharge Permit. No permit shall be deemed to have been issued by operation of law in the event the Manager does not act within thirty (30) days of receiving a complete application.

#### **2.28.200 Wastewater Discharge Permit Duration**

- A. An Industrial Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of issuance of the permit. An Industrial Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Manager. Each Industrial Wastewater Discharge Permit will indicate a specific date upon which it will expire.
- B. A Special Discharge Permit shall be issued for a specified time period, not to exceed one (1) year from the effective date of issuance of the permit. Each Special Discharge Permit will indicate a specific date upon which it will expire.

#### **2.28.205 Wastewater Discharge Permit Contents**

An Industrial Wastewater or Special Discharge Permit shall include such conditions as are deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate wastewater reclamation, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

1. A statement that indicates the Industrial Wastewater or Special Discharge Permit issuance date, expiration date and effective date;
2. A statement that the Industrial Wastewater or Special Discharge Permit is nontransferable without the prior written consent of the District in its sole discretion;
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

Requirements to control Slug Discharge, if determined by the Manager to be necessary.

B. Industrial Wastewater or Special Discharge Permits 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 non-routine 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, including flow measurement devices;
7. A statement that compliance with the Industrial Wastewater or Special 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 Industrial Wastewater or Special Discharge Permit; and
8. Other conditions as deemed appropriate by the Manager to ensure compliance with this Code, and state and federal laws, rules, and regulations.

### **2.28.210 Permit Modification**

The Manager may modify an Industrial Wastewater or Special Discharge Permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
2. To address alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the Industrial Wastewater or Special Discharge Permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, beneficial sludge use, wastewater reclamation, or the receiving waters;
5. Violation of any terms or conditions of the Industrial Wastewater or Special Discharge Permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Wastewater or Special Discharge Permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR Part 403.13;
8. To correct typographical or other errors in the Industrial Wastewater or Special Discharge Permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 2.28.215.

### **2.28.215 Wastewater Discharge Permit Transfer**

The holder of an Industrial Wastewater or Special Discharge Permit shall not assign, sell, or otherwise transfer all or any portion of the permit, including but not limited to a sale, exchange or other transfer of substantially all of the permit holder's assets to a third party, without the prior written consent of the District, in District's sole discretion. In the event of any assignment duly authorized by District, the assignee shall assume all liability of the transferring permittee. No sale, gift, or transfer of stock or other interest of the permit holder, including but not limited to any reorganization, consolidation, merger recapitalization, stock issuance or re-issuance, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction to which permit holder or any of its shareholders is a party, which would result in a change of control of permit holder, shall be made without prior written consent of the District, in its sole discretion. Violation of this provision shall be a breach of the permit and constitute grounds for immediate revocation of the permit by District.

### **2.28.220 Wastewater Discharge Permit Revocation**

The Manager may revoke an Industrial Wastewater or Special Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Manager of changed conditions pursuant to Section 2.28.270;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Wastewater or Special Discharge Permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay Sewer Service Charges or Capital Facilities Capacity Charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the Industrial Wastewater or Special Discharge Permit application;

- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Wastewater or Special Discharge Permit or this Code; or
- N. Transfer or other attempted assignment of a discharge permit without the prior written consent of the District.

Industrial Wastewater and Special Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial Wastewater or Special Discharge Permits issued to a User are void upon the issuance of a new Industrial Wastewater or Special Discharge Permit to that User.

### **2.28.225 Wastewater Discharge Permit Reissuance**

A User with an expiring Industrial Wastewater or Special Discharge Permit shall apply for permit reissuance by submitting a complete permit application, in accordance with Section 2.28.170, a minimum of ninety (90) days prior to the expiration of the User's existing discharge permit.

### **2.28.230 Regulation of Waste Received from Other Jurisdictions**

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Manager shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Manager shall request the following information from the contributing municipality:
  1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  3. Such other information as the Manager may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
  1. A requirement for the contributing municipality to adopt a sewer use Code which is at least as stringent as this Code and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.28. The requirement shall specify that such code and limits must be revised as necessary to reflect changes made to the District's Code or Local Limits;

2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including Industrial Wastewater or Special Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Manager; and which of these activities will be conducted jointly by the contributing municipality and the Manager;
4. A requirement for the contributing municipality to provide the Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Manager access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Manager ; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

#### **2.28.250 Baseline Monitoring Reports**

- A. Within either one hundred and eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Manager a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  1. All information required in Section 2.28.170A(1)(a), Section 2.28.170A(2), Section 2.28.170A(3)(a), and Section 2.28.170A(6), pursuant to 40 CFR 403.12(b)(1-7).
  2. Measurement of pollutants.

- a. The User shall provide the information required in Section 2.28.170A(7)(a) through (d).
  - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR Part 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
  - d. Sampling and analysis shall be performed in accordance with Sections 2.28.290 and 2.28.295;
  - e. The Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
3. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 2.28.010F and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 2.28.255.
  5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 2.28.310 and signed by an Authorized Representative as defined in Section 2.28.010F.

### **2.28.255 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 2.28.250B(4):

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

### **2.28.260 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Manager a report containing the information described in Section 2.28.170A(6) and (7) and 2.28.250B(2). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.28.040 pursuant to 40 CFR Part 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 2.28.310. All sampling will be done in conformance with Section 2.28.295.

### **2.28.265 Periodic Compliance Reports**

- A. All Significant Industrial Users must, at a frequency determined by the Manager submit no less than twice per year (June and December (or on dates specified)) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must

submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

- B. All periodic compliance reports must be signed and certified in accordance with Section 2.28.310.
- C. 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.
- D. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Manager, using the procedures prescribed in Section 2.28.295, the results of this monitoring shall be included in the report pursuant to 40 CFR Part 403.12(g)(6).
- E. Pursuant to 40 CFR Part 403.12 (e) (2), The District may authorize an Industrial User subject to a categorical Pretreatment Standard to waive sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial. This authorization is subject to all of the following conditions:
  - 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
  - 2. The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater Discharge Permit, but in no case longer than five years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit.
  - 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - 4. The request for a monitoring waiver must be signed in accordance with Section 2.28.010F, and include the certification statement in 40 CFR Part 403.6(a)(2)(ii).
  - 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

6. Any grant of the monitoring waiver by the Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Manager for three years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the User's permit by the Manager, the Industrial User must certify on each report with the statement in Section 2.28.310B, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 2.28.265A, or other more frequent monitoring requirements imposed by the Manager, and notify the Manager.
9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

#### **2.28.270 Reports of Changed Conditions**

Each User must notify the Manager of any 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 Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial Wastewater or Special Discharge Permit application under Section 2.28.170.
- B. The Manager may issue an Industrial Wastewater or Special Discharge Permit under Section 2.28.225 or modify an existing Industrial Wastewater or Special Discharge Permit under Section 2.28.210 in response to changed conditions or anticipated changed conditions.

#### **2.28.275 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Manager 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 Manager, 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 might 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 Code.

- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### **2.28.280 Reports from Unpermitted Users**

All Users not required to obtain an Industrial Wastewater or Special Discharge Permit shall provide appropriate reports to the Manager as the Manager may require.

#### **2.28.285 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Manager 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 Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

#### **2.28.290 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Wastewater or Special Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Manager or other parties or procedures approved by the State of California.

#### **2.28.295 Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples

using 24-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Manager. Where time proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits pursuant to 40 CFR Part 403.12(g)(3).

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Section 2.28.250 and 2.28.260 (40 CFR Part 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Manager may authorize a lower minimum. For the reports required by paragraphs Section 2.28.265 (40 CFR Parts 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

### **2.28.300 Date of Receipt of Reports**

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

### **2.28.305 Recordkeeping**

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, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.28.050. 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 District, or where the User has been specifically notified of a longer retention period by the Manager.

## **2.28.310 Certification Statements**

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 2.28.175; Users submitting baseline monitoring reports under Section 2.28.250B(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 2.28.260; Users submitting periodic compliance reports required by Section 2.28.265A–D , and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 2.28.270. The following certification statement must be signed by an Authorized Representative as defined in Section 2.28.010F:

“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.”

B. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 2.28.265E must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR Part \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 2.28.265E.”

## **2.28.350 Right of Entry: Inspection and Sampling**

The Manager 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 Industrial Wastewater or Special Discharge Permit or order issued hereunder. Users shall allow the Manager 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 Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Manager 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 Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually 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 Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Manager access to the User's premises shall be a violation of this Code.

### **2.28.355 Search Warrants**

If the Manager 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 a provision 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 District designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Manager may seek issuance of a search warrant from the Superior Court of Contra Costa, County of California

### **2.28.400 Confidential Information**

Information and data on a User obtained from reports, surveys, Industrial Wastewater or Special Discharge Permit applications, Industrial Wastewater or Special Discharge Permits, and monitoring programs, and from the Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under the California Public Records Act. Any such request must be asserted in writing by clearly marking the document(s) sought to be protected at the time of submission of the information or data. Except as required by law, when requested and demonstrated by the User furnishing a report that such information should be held confidential in accordance with the requirements of the Public Records Act, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## **2.28.425 Publication of Users in Significant Noncompliance**

The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period (January to June, or July to December) exceed (by any magnitude) a numeric Pretreatment Standard or Requirement;
- 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 (January to June, or July to December) equals or exceeds the product of the numeric Pretreatment Standard or Requirement, as defined by Sections 2.28.020, 2.28.040, 2.28.045, or 2.28.050 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH) pursuant to 40 CFR Part 403.3(l);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Sections 2.28.020, 2.28.040, 2.28.045, or 2.28.050 that the Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public pursuant to 40 CFR Part 403.3(l);
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Manager'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 an Industrial Wastewater or Special Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

### **2.28.430 Warning Notice**

When the District, in its sole discretion, finds that a User has committed a Minor Violation of any provision of this Code, a discharge permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that User a written Warning Notice. Within five (5) days of the receipt of such notice, the User is required to take such actions as may be deemed necessary and appropriate in the sole discretion of the District to correct the violation, and provide the District with a written response to the Warning Notice. Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Warning Notice.

### **2.28.450 Notification of Violation**

When the District finds that a User has violated, or continues to violate, any provision of this Code, a discharge permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that User a written Notice of Violation. Within fourteen (14) days of the receipt of such 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 Manager. Submission of such a 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 Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **2.28.455 Consent Orders**

The District may enter into Consent Orders, compliance time schedules, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall 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 any Administrative Orders issued pursuant to Sections 2.28.465 and 2.28.470 and shall be judicially enforceable.

### **2.28.460 Show Cause Hearing**

The District may order a User which has violated, or continues to violate, any provision of this Code, a discharge permit, any order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Manager 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 fourteen (14) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 2.28.010F and required by Section 2.28.175A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **2.28.465 Compliance Orders**

When the District finds that a User has violated, or continues to violate, any provision of this Code, a discharge permit, any order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager 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, the District taking any other action(s) against the User.

### **2.28.470 Cease and Desist Orders**

When the District finds that a User has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater or Special 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 Manager 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.

### **2.28.475 Administrative Civil Penalties**

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District or District staff may issue administrative complaints, conduct administrative hearings, and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the District's collection system or treatment works.

These penalties shall be as follows:

- A. In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports;
- B. In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedule established by the District;

- C. In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District;
- D. In an amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, Cease and Desist Order, or other orders, or prohibition issued, reissued, or adopted by the District.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty days.

As to court actions authorized by the above-referenced sections, counsel designated by the Board, shall institute appropriate actions to affect statutorily authorized remedies, upon order of the District Board. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **2.28.480 Emergency Suspensions**

The Manager 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 Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any 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 Manager 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 Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings in Section 2.28.485 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 Manager prior to the date of any show cause or termination hearing under Sections 2.28.460 or 2.28.485.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

### **2.28.485 Termination of Discharge**

In addition to the provisions in Section 2.28.220, any User who violates the following conditions



is subject to discharge termination:

- A. Violation of Industrial Wastewater or Special 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 Standards in Section 2.28.020, 2.28.040 and 2.28.45.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 2.28.460 why the proposed action should not be taken. Exercise of this option by the Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

#### **2.28.500 Civil Actions**

The Board may designate counsel to bring such civil actions as may be available at law or in equity in any court of competent jurisdiction to enforce the provisions of this title and to recover such charges, fees, penalties, and/or damages as may be assessed or may be incurred under the provisions of this title.

- A. **Injunction.** Whenever a discharge of wastewater is in violation of the provisions of this Chapter, the District may petition the Superior Court for issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.
- B. **Civil Actions for Penalties.** Any User who violates any provision of this Chapter, permit condition or permit contract condition, or who violates any cease and desist order, prohibition, or effluent limitation, shall be liable civilly for a penalty not to exceed twenty-five thousand dollars for each day in which such violation occurs pursuant to California Government Code Section 54740. Pursuant to the authority of the Clean Water Act, 33 U.S.C.A. Section 1251, et seq. any User committing a violation of any provision of this Chapter, which is also a violation of a pretreatment standard, effluent standard, or limitation or other applicable provision of the Clean Water Act shall be liable civilly for a sum not to exceed twenty-five thousand dollars per violation for each day in which such violation occurs. District Counsel, or other special counsel designated by the Board, upon order of the Board, shall institute such actions as may be appropriate in the appropriate court to impose, assess, and recover such sums. 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.

- C. **Other Civil Actions.** The District may require compliance with permit conditions or limitations by issuing administrative orders, including cease and desist orders and compliance schedules. Said orders are enforceable in a California court of general jurisdiction. The District, however, may directly undertake any court action available at law or equity, including but not limited to a civil action for penalties without first seeking an administrative order or making use of a compliance schedule, and it may concurrently undertake such administrative and court actions as deemed appropriate.

### **2.28.505 Criminal Liability**

- A. **General Criminal Penalties.** Any person who violates any provision of this Chapter, permit, or permit contract, or who violates any administrative order, prohibition, or effluent limitation, is guilty of a misdemeanor, and upon conviction is punishable by a fine not to exceed one thousand (\$1,000) dollars or imprisonment for not more than thirty (30) days in the county jail, or both. Each day a violation occurs may constitute a new and separate offense and may subject the violator to an additional full measure of penalties as set forth herein. Nothing in this section is intended to exclude the potential for prosecution under any other provision of law as a result of any conduct in violation of this Code.
- B. **Falsifying Information.** Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Chapter, or Industrial Wastewater or Special Discharge Permit, wastewater discharge permit contract, 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 one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate any device or method, shall constitute a new and separate offense and shall be subject to the penalties contained herein. Nothing in this section is intended to exclude the potential for prosecution under the applicable perjury statutes of the state of California to the extent such falsification was incorporated in a document signed under the penalty of perjury.

### **2.28.510 Remedies Nonexclusive**

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

**2.28.550 Liquidated Damage Penalties for Late Reports**

A penalty of two hundred and fifty dollars (\$250.00) per day may be assessed to any User for each day up to thirty (30) days that a report required by this Chapter, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due. For each day after thirty (30) days the report is late, a penalty of five hundred dollars (\$500.00) per day may be assessed to the User. Actions taken by the District to collect late reporting penalties shall not limit the Manager’s authority to initiate other enforcement actions that may include penalties for late reporting violations.

**2.28.555 Performance Bonds**

The District may, in its sole discretion, decline to issue or reissue a discharge permit to any User who has failed to comply with any provision of this Chapter, a previous Industrial Wastewater or Special Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

**2.28.560 Liability Insurance**

The District may decline to issue or reissue an Industrial Wastewater or Special Discharge Permit to any User who has failed to comply with any provision of this Chapter, a previous Industrial Wastewater or Special Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has in place financial assurances sufficient to restore or repair damage to the POTW, or the potential for damage to the POTW caused or which may be caused by the User’s discharge.

**2.28.565 Payment of Outstanding Fees and Penalties**

The District may decline to issue or reissue an Industrial Wastewater or Special Discharge Permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Code, a previous Industrial Wastewater or Special Discharge Permit, or order issued hereunder, unless and until such User has paid all such fees, fines or penalties in full, with interest.

**2.28.570 Public Nuisances**

A violation of any provision of this Chapter, an Industrial Wastewater or Special 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 District. Any person(s) creating a public nuisance shall be subject to all enforcement remedies as set forth in Sections 2.28.425 through 2.28.550, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

**2.28.575 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 the District. Existing contracts for the sale of goods or services to the District held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the District.

### **2.28.600 Pretreatment Charges and Fees**

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for Industrial Wastewater or Special Discharge Permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Manager to address IU noncompliance; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the District.

### **2.28.650 Fats, Oils and Grease Removal Devices**

All nondomestic Users shall be required to install and maintain a grease, oil, and sand interceptor when the District for Zone No. 1, City of Pittsburg for Zone No. 2, or the City of Antioch for Zone No. 3, finds that it is necessary for the proper handling of:

- A. Liquid waste containing grease, or
- B. Flammable wastes, or
- C. Sand, or
- D. Other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor shall be required in the discretion of the Cities or the District when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which would be in violation of a pretreatment standard or, in the discretion of the Cities or the District, present the possibility of causing or contributing to the fouling of or the blockage of or other damage to the Sewerage system.

## **2.28.655 General Requirements for Grease Removal Devices**

The Cities in cooperation with the District shall administer an interceptor program which is intended to prevent grease, sand, flammable liquids, and other substances which are likely to block or create a hazard within the sewerage system from entering the system through use of interceptors or traps. The Cities or the District may require any Food Service Establishment to install an interceptor or trap if the Cities or District determine subsequent to the connection that the building, facility, or operation of that User produces a waste with characteristics that would require installation of a trap or interceptor pursuant to this Chapter. The installation of a proper interceptor or trap device shall be the responsibility of the parcel owner and the Food Service Establishment which applies for the connection or Industrial Wastewater Discharge Permit, and the owner/proprietor of the Food Service Establishment whose operations cause or contribute to the necessity for an interceptor or trap. Grease interceptors and or similar unit will also be required and installed at the User's expense at commercial car washes, in commercial trash enclosures, or at other commercial and industrial establishments when they are deemed necessary by the Cities or the District for the proper handling of liquid wastes. The Cities or the District shall determine whether a grease trap, grease interceptor, or other interceptor is required on a case-by-case basis based on an evaluation of objective criteria including but not limited to factors such as those listed hereunder:

- A. The type of facility (such as restaurant, bakery, yogurt shop, car wash);
- B. The volume of the User's business or operation (such as number of meals served, number of seats, hours of operation, volume of rinse water);
- C. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;
- D. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service)
- E. The type of foods or other materials used in the cooking, processing, or manufacturing operation carried on within the User's facility;
- F. The overall potential for grease-laden, flammable, or sand-laden discharges;
- G. The existence of devices, procedures, or processes which are designed to minimize the amount of grease, sand, oil, or other flammable liquids from entering the sewer system;
- H. Any other factor the Cities or the District deems appropriate under the circumstances relating to operation of the Food Service Establishment.

The design, location, and procedures for operation of a required interceptor or trap shall be approved by the Cities and/or the District. Such approval shall be obtained prior to the User's connection of the Food Service Establishment or other facility to the District's system, in the event of new construction or remodeling. In instances where a Food Service Establishment or

other facility has already connected and the Cities or the District determine that a grease removal device must be installed, the User shall promptly provide for the installation of the interceptor or trap within a reasonable time frame (as may be set by the Cities or the District), including providing such design plans and operational plans as may be required. The installation of an interceptor or trap as required by this Chapter on an existing Food Service Establishment or other facility shall occur within reasonable time, not to exceed ninety (90) days after the User has been provided notice of the requirement that an interceptor or trap be installed. This ninety (90) day limit may only be extended by written agreement of the Cities or the District.

#### **2.28.660 Interceptor Maintenance Standards**

- A. Access to interceptors and traps shall be maintained to allow inspection and maintenance to be performed. Inspections shall be performed by the Cities or District at appropriate frequency to ensure adequate operation of the interceptor or trap and to evaluate effectiveness of Best Management Practices to control sources of pollutants.
- B. Interceptors shall be operated so that the accumulated grease and solid waste does not meet or exceed twenty-five (25) percent of the units' capacity. Determinations shall normally be made by measuring the depth of the layers within a unit.
- C. Interceptors shall be cleaned at least once every ninety (90) days. Interceptor cleaning shall be conducted to pump all the liquid and solid contents of the unit, and the sides will be cleaned of any substantial build-up of grease and solid wastes.
- D. Traps shall be cleaned according to the manufacturer's recommended frequency (e.g. daily, weekly) when conducted by User's employees, and shall be pumped of all the liquid and solid contents using a licensed and permitted waste hauler at least once every ninety (90) days.
- E. Decanting of wastes removed from an interceptor or trap is prohibited when a licensed and permitted waste hauler is used to clean a unit. Wastes removed from the interceptor or trap shall not be reintroduced into the unit cleaned or any other connection to the Cities or District's sewer collection system unless the location is specifically authorized in a current waste hauler permit.
- F. The User shall maintain records documenting proper maintenance of the interceptor or trap. The disposal location (name, address, phone number for off-site facilities) for wastes removed from an interceptor or trap shall be recorded and made available for inspection upon request.

#### **2.28.665 Enforcements**

Failure of any User who is required to maintain an interceptor or trap pursuant to this Chapter and/or pursuant to lawful direction by the Cities or District, shall be subject to each of the enforcement provisions set forth in this Chapter. The enforcement provisions of this Chapter shall apply to the failure to instruct personnel, or failure to maintain, pump, and/or properly operate the grease removal device, or failure to institute grease best management practices.(Ord.

**2.28.700 Requirements for Dental Facilities that Remove or Place Amalgam Fillings**

- A. Waste Management Practices for Amalgam Fillings. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following Waste Management Practices:
1. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer. Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to the instructions of the recycler or manufacturer of the equipment.
  2. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that will be made available for inspection by the District during normal business hours.
  3. Amalgam waste shall be collected, packaged, labeled, stored, and managed in accordance with state and local regulations and disposed of by a licensed recycler or hauler of such materials.
  4. Bleach and other chlorine-containing disinfectants shall not be used to disinfect a vacuum line system.
  5. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam may be used.
- B. Dental Vacuum Suction Systems. All owners and operators of dental vacuum suction systems, except as set forth in subsection (C) of this section 2.28.700, shall comply with the following:
1. Only approved amalgam separators may be installed. Approved amalgam separators are those that meet the International Organization for Standardization's standard ISO 11143 which specifies requirements and test methods for amalgam separators, or are approved by the Manager as provided in subsection two (2) below.
  2. An ISO 11143 certified amalgam separator shall be installed for each dental vacuum suction system on or before July 1, 2011. All dental facilities that are newly constructed on or after this effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rates of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted,

provided that smaller units of the same technology from the same manufacturer are ISO-certified. For facilities that have installed amalgam separators on or before the effective date of this ordinance that are not ISO-certified, they may be permitted if it can be shown that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the Manager for approval.

3. Each owner or operator of a dental facility shall submit proof of certification and installation records to the Manager within 30 days of installation of an approved amalgam separator.
4. On or before July 1 of each year, owners and operators of dental facilities that remove and place amalgam fillings must provide self-certification of use and maintenance of approved amalgam separators.
5. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by the Manager or designee during normal business hours.

C. Dental Practices Exempt from this Section. The following types of dental practices are exempt from this Section 2.28.700 provided that the owner of the dental practice provides written assurance to the District that no removal or placement of amalgam filling occurs at the facility more than 3 days per year:

1. Orthodontics
2. Periodontics
3. Oral and maxillofacial surgery
4. Radiology
5. Oral Pathology or Oral Medicine
6. Endodontics and Prosthodontics

D. Enforcement. Failure to comply with any of the requirements imposed by this Section 2.28.700 shall be subject to each of the enforcement provisions set forth in the Chapter. The enforcement provisions of this Chapter shall apply to failure to install an approved amalgam separator, failure to instruct personnel, failure to maintain and /or use the amalgam separator properly and/or failure to institute Waste Management Practices.



# **TITLE 3 - HOUSEHOLD HAZARDOUS WASTE CHARGES**

## **Chapters:**

**3.12            Electronic Waste Recycling and Disposal Charges**

## Chapter 3.12 - ELECTRONIC WASTE RECYCLING AND DISPOSAL CHARGES

### 3.12.010 Findings

The District Board of Directors of the Delta Diablo Sanitation District does hereby find:

- A. In 2006, it became illegal in California to dispose of any form of Electronic Waste in the trash;
- B. There is a need for residents and businesses within the cities of Antioch, Brentwood, Oakley, and Pittsburg and the unincorporated areas of Bay Point, Bethel Island, Byron, Discovery Bay, and Knightsen to have a convenient means to discard and recycle Electronic Waste;
- C. The District's provision of a convenient means for residents and businesses to discard and recycle Electronic Waste will benefit the community and the environment;
- D. The District will incur costs to recycle and dispose of the discarded Electronic Waste and has no funding source to cover such cost. It is appropriate for the Users of the service to pay for the costs of the service.
- E. The charges adopted by this Ordinance do not exceed the estimated amount required for the District to recycle and dispose of the items in each category of Electronic Waste. (Ord. 85 § 2, 2006)
- F. If a funding source(s) is identified and secured, the charges to the Users of this service may be reduced and/or eliminated. (Ord. 94 § 2, 2010)

### 3.12.020 Definitions

- A. General. Unless otherwise defined by this Chapter, or clearly required by its context, terms used in this Chapter shall have the meanings set for them in Chapter 1.04 of this Code.
- B. "Covered Electronic Devices" means those discarded electronic devices defined in California Public Resources Code section 42463, subsection (f) for which the District may receive reimbursement pursuant to the Electronic Waste Recycling Act of 2003 (Public Resources Code sections 42460 et. seq.). Covered Electronic Devices include cathode ray tubes (CRT) computer monitors and televisions, liquid crystal display (LCD) computer monitors and televisions, laptop computers, and plasma screen televisions.
- C. "Electronic Waste" means any electronic item including, but not limited to, computer peripherals, cell phones, telephones, answering machines, radios, stereo equipment, video players/recorders, portable music/game/video players, personal digital assistants,

calculators and some appliances. Electronic Waste does not include Covered Electronic Devices.

- D. “Category 1 Waste”, as used in this Chapter, means Covered Electronic Devices.
- E. “Category 2 Waste”, as used in this Chapter, means Electronic Waste with an average weight under five (5) pounds, including, but not limited to mice, keyboards, cameras, personal digital assistants, cell phones, telephones, external disk drives, answering machines, portable compact disc/tape/digital video disc/ game players and other small computer peripherals.
- F. “Category 3 Waste”, as used in this Chapter, means Electronic Waste with an average weight between five (5) and twenty (20) pounds, including, but not limited to video cassette recorders, compact disc players/recorders, digital video disc players/recorders, stereo equipment (excluding receivers, amplifiers and speakers), scanners, uninterruptible power supply devices, facsimile machines, and small household electronics.
- G. “Category 4 Waste”, as used in this Chapter, means Electronic Waste with an average weight between twenty (20) and fifty (50) pounds, including, but not limited to central processing units, desktop printers/copiers/combo devices, and microwave ovens.
- H. “Category 5 Waste”, as used in this Chapter, means Electronic Waste with an average weight greater than fifty (50) pounds, including, but not limited to large copy machines and high-volume printing machines.

“Electronic Waste Recycling and Disposal Charge”, as used in this Chapter, means a one-time charge imposed when a customer discards Electronic Waste at the Delta Household Hazardous Waste Collection Facility. (Ord. 85 § 2, 2006)

**3.12.030 Electronic Waste Recycling and Disposal Charges designated**

Category 1 Waste	No Charge
Category 2 Waste	\$1.00 / Item
Category 3 Waste	\$2.00 / Item
Category 4 Waste	\$5.00 / Item
Category 5 Waste	\$0.20 / pound

(Ord. 85 § 2, 2006)