

**CHAPTER 51: SEWERAGE SYSTEM  
AND WASTEWATER DISPOSAL**

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**CONSTRUCTION OF SEWERS**

**§ 51.001 PURPOSE.**

(A) The purpose of this subchapter is to provide expedient means of financing sewer construction in cases where the property owner does not desire to proceed under the 1911 Improvement Act, being Cal. Sts. & High. Code §§ 5000 et seq., or where the property owner does not desire other financing, and yet provide equitable proration of cost within a reasonable period of time among the parcels of real property benefited.

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(B) Proceedings under this subchapter for the original contributors are purely voluntary, but are compulsory when sewer connections are made by the properties benefited for which there was no initial contribution.

('81 Code, § 13.04.010)

**§ 51.002 CREATION OF PUBLIC SEWER EXTENSION AND CONNECTION TRUST FUND.**

There is established and created a special trust fund in the office of the City Treasurer which shall be known and designated as the Public Sewer Extension and Connection Trust Fund.

('81 Code, § 13.04.020)

**§ 51.003 APPLICATION FOR EXTENSION TO SEWER SYSTEM.**

(A) *Required.* Owners of real property within the city desiring to have the city sewer system extended in accordance with the provisions of this subchapter shall make written application therefor to the Director of Public Works. ('81 Code, § 13.04.030)

(B) *Plan, map, deposit and letter to accompany.* The application provided for in division (A) of this section shall be accompanied by the following:

(1) Completed plans and specifications and proposal agreement for the construction of the sewer prepared by a registered civil engineer;

(2) A map showing the sewer extension and all properties directly benefited by the sewer extension. Those properties which can connect thereto with a side sewer not exceeding 225 feet in length, and which cannot be more readily served with other existing sewers, shall be considered as benefiting properties;

(3) A total deposit in an amount equal to the total cost of the sewer extension as estimated by the Director of Public Works, plus the estimated cost of plan checking, processing and inspection; and

(4) A letter of participation, signed by the applicant and any other contributors to the project, which gives a description of all property benefited by the sewer extension that are

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contributing to the cost of constructing the sewer.

('81 Code, § 13.04.040)

(C) *Processing.*

(1) The Director of Public Works, after receiving the application, plans, specifications, proposal agreement, map, deposit and letter of participation referred to in divisions (A) and (B) of this section, and after approving the plans, specifications, proposal agreement and application, shall submit a written report to the City Manager concerning the feasibility and practicality of the proposed sewer extension, and the estimated cost of the project, including all incidental expenses. Upon receipt of the report from the Director of Public Works, the City Manager shall make his recommendations to the Council for its consideration.

(2) The Director of Public Works, prior to the hearing by the Council, shall notify each and every owner of property to be benefited by the sewer extension that application has been filed to extend the sewer under the provisions of this subchapter and shall notify each of the time and date of the hearing. If the Council approves the sewer extension application, an appropriate resolution shall be adopted authorizing the construction of such sewer extension to be financed from the money deposited by the applicant, and the Council shall authorize the City Manager to advertise for sealed proposals to be opened before the Council. The contract for the construction of the sewer extension shall be let to the lowest responsible bidder, subject to the approval of the Council. If the Council does not approve the sewer extension application, the total deposit made by the applicant shall be returned to the applicant.

('81 Code, § 13.04.050)

**§ 51.004 PREPARATION AND APPROVAL OF COST DISTRIBUTION; WRITTEN STATEMENT OF APPLICANT.**

(A) Upon completion and acceptance of the sewer extension by the Council, the Director of Public Works shall prepare a cost distribution which shall include the final costs of the sewer construction and the prorated distribution of that cost to the various parcels of property benefited by the sewer extension. Such distribution of costs shall be made either on the basis of area or building sites, or both, as may be determined by the Director of Public Works to be the most equitable method. Upon completion of the cost distribution, the Director of Public Works shall submit a report to the City Manager for his approval and recommendation to the Council. If the Council approves the cost distribution, the Director of Public Works shall prepare a written

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statement to be sent to the applicant, which shall include the amount of the original deposit, the final costs of the sewer construction, the cost of plan checking, processing and inspection, the cost distribution and any excess or deficiency in the original deposit, and shall deliver such statement together with any excess money or demand for deficiency to the applicant.

(B) The actual cost of plan checking, processing and inspection shall mean the cost of the salary of the employee performing the necessary checking, processing or inspection, plus 15% thereof for transportation, supervision, overhead, worker's compensation, retirement, vacation, sick leave and office rental. ('81 Code, § 13.04.060)

**§ 51.005 EXCESS OR DEFICIENCIES IN CASH DEPOSITS.**

(A) If the final cost of the sewer extension is less than the amount of the deposit, the excess of money deposited with the city shall be refunded to the applicant.

(B) When the final cost exceeds the amount of the cash deposit, the applicant, upon notice and demand, shall forthwith pay to the city the amount of the deficiency of the cash deposit.  
(‘81 Code, § 13.04.070)

**§ 51.006 PREPARATION AND FILING OF BENEFIT MAP.**

Upon approval of the cost distribution by the Council, the Director of Public Works shall record upon the map showing the properties benefiting from the sewer extension, all properties which participated in the cost of the sewer extension and the prorated cost distribution to each benefited property, and shall file with the City Clerk a copy of such map, together with a written statement, which includes the final cost and cost distribution described in § 51.005.  
(‘81 Code, § 13.04.080)

**§ 51.007 PAYMENT REQUIRED BEFORE CONNECTION.**

(A) Whenever the sewer system of the city has been extended in accordance with the provisions of this subchapter, those owners of property benefited as shown on the map described in § 51.003(B), or their successors in interest, who have not heretofore contributed their proportionate share of the cost of the sewer extension to the amount set forth in the approved cost

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distribution shall not be permitted to connect with such sewer, unless and until they have paid into the Public Sewer Extension Trust Fund the amount in cash as recorded on such map.

(B) All such payments shall be in addition to all permit fees required by this code and all other effective ordinances of the city.

('81 Code, § 13.04.090) Penalty, see § 51.999

**§ 51.008 CONTRIBUTIONS OF OWNERS OF PRIVATE SEWER LINES RECEIVING BENEFITS FROM EXTENSIONS.**

(A) Any property owner in a public sewer extension district who has, previous to such sewer extension, constructed a private sewer line to or from his property, at his own expense, shall not be required to contribute to the cost of such public sewer extension, except where such property derives increased benefits therefrom as shall be determined by the Director of Public Works and as approved by the Council in the resolution granting the sewer extension application.

(B) Such property owner shall pay the amount so determined before connecting his property to the public sewer extension.

('81 Code, § 13.04.100)

**§ 51.009 REFUNDS.**

(A) *Refunds to original contributors to extensions.*

(1) Periodically, but not more than twice a year, the City Treasurer shall pay and refund out of the Public Sewer Extension and Connection Trust Fund to the person originally paying for the sewer, or his heirs and assigns, his proportionate share of the money paid into the trust fund by subsequent property owners who did not participate in the original cost and who were given permits to connect to the extended sewer and who paid as provided in the approved cost distribution.

(2) Payments under this section by the city shall be made to the person originally paying for such sewer at his address appearing in the records of the engineering office, and shall constitute a discharge of its duty under this subchapter to pay as to all sums so paid, unless the city has received and consented to an assignment of such right to another, giving assignee's name and payment address.

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('81 Code, § 13.04.110)

(B) *Termination.*

(1) Any claim by a contributing property owner or the assignee thereof for a refund which is payable out of the Public Sewer Extension and Connection Trust Fund shall be made within a period of 10 years from the date of the original contribution.

(2) All moneys remaining in the fund after such 10 years shall have elapsed from the time of its deposit shall forthwith be deposited into the general fund of the city.

('81 Code, § 13.04.120)

## SEWER CONNECTIONS

### § 51.020 COMPLIANCE REQUIRED.

All sewer connections shall be made pursuant to this subchapter.

('81 Code, § 13.08.010) Penalty, see § 51.999

### § 51.021 CONSTRUCTION STANDARDS.

Sewer connections and extensions shall be properly designed and constructed. The Director is authorized and empowered to adopt such rules, regulations and standards as may be necessary to provide for the proper design and construction of improvements to the sewer system. The publication entitled "Standard Specifications for Public Works Construction," latest edition, as published by Building News, Inc., shall be the basis for standards adopted.

('81 Code, § 13.08.015) (Ord. 777, passed - -82)

### § 51.022 CONNECTION FEE.

A connection fee shall be made to cover the cost of a fair and proportionate share of those facilities such as intercepting sewers, sewage treatment plants and similar facilities that are in place and which will benefit the property to be connected. The connection fee shall be an amount established by ordinance of the City Council.

**§ 51.023 ANNEXATION FEE.**

(A) The sewer annexation fee for real property annexed to the city after May 20, 1964 and prior to December 31, 1977, or filed for annexation prior to December 31, 1977 and subsequently annexed to the city, and otherwise entitled to be connected to the public sewer, and for which a sewer annexation fee has not been paid, is the sum of \$1,025 per gross acre, provided that the fee is paid on or before June 30, 1981. After June 30, 1981, the sewer annexation fee shall be as described in divisions (B), (C) or (D) of this section and shall be paid prior to connection to the public sewer.

(B) Except as provided in divisions (C) and (D) of this section, the sewer annexation fee for real property to be annexed to the city, and otherwise entitled to be connected to the public sewer, and for which a sewer annexation fee has not been paid, shall be an amount established by ordinance of the City Council, payable prior to completion of annexation.

(C) The sewer annexation fee for real property to be annexed to the city and to be located within the Hillside Planned Development Zone, and otherwise entitled to be connected to the public sewer and for which a sewer annexation fee has not been paid, shall be an amount established by ordinance of the City Council, payable prior to completion of annexation.

(D) The sewer annexation fee for real property to be annexed to the city and to be located in any zone other than the Hillside Planned Development Zone and for which a residential development is proposed, and otherwise entitled to be connected to the public sewer, and for which a sewer connection fee has not been paid, shall be an amount established by ordinance of the City Council, provided that the fee is paid prior to completion of annexation and the lesser fee shall be refunded by the city to the person who originally paid the fee upon completion of the residential development, provided said development is completed and a request for the refund is filed with the city upon completion and within five years of the date of annexation to the city. In the event the development constructed is different from that proposed prior to annexation, or all or a portion of the land annexed to the city remains undeveloped or is developed to nonresidential use, the sewer annexation fee shall be recomputed based upon the actual development prior to payment of any refund. The recomputed sewer annexation fee for vacant land or for land developed to nonresidential use shall be an amount established by ordinance of the City Council per gross acre of land annexed including a pro rata share of the

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area of any public street dedicated to the city after annexation for which an annexation fee was paid. The residential development, for which the lesser fee is paid shall be such that, in the opinion of the City Council, future additional development is unlikely.

(E) The owners of real property which is to be annexed to the city, and for which a sewer annexation fee is required, and for which sewage collection service is not available as determined by ordinance of the City Council, may at the property owner's option, pay the sewer annexation fee in effect at any time at or before the time sewage collection service becomes available and connection is to be made to the public sewer, in which event the fee shall be paid prior to connection to the public sewer.

('81 Code, § 13.08.030) (Ord. 688, passed - -77; Ord. 753, passed - -81; Ord. 762, passed - -81)

**§ 51.024 EXTENSION OF SEWER AT APPLICANT'S EXPENSE WHEN PROPERTY NOT ADJACENT TO PUBLIC SEWER.**

(A) In addition to the connection fee set forth in § 51.022 and the annexation fee as set forth in § 51.023, an applicant requesting sewer service to real property which is not adjacent to a public sewer shall install a sewer main extension or extensions in public streets, alleys or sewer easements acceptable to the City Council.

(B) All such sewer main extensions shall conform with plans and specifications adopted by the City Council.

(C) Each such sewer main extension shall be constructed at the sole cost of the applicant.

('81 Code, § 13.08.040) (Ord. 777, passed - -82)

**§ 51.025 TITLE TO MATERIALS TO VEST IN CITY AFTER ACCEPTANCE OF WORK BY COUNCIL.**

(A) Nothing in § 51.023 shall be considered as vesting in the city any right of property in materials used after they have been attached or affixed to the work or the soil until such time as the City Council accepts such work of improvement.

(B) Upon acceptance thereof, all such work and materials shall become the property

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of the city, subject, however, to the right of such applicant to receive a refund.  
(’81 Code, § 13.08.050)

**§ 51.026 REFUNDS TO PERSON INSTALLING SEWER EXTENSION.**

(A) The City Council may determine that subsequently filed applications for annexation and the use of such extension sewers may be granted upon condition that a proportionate share of the cost of existing sewer extensions is borne by each subsequent applicant.

(B) The City Council shall determine the amount to be paid by such applicant for the use of each sewer extension and the amount so collected shall be paid to the applicant first installing such sewer extension or extensions as partial reimbursement of the cost of such installation.

(C) Each applicant so constructing a sewer extension and requesting reimbursement on a proportionate basis by subsequent applicants must file with the City Engineer a complete and detailed cost statement of the cost of the subject sewer extension in a form acceptable to the City Engineer so as to permit an equitable proportionate cost determination for subsequent applicants.

(D) The right to receive such refund shall cease and terminate within a period established by the City Council but, in no case, greater than 10 years from and after the date of acceptance of each sewer extension by the city.  
(’81 Code, § 13.08.060)

**WASTEWATER DISPOSAL**

**PART 1. GENERAL PROVISIONS**

**§ 51.035 PURPOSE.**

The purpose of this subchapter is to control and regulate sewage, liquid waste and industrial waste discharges directly or indirectly into the sewerage system of the city. This

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subchapter enables the city to comply with all applicable federal and state laws required by the Clean Water Act of 1977 (33 USC 1251 et seq. as amended) and the Federal Pretreatment Regulations (40 CFR 403). ('81 Code, § 13.12.005) (Ord. 928, passed - -90)

**§ 51.036 SCOPE.**

This subchapter shall encompass the establishment of rules, regulations and standards governing the quality and quantity of discharged wastes, the degree of waste pretreatment required, the issuance of industrial wastewater discharge permits, establishment of fees and charges, and the establishment of penalties for violations. ('81 Code, § 13.12.010) (Ord. 928, passed - -90)

**§ 51.037 POLICY.**

(A) The city protects the health, welfare and safety of the local residents by constructing, operating and maintaining a system of local sewers, truck sewers and interceptors, and liquid waste treatment and disposal facilities to service the homes, industries and commercial establishments throughout the city and surrounding environs as required by state and federal law.

(B) The following basic policies apply to sewage, liquid waste, and industrial waste discharged directly or indirectly into the sewerage system of the city.

(1) The highest and best use of the sewerage system is the collection, treatment and reclamation or disposal of domestic sewage;

(2) Industry is urged to seek recovery and reuse procedures to meet the limitations set on industrial waste discharges rather than those procedures designed solely to meet discharge limitations;

(3) The city is committed to a policy of wastewater renovation and reuse in order to provide an alternate source of water supply and to reduce overall costs of wastewater treatment and disposal. The renovation of wastewater through wastewater treatment processes may necessitate more stringent quality requirements on industrial waste discharges as the demand for reclaimed water increases;

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(4) Optimum use of city facilities may require the discharge of wastewaters during periods of low flow in the sewerage system as established by the Director;

(5) Provisions are made in this subchapter to regulate industrial waste discharges to comply with the state and federal government requirements and policies and to meet increasingly higher standards of treatment plant effluent quality and environmental conditions. This subchapter establishes quantity and quality limitations on sewage, liquid waste and industrial waste discharges where such discharges may adversely affect the sewerage system or the effluent quality. Methods of cost recovery are established to equitably distribute the costs of sewer service.

('81 Code, § 13.12.015) (Ord. 928, passed - -90)

**§ 51.038 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If the application of any definition to a specific situation is without utility or creates ambiguity, reference may be made to the definitions of the Uniform Plumbing Code to resolve the issues created.

***ABBREVIATIONS.***

BOD	=	Biochemical oxygen demand, 5 Day
CFR	=	Code of Federal Regulations
COD	=	Chemical oxygen demand
EPA	=	Environmental Protection Agency
l	=	Liter
mg	=	Milligrams
Mg/l	=	Milligrams per liter
Lb/d	=	Pounds per day
Klb	=	Thousand of pounds
Klb/day	=	Thousands of pounds per day
SS	=	Suspended solids
O & G	=	Oil and grease

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

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**APPROVAL AUTHORITY.** The California State Water Resources Control Board or Regional Water Quality Control Board.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.** A responsible corporate officer or a duly authorized representative of that person from which the sewage discharge originates (Federal Pretreatment Regulations 40 CFR 403.12(l)).

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter as determined by the appropriate procedures set forth in "Standard Methods."

**BUILDING SEWER.** A sewer conveying wastewater from the premises of a user to the public sewer.

**CFR.** The Code of Federal Regulations.

**CESSPOOL.** A lined excavation in the ground which receives wastewater and so constructed that the solid matter is retained and the liquid portion is permitted to seep away.

**CHEMICAL OXYGEN DEMAND (COD).** The measurement of wastewater strength in terms of the total quantity of oxygen required for oxidation of organic matter as determined by the appropriate procedure set forth in "Standard Methods."

**CHLORINE DEMAND.** The difference between the amount of chlorine added to a sample of wastewater and the amount remaining at the end of a 39-minute period, as determined by the appropriate procedures set forth in "Standard Methods."

**CHLORINE REQUIREMENT.** The amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with the appropriate procedure.

**CITY.** The City of Santa Paula, California.

**COLLECTOR SEWER.** A public sewer, usually eight inches or larger in diameter, used to collect wastewater from house connection sewers and industrial connection sewers to transport it to trunk sewers.

**COOLING WATER.** The water discharged from any use such as air conditioning,

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cooling or refrigeration, or to which the only pollutant added is heat.

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand (BOD), organic carbon, suspended solids, ammonia-nitrogen, and total coliform bacteria, plus additional pollutants identified in the city's wastewater treatment plant national pollution discharge elimination system (NPDES) permit if the city's wastewater treatment plant was designed to treat such pollutants and if such pollutants do not interfere with the operations of the wastewater treatment plant and if in fact the wastewater treatment plant does remove such pollutants to a substantial degree.

**COMPLIANCE SCHEDULE.** The time period allowed by the Director in which an industry shall comply with permit conditions, or prohibitions, limitations, and/or requirements of this subchapter or any other order issued by the Director.

**CONNECTION.** That part of any sewer extending from a sewer main in a public easement or right-of-way to private property for exclusive use of the property (also known as a sewer lateral).

**CONTAMINATED WATER.** Any water impaired in quality by waste to the degree which creates a hazard to the public health through poisoning or through spread of disease;

**CONTAMINATION.** Includes any equivalent effect resulting from the disposal of industrial waste.

**CONTROL AUTHORITY.** The City of Santa Paula (40 CFR 403.12(a)).

**CUSTOMER.** A person who is or who has agreed to be responsible for the payment of sewer service charges as defined or levied by the city.

**DIRECTOR.** The Public Works Director of the city or his duly authorized representative.

**DOMESTIC WASTEWATER.** The liquid and waterborne waste derived from the ordinary living processes, free from industrial waste, and susceptible to satisfactory disposal without special treatment into the public sewer or by means of a private wastewater disposal system. The Director has on file the parameters and concentration of constituents that, for the purpose of this subchapter, define domestic wastewater.

**EFFLUENT.** The liquid overflow from any treatment plant or facility designated to

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treat, convey, or store wastewater.

**FEE.** Any charge assessed to a discharger for the use, or continued use, of any portion of the city's sewerage system. **FEE** includes but is not limited to a charge(s) for: connection or tap for new customers; monthly sewer service; industrial wastewater discharge permit; excess capacity connection; industrial wastewater treatment; excessive industrial wastewater treatment capacity; laboratory testing; waste hauler's permit; oversize sewer and noncompliance penalty.

**FLOATABLE OIL AND GREASE.** The oil and grease floating on the surface of a sample of water as determined by the appropriate procedures set forth in "Standard Methods."

**FORMULA USERS.** Those users who are regulated under the industrial wastewater discharge permit system and billed according to a formula based on the measured or set strength and/or volume of their wastewater discharged.

**GARBAGE.** The putrescible animal and vegetable wastes resulting from the handling, preparation and consumption of foods.

**GRAB SAMPLE.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**GRAVITY SEPARATION DEVICE.** A device designed, constructed, and operated for the purpose of retaining sand, silt, grit, mineral material and oil and grease by gravity-differential separation from wastewater.

**GREASE.** The definition as set forth in "Standard Methods," and includes waxes, fats, oils and other nonvolatile materials tested as determined by appropriate procedures set forth in "Standard Methods."

**GREASE INTERCEPTOR (INTERCEPTOR).** A device of at least 750 gallon capacity designed, constructed, and operated to separate and retain grease, hazardous or undesirable matter from normal wastes while permitting the wastewater to be discharged into the city's sewerage system.

**GROUND GARBAGE.** The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

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**INDUSTRIAL CONNECTION SEWER.** The sewer connecting a building sewer or building wastewater drainage system to a city sewer for the purpose of conveying industrial wastewater.

**INDUSTRIAL USER.** Any producing, manufacturing, processing, institutional, commercial, agricultural or similar person (as defined herein) that discharges, directly or indirectly, wastewater into the city's sewerage system of which the solid, liquid or gaseous waste discharge has pollutants different than or stronger than or with constituents other than those defined for domestic wastewater or any categorical industrial user as defined in 40 CFR Chapter 1, Subchapter N, Parts 401-471.

**INDUSTRIAL WASTE.** Any solid, liquid, gaseous or radioactive substance that is discharged, flowing or permitted to escape from any producing, manufacturing, processing, institutional, commercial, agricultural or similar operation from the development, recovery or processing of any material resource which will enter the city's sewerage system.

**INDUSTRIAL WASTEWATER.** The liquid and water-carried industrial waste, whether treated or untreated, which is contributed into or permitted to enter the city's sewerage system.

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT.** A conditionally written authorization required to allow an industrial user to utilize the city's sewerage system for the discharge of industrial wastewater.

**INSPECTOR.** The person authorized by the Director to inspect any raw material, waste or wastewater generation, conveyance, processing, storage and/or disposal facilities within the city's jurisdiction.

**INTERCEPTOR MAIN.** A sewer main which is 10 inches or greater in size and is intended to collect wastewater from a large area.

**INTERCEPTOR SEWER.** A closed conduit whose primary purpose is to transport rather than collect wastewater and shall perform one or more of the following functions as its primary purpose:

- (1) Intercepts wastewater from a final point in a collection system and conveys the wastewater directly to the wastewater treatment plant;

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- (2) Serves in place of a potential treatment plant and transports the collected wastewater to an adjoining collection system or interceptor and thence to treatment;
- (3) Transports the wastewater from one or more municipal collection systems to another municipality or to the wastewater treatment plant for treatment; or
- (4) Intercepts an existing major discharge of raw or inadequately treated wastewater for transport directly to another interceptor or to the wastewater treatment plant.

***INTERFERENCE.*** The discharge by an industrial user which, along or in conjunction with discharges by other sources, inhibits or disrupts the city's wastewater treatment plant, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the city's wastewater treatment plant NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal by the city's wastewater treatment plant in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, being 33 USC 1345, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) being 42 USC 6901 et seq., and including state regulations contained in any state's sludge management plan prepared pursuant to Subtitle D or the SWDA), the Clean Air Act (being 42 USC 7401 et seq.), the Toxic Substance Control Act (15 USC 2601 et seq.), and the Marine Protection Research and Sanctuaries Act, being 16 USC 1431 et seq. and 33 USC 1401 et seq. (Federal Pretreatment Regulations 40 CFR 403.3(i)).

***MASS EMISSION RATE.*** The weight of material discharged to the city's sewerage system during a given time interval. Unless otherwise specified, the mass fission rate shall mean pounds per day of a particular constituent or combination of constituents.

***NATIONAL CATEGORICAL PRETREATMENT STANDARD.*** Any regulation containing pollutant discharge limits applying to a specific category of industrial users which is promulgated by the EPA in accordance with 40 CFR Chapter 1, Subchapter N, Parts 401-471 and, specifically, the accordance with Sections 307(b) and (c) of the Act (33 USC 1317).

***NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT.*** A permit issued pursuant to Section 402 of the Act (33 USC 1342).

***NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE***

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**DISCHARGE STANDARD.** Any regulation developed under the authority of 307(b) of the Act (33 USC 1317) and 40 CFR 403.5.

**NEW SOURCE.** Any building, structure, facility or installation from which there is a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act (33 USC 1317) and as further defined in 40 CFR 403.3(k)(1).

**NONCOMPATIBLE POLLUTANT.** Any pollutant which is not a compatible pollutant, as defined in this section.

**NUISANCE.** Anything which is injurious to health or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

**PASS THROUGH.** The discharge of pollutants through the city's wastewater treatment plant into navigable waters in quantities or concentration which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the city's wastewater treatment plant NPDES permit, including an increase in the magnitude or duration of a violation (Federal Pretreatment Regulations 40 CFR 403.3(n)).

**PEAK FLOW RATE.** Maximum discharge rate over a 30-minute period between the hours of 8:00 a.m. and 10:00 p.m., and determined by averaging a maximum of 10 substantiated peak flow rate measurements of the accrual period in gallons per minute; in the absence of actual peak flow rate data, peak flow rate may be computed in the manner set forth in the city's specifications.

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

**pH.** The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter as determined by the appropriate procedures set forth in "Standard Methods."

**POLLUTANT.** Any dredged soil, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or

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discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**POLLUTED WATER.** Any water altered in quality by waste to a degree which unreasonably affects the water for beneficial use or the facilities which serve the beneficial use.

**POLLUTION.** The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water. The term **POLLUTION** may include "contamination."

**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 the city's wastewater treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes, except as prohibited by 40 CFR 403.6(d).

**PRETREATMENT FACILITY.** Any works or device for the treatment or flow limitation of sewage, liquid waste or industrial waste prior to discharge into a public sewer.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial discharger.

**PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 307(b) and (c) of the Clean Water Act (33 USC 1317) which applies to industrial users. These include "categorical standards" which establish specific concentration limits for certain pollutants and total prohibitions of other pollutants as specified in Title 40 of the Code of Federal Regulations.

**PRIVATE SEWAGE DISPOSAL SYSTEM.** A septic tank, and appurtenant piping, cesspool, seepage pit, leach fields or other such facilities.

**PRIVATE SEWER.** A sewer, other than a connection, laid by a private party to serve one or more buildings which are not immediately adjacent to a public sewer, so as to connect a building to a public sewer and irrespective of whether the sewer is constructed on public or private property.

**PUBLIC SEWER.** Any sewer dedicated to public use and which is controlled by a

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public authority.

***RADIOACTIVE MATERIAL.*** Material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms in excess of normal background radiation.

***RECLAIMED WATER.*** Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use which would not otherwise occur.

***REGIONAL USERS.*** Those users of the city's sewerage system with a written agreement with the city, other than an industrial wastewater discharge permit, wherein the city guarantees treatment and disposal of their wastewater at an agreed upon reimbursement.

***SAMPLING WELL.*** An approved opening to a building sewer for the purpose of inspection, sampling and/or flow measurement.

***SANITARY SEWER.*** A conduit that conveys wastewater or industrial wastes, or a combination of both, and into which storm waters, surface and groundwaters and unpolluted waters are not admitted.

***SEEPAGE PIT.*** A lined excavation in the ground which receives the discharge of a septic tank and designed to permit the effluent from the septic tank to seep through its bottom and side.

***SEPTIC TANK.*** A water-tight receptacle which receives the domestic wastewater discharge of a building and is designed and constructed to separate solids from the liquid, digest organic matter through a period of detention and allow the liquid to discharge into the soil outside of the tank through a system of open joint or perforated piping or a seepage pit.

***SETTLABLE SOLIDS.*** Any solids that will settle out of a liquid in a specified interval of time as determined by appropriate procedures set forth in "Standard Methods."

***SEWAGE.*** The wastewater of the community derived from domestic, agricultural, commercial, institutional or industrial sources, together with such surface water, groundwater and storm water as may be present.

***SEWERAGE (SEWER) SYSTEM.*** All the facilities used for collection, pumping, transportation, treatment and final disposal of wastewater. For the purposes of this subchapter,

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this shall also include any sewers that convey wastewater from persons outside the city who are, by contract or agreement with the city, users of the city's sewerage system.

**SEWER.** A pipe or conduit together with appurtenances for carrying wastewater.

**SEWER MAIN.** The same as "interceptor main."

**SIGNIFICANT CHANGE.** Plus or minus 25% in a user's typical discharge pattern: flow rate, peak flow rate, constituents, concentration of constituents or characteristics.

**SIGNIFICANT INDUSTRIAL WASTEWATER USER.** Any industrial user of the city's sewerage system who:

- (1) Has a discharge flow of 10,000 gallons or more per average work day;
- (2) Has in its wastewater toxic pollutants as defined pursuant to § 307 of the Act (33 USC 1317) or state statutes and rules; or
- (3) Is found by the city (control agency) or the United States EPA to have significant impact, either singly or in combination with other contributing industries, on the sewerage system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the Standard Industrial Classification Manual (latest edition) issued by the Executive Office of the President, Office of Management and Budget.

**STANDARD METHODS.** The current edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association. All tests shall be conducted in accordance with these procedures except where the Director approves other procedures necessary for unusual wastes.

**STANDARD SPECIFICATIONS.** The current edition of standards and requirements relating to size, quality, quantity and performance, including standard drawings, as detailed and made available by the city.

**STATE.** The State of California.

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**STORM DRAIN.** A conveyance structure which carried stormwaters and surface waters and drainage water, but excludes sewerage, other than unpolluted cooling water or irrigation water.

**STORMWATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUSPENDED SOLIDS.** The solid matter suspended in wastewater as determined by appropriate procedures set forth in "Standard Methods."

**TOTAL DISSOLVED SOLIDS (TDS).** The solid matter in solution in wastewater, as determined by evaporation of a wastewater sample from which all suspended matter has been removed by filtration as determined by the appropriate procedures set forth in "Standard Methods."

**TOTAL TOXIC ORGANICS.** The summation of all quantifiable values greater than 0.01 milligrams per liter for those toxic organics listed in 40 CFR 413.02.

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of §§ 307(a) of the Act (33 USC 1317) or other federal Acts or designated toxic by either the state or city.

**TRUNK SEWER.** A sewer constructed, maintained and operated by the city that conveys wastewater to city's wastewater treatment plant and into which the interceptor, lateral and collecting sewers discharge.

**UNCONTAMINATED WATER.** Any waste-water not contaminated or polluted with sewage and which is suitable for discharge into the storm drainage system, excluding unlined natural water courses.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA).** The EPA, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

**USER.** Any person who contributes, causes or permits the contribution of industrial and/or domestic wastewater to the city's sewerage system.

**WASTE.** All materials, liquid, solid, gaseous, or radioactive, associated with human

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habitation, or of human or animal origin, or from or related to any producing, manufacturing, or processing operation of whatever nature, including such materials placed within containers of whatever nature prior to, and for purposes of, disposal.

**WASTEWATER.** The liquid and water-carried waste, whether treated or untreated which is contributed into or permitted to enter the city's sewerage system.

**WASTEWATER TREATMENT PLANT.** An assemblage of devices, structures and equipment for treatment of wastewater.

**WATER RECLAMATION SYSTEM.** The various facilities used for the purpose of processing wastewater which, as a result of treatment, is made suitable for a direct beneficial reuse or a controlled use that would not otherwise occur. Treatment facilities include land and those buildings or portions of buildings necessary to house personnel and equipment involved and used in the direct operation and maintenance of the treatment facilities, the necessary pumping power laboratory and other equipment and their appurtenances.

('81 Code, §§ 13.12.020-13.12.125) (Ord. 928, passed - -90)

## **PART 2. ADMINISTRATION OF SYSTEM**

### **§ 51.050 ADMINISTRATION AND ENFORCEMENT.**

The Director shall administer, implement and enforce the provisions of this subchapter. Any ministerial powers granted to or duties imposed upon the Director may be delegated by him to persons acting in the employ of or under contract to the city.

('81 Code, § 13.12.130) (Ord. 928, passed - -90)

### **§ 51.051 ADMINISTRATIVE REGULATIONS.**

The Director is authorized to promulgate regulations and standards reasonably necessary to protect the city's sewerage system, to comply with all applicable federal and state laws required by the Clean Water Act of 1977 (33 USC 1251 et seq.) and the Federal Pretreatment Regulations (40 CFR 403), to control and regulate the proper use thereof, to prevent overflow, and to provide for the issuance, suspension or revocation of industrial wastewater discharge permits; provided, however, the regulations shall be consistent with the provisions of this

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subchapter and formulated to result in the uniform control of the total sewerage system within the city. The Director is authorized to promulgate, as he deems necessary, reasonable regulations relating to the rate of flow and the quality and quantity of wastewater discharges to the sewerage system of the city which shall be consistent with and implement the purposes of this subchapter. ('81 Code, § 13.12.135) (Ord. 928, passed - -90)

**§ 51.052 INSPECTION AND SAMPLING.**

(A) The Director, through a program of inspection and sampling will ensure compliance with the provisions of this subchapter, the user's industrial wastewater discharge permit and all applicable federal and state laws and regulations. The program shall include, but is not limited to, the review of self-monitoring reports, inspections, sampling, flow verification and the retention of all necessary records (Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(v)).

(B) The Director shall inspect the facilities of any person to ascertain whether the purpose of this subchapter is being met and all prohibitions, limitations and requirements are being complied with. Upon presentation of proper identification, persons or occupants of premises where waste or wastewater is created or discharged will allow inspectors ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, records examination, evidence gathering or in the performance of any of their other duties. In addition, the Director may enter the property at any hour under emergency circumstances involving the city's sewerage system. The city, approval authority and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The Director, the EPA or approval authority shall have access to and the right to inspect and copy all of an industrial user's records pertaining to wastewater discharge and compliance with pretreatment standards and pretreatment requirements, whether such records are located at the facility where the wastewater is created or discharged, or at another facility of user, in accordance with § 51.130(B).

(C) During the inspection and compliance-monitoring activities, the inspector shall observe all reasonable security, safety and sanitation measures. In addition, the inspector shall observe reasonable precautionary measures specified by the user.

(D) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary

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arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(E) No persons shall interfere with, delay, resist, or refuse entrance to an authorized inspector attempting to inspect any raw material, waste or wastewater generation, conveyance, treatment or storage facility (Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(v)).

(F) A report listing any deficiencies and/or violations found during the inspection shall be prepared by the inspector and shall be kept on file at the city office. A copy of the report shall be provided to the user.

(G) If corrections are needed, the user shall provide to the Director an approved compliance schedule (see § 51.113).

(H) When obtaining samples, the inspector shall allow the user to collect replicate samples for separate analysis.

('81 Code, § 13.12.140) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.053 CONNECTIONS TO MAINS TO BE MAINTAINED BY OWNER.**

All lateral building sewers including that portion within public right-of-way and connections, including the wye or saddle at the sewer main, shall be owned and maintained by and at the expense of the property owner.

('81 Code, § 13.12.145) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.054 AVAILABILITY OF FACILITIES; RESTRICTION OF DISCHARGE RATE.**

(A) If sewerage system capacity is not available, the Director may restrict discharge until sufficient capacity can be made available. The Director shall advise any person desiring to locate a new facility of the areas where wastewater of the proposed quantity and quality can be received by available sewerage system capacity. The Director may refuse immediate service to any new facility located in an area where there is insufficient capacity in the city's sewerage system to accommodate the proposed quality and quantity of the wastewater or where the discharge of the wastewater will violate any of the provisions of this subchapter or cause the city's wastewater treatment plant to violate its NPDES permit.

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(B) The Director may restrict the rate of discharge into any sanitary sewer during the peak flow hours (8:00 a.m. to 10:00 p.m.) or at any other time when required to prevent the overloading of the sewerage system. A discharger so restricted shall be required either to curtail his rate of discharge or to provide approved storage or retention facilities for his wastewater. Wastewater so retained may be discharged into a sanitary sewer between the hours of 10:00 p.m. and 8:00 a.m., or during other periods prescribed by the Director, at a rate of flow which the sewerage system can accommodate.

('81 Code, § 13.12.150) (Ord. 928, passed - -90)

**§ 51.055 EXCESSIVE SEWER MAINTENANCE EXPENSE.**

Any person who discharges or causes to be discharged into the city's sewerage system either directly or indirectly, any waste or wastewater which creates a stoppage, plugging, breakage, permanent reduction in the capacity of a sewer, or any other damage to the city's sewerage system shall be liable for the damage and for excessive sewerage system maintenance expense occasioned thereby. The expense and the damage shall be deemed a debt to the city and shall be charged to the discharger by the Director. Any excessive maintenance expense or any other expenses attributable thereto shall be charged to the offending discharger by the city.

('81 Code, § 13.12.155) (Ord. 928, passed - -90)

**§ 51.056 DAMAGE TO CITY'S SEWERAGE SYSTEM; CREATION OF OTHER LIABILITY.**

Any person who discharges or causes to be discharged into the city's sewerage system, either directly or indirectly, any prohibited waste or wastewater which causes damage to the system, causes detrimental effects upon city wastewater treatment plan processes or causes the violation of a discharge requirement or regulation imposed by a regulatory agency shall be liable for all damages and costs occasioned thereby, including any penalty assessed by a regulatory agency. The damages, costs or penalty assessed shall be deemed a debt to the city and shall be charged to the user by the Director.

('81 Code, § 13.12.160) (Ord. 928, passed - -90)

**§ 51.057 CONFIDENTIAL INFORMATION.**

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(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as confidential information of the user.

(B) When requested by the person furnishing a report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this subchapter and/or the National Pollutant Discharge Elimination System; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report (Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(vii)). Information and data provided to the control authority pertaining to effluent constituents and characteristics shall be available to the public without restrictions (Federal Pretreatment Regulations 40 CFR 403.14(b)). ('81 Code, § 13.12.165) (Ord. 928, passed - -90)

**§ 51.058 RECONSIDERATION.**

Any person unsatisfied with an action, decision or determination of the Director under this subchapter may file with the city a written request for reconsideration. The request shall specify the action, decision or determination complained of and shall state the reasons upon which the request for reconsideration is based. The Director shall consider the request, rule thereon, and give notice of his ruling within 30 calendar days following the filing of the request with the city.

('81 Code, § 13.12.170) (Ord. 928, passed - -90)

**§ 51.059 APPEAL TO CITY.**

(A) Within 10 calendar days following the date that notice of the Director's ruling on reconsideration is given, the person who initiated the request for reconsideration may appeal the Director's ruling to the City Council.

(B) An appeal shall be perfected by filing with the City Clerk an original and two copies of a notice of appeal which states with particularity the grounds of appeal and the specific

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relief requested. The Clerk

shall note on the original notice the date and time of filing and shall transmit copies of the notice to the Director and City Attorney.

('81 Code, § 13.12.175) (Ord. 928, passed - -90)

**§ 51.060 NOTICE AND HEARING FOR APPEAL.**

(A) A hearing on appeal shall be held by the city no more than 35 calendar days following the date of filing of the notice of appeal.

(B) At the meeting of the City Council succeeding the filing of notice, the Clerk shall fix the date, place and time of hearing on appeal. Written notice thereof shall be given by the Clerk to the appellant, to the Director and to any person of record directly affected by the appeal. The written notice of the date, place and time shall be given at least five calendar days prior to the date of the hearing.

(C) The consideration of the City Council at hearing on appeal shall be restricted to the issues raised by the grounds specified in the notice of appeal. The appellant may appear personally and by counsel, may examine opposing witnesses and may present witnesses and evidence in his own behalf.

(D) The City Council shall announce its decision resolving an appeal within 14 calendar days following the conclusion of public hearing on the matter. The decision of the Council shall comport with the purpose of this subchapter, shall do substantial justice and shall serve the public interest, health, safety and welfare.

('81 Code, § 13.12.180) (Ord. 928, passed - -90)

**§ 51.061 NOTICE OF DECISION; TIME LIMITS.**

(A) No later than 10 calendar days following the date on which the decision of the City Council is rendered, the Clerk shall mail notice of or a copy of the decision to the appellant and to the Director. ('81 Code, § 13.12.185)

(B) (1) Unless otherwise provided herein, any notice required to be given by the city pursuant to this subchapter shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the

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Director.

(2) Notice by mail shall be deemed to have been given at the time of deposit, registered or certified postage prepaid, in a collection facility regularly serviced by the United States Postal Service; and notice personally served shall be effective at the time the written notice is served upon the person or served in any other manner permitted by the California Code of Civil Procedure.

(3) Any time limit provided in a written notice or in any provision of this subchapter may be extended in writing by or at the direction of the Director.  
(81 Code, § 13.12.190) (Ord. 928, passed - -90)

**§ 51.062 PUBLIC NOTIFICATION.**

Public notification will be made at least annually in the largest daily local newspaper listing all local industries who, during the previous 12 months, were significantly violating applicable federal pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant violation would be those violations which remained uncorrected 45 days after notification of the violation; which are a part of pattern of noncompliance over a 12-month period; which involve a failure to accurately report noncompliance; or which resulted in the city exercising its emergency authority (Federal Pretreatment Regulations 40 CFR 403.8(f)(2)(vii)).

(81 Code, § 13.12.195) (Ord. 928, passed - -90)

**PART 3. WASTEWATER DISCHARGED  
INTO CITY SEWERAGE SYSTEM**

**§ 51.075 WASTEWATER DISCHARGE POLICY.**

(A) No person shall connect any new building sewer or add any new source to any existing building sewer which connects to any city sewer or other facility of the city's sewerage system without first paying to the city the connection, conveyance and any other permit fees required thereof.

(B) Domestic and industrial wastewater originating within the city will be accepted

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into the city's sewerage system if there is capacity in the system and the wastewater will not:

- (1) Menace public health;
- (2) Detrimentially affect the local environment;
- (3) Create a nuisance, including odor and infestation;
- (4) Impose excessive collection, treatment or disposal costs upon the city;
- (5) Significantly interfere with or impede wastewater treatment processes;
- (6) Interfere with or impede wastewater reclamation processes;
- (7) Exceed quality limits and quantity requirements established by this subchapter or regulations promulgated thereunder;
- (8) Significantly contaminate the sludge from the treatment process;
- (9) Cause the city's wastewater treatment plant to violate its NPDES permit.

(C) This subchapter provides specific limits for prohibited constituents only where they are now reasonably well established. Other constituents will be brought under regulation when specific limits are established. In some cases, the concentration or amount of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen, but will depend on the results of technical determinations relating to the particular situation and actions of regulatory agencies.

(D) No person shall discharge any domestic or industrial wastewater to the ground, into any surface drainage conduit, storm drain or channel, or stream or other watercourse. ('81 Code, § 13.12.200) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.076 SPECIFIC DISCHARGE PROHIBITIONS.**

(A) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the city's sewerage system. These city prohibitions shall apply to all such users of the city's sewerage

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system whether or not the user is subject to National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements.

(B) A user may not contribute the following substances, directly or indirectly, to the city sewerage system (Federal Pretreatment Regulations 40 CFR 403.5(b)):

(1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the city's sewerage system, its operation or personnel. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL). Prohibited materials, include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substances which violate this subchapter or any applicable local, state or federal laws, codes, rules, regulations, standards or permits, or which damage or interfere with the operation or performance of the city's sewerage system (Federal Pretreatment Regulations 40 CFR 403.5(b)(1));

(2) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the city's sewerage system or exceed the limitation set forth in a categorical pretreatment standards or § 51.077 of this subchapter. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Act (33 USC 1317);

(3) Any wastewater having a pH less than 6.0 or a pH higher than 10.0 or wastewater having any other corrosive or detrimental characteristics capable of causing damage or hazard to structures, equipment and/or personnel of the city's sewerage system (Federal Pretreatment Regulations 40 CFR 403.5(b)(2));

(4) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment plant such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood and/or components, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, and glass

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grinding or polishing wastes (Federal Pretreatment Regulations 40 CFR 403.5(b)(3));

(5) Rain water, stormwater, groundwater, street drainage, sub-surface drainage, roof drainage, swimming pool and/or spa water, yard drainage, water from yard fountains, ponds or lawn sprays or other uncontaminated water, or water added for the purpose of diluting wastes which exceed maximum concentration limitations (Federal Pretreatment Regulations 40 CFR 403.6(d));

(6) Nonbiodegradable oils commonly called soluble oils which may form persistent water emulsions or oil, petroleum oil or refined petroleum products beyond a concentration set forth under "Specific Pollutants Limitations," disposal of oils and fats including lard, tallow, or vegetable oil in concentrations which may be detrimental to the city's sewerage system or which violate the city's NPDES permit;

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

(8) Any substance which may cause the city's wastewater treatment plant's effluent or any other product such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a material be discharged which causes the city's wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act (33 USC 1345). Any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.) or state criteria applicable to the sludge management method being used;

(9) Any substance in concentration sufficient to cause the city's wastewater treatment plant to violate its NPDES permit or the receiving water quality standards;

(10) Any wastewater with objectionable color including, but not limited to, dye wastes and vegetable tanning solutions;

(11) Any wastewater having a temperature which will inhibit biological activity in the city's wastewater treatment plant resulting in interference but in no case wastewater with a temperature at the introduction into the city's sewerage system which exceeds 104°F (40°C);

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(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations;

(13) Any wastewater which causes a hazard to human life or creates a public nuisance;

(14) Deionized water, steam underwaste or distilled water in excess of laboratory usage; single pass cooling water, blow-down or bleed water from cooling towers or other evaporation coolers exceeding one-third of the make-up water (quantities in excess of one-third of the make-up water may be discharged into the city's sewerage system, subject to § 51.054(B), during off-peak hours if hydraulic sewer capacity is available);

(15) Any wastewater with amounts of TDS which may be detrimental to the city's sewerage system;

(16) No person shall discharge or cause to be discharged into the city's sewerage system any waste or wastewater if in the opinion of the Director the discharge may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property or may otherwise endanger ecological systems or create a public nuisance. In determining the acceptability of specific wastewater under this section, the Director shall consider, in addition to the foregoing, the nature of the wastewater, the adequacy and nature of the collection, the treatment and disposal system available to accept the wastewater, and the city policy embodied in this subchapter. The Director may promulgate standards as provided herein and upon appropriate application shall establish terms and conditions appropriate to specific dischargers. ('81 Code, § 13.12.205) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.077 SPECIFIC DISCHARGE LIMITATIONS FOR INDUSTRIAL USERS.**

(A) No industrial discharger shall discharge wastewater containing pollutants in excess of:

<i>Parameter</i>	<i>Concentration (mg/l)</i>
BOD-5 day	600.00

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COD	1,100.00
S.S.	800.00
Oil and grease	50.00
Chloride	125.00
Arsenic	3.00
Ammonia	25.00
Cadmium	1.00
Chromium (total)	2.30
Copper	1.30
Lead	3.10
Mercury	0.01
Nickel	1.10
Silver	1.00
Sulfide (dissolved)	0.10
Zinc	10.00
Cyanide	3.00 (total)
TDS	1,500.00
Total toxic organics (TTO)	1.00

(B) When the Director determines that the user is contributing to the city's sewerage system any of the above enumerated substances in amounts in excess of these limitations, the Director shall notify the user(s) of the violation (see § 51.116).

('81 Code, § 13.12.210) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.078 LIMITATIONS ON THE USE OF GARBAGE GRINDERS.**

Waste from garbage grinders shall not be discharged into the city's sewerage system except:

(A) Wastes generated in preparation of food in a residence; or

(B) Where the user has an existing garbage grinder and has an approval for that specific use from the city, and agrees to undertake whatever self-monitoring is required to enable the city to equitably determine the charges and fees based on the waste constituents and characteristics. Such grinders must be repaired or replaced as necessary in order to at all times ensure that the waste is shredded to a degree that all particles will be carried freely under normal

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flow conditions prevailing in the city's sewerage system. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, garden refuse, or waste products resulting from the handling, storage and sale of fruits and vegetables in wholesale and retail produce establishments, and wastes from plants engaged in the preparation, processing or preserving of foods not intended primarily for immediate consumption; and

(C) At any time the property or business changes ownership, excluding residential property, any existing garbage grinders installed on the property must be removed and no new garbage grinders may be installed as a condition of continued city sewer service to the property. ('81 Code, § 13.12.215) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.079 VARIANCE FROM SPECIFIC DISCHARGE LIMITATIONS.**

(A) (1) A variance from a specific compatible pollutant limitation may be obtained from the Director. Granting of such a variance shall be determined on a case by case basis. The Director shall take into account the following factors when making this determination:

- (a) The industrial user's ability to meet the existing limitations;
- (b) The industrial user's wastewater discharge volume;
- (c) The industrial user's current wastewater constituent concentrations;
- (d) The impact of increased constituent concentrations on the city's sewerage system, the wastewater treatment plant's processes, effluent and/or sludge quality;
- (e) The impact of increased constituent concentrations on the wastewater treatment plant's NPDES permit requirements;
- (f) Any other factor(s) the Director deems applicable.

(2) Prior to issuing such a variance, the Director shall verify with EPA that the variance will not allow the user to exceed applicable categorical standards.

(B) The Director may require the user to monitor its effluent in excess of previous levels if he deems it necessary to properly enforce any variance granted under this section.

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(C) The Director reserves the right to impose requirements which are stricter than, or are additive to, those specified in §§ 51.076 and 51.077 should the quantity or quality of the user's effluent merit unique consideration by virtue of its impact on the city's sewerage system or the public health and welfare.

(D) The Director reserves the right to revoke the variance at any time.

(E) The Director reserves the right to charge additional fees as related to the granting of a variance.

('81 Code, § 13.12.220) (Ord. 928, passed - -90)

**§ 51.080 DILUTION OF DISCHARGE.**

In accordance with Federal Pretreatment Standards (40 CFR 403.6(d)), no industrial user shall in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard or pretreatment requirement, except where expressly authorized to do so by an applicable pretreatment standard or pretreatment requirement (Federal Pretreatment Regulations 40 CFR 403.6(d)).

('81 Code, § 13.12.225) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.081 STATE REQUIREMENTS.**

State requirements and limitations on dischargers shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter (Federal Pretreatment Regulations 40 CFR 403.4).

('81 Code, § 13.12.230) (Ord. 928, passed - -90)

**§ 51.082 FEDERAL REQUIREMENTS.**

Upon the promulgation of a city pretreatment standard or the categorical pretreatment standards for a particular industrial sub-category, the federal standard(s), if more stringent than limitations imposed under this subchapter, shall immediately supersede the less stringent limitations. The Director shall notify all affected users of the new standards and the applicable reporting requirements under 40 CFR 403.12 and this subchapter.

## **PART 4. PRETREATMENT REQUIREMENTS**

### **§ 51.095 REGULATORY ACTIONS.**

If wastewater containing excess concentrations of a substance or a prohibited substance referred to in §§ 51.077 or 51.078 respectively of this subchapter is discharged or proposed to be discharged to the city's sewerage system, the Director may at his option do any of the items set forth in divisions (A) through (E) of this section or any combination thereof (Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(i)):

(A) Prohibit the discharge of the wastewater;

(B) Require the discharger to demonstrate that in-plant modifications would reduce or eliminate the discharge in conformance with prohibitions, limitations and requirements of this subchapter;

(C) Require pretreatment to reduce, eliminate or alter the nature of pollutants to a less harmful state prior to their discharge to the city's sewerage system;

(D) Require the person making, causing or allowing the discharge to pay noncompliance penalties.

(E) Implement any other remedial action as may be deemed necessary to achieving the purpose and requirements of this subchapter.

(81 Code, § 13.12.240) (Ord. 928, passed - -90)

### **§ 51.096 PRETREATMENT FACILITIES AND OPERATION.**

(A) A wastewater pretreatment device or system may be required by the Director to pretreat industrial wastewater flows prior to discharge to the city's sewerage system. Pretreatment may be necessary to restrict or prevent the discharge of certain waste constituents, to distribute more equally over a longer time period any peak discharges of industrial waste-waters, or to accomplish any pretreatment results required by this subchapter (Federal

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Pretreatment Regulations 40 CFR 403.8(f)(1)(iii).

(B) Pretreatment facilities as required by the Director shall be maintained in good working order and operated as efficiently as possible at the expense of the discharger, and are subject to the requirement of this subchapter and all other applicable codes and laws.

(C) Where pretreatment or flow equalization prior to discharge into the city's sewerage system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow control shall first be submitted to the Director for approval. Such approval shall not exempt the discharger of said facilities from compliance with any applicable rule or ordinance of any other governmental authority. Any alterations or additions to such pretreatment facilities shall not be made without due notice to the Director for prior review and approval.

(D) All federal pretreatment standards applicable to local industry which specify quantities or concentrations of pollutants that may be discharged by a specific industrial subcategory will be enforced by the city as required in § 309(e) and (f) of the Federal Clean Water Act (33 USC 1319). Compliance by existing industrial users with categorical pretreatment standards shall be within three years of the date the standard is promulgated unless a shorter time is specified by the EPA.

(E) All domestic wastewaters including, but not limited to, those from restrooms, showers and drinking fountains shall be kept separate from industrial wastewaters until the industrial wastewaters have passed through any required pretreatment and/or monitoring device or system.

('81 Code, § 13.12.245) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.097 PROTECTION FROM ACCIDENTAL DISCHARGE.**

(A) Each industrial user shall provide protection from accidental discharge of prohibited materials, other regulated wastes or wastewater called out in this subchapter or any other materials in concentration or quantities of which could be detrimental to the city's sewerage system, its operation or personnel. Each floor drain or floor sink located in an area where regulated chemicals are stored or used shall be protected in a manner approved by the Director to prevent uncontrolled or accidental discharges of these regulated constituents from directly entering the city's sewerage system. Facilities to prevent accidental discharge shall be provided

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and maintained at the owner's and/or operator's expense. Detailed plans in the form of a spill prevention control and counter-measures plan (showing facilities and operating procedures to provide this protection) shall be submitted to the Director for review and approval prior to construction of said facilities. Such review and approval of plans and operating procedures shall not relieve the industrial user from responsibility of modifying said facilities as necessary to meet the other requirements of this subchapter.

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

(C) Any person that causes or discovers an uncontrolled or accidental discharge of regulated wastes or wastewater into the city's sewerage system shall immediately telephone the Director in order that corrective action may be taken to protect the city's sewerage system, its operation or personnel. In addition, the person responsible for the discharge of said wastes or wastewater shall file a written report to the Director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges. The report shall be filed within five days of the occurrence of the uncontrolled or accidental discharge (Federal Pretreatment Regulations 40 CFR 403.12(f)). ('81 Code, § 13.12.250) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.098 DISCHARGES OF WASTES OR WASTEWATER INTO THE CITY'S SEWERAGE SYSTEM FROM VEHICLES.**

(A) No person shall discharge into the city's sewerage system any industrial wastes or wastewater, any gravity separating device or interceptor contents, any septic tank, seepage pit, or cesspool contents or wastewater transported by or discharged from a vacuum truck, cesspool pump truck or other waste or wastewater transport vehicle at a location other than that which has been approved by the Director.

(B) Transported industrial wastes shall be discharged only at locations specified by the Director for the specific waste. Payment for any excessive treatment and disposal costs may be required and permission to discharge prohibited wastes may be refused by the Director.

(C) Recreational vehicle wastes shall be discharged only at an approved home

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connection or recreational vehicle dump station. Recreational vehicle dump stations shall provide a clearly marked source of nonpotable rinse water with a hose and back flow protection within 10 feet of the discharge point. A clearly marked source of potable water shall also be provided no closer than 25 feet nor

more than 100 feet from the point of discharge. A sign shall be posted at the dump station stating: "Recreational Vehicle Domestic Wastes Only."

('81 Code, § 13.12.255) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.099 GREASE INTERCEPTORS AND GRAVITY SEPARATING DEVICES.**

(A) *Restaurants.* All restaurants or similar establishments shall install an approved grease interceptor which is of sufficient size so as to prevent excessive discharges of grease into the city's sewerage system. The grease interceptor shall be easily accessible for inspection by the Director. Exceptions to the installation of a grease interceptor shall be determined by a case-by-case basis by the Director. The Director shall take into account the following items when determining exceptions:

- (1) Size of restaurant;
- (2) Meals served per day;
- (3) Seating capacity;
- (4) Dishwashing and garbage disposal facilities on-hand; and
- (5) Any other criteria the Director deems applicable.

(B) *Car washes, vehicle service stations and garages.* Car washes and vehicle service stations or garages shall be required to install and maintain a gravity separating device designed to prevent the discharge of sand, silt, oil and grease to the city's sewerage system.

(C) *Laundries and dry cleaners.* After the effective date of the ordinance codified in this subchapter all new laundries and dry cleaners or similar establishments shall install a gravity separating device of a size and design approved by the Director. They shall also install any other pretreatment facility required by the Director to ensure their compliance with all requirements and specifications of this subchapter. Establishments in existence prior to this date shall install an appropriate pretreatment system if in the opinion of the Director the system is warranted.

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(D) *Other facilities.* Grease, oil or sand interceptors shall be provided in other new facilities when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, and other harmful ingredients. All interceptors shall be of type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(E) *Existing gravity separating device and grease interceptors.* If the Director finds that a grease interceptor or gravity separating device installed prior to the effective date of the ordinance codified in this subchapter is incapable of retaining adequately the grease or sand and oil in the wastewater flow from a service station, car wash or restaurant or similar establishment or other facility, the Director shall give the proprietor a written notice requiring that an adequate interceptor or gravity separating device be installed within a reasonable time period.

(F) *Approved designs.* The Director may maintain an information file available for public use of acceptable designs of grease interceptors and gravity separating devices. The installation of a design shown in such file or of any design meeting the size requirement set forth in this subchapter or any recommendation of requirements made by the Director shall not impute any liability to the city for the adequacy of the interceptor or gravity separating device under the actual conditions in use. Such installation shall not relieve the owner or proprietor of responsibility for keeping prohibited substances or substances above the limitations of this subchapter out of the city's sewerage system. If the interceptor, gravity separating device or other pretreatment facility is not adequate under the conditions of use, one shall be constructed which is effective in accomplishing the intended purpose.

('81 Code, § 13.12.260) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.100 MAINTENANCE OF GREASE INTERCEPTORS AND GRAVITY SEPARATING DEVICES.**

Any grease interceptor or gravity separating device required by this subchapter shall be readily accessible for inspection and properly maintained by the user at his expense to assure that the accumulations of grease or sand and oil do not impair its efficiency or pass out with the effluent. All users required to use and maintain a grease interceptor or gravity separating device shall maintain a maintenance record. This record shall include the date, the name of the person who cleaned it and the disposal site of the waste. The report shall be reviewed by the Director at each routine inspection. Persons hauling wastes and wastewater removed from these

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inter-ceptors or gravity separating devices shall be registered to do so by the proper permitting agency. An interceptor or gravity separation device shall not be considered properly maintained if material accumulations total more than 25% of the operating fluid capacity. The city will endeavor to inspect all grease interceptors and gravity separating device at least annually. If it is found that it is improperly maintained or adequate records are not being kept, a warning will be issued to the owner and/or user of the property. If on subsequent inspections it is found that one of the above conditions continues to exist, a fine shall be levied against the owner and/or user of the property.

('81 Code, § 13.12.265) (Ord. 928, passed - -90) Penalty, see § 51.999

**PART 5. INDUSTRIAL WASTEWATER  
DISCHARGE PERMIT SYSTEM**

**§ 51.110 INDUSTRIAL WASTEWATER DISCHARGE PERMITS.**

(A) No person shall discharge or cause to be discharged any industrial wastewater directly or indirectly to sewerage facilities owned by the city without first obtaining a city permit for industrial wastewater discharge.

(B) (1) The permit for industrial wastewater discharge may require a pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the city, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs to the city created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this subchapter.

(2) The city will deny or condition new or increased contributions of pollutants or changes in the nature of pollutants from industrial users based on industry's violations of applicable pretreatment standards or the limitations imposed by this subchapter or where such contributions could cause the city's wastewater treatment plant to violate its NPDES permit (Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(iii)). In addition each permit upon renewal or each application for a permit shall be accompanied by the fees as required by this subchapter and the schedule of fees adopted by the City Council.

('81 Code, § 13.12.270) (Ord. 928, passed - -90) Penalty, see § 51.999

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**§ 51.111 PERMIT APPLICATION.**

(A) The user seeking an industrial discharge permit shall complete an application form provided by the Director and file it with the Director accompanied by the required fee.

(B) In support of this application, the applicant shall supply in the following information:

(1) Name and address of applicant and standard industrial classification (S.I.C.) number of the operations to be carried out by user;

(2) The location of the discharge;

(3) Time and duration of discharge;

(4) Estimated average and peak flow rates including any expected daily, monthly and seasonal variations;

(5) Major constituents and characteristics including but not limited to those regulated by this subchapter and the applicable categorical standards as determined by a certified analytical laboratory;

(6) Site plans, floor plans, plumbing plans and details to show all public sewers and appurtenances by size, location and elevation;

(7) Description of toxic or hazardous materials stored or used on the premises which are or could be discharged to the city's sewerage system;

(8) Each product by type and production process;

(9) Identification of applicable regulating pretreatment standards;

(10) Number of employees and normal hours of operation of the facility;

(11) Any other information which may be deemed necessary by the Director to evaluate the permit application.

('81 Code, § 13.12.275) (Ord. 928, passed - -90)

**§ 51.112 PERMIT CONDITIONS.**

(A) The industrial wastewater discharge permit shall constitute the performance specification to which each industrial user must conform in order to maintain authorization to use the city's sewerage system. Industrial wastewater discharge permits shall be expressly subject to all provisions of this subchapter, federal pretreatment standards and regulations pursuant to § 307 et seq. of the Clean Water Act (33 USC 1317 et seq.) and all other regulations, user charges and fees established by the city. Permit conditions shall be uniformly enforced in accordance with this subchapter and applicable state and federal regulations.

(B) Permit conditions may include but are not limited to the following (Federal Pretreatment Regulations 40 CFR 403.12(b)):

(1) Limits on the average and/or maximum wastewater constituent concentrations and other relevant qualitative characteristics;

(2) Mass emission discharge rates or any more stringent federal pretreatment standards and user's average daily wastewater discharge for the past three years. When not available, data for a year or that which is mutually acceptable to the user and the city will be used;

(3) Limits on rate and time of discharge or requirements for flow regulations and equalization (see § 51.054);

(4) Requirements for installation of inspection and sampling facilities and specifications for monitoring programs;

(5) Requirements for maintaining and submitting technical self-monitoring reports and plant records relating to industrial wastewater discharges;

(6) Compliance schedules (see § 51.113);

(7) Applicable federal pretreatment standards which are more stringent than local limitations;

(8) Other conditions to ensure compliance with this subchapter.

**§ 51.113 COMPLIANCE SCHEDULES.**

A compliance schedule required as a result of an industrial user's noncompliance with applicable federal and/or local pretreatment standards or requirements, or for the installation of technology required to meet applicable standards or requirements shall be based on the following:

(A) A list of the expected increments of progress in the form of dates for the commencement and completion of major events leading to consistent compliance with applicable federal and/or local pretreatment standards;

(B) No increment referred to above exceed three months;

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Director including as a minimum, whether or not the user complied with the latest increment of progress, the reason for delay, and the steps taken by the user to return to the schedule established.

(81 Code, § 13.12.285) (Ord. 928, passed - -90)

**§ 51.114 DURATION AND REVISION OF PERMITS.**

(A) Permits shall be issued for a period of one year or less. The terms and conditions of the permit may be subject to modification as limitations or requirements in §§ 51.099 and 51.100 are modified or as a result of pretreatment standards and/or requirements promulgated pursuant to § 307 et seq. of the Clean Water Act (33 USC 1317 et seq.). The user shall be informed of the proposed changes in his permit 30 days prior to the effective date of the change. Any new conditions in the permit shall include a reasonable compliance schedule to be proposed by the industrial user and approved by the Director. Such compliance schedule will allow the user time to modify the industrial process sufficiently to comply with the new permit changes.

(B) Permits issued to each industrial user shall be based on the user's typical discharge rate, peak discharge rate and wastewater constituents and characteristics as described in the user's permit application or through the Director's knowledge of the history of the user's discharge. The user is required to promptly notify the Director of any significant changes in the user's operation

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that may affect his discharge rate, peak flow rate, wastewater constituents or characteristics (Federal Pretreatment Regulations 40 CFR 403.12(j)).

('81 Code, § 13.12.290) (Ord. 928, passed - -90)

**§ 51.115 TRANSFER OF PERMIT.**

Industrial wastewater discharge permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

('81 Code, § 13.12.295) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.116 VIOLATION OF PERMIT.**

(A) When the Director determines that a specific condition and/or discharge is in violation of any provision of this subchapter or in violation of any permit condition or limitation imposed, the industrial user shall be issued a notice of violation (see § 51.188(A)) by the Director which shall specify the violation or designate the deficiencies and shall specify a period of time within which the discharge shall be brought into conformity with all requirements. The period of time specified by the Director shall be reasonably related to the character of the violation, to the quality and quantity of the discharge and to the risk imposed upon the city's sewerage system or threatened to the public health, safety and welfare.

(B) The discharger shall submit in writing, to the Director, the following:

(1) An explanation as to the cause of violation;

(2) A compliance schedule which outlines the methods undertaken to remedy the violation and to assure a repetition of the violation does not occur.

('81 Code, § 13.12.300) (Ord. 928, passed - -90)

**§ 51.117 SUSPENSION OF PERMIT.**

(A) The Director may suspend a permit if the suspension is necessary to terminate a discharge which is in violation of any provision of this subchapter; provided, that a notice of violation has been served on the user and the time designated therein to correct the violation has

transpired.

(B) The Director may suspend a permit, upon informal notice only, if suspension is necessary to terminate a discharge which presents an imminent hazard to the local environment and/or public health, to the city's sewerage system or to city personnel or the termination of which is reasonably required to preserve the public health, safety or welfare (see § 51.188(D)).

(C) Any person notified of the suspension of the industrial wastewater discharge permit shall immediately stop or eliminate the discharge of the specified wastewater or other material into the city's sewerage system. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including, but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the city's sewerage system or endangerment of any individuals.

(D) The Director shall reinstate a permit suspended hereunder upon proof of the user's compliance with the notice of violation and with the requirements of this subchapter. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

('81 Code, § 13.12.305) (Ord. 928, passed - -90)

#### **§ 51.118 REVOCATION OF PERMIT.**

(A) Any industrial user who violates the conditions of his permit or provisions of this subchapter or applicable federal and state regulations is subject to having his permit revoked.

(B) Violations subjecting a user to possible revocation of the permit include, but are not limited to, the following:

(1) Failure of a user to factually report their wastewater constituents or concentrations or to comply with their self-monitoring requirements;

(2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

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- (4) Violation of conditions of the user's permit; or
  - (5) Failure of the user to comply with the terms of his compliance schedule.
- ('81 Code, § 13.12.310) (Ord. 928, passed - -90)

**PART 6. INDUSTRIAL WASTEWATER  
MONITORING AND REPORTING**

**§ 51.130 RECORDS AND MONITORING.**

(A) All industrial users discharging or proposing to discharge industrial wastewater to the city's sewerage system shall maintain records of its raw materials and usage, processes, effluent flows, pollutant concentrations and related factors. These records shall be necessary to demonstrate compliance with the requirements of this subchapter and any applicable federal or state pretreatment standards. Any industrial user subject to the reporting requirements of this subchapter shall be required to retain for a minimum of three years any records of monitoring activities and results. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Director or the approval authority.

(B) All such records related to compliance with pretreatment standards shall be made available for inspection and copying at the company facility or if located elsewhere, at the other location, to officials of the EPA, approval authority and the Director (Federal Pretreatment Regulations 40 CFR 403.12(o)(2)).

(C) The owner and/or occupant of any premises or facility discharging industrial wastewater into the city's sewerage system shall install at its or their own expense suitable monitoring equipment as may be required by this subchapter to facilitate the accurate observation, sampling, and measurement of regulated constituents. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) If the Director requires or the owner or operator chooses to install a flow meter, the flow meter must be calibrated every six months and a photocopy of the calibration must be sent to the Director. The calibration must be performed by one of the following: the

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manufacturer or a qualified civil engineer. Flow charts are to be held by the user for a minimum of three years and made available to the Director upon request. Totalizer readings shall be recorded daily and every month a report shall be submitted to the Director showing total daily flows and total monthly flow.

(E) All industrial users required to periodically sample and analyze their wastewater shall use sampling methods and sampling locations approved by the Director. For each sample collected and analyzed the user shall maintain a record of:

- (1) The date, exact place, method and time of sampling and the names of the person or persons taking samples;
- (2) The dates and analyses where performed;
- (3) Who performed the analysis;
- (4) The analytical techniques/methods used;
- (5) The results of such analyses.

(F) Whether constructed on public or private property, the approved sampling point shall be constructed in accordance with the city requirements. An industry may request approval from the city for sampling wells installed prior to the effective date of the ordinance codified in this subchapter, which meet the design and accessibility requirements for sampling purposes.  
(81 Code, § 13.12.315) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.131 SAMPLING WELL.**

(A) A sampling well(s) of a design approved by the Director shall be furnished and installed by designated industrial user to facilitate inspection, sampling and flow measurements. The sampling well(s) shall be located in an accessible location and the location shall be designated by the Director.

(B) Unrestricted access to the sampling well(s) shall be provided to authorized personnel of the city or its duly authorized representative at all times.  
(81 Code, § 13.12.320) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.132 SAMPLING AND ANALYSIS.**

(A) Compliance determinations shall be made by the Director with respect to §§ 51.076 and 51.077 on the basis of either instantaneous grab or composite sampling of the wastewater. Grab samples may be taken as deemed necessary by the Director to meet the needs of the specific circumstances.

(B) All analyses shall be performed in accordance with procedures established pursuant to § 304(g) through (m) of the Federal Clean Water Act (33 USC 1314(g) through (m)) and contained in 40 CFR 136 and amendments thereto.

(C) Sampling of industrial wastewater and wastes for the purpose of compliance determination shall be conducted at intervals specified by the Director. However, it is the intention of the Director to conduct compliance sampling for all industrial users at least once per year, for the constituents set forth in the user's industrial wastewater discharge permit. ('81 Code, § 13.12.325) (Ord. 928, passed - -90)

**§ 51.133 SELF-MONITORING REPORTS.**

(A) All industrial users required to do so by the Director shall monitor and report on the quantity and quality of their industrial wastewater discharge. The items to be included in the report and the frequency with which the report shall be submitted to the Director will be detailed in the user's industrial wastewater discharge permit. The frequency of self-monitoring and reporting for those industrial dischargers not regulated by the federal pretreatment regulations will be based on the following factors:

- (1) The effect of the wastewater on the city's sewerage system;
- (2) The degree of toxic material which may pass through the treatment plant;
- (3) The quantity, nature and type of the industrial wastewater discharge;
- (4) The extent to which the discharge could contribute to violation of the city's wastewater treatment plant NPDES permit.

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(B) All reports submitted to the industrial user shall be required to be signed by an authorized representative of the user.

(C) These reports shall be subject to the provision of 18 USC 1001 relating to false statements and fraud and the provisions of § 309(c) of the Clean Water Act (33 USC 1319(c)) governing false statements.

(D) Each self-monitoring report and all reports as required within this division, shall contain the following completed declaration:

“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.

Executed on the \_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
(city and state)

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Typed Name)  
\_\_\_\_\_  
(Title)”

(E) The following reports will be required pursuant to promulgation of § 307 et seq. of the Clean Water Act (33 USC 1317 et seq.) and the establishment of any pretreatment standards and regulations:

(1) One-hundred eighty days after the promulgation of pretreatment standards all existing industries subject to such standards shall be required to submit to the city a report containing:

- (a) The name and address of the user;
- (b) The location of the discharge;

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(c) The nature, average production rate, and standard industrial classification of the operations carried out by such user;

(d) The average and maximum flow of the discharge in million gallons per day;

(e) The nature and concentration of pollutants in the discharge from each regulated process and identification of applicable pretreatment standards. The concentration shall be reported as a maximum or average as provided for in applicable pretreatment standards;

(f) A statement reviewed by an authorized representative of the industrial user and certified by a qualified professional indicating whether the pretreatment standards are being met on a consistent basis and if not, whether operation and maintenance improvements or additional pretreatment is required for compliance;

(g) If additional pretreatment or operation and maintenance improvements are required the shortest schedule by which such operation or maintenance improvements or additional pretreatment will be completed. The completion date submitted shall not be later than the compliance date established in the applicable pretreatment standard.

(2) (a) New sources and sources that become industrial users subsequent to the promulgation of applicable categorical standards shall be required to submit to the Director the information listed in subdivisions (1)(a) through (1)(e) of this division at least 90 days prior to commencement of discharge.

(b) Within 30 days following the final date of compliance with a pretreatment standard the industrial user subject to pretreatment standards and requirements shall submit a report to the city indicating the nature and concentration of all pollutants regulated by the pretreatment standard the average and maximum daily flow for the industrial process units. The report shall also state whether pretreatment standards or requirements are being met and if not, the operation and maintenance and/or pretreatment will be necessary to bring the discharge into compliance.

(3) After the final compliance report for a pretreatment standard, the subject industrial user shall periodically submit a report to the city indicating the nature and

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concentration of pollutants in the effluent which are limited by the pretreatment standard. These reports shall be submitted in June and December unless required more frequently by the Director. ('81 Code, § 13.12.330) (Ord. 928, passed - -90)

**PART 7. FEES, CHARGES AND COMPUTATIONS**

**§ 51.145 SCHEDULE OF CHARGES.**

Fees and charges made and collected in accordance with and under the authority of this subchapter shall be set and established by ordinance of the City Council. ('81 Code, § 13.12.335) (Ord. 928, passed - -90)

**§ 51.146 [RESERVED]**

**§ 51.147 [RESERVED]**

**§ 51.148 [RESERVED]**

**§ 51.149 ESTIMATED QUANTITIES AND VALUES.**

Except as otherwise provided in this subchapter, whenever the fees and charges required by this subchapter are based on estimated values or estimated quantities, the Director shall make the necessary determinations in accordance with established practices. ('81 Code, § 13.12.350) (Ord. 928, passed - -90)

**§ 51.150 [RESERVED]**

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**§ 51.151 SPECIFIC FEES.**

(A) *User fees.* All persons connected to the city sewage system shall pay to the city monthly fees for sewer service as established by ordinance of the City Council.

(B) *Industrial wastewater discharge permit fees.* All persons requiring an industrial waste discharge permit shall pay to the city a yearly permit fee as established by ordinance of the City Council.

(C) *Service fees.* Should the city or its agents perform required industrial wastewater sampling, analysis, review, flow measurements or other activities for an industrial user, said user shall be held responsible for all accrued costs. Fees for such service shall be as established by ordinance of the City Council.

(D) *Connection fees.* The Director shall charge and collect the fees specified by the City Council from persons connecting to the city sewerage system, from applicants for permit and permittees under this subchapter and from users of the city sewerage system.  
(‘81 Code, § 13.12.355) (Ord. 928, passed - -90; Am. Ord. 1001, passed 5-20-96)

**§ 51.152 DETERMINATION OF TOTAL FLOW.**

(A) The total flow of industrial wastewater discharged by the industrial user shall be measured by the Director by means of:

(1) A metering device, approved by the Director and obtained, installed, and maintained at the expense of the user (see § 51.130(C)); or

(2) Estimate determined from total water used in the area occupied by the user.

(B) The Director shall select the method to be used unless the discharger can demonstrate that another method will more accurately represent the discharge.  
(‘81 Code, § 13.12.360) (Ord. 928, passed - -90)

**§ 51.153 CHARGES FOR UNUSUAL OR EXCESSIVE STRENGTH WASTEWATERS.**

A charge for wastewater of such quality or character as to impose upon the city unusual operation and maintenance or capital cost whether or not related to flow volume, BOD, SS, or peak flow rates shall be set by the Director and paid by the user. These charges shall be reasonably calculated to defray cost attributable to such wastewater (see §§ 51.055, 51.056 and 51.079).

('81 Code, § 13.12.365) (Ord. 928, passed - -90)

**PART 8. SPECIAL RESTRICTIONS AS TO DISCHARGES WITH  
MINERAL CONTENT EXCEEDING THAT OF WATER SUPPLY**

**§ 51.165 REGISTRATION OF WATER-TREATING APPARATUS.**

(A) Any person who owns or recharges any apparatus in the city for treating water which produces any wastewater with a mineral content exceeding that of the water supply of the property shall register such apparatus with the city giving such information as the Director may reasonably require.

(B) It is unlawful for any person to use or to maintain in a condition of readiness for use, any unregistered apparatus at any time.

('81 Code, § 13.12.420) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.166 APPARATUS PRODUCING WASTEWATER WITH MINERAL CONTENT  
HIGHER THAN THAT OF WATER SUPPLY.**

(A) It is unlawful for any person to install, replace or enlarge in the city, any apparatus for treating all or any part of the water supply to a property if such apparatus is of a kind that produces, in any phase of its use or servicing, any wastewater with a mineral content higher than that of the water supply of the property, except that such apparatus may be installed if arrangements are made to dispose of the wastewater by other means than discharge to the sewers of the city or to the ground in any place where it might pollute any usable water supply or violate any state or federal regulation.

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(B) Such apparatus includes zeolite and resinous ion exchange softeners or demineralizers, stills, processes using reverse osmosis, and other like devices.  
(81 Code, § 13.12.425) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.167 APPLICABILITY OF CERTAIN SECTIONS TO SOFT-WATER ESTABLISHMENTS AND WATER SOFTENERS.**

The regeneration of ion exchange softeners in commercial soft-water service establishments and the addition of ion exchange softeners in commercial soft-water service establishments and the addition of ion exchange materials to water softeners is included in the operations limited by §§ 51.165 through 51.173.  
(81 Code, § 13.12.430) (Ord. 928, passed - -90)

**§ 51.168 MAINTENANCE OR USE OF ILLEGAL APPARATUS.**

It is unlawful for any person to use or to maintain in a condition of readiness for use any apparatus which it would be illegal to install under § 51.166, if such apparatus was installed after April 16, 1958.  
(81 Code, § 13.12.435) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.169 PERMIT TO INSTALL OR ALTER APPARATUS.**

(A) Any person desiring to install, enlarge or replace any water-treating apparatus of the kind described in § 51.166, or to regenerate ion exchange water softeners in a commercial establishment, or to add ion exchange materials to any water softener, shall submit to the Director a letter describing the intended installation or alteration and describing the arrangements which will serve to prevent improper discharge of the wastewater.

(B) No person shall install, replace or enlarge a water-treating apparatus of the kind described in § 51.166 nor may he operate such a unit if installed after April 16, 1958, nor may he regenerate an ion exchange water softener in a commercial establishment nor may he add ion exchange materials to any water softeners, unless he has a permit issued by the Director prescribing the approval and satisfactory arrangements for disposal of the wastewaters.

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(C) Such apparatus may be operated only so long as the method of wastewater disposal is as approved by the Director.

(D) Alteration in the method of disposal may be made only after communication to the Director and receipt of the permit as in the first instance.

('81 Code, § 13.12.440) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.170 ACCESSIBILITY OF APPARATUS AND REPORT AS TO OPERATION.**

A person installing or operating a water-treating apparatus of the kind described in § 51.166 shall make such apparatus accessible to the Director for inspection, and shall make such reports as the city may request as to the operation of the apparatus and disposal of wastewaters.

('81 Code, § 13.12.445) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.171 EXEMPTIONS; DEFINITIONS.**

(A) The following shall be exempt from the provisions of §§ 51.165 through 51.169.

(1) Any water-treating appliance which has a rated capacity less than five gallons in an eight-hour period. Multiple units installed to supply water to the same points of use shall be considered as a single appliance for the purposes of this exemption;

(2) Any water-treating appliance for which the regeneration of the appliance is performed at a facility separate from the location where such appliance is used, provided the regeneration is performed in compliance with this subchapter and all applicable law and regulations;

(3) Any water-treating appliance, used solely for residential water supply purposes, which discharges to the waste disposal system of the residence where such appliance is used, and provided both of the following conditions are satisfied:

(a) The appliance is certified to control the quantity of salt used per regeneration by a preset device, and the settings of such device are limited so that a salt efficiency rating of no less than 2,850 grains of hardness removed per pound of salt used in regeneration is achieved with a clock control, manually-initiated control, or demand control;

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(b) The installation of the appliance is accompanied by the simultaneous installation of the following water conservation devices on all fixtures using softened or conditioned water, unless such devices are already in place or unless such devices will adversely restrict the normal operation of such fixtures:

1. Faucet flow restrictors;
2. Shower head restrictors;
3. Toilet reservoir dams;
4. A piping system installed so that untreated, unsoftened or unconditioned supply water is carried to hose bibs and still cocks which serve water to the outside of the house, except that by-pass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where piping system is physically inhibited.  
(81 Code, § 13.12.450)

(B) Definitions for *CLOAK CONTROL, DEMAND CONTROL, FULLY MANUAL REGENERATION, HARDNESS, MANUALLY-INITIATED CONTROL, REGENERATION,* and *SALT EFFICIENCY RATING* as used in division (A) of this section shall be as found in Cal. Health & Safety Code § 116780.

(81 Code, § 13.12.455) (Ord. 928, passed - -90)

**§ 51.172 CERTIFICATION.**

(A) Any person installing a water-treatment apparatus under the provisions of § 51.171(A)(3) shall provide certification that the appliance to be installed meets the requirements set forth in said section. Certification shall be provided prior to the issuance of the plumbing permit.

(B) The certification form shall contain all of the following information:

- (1) Name and address of the homeowner;
- (2) Manufacturer of the water-softening or conditioning appliance, model number of the appliance, pounds of salt used per regeneration and salt efficiency rating at the

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time of certification;

(3) Manufacturer of the water-saving devices to be installed, model number and number to be installed;

(4) Name, address, and the contractor's license number of licensee making the certification, if any.

('81 Code, § 13.12.460) (Ord. 928, passed - -90)

**§ 51.173 CONSTRUCTION OF CERTAIN ECTIONS.**

Nothing in §§ 51.165 through 51.171(A) shall be construed as lessening the applicability of other requirements of this subchapter.

('81 Code, § 13.12.465) (Ord. 928, passed - -90)

**PART 9. ENFORCEMENT**

**§ 51.185 ENFORCEMENT REMEDIES CUMULATIVE.**

Each of the enforcement remedies available to the city as specified herein shall be nonexclusive and may be asserted cumulatively and in addition to any other remedy available to the city under law.

('81 Code, § 13.12.380) (Ord. 928, passed - -90)

**§ 51.186 DECLARATION OF PUBLIC NUISANCE.**

Discharges of wastewater, in any manner, in violation of the provisions of this subchapter or of any order issued by the Director as authorized by this subchapter are declared a public nuisance. The Director has the authority to take necessary measures (informal notice may suffice) to immediately and effectively correct or abate a public nuisance and may seek to enjoin such discharge(s) by order or process of a court of competent jurisdiction (see § 51.075).

('81 Code, § 13.12.385) (Ord. 928, passed - -90)

**§ 51.187 ENFORCEMENT PROVISIONS.**

The city can require compliance with permit conditions or limitations, or any provision of this subchapter by issuing administrative orders that shall be enforceable in a court or by direct court action (see §§ 51.050 and 51.051).

('81 Code, § 13.12.390) (Ord. 928, passed - -90)

**§ 51.188 ADMINISTRATIVE ORDERS.**

(A) *Notice of violation.* When the Director finds that a discharge to the city's sewerage system has taken place in violation of the prohibitions, limitations, requirements or provisions of this subchapter or its implementing regulations or the conditions of an industrial wastewater discharge permit, the Director shall issue a notice of violation to the user. A notice of violation is official recognition of violation of the prohibitions, limitations, requirements and/or provisions of this subchapter or conditions of an industrial wastewater discharge permit (see § 51.116).

(B) *Cease and desist orders.* When the Director finds that after the issuance of a notice of violation a discharge of wastewater has taken place in violation of the prohibitions, limitations, requirements or provisions of this subchapter or the conditions of an industrial wastewater discharge permit or upon a plan approval related thereto the Director may issue a cease and desist order and direct that those persons:

(1) Comply immediately; or

(2) Comply in accordance with a compliance schedule as set forth by the Director (see §§ 51.113 and 51.116).

(C) *Termination of service order.* The Director may revoke any industrial user's industrial waste-water discharge permit or terminate wastewater service to any premise if any discharge of pollutants presents, or may present an endangerment to the environment or the city's operation of its sewerage system. Twenty-four hours prior to taking any action to terminate wastewater service, the user shall receive written notification of the proposed termination and the opportunity to respond to such notice. Should services be terminated, all costs for terminating service and for reinstating service shall be paid by the user before any reconnection is made

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(Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(vi)(B)).

(D) *Emergency noncompliance authority.* The Director has the authority to take necessary measures (informal notice may suffice) to immediately and effectively halt or prevent any discharge of materials to the city's sewerage system which reasonably appears to present an imminent danger to the city's sewerage system, city personnel or the health, safety and/or welfare of the public (Federal Pretreatment Regulations 40 CFR 403.8(f)(1)(vi)(B)).

('81 Code, § 13.12.395) (Ord. 928, passed - -90)

**§ 51.189 INJUNCTION.**

Whenever a discharge of wastewater is in violation of the provisions of this subchapter, the city may petition the superior court for the issuance of a temporary restraining order or a preliminary injunction or a permanent injunction or any or all of these, as may be appropriate to restrict the continuance of such discharge. Furthermore, the city may petition the superior court for the issuance of a temporary restraining order or a preliminary injunction or a permanent injunction or any or all of these, as may be appropriate, for nondischarge violations, or such other noncompliance with the ordinance set forth herein.

('81 Code, § 13.12.400(A)) (Ord. 928, passed - -90)

**§ 51.190 UNLAWFUL DISCHARGES; DAMAGES AND LIABILITY.**

(A) If the Director finds that any person has discharged any wastes or wastewater into the city's sewerage system in violation of the provisions of this subchapter, or of the user's industrial wastewater discharge permit, and that such discharge caused increased operating costs or diminished the efficiency of the treatment process, the Director shall estimate the value of the damage and add that sum to that person's next regular sewer service billing. The items the Director shall consider shall include, but not be limited to, the following:

- (1) The cost of repairs to the city's sewerage system;
- (2) The depreciation of the system due to damages not repaired;
- (3) The extra operating costs;
- (4) The value of the loss of wastewater treatment plant operating efficiency

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based upon the city's normal operating costs and the extent to which the performance of the plant was reduced below normal as a result of such improper discharge to the sewer.

(B) All charges made pursuant to this section are due and payable upon receipt of notice thereof. All such charges shall become delinquent 10 days after mailing notice thereof to the mailing address of the discharger subject to such charges. This remedy is nonexclusive and may be asserted in addition to any other remedy available to the city under law.

('81 Code, § 13.12.405) (Ord. 928, passed - -90)

**§ 51.191 FALSIFYING INFORMATION.**

Any person who shall knowingly make any false statements, representation, or certify in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter or industrial wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter is guilty of a misdemeanor and shall be punishable as set forth in this chapter.

('81 Code, § 13.12.410) (Ord. 928, passed - -90) Penalty, see § 51.999

**§ 51.999 PENALTY.**

(A) Any person who violates any provision of §§ 51.001 through 51.026 and § 51.191 of this chapter shall be subject to the penalty provided in § 10.99.

(B) Any person who violates any pretreatment standards, requirements and/or provisions of §§ 51.035 through 51.190 of this chapter or who, due to a hazardous or toxic discharge, causes damage to the city's sewerage system, its operation, or its personnel, shall be liable civilly for a penalty not to exceed \$6,000 per day for each such violation.

(C) Any person who violates any prohibition, limitation, standards, requirement and/or provisions of §§ 51.035 through 51.190 of this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed 30 days, or by a fine not to exceed \$1,000 or by both.

('81 Code, § 13.12.400(B-C)) (Ord. 928, passed - -90)