



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
SANITARY SEWER SYSTEM USE ORDINANCE

ORDINANCE No. 2011-1
June 1, 2011

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SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
SANITARY SEWER SYSTEM USE ORDINANCE

Ordinance No. 2011-1

**AN ORDINANCE PROVIDING FOR AND REGULATING THE ACCEPTANCE OF
INDUSTRIAL WASTE AND CONTAMINATED GROUNDWATER
INTO THE SANITARY SEWER SYSTEM OF
THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

ARTICLE 1 - GENERAL PROVISIONS

1.01 CODE ADOPTION

The Governing Board of South San Luis Obispo County Sanitation District does adopt the ordinance and general regulation as follows:

1.01.010 ADOPTION

There is hereby adopted the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance.”

1.01.020 TITLE—CITATION—REFERENCE

This code shall be known as the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance.” It shall be sufficient to refer to this code as the South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, or repealing provisions of the Ordinance as an addition or amendment to, or a repeal of the South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance, or any portion thereof. Reference may be made to the articles, chapters, sections and subsections of the South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance and such references shall apply to that numbered article, chapter, section or subsection as it appears in the code.

This code may also be referenced herein as “SSLOCSD Sanitary Sewer System Use Ordinance” or “the Ordinance.”

1.01.030 CODIFICATION AUTHORITY

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the South San Luis Obispo County Sanitation District, codified pursuant to the provisions of Section 4700 *et. seq.* of the Health and Safety Code of the State of California.

1.01.040 ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE

The following ordinances, passed prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance No. 1994-1, and SSLOCSO Fats, Oils, and Grease Ordinance.

1.01.050 REFERENCE APPLIES TO ALL AMENDMENTS

Whenever a reference is made to this code as the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance” or to any portion thereof, or to any ordinance of the South San Luis Obispo County Sanitation District, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

1.01.060 ARTICLE, CHAPTER, AND SECTION HEADINGS

Article, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article, chapter or section hereof.

1.01.070 REFERENCE TO SPECIFIC ORDINANCES

The provisions of this code shall not in any manner affect matters of record which refer to, or are connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.01.080 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the South San Luis Obispo County Sanitation District shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date, hereof, nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posed, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

1.01.090 EFFECTIVE DATE

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance” becomes effective.

1.01.100 CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Governing Board of South San Luis Obispo County Sanitation District hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

1.02 PURPOSE AND POLICY

The Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the South San Luis Obispo County Sanitation District and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR § 403).

The objectives of the Ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect the physical structures of the Publicly Owned Treatment Works and the efficient functioning of its component parts.
4. To protect the health and safety of the South San Luis Obispo County Sanitation District personnel and its member agencies and preserve the safety and health of the public.
5. To protect the environment from threat of hazard or harm resulting from the disposal of waste.
6. To prevent the introduction of wastes to the Publicly Owned Treatment Works that could result in the District being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States.
7. To maintain the suitability of wastewater treated by the District for any adopted reclamation use.

1.03 APPLICABILITY OF THE SANITARY SEWER SYSTEM USE ORDINANCE

The Ordinance shall apply to all users of the Publicly Owned Treatment Works. The Ordinance provides for the public use of the SSLOCSD's facilities through the adequate regulation of sewer construction, sewer use, and wastewater discharges, the equitable distribution of costs resulting from the program established herein, and procedures for complying with the requirements placed upon SSLOCSD by other regulatory agencies.

1.04 DEFINITIONS AND ABBREVIATIONS

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this section.

Administrative Complaint: A presentation (written document) by the District normally reserved for the advanced stages of formal enforcement, giving notice to the discharger of the nature and basis of the violations asserted and demanding specified amounts of money for noncompliance.

Administrative Order: An Administrative Order is an enforcement document which directs users to implement corrective or remedial measures. Levels of enforcement include: Cease and Desist Orders, Compliance Orders, and Show Cause Orders.

Available Sewer: A sewer shall become available only after it has been accepted by the SSLOCSO.

Backwater Valve: A device whose purpose is to prevent flow in a sewer in a direction opposite to that of the intended drainage.

Board: The governing board of SSLOCSO. The Board of Directors consists of three directors, appointed as specified in the SSLOCSO Member Agency Agreement.

Building: Any structure used for human habitation, or a place of business, recreation, or other activity and containing sanitary facilities.

Building Sewer: That portion of any sewer beginning two feet from any building and extending to, and including its connection to, a lateral sewer.

CCR: California Code of Regulations.

Cease and Desist Order: An Administrative Order directing a discharger to immediately halt illegal or unauthorized discharges, or to terminate its discharge altogether.

CFR: Code of Federal Regulations.

Cleanout: A branch fitting installed in a sewer or other pipe for the purpose of providing access for cleaning.

Compliance Order: An Administrative Order directing the discharger to achieve or restore compliance by a specified date. A Compliance Order may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for the discharger to report progress.

County: County of San Luis Obispo, California.

Clean Water Act (CWA): The Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.), also referred to as the Clean Water Act, and any subsequent amendments thereto.

Discharger: Any person discharging industrial waste to the sewer system. This term specifically includes any categorical industries connected to the sewer system, whether or not they discharge process wastewater. It also includes any facilities with a reasonable potential for discharging significant quantities of industrial waste, whether or not they are currently discharging process waste.

District: South San Luis Obispo County Sanitation District.

District Administrator: District Administrator is the administrator of the SSLOCSD or his designated representative.

District Engineer: Registered Civil engineer appointed by the Board of SSLOCSD.

District's Representative: Any person designated or retained by SSLOCSD, including the Board or the District Administrator, to fulfill the sampling, monitoring, reporting, or inspection services of SSLOCSD as required by the Ordinance, the waste discharge permit and/or all applicable state, federal, or local regulations, and/or to perform the enforcement actions required by the Ordinance. SSLOCSD representatives may include, but are not limited to, any of the following: the SSLOCSD District Administrator, the SSLOCSD Environmental Services Manager, other designated Environmental Services staff, a consultant for SSLOCSD, or the District Attorney.

Domestic Waste: Any waterborne waste of the type normally resulting from flushing and washing waste products from residences and lavatories.

Enforcement Officer: Any person authorized to enforce certain provisions of the SSLOCSD Ordinance.

Environmental Compliance Inspector: SSLOCSD representative responsible for ensuring compliance.

EPA: United States Environmental Protection Agency.

Fixture: Any sink, tub, shower, toilet, or other facility connected to be drained to the sewer.

Food Service Establishments (FSE): Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Illegal Discharge: Any discharge of waste containing contaminants or pollutants prohibited by state or federal law, or local limits including discharge to the wastewater treatment plant and collection system, or to the storm drain system.

Illicit Connection: Any conveyance system, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, sewage, process

wastewater, or wash water; any connections to the storm drain system from indoor drains and sinks not currently exempted or permitted, regardless of whether the drain or connection has been previously allowed, permitted, or approved by a government agency; any drain or conveyance connected from any land use to the storm drain system, which has not been documented or approved by the District; and any unpermitted connection of a stormwater system to the publicly owned treatment works as defined in this Ordinance.

Indirect Discharge: The introduction of pollutants into the POTW from any nondomestic source regulated under CWA Sections 307(b), (c), or (d).

Industrial User: A source of indirect discharge.

Industrial Waste: Any waterborne waste from manufacturing, processing, or other industrial activity, excluding domestic waste, boiler blowdown, and uncontaminated cooling water. Substantial discharge of boiler blowdown closely associated with industrial activity shall be considered an industrial waste discharge when such discharge has, in the opinion of the District Administrator, a reasonable potential to affect the sewer system. Water borne wastes from "commercial" activities, such as automobile repair or photo processing, are expressly included in this definition. Contaminate groundwater is also included in this definition.

Inflow and Infiltration (I/I): I/I describe the manner in which groundwater and stormwater enter the sewer system. Infiltration describes water entering the sewer system from groundwater or from below ground level, and inflow describes water entering the sewer system directly. The expression "inflow and infiltration," or "I/I," refers to the combined effects of inflow and infiltration.

Interference: A discharge, which alone or in conjunction with other sources, inhibits or disrupts the District's treatment processes, operation, sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permit. Interference can also be applicable to the prevention of beneficial sewage sludge use or disposal resulting in a violation of any of the following statutory/regulatory provisions or permits issued under, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Lateral Sewer: The portion of a sewer lying within a public right-of-way or easement which laterally connects, or is intended to connect, a building sewer to a main sewer.

Lot: Any piece or parcel of land bounded, defined or shown upon a plot or deed recorded in the office of the county recorder and lawfully created; provided, however, in the event any structure is located upon more than one parcel of land, all under the ownership and as defined in this section, "lot" shall include all such parcels of land.

Manhole: A structure for the purpose of providing access by a man to a buried sewer.

Main Sewer: The sewers, excluding lateral sewers, whose main purpose is to accept wastewater from laterals and convey it to the wastewater treatment plant.

Member Agency (MA): Any of the three entities which own and operate the collection system in the SSLOCSD service area. These are the City of Arroyo Grande, the City of Grover Beach, and the Oceano Community Services District. The relation of these agencies to SSLOCSD is specified in the SSLOCSD Member Agency Agreement.

Noncompliance: Any violation of any part of the Ordinance or any other Federal, State or local law, regulation or order related to the discharge, indirect or otherwise, of industrial waste.

Notice of Violation (NOV): An official written communication from the POTW to the noncompliant user informing him that a violation has occurred and that appropriate corrective action must be taken in a prescribed period of time.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued for direct discharge to the Pacific Ocean or other waters of the State. The permits are issued by the Regional Water Quality Control Board, as part of the National Pollutant Discharge Elimination System.

Nuisance: Any nuisance defined by California statutes or known at common law or in equity jurisprudence.

Pass through: A discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of SSLOCSD's NPDES permit, including an increase in the magnitude or duration of a violation.

Penalty (Fine): A sum of money imposed upon a person as a penalty for an act of wrongdoing.

Permit: Any written authorization required pursuant to any regulation ordinance of the District.

pH: A numerical value representing the relative acidity or alkalinity of the waste discharge. pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Premises: The location of the process, storage, discharge, and business actions of any person discharging to the sewer system.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Public Sewer: The portion of a sewer lying within a public right-of-way or easement maintained by and subject to the jurisdiction of the District.

Publicly Owned Treatment Works (POTW): A "treatment works", as defined by Section 212 of the CWA (33 U.S.C. §1292) which is owned by SSLOCS D and its member agencies. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

RWQCB: Regional Water Quality Control Board, Central Coast Region.

Sanitary Sewer System Use Ordinance (SSSSSUO): This document numbered 2011-1 and any amendments thereto.

Service Area: The geographical area served by the SSLOCS D sewer system. This includes the City of Arroyo Grande, the City of Grover Beach, and the Oceano Community Service District.

Sewage: Any combination of domestic waste and industrial waste together with such ground, surface, and stormwaters as may be present.

Sewer: A pipe or conduit for carrying wastewater.

Sewer System: Sewer system, as used in this Ordinance, includes all facilities of the South San Luis Obispo Sanitation District and all facilities of any of SSLOCS D's Member Agencies for collecting, pumping, treating and disposing of sewage or for reclaiming sewage byproducts.

Sewer System Management Plan (SSMP): A requirement from State Water Resources Control Board General Waste Discharge Requirement Order No. 2006-0003-DWQ.

“Shall” and “May”: Shall is mandatory. May is permissive.

Show Cause Order: A Show Cause Order is an order for the user to appear before the Board or the District Administrator or his representative, to explain the noncompliance and why more severe enforcement actions should not be taken. SSLOCS D may designate a hearing officer to hear testimony for the hearing.

Side Sewer: A sewer beginning at the plumbing or drainage outlet of any building, industrial facility, or preliminary treatment facility and terminating at a main sewer, and including the building sewer and lateral sewer together.

Slug Discharge: A discharge capable of causing adverse impacts to the District, Member Agencies, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the District's sewerage system. The discharge will be considered a slug discharge if the flow rate or concentrations or quantities of pollutants exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantity, or flow during normal operations. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to a bypass of a pretreatment system, an accidental spill, or a noncustomary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within a user's process (typically the result of a noncontinuous process). Accidental spills are unintentional, largely

uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

SSLOCSO: The public District formed in South San Luis Obispo County, California by the San Luis Obispo County Board of Supervisors and including the agencies identified in the SSLOCSO Member Agency Agreement.

U.S.C.: United States Code.

User: Any person who contributes or causes a contribution of wastewater, including domestic waste, into the sewer system.

Wastewater Treatment Plant (WWTP): The portion of the POTW that is designated to provide treatment of municipal sewage, commercial sewage, and industrial wastewater.

Waters of the State: Any waters, surface or underground, saline or fresh, within the boundaries of the State.

Working Day: Monday, Tuesday, Wednesday, Thursday, or Friday, excluding Federal or California State holidays.

ARTICLE 2 - CONNECTIONS

2.01 AVAILABILITY DEFINED

For the purpose of the Ordinance, a public sewer shall be deemed to be available to a building if such sewer is within two hundred fifty (250) feet of the nearest property line of the lot upon which such building is located.

2.02 NEW BUILDINGS

Any newly constructed building to which a public sewer is available shall be connected to such public sewer prior to its use for occupancy, unless approval is granted by the Board for a private sewerage disposal system.

2.03 GROUPS OF HOUSES OR BUILDINGS ON ONE LOT

No group of four or more houses or buildings on one lot shall be connected to a main sewer without first having the plan of the sewers to such houses approved by the District Administrator. The size of the proposed building sewer and lateral serving such houses shall not be less than six (6) inches diameter or of a size determined by the District Administrator. A manhole shall be provided at its junction with the existing main sewer. The District Administrator may permit more than one condominium or planned unit development unit to connect to a common building sewer subject to improvement standards adopted by SSLOCSD. The District Administrator may require appropriate conditions to such an approval to become a part of the codes, covenants and restrictions for the subdivision.

All maintenance of building sewers is the responsibility of the lot owner's or appropriate owner's association exclusive of the SSLOCSD main line.

2.04 PRIVATE SYSTEMS

2.04.010 PRIVATE SYSTEMS CONSTITUTING PUBLIC NUISANCES

Pursuant to the authority of Section 4762 of the Health and Safety Code of the State of California, SSLOCSD finds and declares that the maintenance or use of private sewage disposal systems constitutes a public nuisance and finds it to be in the public interests that properties to which a public sewer is available be required to connect thereto.

2.04.020 BUILDINGS SERVED BY PRIVATE SYSTEMS

When a public sewer becomes available to a building served by a private sewage disposal system, such building shall be connected to the public sewer within twenty-four (24) months after such public sewer is available, and such private disposal system shall be abandoned as provided in Section 2.04.040, unless an approval is granted by the Board for the continued use of such private sewage disposal system.

2.04.030 APPLICATIONS AND APPROVAL

The approvals for private sewage disposal systems referred to in Section 2.04.020 and Chapter 2.02 of this Ordinance may be granted upon a written application to the Board by the applicant setting forth the basis for such a request. Approval may be granted only upon an affirmative showing that no health hazard, public nuisance, or inequity to other property owners will result therefrom. Approval may also be granted to allow a private sewage disposal system when it is shown to the satisfaction of the District Administrator to be unfeasible to connect to the public sewer, and the lot in question is approved by the County Health Department as to suitability for such private sewage system.

2.04.040 ABANDONMENT

Where septic tanks are abandoned as a result of connecting any building to the public sewer, the owner of the property to which such connection is made shall fill all abandoned septic tanks within ninety (90) days after the time of connecting to the public sewer in the following manner:

1. All sewage shall be removed from the septic tank.
2. Inlet and outlet pipes shall be disconnected from the tank.
3. All wooden materials forming the top of the tank shall be removed.
4. The tank shall be filled with sand, gravel or concrete, but such filling shall not extend above the vertical sidewalls until inspected by the District.
5. Following inspection, the tank shall be filled and then covered to the level of the top of the ground.

2.04.050 LOCATION RESTRICTED

It is unlawful for any person, firm or corporation to construct or replace any cesspool, septic tank, or similar apparatus within a distance of two hundred fifty (250) feet from any public sewer without the approval of the Board.

2.04.060 CONSTRUCTION AND INSPECTIONS

Where a property is within two hundred fifty (250) feet of the public sewer, but pursuant to the provisions of Section 2.04.030 of this chapter a private sewage disposal system is approved, the property owner shall apply for and obtain all permits required by SSLOCS and the Member Agency the property is located in and supply all plans, specifications, or other information deemed necessary by the respective Member Agency's building official before construction of such private sewage disposal system can begin. The construction and inspection of such system shall be in conformance with the currently adopted Uniform Plumbing Code or California Plumbing Code, whichever is more stringent, and shall meet any other requirements of the Board, the Member Agency building official, and the County Health Department. The owner shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times at no expense to SSLOCS.

2.05 APPLICATIONS FOR SEWER CONNECTION

An applicant for sewer service shall sign an application and furnish a legal description of the property to be served. It shall be the applicant's responsibility to deliver sewage to the service

point selected by the SSLOCSD. Service will be granted only where adequate collection lines have been installed. Lateral sewers shall be installed by a California State Licensed Contractor and shall be maintained by the property owner.

2.06 APPROVAL

2.06.010 REQUIRED APPROVAL

It is unlawful for any person, other than SSLOCSD, to make any connection to any public or building sewer, or to construct, perform maintenance, or alter any public sewer main or building sewer within the District without first obtaining a permit from the District for such work.

2.06.020 APPROVAL PROCESS

Any person desiring to perform work involving sewers shall make a request in writing to the SSLOCSD, providing specific details of the proposed work and any other such information as SSLOCSD may require. The work to be performed shall be done in accordance with San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings. The applicant shall pay all such permit and inspection fees associated with the approval.

2.06.030 EXCEPTIONS

Nothing contained in Chapters 2.06 through 2.07 shall be deemed to require the application for, or the issuance of, a permit for the purpose of removing stoppages or repairing leaks in a building or residential sewer, except when it is necessary to replace any part of such sewer. For the purpose of this chapter, building sewer is defined as all sewerage exclusive of city main line including, but not limited to, the wyes, tees, saddles, laterals and plumbing.

2.06.040 LIABILITY

The applicant to whom a permit for construction has been issued and the person performing the work under such permit shall be liable for all damages. Such applicant shall hold SSLOCSD and its employees and representatives harmless from all loss, including expenses incurred in defending any action against the SSLOCSD arising out of such construction work. The applicant shall be liable for defects in the work and for any failure which may develop in the facilities because of defective work or materials.

2.07 CONSTRUCTION PROVISIONS

2.07.010 STANDARD SPECIFICATIONS AND DETAILS

All improvements required pursuant the Ordinance shall be constructed in accordance with the current version of San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings. The San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings are incorporated herein by reference.

2.07.020 CONTRACTOR'S REQUIREMENTS

It shall be unlawful for any person who is not a licensed contractor under the State Contractor's License Law to install or construct any sewer for connection to SSLOCSD's sewer system, or to otherwise make a connection to said system. All contractors must obtain an encroachment permit from SSLOCSD prior to commencing or carrying out any such work within the District.

2.08 INSPECTION PROVISIONS

2.08.010 INSPECTION REQUIRED

All sewer construction work, including taps into sewer mains, within the SSLOCSD shall be done in strict compliance with San Luis Obispo County's Standard Specifications and Details and the Uniform Plumbing Code or California Plumbing Code, whichever is more stringent. Such work shall be inspected by SSLOCSD or a District Representative.

2.08.020 INSPECTION NOTICES

All work done pursuant to the provisions of the Ordinance shall be subject to inspection by the SSLOCSD. Up to the time of the inspection, all work shall remain uncovered and convenient for the inspector's examination. If any pipes are enclosed or covered in any way whatsoever so as to tend to obstruct a thorough inspection of the piping system, such obstruction shall be removed before an inspector shall be required to inspect the work. When, upon an examination by the inspector, the work is found to be defective, either in its construction or materials, such work shall be made to conform to the requirements of the Ordinance, in default of which the permit for such work shall be revoked by SSLOCSD, and such work shall be discontinued immediately.

2.08.030 RIGHT OF ENTRY

The District Administrator or his authorized representative shall, upon exhibition of proper credentials and identification, be permitted to enter in and upon all buildings and premises within the District at reasonable hours for the purposes of inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in carrying out the provisions of the Ordinance.

2.09 SEWER PUMPS AND BACKFLOW VALVES

2.09.010 New Buildings

All new building side sewers including side sewer replacements shall be equipped with a cleanout riser fitted with a backflow prevention device of type and materials meeting Uniform Plumbing Code or California Plumbing Code requirements, whichever is more stringent.

2.09.020 Existing Buildings

In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from such fixtures to the public sewer, the sewage from such fixtures shall be pumped and discharged to the main sewer at the owner's expense. In all buildings where floor elevation is below the rim elevation of the nearest upgrade manhole, there shall be installed in the sewer

lateral an approved type of backflow valve. Backflow valves shall also be installed per the Uniform Plumbing Code or California Plumbing Code, whichever is more stringent.

2.09.030 Liability

The responsibility and costs for the ownership, operation, and maintenance of the backflow prevention device and its appurtenant fittings shall be that of the property owner.

2.10 MAINTENANCE

All privately owned building laterals and private sewage disposal systems and appurtenances from all points of the property to the city sewer, shall be maintained by the property owner in a safe and proper operating condition, and all devices or safeguards, which are required by this article for the operation thereof, shall be maintained in good working order.

To determine compliance with this article, SSLOCSD may require any plumbing system, new or existing, to be re-inspected.

The District Administrator may require a property owner to submit to SSLOCSD a video of the private lateral and appurtenances. If SSLOCSD determines that the private lateral or any portion thereof, has become unsanitary or a threat to health or property, SSLOCSD shall order in writing that plumbing be removed or placed in a safe and sanitary condition. Any such order shall fix a reasonable time limit for compliance. No person shall use or maintain defective plumbing after receiving such notice.

2.11 ANNEXATIONS

2.11.010 CAPACITY DETERMINATIONS

The sewer facilities within the SSLOCSD are sized to accommodate the sewer requirements of all developed and undeveloped property within the District. Before any annexation is made to the District, it shall be first determined that sufficient capacity has been reserved for all undeveloped acreage within the District.

2.11.020 COSTS AND LIABILITY

When the Board approves an annexation to the District, all sewer costs and sewer line extensions shall be borne by the property being annexed.

ARTICLE 3 - DISCHARGES

3.01 DISCHARGE PROHIBITIONS

All users are subject to the general and specific prohibitions identified in 40 CFR §403.5(a) and (b), respectively. SSLOCSD has set forth the following prohibitions and limitations for waste discharge to the SSLOCSD WWTP.

3.01.010 GENERAL PROHIBITIONS

No person shall introduce any waste or pollutant, which will cause pass through or interference, into the POTW.

3.01.020 SPECIFIC PROHIBITIONS

No person shall discharge any waste, industrial or domestic, including trucked or hauled pollutants, to the POTW, except through sewer connections approved by SSLOCSD and the relevant member agency or at approved discharge locations at the SSLOCSD treatment works. Discharge at any other location, specifically including collection system manholes, is prohibited without prior written approval from the District Administrator.

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

No person shall create an illicit connection to the sewer system, which causes I/I.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Discharges of any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
2. Discharges containing pollutants which create a fire or explosion hazard in the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR §261.21.
3. Discharges of heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternative temperature limits.
4. Discharges which may contain more than one hundred (100) parts per million, by weight, of fats, oil, grease or wax.
5. Discharges having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or injury to structures, equipment, or personnel of the sewer system and treatment facilities.

6. Discharges of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
7. Discharges containing pollutants in amounts causing obstruction to the flow in the POTW resulting in interference.
8. Discharges of any pollutants released at a flow rate or concentration which will cause interference with the POTW.
9. Discharges of solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment collection works, such as any materials retained on a screen having eight (8) meshes per inch each way.
10. Discharges of any ashes, cinders, sand, mud, straw, and shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, viscera or other solid or viscous substances capable of causing obstruction to the flow or undue maintenance of the sewer system or other interference with the proper operation of the treatment facility.
11. Discharges of any raw or chemically treated wastewater from septic tanks or chemically treated wastewater from portable toilets, or any raw or chemically treated sewage from any industrial or unidentified liquid waste or any hazardous waste.
12. Discharges which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, result in interference, or create any hazard in the receiving waters of the wastewater treatment plant.
13. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state and federal regulations.
14. Discharges of any noxious or malodorous gas or substance capable of creating a public nuisance either by itself or by interaction with other substances.
15. Discharges which, alone or in conjunction with a discharge or discharges from other sources, are capable of causing the POTW effluent or any other product of the treatment process, residuals, or biosolids to be unsuitable for reclamation or reuse or to interfere with any adopted reclamation process.
16. Discharges of any infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices, mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and associated articles (whether ground or not); recognizable portions of the human anatomy; solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease; wastes excluded by other

provisions of this chapter except as specifically permitted for; or any other waste defined by the Health Officer of San Luis Obispo County as being infectious.

17. Discharges containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet the discharge requirements established by the California State Water Resources Control Board, the California Regional Water Quality Control Board, or any other state or regulatory agency.

3.02 SPECIAL PROVISIONS

3.02.010 DILUTION PROHIBITED

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or in any other pollutant specific limitation developed by the District or State. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in product will not be considered a use of dilution.

3.02.020 SLUG DISCHARGES

All users are prohibited from allowing slug discharges, as elsewhere defined herein, from entering the sewer system. Each user shall provide protection from slug discharges of restricted materials or other substances regulated by the Ordinance.

3.02.030 SWIMMING POOL OR SPA WATER

Swimming pool or spa water and wastewater shall be disposed of as set forth in the currently adopted Uniform Plumbing Code or California Plumbing Code, whichever is more stringent.

The contents of a salt water swimming pool, including electrolytic cell backwash, shall not be discharged to the sanitary sewer, storm drain system, or natural water way. Contact SSLOCSD for brine disposal, in order to apply for a onetime use permit and pay for the permit fee. A hauler truck will need to extract the salt water from the swimming pool.

The contents of chlorinated swimming pools and/or spas, including filter backwash from swimming pools and/or spas, shall be discharged into the sewer system. Such discharge must be accomplished in the manner specified herein.

1. The water is discharged by pumping and shall not exceed the capacity of the line.
2. Each swimming pool discharging into a sewer system shall be equipped with an indirect waste connection to preclude any possibility of backflow of sewage into the swimming pool or piping system.

3.02.040 WATER-SOFTENING SYSTEMS AND DEVICES

All users are prohibited to install, use, or maintain any water-softening device, which discharges brine waste into the ground, storm drain, or SSLOCS D's sewer system, unless such discharge is to a facility which has been authorized or permitted by a federal, state, or local public agency to accept the disposal of such brine waste.

Any user operating a water-treating apparatus of any kind, including any water-softening system or device, shall make such apparatus accessible to the Director for inspections upon reasonable notice, and shall submit such reports, as the District Administrator may require, relative to the apparatus and its operation and maintenance.

3.03 PRETREATMENT PROGRAM

The rules and regulations of the Pretreatment Program found in the South San Luis Obispo County Sanitation District Pretreatment Ordinance, Ordinance No. 1994-1 are hereby incorporated into the SSLOCS D Sanitary Sewer System Use Ordinance and made a part thereof. All industrial users are required to comply with the South San Luis Obispo County Sanitation District Pretreatment Ordinance, Ordinance No. 1994-1.

3.04 FATS, OILS, AND GREASE PROGRAM

The rules and regulations of the Pretreatment Program found in the South San Luis Obispo County Sanitation District FOG Ordinance are hereby incorporated into the SSLOCS D Sanitary Sewer System Use Ordinance and made a part thereof. All food service establishments are required to comply with the South San Luis Obispo County Sanitation District FOG Ordinance.

3.05 POINT OF APPLICATION OF LIMITS

Compliance with the discharge limits and standards listed in this section shall be determined at a location or locations deemed appropriate by the District Administrator.

3.06 DISTRICT'S RIGHT OF REVISION

The SSLOCS D reserves the right to establish by ordinance or resolution more stringent limitations or requirements on dischargers to the wastewater treatment plant if deemed necessary to comply with the objectives presented in the Ordinance. No revision of limitations or requirements hereunder shall subject the SSLOCS D to civil liability or penalty for interference with a vested right of any user.

ARTICLE 4 - AUTHORITY AND RESPONSIBILITY

4.01 RESPONSIBILITY OF USERS

It shall be the responsibility of the user to comply with all of the provisions of the Ordinance. The omission to act by the District or the failure of the District to take cognizance of the nature of the operation of the user or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of the Ordinance, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under the Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the District of the requirements which may apply to the user regarding its discharge.

4.02 AUTHORITIES OF THE BOARD OF DIRECTORS

The Board and its representatives shall have the authority to seek injunctive relief and pursue civil and criminal penalties for violations of the Ordinance as may be provided for under the CWA and all other State and Federal laws.

The Board and its representative shall have all the authorities of the District Administrator, as specified in Chapter 4.03 of the Ordinance.

4.03 AUTHORITIES OF THE DISTRICT ADMINISTRATOR

The District Administrator of SSLOCSD or his/her representative shall have the authority to:

1. Issue an Administrative Order, including a Show Cause Order, Cease and Desist Order, and Compliance Order to any user of the SSLOCSD WWTP.
2. Assess administrative penalties to any user of the sewer system.
3. Terminate service and disconnect any person from the WWTP, who does not comply with the requirements of the Ordinance.
4. Seek criminal penalties for violations of the Ordinance, as may be provided for under CWA and all other State and Federal laws.
5. Halt or suspend a discharge in the event of an actual or threatened discharge, which is in violation of the Ordinance or in the event of an emergency.
6. Levy fees for additional services or to recover damage costs which are a result of a discharge, as described in Section 4.05.010 of the Ordinance.
7. Inspect, at any reasonable time, the premises of any user of the SSLOCSD WWTP, including but not limited to, any areas or points of sampling, discharge, process, storage, and any other areas as deemed reasonable and necessary by the District Administrator to

document the person's compliance with the requirements of the Ordinance. The authority to inspect includes the authority to take photographs and collect samples of any wastes either being discharged to the sewer system or with the potential for such discharge, or for any other violation of local, state or federal law which may impact the POTW.

4.04 RESPONSIBILITIES OF THE DISTRICT ADMINISTRATOR

The District Administrator shall be charged with the administration of the sewer system and the enforcement of the provisions of the Ordinance. For such purposes, upon presentation of proper credentials and identification, the Administrator or his/her representative may enter at reasonable times any premises in the service area to perform any duty imposed upon him by the Ordinance.

The District Administrator shall be responsible for checking the quantitative or qualitative compliance with the established regulations. Such quantitative or qualitative analysis may be made either by spot checks or regularly scheduled checks of all waste material.

If the waste material is found to be in violation of the standards established in Article 3 of the Ordinance, it will be the responsibility of the District Administrator or his/her representative to request compliance and make reports on the progress of corrective measures to the Board.

4.05 FEES

4.05.010 AUTHORITY TO ASSESS AND COLLECT FEES

All users of the SSLOCSD WWTP shall be subject to the terms and conditions of the Ordinance and to the terms, conditions, fees, and fines as described below and as contained in the SSLOCSD Ordinance 2006 – 01, future revisions of SSLOCSD Ordinance 2006 – 01, and as set forth in Article 5 of the Ordinance.

The fees listed and described below, shall be payable to SSLOCSD only and do not include any additional fees which may be levied by SSLOCSD Member Agencies.

SSLOCSD shall have the authority to assess and collect fees, for cost recovery purposes. The fees are cumulative and may include, but are not limited to, the fees specified in this Chapter.

4.05.020 CONNECTION FEES

For each connection of a building sewer to a public sewer, a connection fee is hereby established. The purpose of this fee is to recover SSLOCSD costs for application review, permit issuance, administration of the permit, and scheduled inspections to verify application information. The fee shall be collected by SSLOCSD before the permit for the connection work is issued. The Board may, from time to time, by resolution, set forth the amount of the sewer connection fees. Such resolution shall provide for a method of adjusting the amount of the fees to account for changes in construction costs or other considerations affecting the reasonable relationship between the fees and the cost of the public sewer system.

Every house and building requiring a sewer service shall have an independent connection to the public sewer, except that more than one building located on a lot under one ownership, or

condominium, or planned unit development may be connected to the same building sewer in conformance with Chapter 2.02, with the exception of condominium and planned unit developments, in the event a lot with a house or building so connected is subdivided, an independent sewer connection with appropriate easements shall be provided for each differently owned premises. With the exception of condominium and planned unit developments, no two owners of adjacent lots fronting on the same street shall be permitted to join in the use of the same building sewer.

4.05.030 DISPOSITION

All moneys derived from sewer connection fees shall be used for the operation, acquisition, construction, reconstruction, and maintenance of the sanitary sewer system and shall be used to pay for sewer improvements and future sewer capacity as necessary to meet the needs of SSLOCS D resulting from growth and expansion.

4.05.040 EXCEPTIONS

Whenever new development replaces existing development, the connection fees shall be as stated in Chapter 2.06 through 2.07, less any credits determined in accordance with Chapter 2.07.

For any sewer connection not included in the provision of Chapter 2.06 through 2.07, SSLOCS D shall determine the amount of the connection fee on such basis that such fee will be equivalent to that paid by other users.

4.05.050 SSLOCS D CHARGES

All customers, upon connection to a public sewer line, shall be required to pay a bimonthly sewer service charge for having any sewer connection with the SSLOCS D, or otherwise discharging sewage that ultimately passes through the District's sewage system, in accordance with SSLOCS D Ordinance 2006 – 01 and future revisions of SSLOCS D Ordinance 2006 – 01.

4.05.060 MEMBER AGENCY CHARGES

All customers, upon connection to a public sewer line, shall be subject to sewer service charges for those pipelines and appurtenances constructed, maintained and operated by the Member Agencies primarily for the collection of sewage and the conveyance thereof to the sewer plant owned and operated by the South San Luis Obispo County sanitation district. The Member Agencies shall, by resolution, establish the rates which will be charged for sewer service.

4.05.070 CHARGES FOR EXTRODINARY SERVICES

It is the intent of SSLOCS D to equalize the cost of sewer service throughout the area of the SSLOCS D by the application of the provisions of Chapter 2.06 through 2.07, and, notwithstanding any provisions of Chapter 2.06 through 2.07, SSLOCS D may, in any instance, increase the service charges to be charged for any extraordinary service to achieve such objective.

4.05.080 CREDITS

A person making a sewer connection may apply for credit against the fees due. Credit may be allowed for connection fees, a portion thereof, or an equivalent that has been previously paid. The District Administrator shall determine that amount of credit allowed.

No reductions in connection fees shall be transferable to another parcel of land.

4.05.090 REIMBURSEMENT

Any person extending a public sewer to the benefit of other properties may request a reimbursement agreement to be approved by the Board. The Board shall approve or disapprove of any reimbursement agreement. The reimbursement agreement shall not reduce the connection fees to be paid to SSLOCSD. The maximum term of a reimbursement agreement shall be ten (10) years.

4.05.100 PAYMENT

No sewer service shall be provided until the sewer connection fees have been paid.

4.05.110 DELINQUENCIES—COLLECTION

A sewer service bill will become delinquent if, on the fifteenth day of the month following the month in which a sewer bill is mailed, the bill, or that portion thereof which is not in bona fide dispute, remains unpaid. The SSLOCSD shall notify the property owner of such delinquent charges. If a bill has been delinquent for two months on such property, the city shall post a notice on the property that sewer service will be discontinued unless the bills for sewer charges and all delinquencies are paid. If the occupant is not the property owner, the SSLOCSD shall also send a copy of the disconnection notice to the property owner by mail at his or her last address shown on SSLOCSD's records. If all delinquent bills have not been paid within fifteen (15) days after the posting of such notice, SSLOCSD or the applicable Member Agency may disconnect the sewer or discontinue the water service to the property. The costs of disconnecting the sewer and reconnecting it, together with all other amounts due, shall be paid by cash, cashier's check, or certified check at the time an application is made for reconnection. It is unlawful for any person to inhabit a disconnected property or produce any sewage thereon until the property has been reconnected. Service charges shall continue to accrue during the period of such disconnection.

4.05.120 DELINQUENCIES—LIENS

Charges of any kind more than sixty (60) days delinquent, plus any penalties and interest thereon, when recorded as provided in Section 5470 *et. seq.* of the Health and Safety Code of the State of California, shall constitute a lien upon the real property served. Such lien shall continue until all charges are fully paid, or until the property is sold therefor, or until otherwise extinguished by operation of law.

ARTICLE 5 - VIOLATIONS

5.01 ENFORCEMENT

The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of the Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in the Ordinance is intended to prevent state or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of the Ordinance, which also constitutes a violation of federal or state statutes and regulations.

5.01.010 NOTICE OF VIOLATION

A “Notice of Violation” shall be issued to a responsible person prior to issuing an administrative citation in response to any violation of the Ordinance. Such Notice of Violation shall serve as a written warning of responsibility and require immediate action by the responsible person to cease and abate the violation. The Notice of Violation shall include the information set forth in this Section and a date by which the violation can reasonably be ceased and abated. If the violation is not ceased or abated by the end of the correction period stated in the Notice, the enforcement officer may issue an administrative citation assessing fines in accordance with this chapter.

In accordance with Government Code Section 53069.4, no responsible person shall be assessed a civil fine under this chapter for a continuing violation pertaining to building, plumbing, electrical, zoning, or other structural, design or land use regulation without first receiving a warning and reasonable opportunity to correct or otherwise remedy the violation.

In such circumstance, the enforcement officer shall issue a Notice of Violation requiring cessation or abatement of the violation within a stated period of time prior to the assessment of civil fines. The stated period available to correct the violation prior to assessment of fines shall be appropriate to the violation as determined by the enforcement officer, but in no event less than 7 days.

If, after the correction period stated in the Notice of Violation, the violation is not ceased or abated, the enforcement officer may issue an administrative citation assessing fines accruing on each day the violation exists beyond the stated period to correct the violation without abatement.

Any responsible person cited for a continuing violation may petition the District Administrator for an extension of time to correct the violation so long as the petition is received before the end of the correction period. The District Administrator may grant an extension of time to correct the violation if the responsible person has supplied sufficient evidence showing that the correction cannot reasonably be made within the stated period.

The procedures of this section shall not apply in instances where, in the discretion of the District Administrator, a violation poses an immediate danger to public health or safety.

5.01.020 SUSPEND SERVICE

SSLOCSD has the authority to suspend service to any user found in violation of the SSLOCSD Sanitary Sewer System Use Ordinance or state or federal regulations. The suspension may remain in force until the user becomes in compliance. The District Administrator may require the user to enroll in the SSLOCSD Pretreatment Program prior to reconnection. Before the user is enrolled in the SSLOCSD Pretreatment Program and prior to reconnection, the user shall reimburse SSLOCSD for the cost of the disconnection. Any reconnection will be at the expense of the user.

5.01.030 TERMINATE SERVICE

Service to the sewer system may be terminated, by disconnection of a user's sewer connection, upon written notice by the District Administrator for any of the following reasons:

1. Violation of an Administrative Order
2. Refusal to cooperate with SSLOCSD personnel or comply with SSLOCSD policies.
3. Refusal to allow SSLOCSD personnel reasonable access to a premise for purposes of inspection, monitoring, or abating an illegal discharge.
4. One or more serious violations which endanger the health or safety of the public or SSLOCSD personnel or which endanger the sewer system and/or the environment.

5.01.040 ADMINISTRATIVE ORDER

SSLOCSD has the authority to issue an Administrative Order to bring a user into compliance. An Administrative Order may be a Cease and Desist Order, Show Cause Order, or Compliance Order. The filing of an Administrative Order is under the discretion of the District Administrator and is considered to be an intermediate step to enforcing compliance.

5.01.050 ADMINISTRATIVE CIVIL PENALTIES

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the Board, the District Administrator, or designated staff may issue administrative complaints, conduct administrative hearings and impose civil penalties in accordance with the procedures set forth in these sections for violation of SSLOCSD's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the sewer system. When an administrative complaint is issued by staff, a copy of the complaint will be provided to the Board.

These penalties shall be as follows:

1. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.

2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to comply in a timely manner with any compliance schedule established by SSLOCSD.
3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by SSLOCSD. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days. As to court actions authorized by the above referenced sections, the special counsel designated by the Board shall institute appropriate actions to affect statutorily authorized remedies, upon order of the Board.

5.01.060 CIVIL ACTION

Any user, who violates any provision of the SSLOCSD Sanitary Sewer System Use Ordinance or who violates any Cease and Desist Order, prohibition or effluent limitation, shall be liable civilly for a penalty not to exceed Twenty- Five Thousand U.S. Dollars (\$25,000) for each day in which such violation occurs pursuant to California Government Code Section 54740. The special counsel designated by the Board, upon order of the Board, shall institute such actions as may be appropriate in a court of competent jurisdiction to impose, assess, and recover such sums.

Pursuant to the authority of the CWA, 33 U.S.C. § 1251, *et seq.*, any discharger committing a violation of any provision of the SSLOCSD Sanitary Sewer System Use Ordinance, which is also a violation of a pretreatment standard, effluent standard or limitation or other applicable provisions of the CWA shall be liable civilly for a sum not to exceed Twenty-Five Thousand U.S. Dollars (\$25,000) per violation for each day in which such violation occurs. The District Administrator may bring an action under the CWA as a citizen's suit at the discretion of the Board.

Where deemed appropriate by the District Administrator, SSLOCSD will pursue further civil action, including, but not limited to, civil suits for damage to the sewer system, injunctive relief, or both. Civil actions may be pursued on a strict liability basis, regardless of intent, and shall include reimbursement for all costs incurred by SSLOCSD, including costs for repair and administrative costs.

5.01.070 CRIMINAL PROSECUTION

Where SSLOCSD or its District Administrator determines that a violation of the Sanitary sewer system use ordinance has occurred, resulting in extreme damage to the sewer system, or from fraudulent practices, criminal noncompliance, violation of an Administrative Order, violation of a compliance schedule, or negligent or intentional discharge of waste, which causes a threat to the health or safety of the public, SSLOCSD personnel, treatment processes, or the environment, SSLOCSD may pursue criminal prosecution, pursuant to Health & Safety Code Section 6523. The offender faces thirty (30) days in jail, per violation, or a fine of one thousand dollars (\$1,000), per day per violation, or both.

5.02 LIABILITY FOR DAMAGES FOR VIOLATION

Any person violating a provision of the Ordinance shall be liable for all damages resulting from such violation, or which arise from actions taken in the correction of such violation, which are incurred by SSLOCSD, including, but not limited to, attorney's fees, court costs, and fines levied on SSLOCSD by regulatory agencies. All such fees are payable to SSLOCSD and are in addition to any costs accrued by Member Agencies. All such fees are due and payable upon receipt of notice. Delinquent fees will result in delinquent charges, enforcement actions, or both, as described in Sections 4.05.110 and 4.05.120 of the Ordinance.

5.03 HEARINGS AND APPEALS

Any user, permit applicant, or permittee, found in violation of the Ordinance, or adversely affected by a decision, action, or determination of the District Administrator, his representative, or SSLOCSD interpreting or implementing the Ordinance or in any permit enforcement action issued herein, may file a written request for reconsideration of the decision, action, or determination within ten (10) working days of notification of said decision, action, or determination. The written request for reconsideration shall detail facts supporting the user's request and such facts must include a statement listing all relevant facts which must be considered, including such facts that may not have been known or available to SSLOCSD at the date of such decision, action, or determination.

The District Administrator shall render decision in writing on the request for reconsideration within ten (10) working days of receiving such request. If the decision on the request for reconsideration still is unacceptable to the user, the user may file a request for appeal to the Board, within ten (10) working days of notice of the District Administrator's decision. When a written request for appeal has been received and logged with the Board, the Board shall schedule a hearing before the Board within forty-five (45) days from receipt of the request for appeal and the Board shall make a final ruling on the District Administrator's decision within ninety (90) days from receiving the request for appeal.

Except where deemed appropriate by the District Administrator, this reconsideration and appeal process described in this section of the Ordinance shall not halt or delay any enforcement action taken by SSLOCSD. SSLOCSD reserves the authority to designate a hearing officer to hear all testimony presented for a hearing or appeal.

Prior to any court challenge of any SSLOCSD action, decision, or determination, the user shall exhaust all administrative remedies contained in the Ordinance.


Notwithstanding the foregoing, the statutory appeal procedures set forth in California Government Code Section 54739, *et seq.*, applicable to administrative civil penalties imposed or sought pursuant to Chapter 5.01, of the SSLOCSD Sanitary Sewer System Use Ordinance, shall exclusively apply to such penalties.

5.04 EMERGENCY MEASURES

The District Administrator shall have full power and authority to take any necessary precautions against a condition that is likely to result in a discharge which presents an imminent hazard to the public health, safety, or welfare; or which, either singly or by interaction with other discharges, is an imminent hazard to the sewer system; or which places SSLOCSO in violation of its NPDES permit or any other federal, state, or local permits. The precautions include, but are not limited to, decontamination, sewer closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent further damage to the environment or the sewer system. In the pursuit of such an operation, SSLOCSO personnel, any person contracting with SSLOCSO, or the duly authorized representative of another governmental agency shall have immediate access to the premises. The District Administrator may prohibit approach to the scene of such emergency by any person, vehicle, vessel, or thing, and all persons not actually employed in the correction of the conditions or the preservation of lives and property in the vicinity thereof.

ARTICLE 6 - ADOPTION

ADOPTED, SIGNED, AND APPROVED by the Governing Board of SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT this 15th day of June, 2011.




Chairman of the Board of Directors
South San Luis Obispo County Sanitation District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) SS.
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT)

I, John Wallace, Secretary of the Board of Directors of the South San Luis Obispo County Sanitation District, do hereby certify that Ordinance No. 2011-1 is a full, true, and correct copy and was introduced at a regular meeting of the South San Luis Obispo County Sanitation District Board of Directors on the 18th day of May, 2011, re-introduced at a regular meeting of the Board of Directors held on the 1st day of June, 2011, and adopted at a regular meeting of the Board of Directors on the 15th day of June, 2011, by the following vote:

AYES: Directors: Nicolls, Ferrara, and Angello
NOES: None.
ABSENT: None.
ABSTAIN: None.



Secretary of the Board of Directors
South San Luis Obispo County Sanitation District