

Element 3 - Legal Authority

The District maintains the legal authority for the trunk system in the SSLOCSD Sanitary Sewer System Use Ordinance, Pretreatment Ordinance, FOG Ordinance, Resolution No. 2011-295, and Ordinance No. 2006-01, which are included in Appendix 3A, 3B, 3C, 3D and 3D3E, respectively.

The District does not have any direct customers. The Member Agencies are responsible for maintaining proper records, new construction, building permits, and billing customers. The District is responsible for the maintenance and upkeep of the WWTP and the trunk lines. When the legal authority falls outside of the Member Agencies' jurisdictions, San Luis Obispo County has the authority to enforce current building and construction codes and ordinances.

3.1 Regulatory Requirements

WDR Order No. 2006-0003-DWQ Section D.13(iii) states:

Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- Prevent illicit discharges into its sanitary sewer system (examples may include Inflow & Infiltration (I/I), storm water, chemical dumping, unauthorized debris and cut roots, etc.);
- Require that sewers and connections be properly designed and constructed;
- Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
- Limit the discharge of fats, oils, and grease and other debris that may cause blockages; and
- Enforce any violation of its sewer ordinances.

3.2 Prevent Illicit Discharges

It is essential to protect SSLOCSD from illicit discharges that may interfere with the proper functioning of the collection system and WWTP. The District's current regulatory abilities to prohibiting illicit discharge are found in the following ordinances:

3.2.1 SSLOCSD Sanitary Sewer System Use Ordinance, Ordinance No. 2011-1

SSLOCSD Sanitary Sewer System Use Ordinance provides the District with the legal authority to prevent illicit discharges:

- Article III, Section 3.01 – Discharge Prohibitions
- Article III, Section 3.02 – Special Provisions
- Article III, Section 3.03 – Pretreatment Program
- Article III, Section 3.04 – Fats, Oils, and Grease Program

3.2.2 SSLOCSD Pretreatment Ordinance, Ordinance No. 1994-1

SSLOCSD Pretreatment Ordinance provides the District with the legal authority to prevent illicit discharges:

- Article I, Section 3 – Prohibited Discharges

3.2.3 SSLOCSD Fats, Oils, and Grease Ordinance, Ordinance No. 2008-01

SSLOCSD FOG Ordinance provides the District with the legal authority to prevent illicit discharges:

- Article II, Section 2.3 – Prohibited FOG Discharges

3.3 **Design and Construction**

Standards and design specifications ensure the sanitary sewer lines and connections are properly designed and constructed. The purpose of the standards and specifications is to provide minimum standards for the design, types and uses of materials, and the preparation of plans for construction, repair, or alteration of District treatment facilities.

The District's current regulatory abilities to establish design and construction standards are found in the following ordinance:

3.3.1 SSLOCSD Sanitary Sewer System Use Ordinance, Ordinance No. 2011-01

SSLOCSD Sanitary Sewer System Use Ordinance provides the District with the legal authority to require that sewers and connections be properly designed and constructed in:

- Article II, Section 2.04.060 – Construction and Inspections
- Article II, Section 2.07 – Construction Provisions

The District Engineer uses the current version of the San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings for the construction of all new and rehabilitated sewer related projects.

3.4 **Ensure Access for Maintenance, Inspection, and Repairs**

The District's current regulatory ability to ensure access for maintenance, inspection, and repairs is found in the following ordinances:

3.4.1 SSLOCSD Sanitary Sewer System Use Ordinance, Ordinance No. 2011-1

SSLOCSD Sanitary Sewer System Use Ordinance provides the District with the legal authority to ensure access for maintenance, inspection, and repairs in:

- Article II, Section 2.04.060 – Construction and Inspections
- Article II, Section 2,08 – Inspection Provisions
- Article VI , Section 2.10 – Maintenance

3.4.2 SSLOCSD Pretreatment Ordinance, Ordinance No. 1994-1

SSLOCSD Pretreatment Ordinance provides the District with the legal authority to ensure access for maintenance, inspection, and repairs in:

- Article I, Section 10 – Powers and Authority of Inspectors

3.4.3 SSLOCSD FOG Ordinance, Ordinance No. 2008-01

SSLOCSD FOG Ordinance provides the District with the legal authority to ensure access for maintenance, inspection, and repairs in:

- Article V, Section 5.4 – Right of Entry, Inspection and Sampling
- Article V, Section 5.5 – Right to Inspect

3.5 **FOG Control**

The District adopted the FOG Ordinance to comply with WDR Orders No. 2006-0003-DWQ and WQ 2008-0002-EXEC in 2008, because FOG was an identified problem in the District's and Member Agencies' sanitary sewer system. The FOG Ordinance establishes the District's legal authority to inspect, permit, and monitor commercial FOG producing facilities and require these facilities to install and maintain grease control devices, such as grease traps and interceptors. Commercial FOG producing facilities must be inspected and permitted. The District inspects commercial FOG producing facilities prior to issuing a permit and semiannually after issuing a permit, in order to ensure FOG producing facilities remain in compliance.

3.6 **Enforcement of SSLOCSD Ordinances**

It is essential to protect SSLOCSD from illicit discharges that may interfere with the proper functioning of the WWTP. In the event of a violation of SSLOCSD ordinances, which is the result of a chronic problem, and if the Member Agencies are unable to obtain correction by the violator, the District shall become involved. SSLOCSD has the authority to become involved if the violation pertains to general sewerage use, Pretreatment, or FOG. The District's current regulatory ability to enforce against illicit discharges is included in the following ordinances:

3.6.1 SSLOCSD Sanitary Sewer System Use Ordinance, Ordinance No. 2011-1

SSLOCSD Sanitary Sewer System Use Ordinance provides the District with the legal authority to enforce against illicit discharges in:

- Article V, Section 5.01 – Enforcement
- Article V, Section 5.02 – Liability for Damages for Violation

3.6.2 SSLOCSD Pretreatment Ordinance, Ordinance No. 1994-1

SSLOCSD Pretreatment Ordinance provides the District with the legal authority to enforce against illicit discharges in:

- Article V, Section 23 – Remedies
- Article V, Section 24 – Declaration of Public Nuisance

- Article V, Section 25 – Assessment of Cost
- Article V, Section 26 – Civil Remedies/Administrative Complaint
- Article V, Section 27 – Criminal Penalties
- Article V, Section 28 – Termination of Service

The Pretreatment Ordinance Article V enables SSLOCSD to order temporary or permanent injunctive relief with the assistance of Legal Counsel.

3.6.3 SSLOCSD FOG Ordinance, Ordinance No. 2008-01

SSLOCSD FOG Ordinance provides the District with the legal authority to enforce against illicit discharges in:

- Article VI, Section 6.1 – General Procedure
- Article VI, Section 6.2 – Determination of Non-Compliance
- Article VI, Section 6.3 – Permit Suspension
- Article VI, Section 6.4 – Permit Revocation
- Article VI, Section 6.5 – Bypass
- Article VII, Section 7.1 – Criminal Prosecution
- Article VII, Section 7.2 – Remedies Non-exclusive

The FOG Ordinance Articles VI and VII enable SSLOCSD to order temporary or permanent injunctive relief with the assistance of Legal Counsel.

3.6.4 SSLOCSD Resolution No. 2011-295

SSLOCSD Resolution No. 2011-295 established a \$125.00 Notice of Violation Fee in accordance with FOG Ordinance Article 6. Enforcement of the District's FOG Ordinance will now comprise of the following:

If a FSE receives a violation during their semiannual FOG inspection, the FSE will receive a written Notice of Noncompliance and be re-inspected in thirty (30) days. No fee is charged with the Notice of Noncompliance. If the FSE passes their FOG re-inspection at the end of the thirty (30) day period, they will not be charged a Violation Fee. If the FSE does not pass this FOG re-inspection, they will be charged a \$125.00 Notice of Violation Fee, receive a written Notice of Violation, and be re-inspected in fourteen (14) days.

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07/10/2012

3.7 Sewer Use Fees

Sewer use fees are periodically reviewed for proper fee structure and applicability. This is further discussed in:

3.7.1 SSLOCSD Ordinance, Ordinance No. 2006-01

Ordinance No. 2006-01 provides the District's fee structure through the following exhibits:

- Exhibit A – Rates by Classification
- Exhibit B – Connection Fees

The District does not have any direct customers. Fees are collected by the Member Agencies from their collection system customers. The Member Agencies pay fees to the District to discharge into the District owned and operated trunk lines, which discharge into the WWTP. The fees fund the daily operation, maintenance, and administration of the WWTP and trunk lines. Fees are reviewed and adopted by the Board of Directors.

Appendix 3A

SSLOCSD Sanitary Sewer System Use Ordinance

Ordinance No. 2011-1



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 SSLOCSD 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 lateral 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 SSLOCSD 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 SSLOCSD 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 SSLOCSD'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. SSLOCSD 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.

SSLOCSD: 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 SSLOCSD 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 SSLOCSD 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 SSLOCSD.

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 SSLOCSD'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 SSLOCSD 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 SSLOCSD 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 SSLOCSD 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 SSLOCSD 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 SSLOCSD 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, SSLOCSD 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 SSLOCSD 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 SSLOCSD, or otherwise discharging sewage that ultimately passes through the District's sewage system, in accordance with SSLOCSD Ordinance 2006 – 01 and future revisions of SSLOCSD 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 EXTRAORDINARY SERVICES

It is the intent of SSLOCSD to equalize the cost of sewer service throughout the area of the SSLOCSD by the application of the provisions of Chapter 2.06 through 2.07, and, notwithstanding any provisions of Chapter 2.06 through 2.07, SSLOCSD 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 SSLOCSD 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, SSLOCSD personnel, any person contracting with SSLOCSD, 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

Appendix 3B

SSLOCSD Pretreatment Ordinance

Ordinance No. 1994-1

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

PRETREATMENT ORDINANCE

1994-1

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SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ORDINANCE NO. 1994-1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ESTABLISHING PRETREATMENT REGULATIONS
FOR THE USE OF DISTRICT FACILITIES

The Governing Board of South San Luis Obispo County Sanitation District ordains as follows:

ARTICLE I

GENERAL PROVISIONS

1. PURPOSE AND SCOPE:

A. This ordinance is enacted pursuant to Government Code Section 54739 and sets forth standards and regulations governing discharges into the publicly owned treatment works (POTW) for the District. The standards and regulations enable the District to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 et. seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

B. The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with the use or reclamation of biosolids;

(2) To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve opportunities to recycle and reclaim wastewaters and biosolids from the system;

(4) To protect POTW personnel from exposure to hazardous chemicals;

C. The ordinance provides for the regulation of direct and indirect discharges to the POTW through the issuance of permits to industrial users, pretreatment and reporting requirements, monitoring and enforcement of noncompliance with the provisions of this ordinance.

D. This ordinance applies to the areas within the boundaries of the District and all other areas and entities which, by contract, are bound to comply with all reasonable ordinances, rules and regulations of the District.

2. DEFINITIONS:

The following words shall have the following meanings:

A. "Administrator" means the District Administrator of SSLOCSD or his/her duly authorized representative. Any notice required to be given to the Administrator shall be mailed to the Administrator at P.O. Box 339, Oceano, CA 93445, or delivered to the District at 1600 Aloha Place, Oceano, CA 93445 or as otherwise directed.

B. "Authorized Representative" means any of the following:

(1) a principal executive officer of at least the level of vice president if the Industrial User submitting the reports is a corporation;

(2) a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively;

(3) a duly authorized representative of the individual designated in (1) or (2) if such representative is responsible for the overall operation of the facility from which the discharge originates.

C. "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure and expressed in milligrams per liter (mg/l).

D. "Categorical Pretreatment Standard (COD)" means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new Industrial Users in specific industrial subcategories.

E. "Chemical Oxygen Demand" means the quantity of oxygen required for the chemical oxidation of carbonaceous material under standard laboratory procedure and expressed in milligrams per liter (mg/l).

F. "Class I Industrial User" means any industrial user, not defined as a significant industrial user, that has materials and/or wastes on site that if discharged to the sewer may impact the POTW in a negative manner. These materials and wastes include, but are not limited to any and all prohibited discharges described in

Articles 1 and 3 of this ordinance.

G. "Class II Industrial User" means any industrial user, not defined as a significant industrial user, that may discharge conventional pollutants to the POTW which may cause interference or pass-through. These wastes include, but are not limited to: laundry discharges, non-hazardous solids and oil and grease of animal or vegetable origin.

H. "District" means the South San Luis Obispo County Sanitation District (SSLOCSD).

I. "Domestic Wastewater" means water bearing only those wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal to, and treatment in, the POTW.

J. "Grease" means all fat, grease, oil, wax or other trichlorotrifluoroethane soluble matter of animal, vegetable, petroleum or mineral origin.

K. "Industrial User" means a person who discharges nondomestic wastewater into the POTW.

L. "Industrial User's Survey" means a questionnaire (and related process) used by the District to identify and categorize industrial users and the characteristics of their wastewater discharge.

M. "Infectious Waste" means any waste material or article which harbors or may reasonably be considered to harbor any type of microorganism, helminth or virus which causes or significantly contributes to increased morbidity or mortality in human beings. Infectious waste includes hospital waste such as isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

N. "Interference" means an inhibition or disruption of the processes, use, disposal or reclamation of effluent and biosolids.

O. "NPDES" means National Pollutant Discharge Elimination System permit issued to the POTW.

P. "Natural outlet" means any outlet into a water course, pond, lake or other body of surface or ground water.

Q. "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the

Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(1) the building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

R. "Pass Through" means the discharge of pollutants to the POTW in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

S. "Person" means any individual, firm, company, association, society, corporation, group, governmental agency or educational institution.

T. "Plant Superintendent" means the Superintendent of the SSLOCSD Water Pollution Control Facility located at 1600 Aloha Place, Oceano, CA 93445.

U. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, or other discharges prohibited by Article I Section 3 of this ordinance.

V. "Pretreatment Standard and Requirements" means any substantive or procedural requirement related to pretreatment, including National Categorical Pretreatment Standards and prohibitive discharge standards imposed on an industrial user.

W. "Publicly Owned Treatment Works (POTW)" means District owned sewer treatment system, including sewer pipes within the communities that convey wastewater to the treatment plant, the wastewater treatment plant (WWTP), sewer pipes that convey wastewater to the treatment plant from persons outside the District who contract with the District to use the sewer system, and related facilities.

X. "Significant Industrial User (SIU)" means any industrial discharger subject to federal categorical pretreatment standards or

any industrial discharger that:

(1) discharges 10,000 gal per day or more of process wastewater;

(2) contributes 2 percent or more of the average dry weather hydraulic capacity of the treatment plant;

(3) discharges either continuously or intermittently to the POTW, process wastewaters containing priority pollutants as determined through analytical procedures or reasonable technical judgement; or

(4) has a reasonable potential, in the opinion of the Administrator, to adversely affect the POTW treatment plant.

Y. "Stormdrain" means a sewer which is designed to carry storm and surface waters and drainage rather than sewage or industrial wastes.

Z. "Toxic or Poisonous" means any solid, liquid or gas in such quantity that alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere with sewage treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

AA. "User" means a person who discharges to the POTW.

BB. "Wastewater Treatment Plant (WWTP)" means District owned and operated sewage treatment plant located at 1600 Aloha Place, Oceano, CA 93445 and all related facilities.

3. PROHIBITED DISCHARGES:

A. It shall be unlawful for an industrial user to discharge pollutants into the POTW:

(1) Without a permit;

(2) When such pollutants are not covered by a properly issued permit;

(3) Where the pollutants may cause the POTW to violate its NPDES permit.

B. In addition to the prohibitions contained in paragraph 3A above and except as hereinafter provided, no person shall discharge or cause to be discharged any of the following to the POTW:

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit and, in no case, higher than one

hundred and four degrees Fahrenheit at introduction into the wastewater treatment plant;

(2) Any water or waste material containing a petroleum based oil and/or grease if the discharge could result in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to, or increased maintenance of the POTW;

(3) Any substance which by reason of its chemical nature or quantity is, or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosion or injure the POTW and/or cause acute health and/or safety problems to POTW personnel or the operation of the system. At no time shall any substance be discharged to the POTW that has a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, and/or xylene;

(4) Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewer system or other interference with the proper operation of the POTW;

(5) Any substance having pH levels less than six or higher than nine, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;

(6) Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit;

(7) Any substance including oxygen demanding pollutants (BOD, CBOD, or COD, etc.) at a flow rate and/or concentration which may cause interference or pass-through;

(8) Any average daily flow greater than two percent of the WWTP average daily sewage flow shall be subject to the review and approval of the Administrator;

(9) Any wastewater containing in excess of:

15.0	mg/l aluminum
1.0	mg/l arsenic
0.25	mg/l cadmium
0.5	mg/l copper
0.5	mg/l chromium
7.5	mg/l fluoride
30.0	mg/l iron

0.5	mg/l	lead
0.01	mg/l	mercury
0.1	mg/l	selenium
3.0	mg/l	zinc
2.0	mg/l	M.B.A.S. (methyl blue active substances)
1.0	mg/l	phenol
30.0	mg/l	ammonia
300.0	mg/l	sulfate
7.5	mg/l	boron
350.0	mg/l	B.O.D.
195.0	mg/l	C.O.D.
1.0	mg/l	Molybdenum
3.81	mg/l	Nickel
0.02	mg/l	Silver

pH >6 <9
 Temperature < 140°F

** Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal. The Superintendent may, at his/her discretion, impose mass limitations in addition to or in place of the concentration based limitations above. Compliance with all parameters may be determined from a single grab sample.

(10) Any wastewater, other than residential water-softening regeneration brine, containing in excess of:

1,600.0	mg/l	total dissolved solids
300.0	mg/l	sodium
300.0	mg/l	chloride

** Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal. The Superintendent may, at his/her discretion, impose mass limitations in addition to or in place of the concentration based limitations above. Compliance with all parameters may be determined from a single grab sample.

(11) Any substances containing any radioactive materials or wastes with a half-life or concentration that does not comply with regulations issued by appropriate authorities (Sections 30265 and 30287 of the California Code of Regulations);

(12) Any infectious wastes;

(13) Any substances containing color which is not removed in the ordinary WWTP treatment process;

(14) Any stormwater, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated cooling water.

C. Limitations on wastewater strength established in this ordinance may be supplemented with more stringent limitations if:

(1) The Administrator determines that the limitations listed in this ordinance may not be sufficient to protect the operation of the District's treatment works; or

(2) The Administrator determines that the limitations listed in this ordinance may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the District's NPDES permit.

D. When the Administrator determines that a user is contributing any of the substances mentioned in paragraph 3 (A), (B) and (C) of this section in such amounts as to interfere with the operation of the POTW, the Administrator shall:

(1) Advise the user of the impact of the contribution on the POTW;

(2) Develop discharge compliance limitations for the user;

(3) Place limits on rate and time of discharge or requirements for flow regulations and equalization;

(4) Require pretreatment of discharge prior to discharge to POTW; or

(5) Take any other action necessary to eliminate the interference.

4. APPLICABILITY OF FEDERAL AND STATE CATEGORICAL PRETREATMENT STANDARDS:

A. Any user who does not comply with the Federal pretreatment standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 (or any successor statute) or who does not comply with the applicable state pretreatment standards violates this ordinance.

B. The most stringent standards will apply whenever local, state, and federal standards overlap. All users must comply with all applicable pretreatment standards and requirements as they may exist now or as they may be revised in the future.

5. GREASE, OIL AND SAND INTERCEPTORS:

Grease, oil and sand interceptors shall be provided and maintained by user at user's expense for the proper handling of liquid wastes containing grease, flammable wastes, sand or other harmful constituents; provided, however, that the interceptors shall not be required for private living quarters or dwelling

units. All interceptors shall be approved by the Administrator and the local permitting agency in accordance with the Uniform Plumbing Code, and shall be located for ready and easy access for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained and efficiently operated by the user, at his/her expense. Failure to properly maintain and operate interceptors shall be sufficient cause to disconnect a premises from the POTW and/or apply punitive actions as provided for in this ordinance.

6. PRETREATMENT FACILITIES:

Where pretreatment of discharge is required by the District, the necessary facilities shall be provided, operated and maintained at the user's expense. Detailed plans showing the facilities and their operating procedures shall be submitted to the Administrator and the local permitting agency for review. The plans must be approved by the District and the local permitting agency before construction begins. Any proposed changes in the pretreatment facilities or method of operation must be reported and approved by the District prior to implementation of the proposed changes. Operational failures of pretreatment facilities shall be immediately reported to the Superintendent. A letter detailing the cause and proposed remedy shall be submitted in writing to District within 24 hours of the failure.

7. CONTROL MANHOLE:

If required by the Administrator, the owner of any property served by a building sewer carrying industrial wastes shall install at his/her cost, a suitable control manhole in the building sewer to facilitate observation, sampling and flow measurement of the discharge. The manhole shall be reasonably accessible, safely located and shall be constructed in accordance with plans approved by the Administrator and the local permitting agency.

8. MEASUREMENTS AND TESTS:

All measurements, tests and analyses of the characteristics of discharged substances shall be determined by the testing methods specified in 40 CFR 136 in accordance with 40 CFR 403.12 (b)(5)(vi). If required by the Administrator, the industrial user shall provide safe and secure access to the proper sampling point for the determination of compliance with federal categorical standards and/or local discharge limits. This may require the installation of a control manhole as described above. All testing shall be performed by an approved laboratory and conducted at the expense of the discharger.

9. DRAINAGE BELOW CURB AND BELOW MAIN SEWER LEVEL:

A. Drainage pipe serving fixtures with flood level rims located below the elevation of the curb or property line, at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved backwater valve. Each backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line. If the drainage pipe(s) is lower than the next upstream manhole, the property owner may be required to install a backwater valve.

B. If the property owner fails to install and maintain a backwater trap or backwater valve in good working condition, when required under this section, the Administrator may order and require the plumbing fixture to be disconnected and removed and the outlet plugged or capped. In the event that the property owner fails to disconnect and plug or cap the sewer connection within ten days after written notice by the Administrator, the Administrator shall arrange for the disconnection and capping; the cost of which may be charged by the District and collected by court action or may be declared to be a lien by action of the District Board of Directors after public hearing and notice of the property owner and shall be added to and collected as part of the tax roll.

C. As an alternative to the procedure set forth in subsection 9.B, when the property owner fails to install and maintain a backwater trap valve in good working condition when required under this ordinance, the Administrator may order and require termination of water service to the parcel and all structures connected to the sewer outlet. The water service shall not be reinstated until the maintenance or installation of the backwater trap or backwater valve has been approved by the Administrator.

D. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing or hereafter connected, shall be maintained by the owner of the property in a safe and sanitary condition and shall be maintained in good working order. If a property owner fails to maintain the wastewater disposal facilities in a safe and sanitary condition, the Administrator may order and require termination of water service to the parcel and all structures connected to the sewer outlet. The water service shall not be reinstated until the maintenance or installation of appropriate wastewater disposal facilities has been approved by the Administrator.

10. POWERS AND AUTHORITY OF INSPECTORS:

A. The following persons shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance at all reasonable times.

(1) The District Administrator;

(2) The District Plant Superintendent;

(3) Any duly authorized officer, agent, employee or representative of the District;

(4) Any duly authorized officer, agent, employee or representative of a District parent agency; or

(5) Any duly authorized officer or employee of the County Health Department.

If an official authorized to conduct inspections has reasonable cause to believe that wastewater discharge conditions on or emanating from a facility are so hazardous, unsafe or dangerous as to require immediate action to safeguard public health or safety or the integrity of the POTW, the official shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect such entry and make such inspection.

Process and product information collected during inspection of premises shall be kept confidential at the request of the business owner or his representative, insofar as confidentiality is allowed pursuant to applicable law. All records compiled pursuant to the pretreatment program shall be accessible at time of inspection.

B. Each discharger shall pay a reasonable inspection fee sufficient to pay for the costs of the inspection. The inspection costs may be incorporated in the Industrial User Wastewater Discharge Permit fee.

C. Nothing in this Section shall be construed to limit the search and inspection activities authorized by other statutes, ordinances, or regulations.

11. PERMIT-REQUIRED-TERM-TRANSFER-REVOCATION-COMPLETION OF AN INDUSTRIAL USER'S SURVEY REQUIRED:

All dischargers of nondomestic wastewater into the District sewer system shall complete an industrial user's survey and shall obtain a wastewater discharge permit from the District. It is unlawful to discharge nondomestic wastewater without a permit or to fail to complete an industrial user's survey.

A. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other state and federal regulations, user charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the Administrator in accordance with this ordinance, and applicable state and federal regulations. Permit requirements may include, but are not limited to the following:

- (1) User charges and fees to discharged to the POTW;
- (2) The average and maximum wastewater constituents and characteristics;
- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation of inspection and sampling facilities;
- (5) Pretreatment requirements;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by District ordinance) are proposed or present in the user's wastewater discharge;
- (9) Requirements for submission to inspections;
- (10) Other conditions as deemed appropriate by the Administrator to insure compliance with this ordinance.

B. Permits may be issued for any specified time period, not to exceed five years. The terms and conditions of the permit may be modified and changed by the Administrator during the term of the permit to reflect limitations or requirements as they may change from time to time. The permit holder shall be informed in writing of any proposed changes to his/her permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

C. No wastewater discharge permit shall be assigned, re-assigned, transferred or sold to a new owner, a new user, different premises, or changed operation, without the expressed written consent of the Administrator. Upon application of a user, the

Administrator shall determine if the sale or transfer of an operation results in a change in use and may authorize the re-assignment of a specific permit.

D. Any permit holder who violates any of the provisions of this ordinance, or applicable state and/or federal laws, rules and regulations or any of the following conditions may have the permit revoked:

(1) Failure to accurately report the wastewater constituents and characteristics of discharge;

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

(3) Refusal to allow reasonable access to the permit holder's premises for the purposes of inspection or monitoring.

12. REPORTING REQUIREMENTS FOR PERMIT HOLDERS:

A. Any permit holder may be required to submit a report to the Administrator indicating the nature, concentration, and daily flows wastewater constituents. The report shall also state whether the applicable pretreatment standards and requirements are being consistently met.

B. After completing the report required in subsection 12.A, the user shall submit self-monitoring reports, as required by the Administrator, to assess and assure continued compliance with pretreatment standards and requirements including, but not limited to, the reports required in 40 CFR 403.12. These reports shall contain the results of sampling and analysis of the discharge.

C. Reports submitted to the Administrator shall be signed and certified by an authorized representative of the discharging facility.

D. All industrial users shall be required to retain any records and/or reports of monitoring activities or results and for a minimum of three years and shall make such records/reports available for inspection and photocopying by the District.

13. CONFIDENTIALITY-PUBLIC DISCLOSURE:

A. Except when determined to be confidential pursuant to Section 13.C, discharge data shall be available to the public without restriction.

B. Notification of significant violators and significant noncompliance shall be published at least once every twelve months in a major local newspaper.

C. Upon the request of an industrial user, any proprietary information that becomes known incidentally through the inspection and monitoring process will be held confidential.

ARTICLE II

CHARGES AND FEES

14. DETERMINATION-USER CLASSIFICATION:

A schedule of charges and fees shall be adopted by the District by resolution, and may be amended from time to time, to enable the District to comply with the revenue requirements of the State Clean Water Grant Program. The schedule of fees and charges shall be in addition to other District charges and fees.

A. All users shall be classified to a user classification category (Significant Industrial User, Class I User or Class II User) according to the activities conducted on the user's premises and appropriate nonindustrial classifications as determined by the District. The purpose of the classification is to facilitate regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control and to establish a system of user charges and industrial user wastewater discharge permit fees which will insure an equitable recovery of the District's cost for operation of the pretreatment program;

B. The charges for each wastewater constituent and characteristic shall be established by the District and set forth in the District's schedule of charges and fees, which may include, but shall not be limited to:

(1) User classification charges;

(2) Fees for surveys, monitoring and inspections;

(3) Charges and fees based on wastewater constituents and characteristics to include industrial cost recovery provisions of the Federal Act (i.e., PL 92-500);

(4) A minimum sewer charge for vacant business or residences until water service is discontinued;

C. Payment and Collection.

(1) All charges and fees established by this ordinance shall be payable at the same time as water charges are paid to the respective cities and districts and may be billed in the same water bill;

(2) Any person failing to pay the sewer service charge when due may have water service terminated (disconnected).

15. USE OF REVENUES:

Revenue derived by the District under the provisions of this ordinance shall be used for the acquisition, construction, reconstruction, operation and maintenance of the POTW and shall be applied to the retirement of any bonded indebtedness which was incurred to improve the POTW's capacity to handle non-domestic wastewater.

ARTICLE III

REGULATION OF SEPTIC TANK DUMPING

16. UNLAWFUL TO DUMP ON LAND:

It is unlawful for any person to dump or discharge raw or chemically treated sewage from any source onto the surface of any lands within the areas serviced by the District.

17. UNLAWFUL TO DUMP INTO DISTRICT COLLECTION SYSTEM EXCEPT AS PROVIDED IN THIS ORDINANCE:

It is unlawful for any person to dump or discharge into the District sewer collection system septic tank cleanings or any raw or chemically treated sewage from septic tanks or any industrial or unidentified liquid waste or any hazardous waste or pollutants except as provided in this Article.

18. DUMPING REGULATIONS:

Raw or chemically treated sewage from chemical toilets may be discharged or dumped into the POTW only at places designated in the user's permit pursuant to Article I, Section 11.

ARTICLE IV

ENFORCEMENT

19. UNLAWFUL DISCHARGES:

A. Notification of Violation:

(1) Users shall immediately notify the Plant Superintendent upon discharging wastes in violation of this ordinance to enable countermeasures to be taken by the District to minimize damage to

the community sewer, treatment facility, treatment process, treatment personnel and the receiving waters.

(2) No later than five days after the notification a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrence shall be provided to the District by an authorized representative of the discharger.

(3) The notification shall not relieve users of any liability for any expense, loss or damage to the POTW for any fines imposed on the District by any public entity on account thereof.

B. Dischargers shall make available to their employees copies of this ordinance, together with such other wastewater information and notices which may be furnished by the District from time to time. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this ordinance.

C. Potential Violation: Any direct or indirect connection that enables the permit holder access or potential to unlawfully discharge pollutants into the POTW should be eliminated. If it has been determined by the Administrator that such connection is impractical or unreasonable to eliminate, the permit holder shall label each such potential connection as approved by the District.

20. ISSUANCE OF CEASE AND DESIST ORDERS:

If a violation of this ordinance occurs, or appears imminent, and the violation appears to present an imminent endangerment to the health, safety or welfare of persons, property, or the environment, or which threatens to interfere with the operation of the POTW, the Administrator may, upon informal written notice to the violator, issue an order to cease and desist order and direct the violator to:

A. Comply with this ordinance forthwith;

B. Comply with this ordinance in accordance with a time schedule set forth by the Administrator; or

C. Take appropriate remedial or preventive action in the event of a threatened violation.

21. SUBMISSION OF TIME SCHEDULE:

When a discharge of wastewater has taken place, in violation of prohibitions or limitations prescribed in this ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the Administrator may require the user to submit a report containing methods to eliminate illegal discharges, a time schedule

for the commencement and completion of any equipment installation or maintenance necessary to comply with discharge limitations and methods of assurance of continued compliance.

22. APPEALS:

A. Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Administrator, interpreting or implementing the provisions of this ordinance or in the issuance of any permit, may file with the District Board a written appeal within ten working days of such decision, action, or determination, setting forth in detail the facts supporting the appeal.

B. The written appeal shall be heard by the District Board of Directors within thirty days from the date of filing. The District Board of Directors shall make a final ruling on the appeal within ten working days of the close of the meeting. Pending final determination on the appeal the decision subject to appeal shall remain in full force and effect.

ARTICLE V

ABATEMENT AND PENALTIES

23. REMEDIES:

The actions and remedies available to the District may be utilized separately or in combination by the District as it deems appropriate.

24. DECLARATION OF PUBLIC NUISANCE:

Discharges of wastewater in violation of this ordinance or of any order issued by the Administrator as authorized by this ordinance constitutes a misdemeanor and is also declared to be a public nuisance that is subject to abatement.

25. INJUNCTIVE AND OTHER LEGAL RELIEF:

Whenever an industrial user has violated or continues to violate the provisions of this ordinance, or permits or orders issued hereunder, or any other pretreatment requirement, the District through its District Legal Counsel is authorized to seek temporary and/or permanent injunctive relief, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order or other requirement imposed by this ordinance on activities of an industrial user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the District.

26. ASSESSMENT OF COST:

Any person who discharges or causes to be discharged any water or wastewater in violation of this ordinance and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, stormdrain system or waters of the state, shall be liable to the District for any and all expenses and costs of whatever kind necessary to correct that damage, detriment or adverse effect. The expenses may include, but are not limited to: costs for labor, material, inspection, administration and overhead. Additionally, the District may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities. Any expenses resulting from the investigation of unlawful discharges shall be collected from the responsible party. In addition, any monetary penalties imposed against the District shall also be costs for which the violator is liable to the District.

27. CIVIL REMEDIES/ADMINISTRATIVE COMPLAINT:

Any person who violates any requirement or order by the District pursuant to this ordinance shall be civilly liable in a sum not to exceed \$25,000.00 a day for each violation.

In addition to any other enforcement procedures referenced in this ordinance, the District may enforce the provisions of this ordinance pursuant to the procedures stated in Sections 54739, et. seq. of the Government Code.

28. CRIMINAL PENALTIES:

A. It is a misdemeanor for any person/user to violate any provision of this ordinance. Each day of violation shall constitute a separate offense. The penalty for violation shall include a fine of not less than \$1,000 per violation.

B. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor. The penalty for violation shall include a fine of not less than \$1,000 per violation.

29. TERMINATION OF SERVICE:

The District may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater and/or water service to any premises if a violation of any provision of this ordinance is found to exist and is not corrected or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this ordinance.

This provision is in addition to other statutes, rules or regulations, authorizing termination of services for delinquency in payment.

ARTICLE VI

MISCELLANEOUS

30. SEVERANCE CLAUSE:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Board of the District hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

31. EFFECT OF HEADINGS IN ORDINANCE.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this ordinance.

32. ALL INCONSISTENT SECTIONS

All ordinances, sections of ordinances, resolutions, and policies of the District that are inconsistent with this ordinance are hereby repealed including, but not limited to the following: Resolution A No. 22, Article III Sections 10 and 15; Article VII Sections 2, 3, 4, 5, and 6.


33. EFFECTIVE DATE:

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage; and before the expiration of fifteen (15) days after passage of this ordinance, it shall; be published in 3 public places with the names of the members voting for and against the ordinance; and shall remain posted thereafter for a least 1 week, and be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Five Cities Times Press Recorder.


Introduced at a regular meeting of the Board of Directors held on March 16, 1994, and passed and adopted by the Board of Directors of the South San Luis Obispo County Sanitation District on the 6th day of April, 1994 by the following roll call vote, to wit:

AYES: Director Brackett, Director Gallagher, Chairman Senna
NOES: None
ABSENT: None
ABSTAINING: None

SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT

By: 
William A. Senna
Chairman, Board of Directors

ATTEST:

By: 
John L. Wallace
Secretary, Board of Directors

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Appendix 3C

SSLOCSD Fats, Oils, and Grease Ordinance

Ordinance No. 2008-01

South San Luis Obispo County Sanitation District Fats, Oils, and Grease (FOG) Ordinance



October 2008

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South San Luis Obispo County Sanitation District Ordinance No. 2008-01

An Ordinance to the Board of Directors for the South San Luis Obispo County Sanitation District Establishing Fats, Oils, and Grease Regulations for the use of District FSE.

The Governing Board of South San Luis Obispo County Sanitation District ordains as follows:

ARTICLE 1 – GENERAL PROVISIONS

1.1 PURPOSE

- A. The purpose of this Ordinance is to establish a FOG Control Program that will facilitate the maximum beneficial public use of the South San Luis Obispo County Sanitation District's (District) sewer services and facilities while preventing blockages of the sewer facilities resulting from discharges of Fats, Oils and Grease (FOG) to sewer trunk lines, and to specify appropriate FOG discharge requirements for FSE (FSE).
- B. This Ordinance governs all FSE that discharge into the District or its Member Agencies sewer system.
- C. This FOG Ordinance is intended to be consistent with all rules, policies and other applicable governmental actions of the District. This Ordinance is not intended to contradict or repeal any rule, regulation, Ordinance, or other governmental action of the District. This Ordinance supplements the District's existing rules, policies and other governmental actions, and addresses specifically the discharges of FOG into the wastewater system to the District.
- D. Any User subject to this FOG Ordinance is hereby advised to review and strictly comply with all other rules, regulations, policies and other governmental actions of the District which may be construed as applicable to FOG discharges into the wastewater system to the District. In particular, any User subject to this FOG Ordinance is still required to meet and satisfy all of the provisions of the District's Pretreatment Ordinance 1994-1, including the general sewer use requirements set forth therein.
- E. This Ordinance sets uniform requirements for FOG discharges to the District's sewer system and enables the District to comply with all applicable State and Federal laws, including, but not limited to, the Clean Water Act.
- F. This Ordinance provides for the regulation of all FOG discharges into the sewer system. This Ordinance establishes administrative review procedures; monitoring; potential testing and regulation of the amount of the Users' fats, oils, and grease

discharge. The setting of fees for the equitable distribution of costs resulting from the program will be determined separately by each Member Agency.

- G. Except as otherwise provided, the District shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the District may be delegated by the District Administrator to the accepted Member Agency.

1.2 OBJECTIVES

- A. To aid in the prevention of sewer blockages and overflows from the contribution and accumulation of fats, oils, and greases into such sewer system from industrial and commercial establishments, particularly food preparation and serving facilities.
- B. To prevent the introduction into the District's Sewer System, discharges that will interfere with the operation of the system which includes, but is not limited to, any gravity type sewer system, force main system, or the POTW.
- C. To protect both the District's Sewer System, its personnel, and members of the general public who may be affected by the sewer blockages and obstructions.
- D. To prevent pass through to receiving water.
- E. To improve the opportunity to reclaim and recycle all fats, oils, and grease from the Users grease trap or interceptor.
- F. To enable the District to comply with its National Pollutant Discharge Elimination System (NPDES) permit and non-discharge requirement conditions, sludge use and disposal requirements, and any other Federal or State laws to which the District is subject.

1.3 DEFINITIONS

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

Act or “the Act”	The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. & 1251 et. seq.
Authorized Representative of the User	The manager or person in charge of day to day operation of the establishment or any other person who performs similar Ordinance or decision-making functions for the establishment.
Best Management Practices (BMP)	Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the Sewer facilities as more specifically provided in Sections 4.5 & 4.6 of this Ordinance.
Board	The District Board of the South San Luis Obispo County Sanitation District.
Building Sewer	A sewer lateral conveying Wastewater from the premises of a User to the District’s sanitary sewer system.
Bypass	The intentional diversion of waste streams from any portion of an Industrial User’s treatment facility. <i>[40 CFR §403.17(a)]</i>
District	The South San Luis Obispo County Sanitation District, its Administrator, or his/her designee.
District Administrator	The person designated by the District to supervise the operation of the District’s sanitary sewer system or his designee, and who is charged with certain duties and responsibility by this Ordinance.
Domestic Sewage/Wastewater	The liquid waste generated from bathrooms, toilets rooms, kitchens and home laundries, and other similar facilities.
Effective Date	October 15, 2008
Environmental Protection Agency or EPA	The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Quality Control Division Director, or other duly authorized official of said agency.

Fats, Oils, and Greases (FOG)	Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “Grease” or “Greases.”
District FOG Control Program Administrator	The District Engineer or his/her designee of the South San Luis Obispo County Sanitation District.
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 (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or 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. Examples of some FSE are, but are not limited to, full service restaurants, fast food establishments, delis, cafeterias (including church and school facilities where commercial equipment is installed and the frequency of use indicates more than occasional use), meat distributors, butchering, food processing facilities, grocery stores with food preparation/ service areas, bakeries, caterers, and/or similar types of operations.
Grab Sample	A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
Grease Control Device	Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged onto the sewer system. “Grease Control Device” may also include any other proven method to reduce FOG subject to the approval of the District.
Grease Interceptor (Gravity Grease Interceptor)	A device for separating and retaining waterborne fats, oils and grease prior to the wastewater exiting the interceptor and entering the District’s sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the District’s sanitary sewer collection

system. Grease Interceptors are large grease collectors located outside a FSE typically covered by a manhole cover.

**Grease Trap
(Hydro mechanical
Grease Interceptor)**

A device for separating and retaining waterborne fats, oils and grease prior to the wastewater exiting the trap and entering the District's sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the District's sanitary sewer collection system. Grease Traps are small grease collectors typically located inside a FSE near the dishwashing area.

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.

Member Agencies

The City of Arroyo Grande, City of Grover Beach, Oceano Community Services District.

**Minimum Design
Capability**

The design features of a Grease Trap/Interceptor and its ability or volume required to effectively intercept and retain Greases from grease-laden wastewaters discharged to the District's sanitary sewer collection system.

Pass Through

A discharge which exits the District treatment facility into waters of the state in quantities or concentrations which alone or in conjunction with a discharge of discharges from other sources, is a cause of a violation of any requirement and/or limit established in the District's NPDES permit(s), including an increase in the magnitude or duration of a violation.

POTW

Publically Owned Treatment Works

Ordinance	The South San Luis Obispo County Sanitation District: Fats, Oils & Grease (FOG) Ordinance effective October 15, 2008.
Regulatory Agencies	<p>Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the District, including, but not limited to:</p> <ul style="list-style-type: none"> • United States Environmental Protection Agency. • California State Water Resources Control Board (SWRCB). • California Regional Water Quality Control Board, Region 3 (RWQCB). • San Luis Obispo County Health Department. • California Department of Fish and Game
Renewal Permit	A renewal permit is granted on an annual basis when the conditions of the FSE have not substantially changed.
Remodel	A physical change or operational change to any type of facility that results in meeting the criteria set forth in the definition of “FSE.”
SSLOCSD	South San Luis Obispo County Sanitation District or any duly authorized representative thereof.
Sanitary Sewer Overflow (SSO)	An event where untreated sewage is discharged into the environment.
Sewer System	Sewer System consists of laterals, mains and trunklines transporting wastewater that is treated by the District’s treatment plant or facility and is further defined in Member Agency Ordinances.
Significant Non-Compliance/ Notice of Violation (NOV)	<p>A status of a User’s non-compliance is defined as follows:</p> <ol style="list-style-type: none"> 1. Chronic violations of this Ordinance’s FOG Discharge requirements for consecutive periods of time. 2. Any other violation or discharge that the District determines has caused, alone or in combination with other discharges, the endangering of health of District personnel or the general public. 3. Any discharge that has caused imminent endangerment to human health, welfare, to the environment, or has resulted in the District’s exercise of its emergency authority to halt or prevent such a discharge.

State	The State of California or any duly authorized representative thereof.
User	Any person or company that contributes to; causes or allows the contribution of wastewater into the District's sanitary sewer collection system.
Variance	A Variance may be granted when a FSE has negligible FOG discharge and an insignificant impact to the sewer system.
Exclusion	Exclusion is only granted when FSE is not connected to the Sewer System or all food is prepackaged.
Wastewater	The liquid and water-carried from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together which contributes to the District's sanitary sewer collection system.

Words used in this Ordinance in the singular may include the plural and the plural in the singular. Use of masculine or feminine may be used interchangeably. Shall is mandatory; May is permissive or discretionary.

ARTICLE 2 – GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON FATS, OILS, AND GREASE (“FOG”) DISCHARGES

2.1 FOG DISCHARGE LIMITATION

No FSE shall discharge or cause to be discharged into the sewer system, FOG that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system.

2.2 GENERAL PROHIBITION

- A. Introduction of any additives into a FSE sewer system for the purpose of emulsifying FOG is prohibited, unless a specific written authorization from the District is obtained.
- B. Disposal of waste cooking oil into the sewer system is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- C. Discharge of food grinders to any Grease Trap or Grease Interceptor is prohibited.

- D. Discharge of wastewater with temperatures in excess of current California Retail Food Code (see Cal 104 CCR Section 113996 et.seq.) to any Grease Control Device, including Grease Traps and Grease Interceptors, is prohibited.
- E. The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited unless a specific written authorization from the District is obtained.
- F. Discharge waste from toilets, urinals, wash basins, and other fixtures containing fecal materials to Grease Traps is prohibited.
- G. Operation of Grease Interceptors or Grease Traps with FOG and solids accumulation exceeding 25% of the total operating depth is prohibited.

2.3 FOG DISCHARGE PROHIBITION

- A. No person shall discharge, or cause to discharge any wastewater from FSE directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit or Variance.
- B. Within 60 days of the effective date of this Ordinance, all FSE in the District or its Member Agency area shall file an application for a FOG Wastewater Permit or Variance with the District. Any person who wishes to open or operate a pre-existing FSE as a new owner following the effective date of this Ordinance shall apply for and obtain a FOG Wastewater Discharge Permit or Variance prior to opening or operating such FSE.
- C. Any FSE proposing to change the volume or characteristics of an existing discharge is required to inform the District. A determination regarding whether a new permit or Variance is required shall be made within a reasonable amount of time. If the proposed change requires a revision in a current local permit or requires that a different type of permit be issued, the User shall apply to the District for an appropriate FOG Discharge Permit within forty-five (45) days of receiving notification of such requirement.

2.4 BEST MANAGEMENT PRACTICES REQUIRED

All Food Services Establishments shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices are specified in Article 4 Section 4.5 & 4.6 of this Ordinance. This may include kitchen practices and employee training essential in minimizing FOG discharge.

2.5 FOG PRETREATMENT REQUIRED

All FSE are required to install, operate and maintain an approved type and adequately sized Grease Interceptor or Grease Trap. The device used shall be adequate to separate and remove FOG contained in the wastewater discharge from the FSE prior to discharge to the sewer system. Any fixtures, equipment and drain lines located in the food preparation and clean up areas of FSE that are sources of FOG discharges shall be plumbed to a Grease Interceptor or Grease Trap.

2.6 NEW CONSTRUCTION OF FSE

All new construction of FSE shall require a permit which shall involve the installation of a Grease Interceptors or Grease Traps prior to commencing discharges of wastewater to the sewer system, unless a Variance is issued.

2.7 EXISTING FOOD SERVICE ESTABLISHMENTS

- A. For existing FSE, the requirement to install and to properly operate and maintain a Grease Interceptor may be conditionally stayed, that is, delayed in its implementation, by the District FOG Control Program Administrator for a maximum period of six months from the effective date of this Ordinance (six-month implementation period). The District finds that this time period a reasonable implementation period for existing FSE that are operating without a Grease Interceptor.
- B. Existing FSE, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to areas that require continual maintenance, or which have been determined to contribute significant FOG to the sewer system by the District's Member Agencies or FOG Control Program Administrator based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, shall install Grease Interceptors within 60 days upon notification by the District.
- C. Existing FSE undergoing remodeling or a change in operations as defined in Article 1 Section 1.3 of this Ordinance shall be required to install a Grease Interceptor.

2.8 VARIANCE OF GREASE INTERCEPTOR

- A. A Variance from installation of a Grease Trap/Interceptor may be granted when a FSE is determined to have negligible FOG discharge and insignificant impact to the sewer system.
- B. A Variance may also be issued from Grease Trap/Interceptor requirements when an alternative technology that is, at least, equally effective in controlling the FOG discharge. This Variance is granted to FSE demonstrating that it is impossible or impracticable to install, operate or maintain a Grease Trap/ Interceptor. The District FOG Control Program Administrator determination to grant a Variance will be based upon, but not limited to, evaluation of the following conditions:
 - 1. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the Grease Interceptor and/or between the Grease Trap/Interceptor and the private collection lines or the public sewer; and
 - 2. The FSE can justify that the alternative pretreatment technology is equivalent or better than a Grease Trap/Interceptor in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream monitoring of the sewer system, for at least three months, at its own expense. A Variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

2.9 EXCLUSION FROM INSTALLATION OF GREASE TRAP/INTERCEPTOR

An Exclusion from installation of a Grease Trap/Interceptor shall be granted for FSE when a facility is not connected to the public sewer system.

2.10 APPLICATION FOR VARIANCE OR EXCLUSION REQUIREMENT FOR GREASE TRAP/INTERCEPTOR

- A. A FSE may submit an application for Variance or Exclusion from the Grease Trap/Interceptor requirement to the District FOG Control Program Administrator. The FSE bears the burden of demonstrating, to the District Administrator reasonable satisfaction, that the installation of a Grease Trap/Interceptor is not feasible or applicable. Upon determination by the District FOG Control Program Administrator reasons are sufficient to justify a Variance or Exclusion, the permit

will be issued or revised. If an Exclusion is determined to be prudent, the facility will be removed from the Districts FOG Program.

- B. A Variance shall contain terms and conditions that serve as basis for its issuance. A Variance may be revoked when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the Variance was based change, so that justification no longer exists. The Variance shall be valid for one year as long as the FSE remains in compliance with their terms and conditions until the expiration date specified in the Variance.

2.11 GREASE DISPOSAL MITIGATION

- A. All FOG Interceptors and or Grease Traps shall be cleaned on a regular basis at the User's expense to ensure efficient operation of the Interceptor. This Ordinance requires that all Interceptors be cleaned no less than once every ninety (90) days and Grease Traps be cleaned a minimum of every seven (7) days. The necessary frequency of cleaning will vary greatly depending on the nature of the establishment.
- B. Authorized District personnel shall be allowed access to Grease Interceptors and or Grease Traps within or near the facility for the purpose of inspection and/or to verify compliance with this Ordinance.
- C. Maintenance of below ground Grease Interceptors shall be performed only by a licensed Grease Interceptor cleaning service at the FSE expense. Smaller under-the-counter Grease Traps can be cleaned by an approved licensed Grease Trap cleaning service or by in-house staff of the FSE.
- D. Notwithstanding the six-month implementation period established in Article 2 Section 2.7, FSE found to have contributed to a Sewer System Overflows (SSO) or any sewer system interference resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a Grease Interceptor, Grease Trap or other approved grease control device, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSO or any other sewer system interferences. SSO may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSO caused by FSE alone or collectively, are the responsibility of the private property owner or FSE.
- E. If the District or Member Agency must act immediately to contain and clean up a SSO caused by blockage of a private or public sewer lateral or system serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the

District's and/or Member Agency's costs for such abatement shall be entirely borne by the property owner and operator of the FSE.

ARTICLE 3 – FOG WASTEWATER DISCHARGE PERMITS FOR FSE

3.1 FOG WASTEWATER DISCHARGE PERMIT REQUIRED

- A. FSE currently discharging wastewater containing FOG into the District's sewer system shall obtain a FOG Wastewater Discharge Permit or Variance from the District.
- B. FOG Wastewater Discharge Permit or Variance shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the District. The conditions of FOG Wastewater Discharge Permit or Variance shall be enforced by the District in accordance with this Ordinance and applicable to any State and Federal Regulations.
- C. Any FOG discharger proposing to change the volume or characteristics of an existing discharge shall request consideration from the District as to whether or not a new application should be filed and shall provide sufficient information on the proposed change to enable the District to determine whether a new application is needed. If the proposed change requires a revision in a current local permit or requires that a different type of permit be issued, the User shall apply to the District for an appropriate FOG Discharge Permit within forty-five (45) days of receiving notification of such requirement.
- D. There shall be three types of FOG Discharge Permits granted to FSE by the District:
 - 1. Regular Permit: Regular Permits will be issued upon the proper installation and maintenance of a Grease Interceptor/Grease Trap as described in Article 4 Section 4.1- 4.4.
 - 2. Variance: A Variance permit will be issued upon implementation of Best Management Practices, minimal FOG production and/or alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a Grease Interceptor/Grease Trap, as described in Article 2 Section 2.8.
 - 3. Exclusion: Exclusions will only be issued when a facility does not meet the criteria for requiring a FOG Wastewater Discharge Permit as stated in Article 2 Section 2.9.

- E. Proper installation and maintenance of a Grease Interceptor or Grease Trap and application for a Regular Permit shall be the standard method of compliance with this Ordinance.

3.2 FOG WASTEWATER DISCHARGE PERMIT APPLICATION

- A. Any person required to obtain a FOG Wastewater Discharge Permit shall complete and file with the District prior to commencing or continuing discharges, a FOG Participant Data and Application Form prescribed by the District. The applicable fees shall accompany the application. The applicant shall submit, in units and terms appropriate for evaluation, the following information at a minimum:
 - 1. Name, physical and mailing address, telephone number, description of the FSE, operation, cuisine and food service activities.
 - 2. (Which ever is applicable) Name, address of any and all principals/owners/major shareholders of the FSE; Business License.
 - 3. Practices currently in use to reduce FOG.
 - 4. Any other information as specified in the Participant Data and Application form.
 - 5. Applicants may be required to submit facility plans, plumbing plans, and details to show all sewers, FOG control device, Grease Interceptor or other pretreatment equipment and appurtenances by size, and location, for evaluation.
- B. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- C. After evaluation of the furnished data, the District may issue a FOG Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the FOG Control Program Administrator to be appropriate to protect the District's sewer system.

3.3 FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

- A. The issuance of a FOG Wastewater Discharge Permit may contain any of the following conditions or limits:
1. Limits on discharge of FOG.
 2. Requirements for proper operation and maintenance of Grease Interceptors and other grease control devices.
 3. Requirements for implementation of Best Management Practices and installation of adequate Grease Interceptor and/or grease control device.
 4. Requirements for maintaining logs and/or records, including wastehauling records and waste manifests on-site.
 5. Requirements for the FSE to construct operate and maintain, at its own expense, FOG control device.
 6. Additional requirements as otherwise determined to be reasonably appropriate by the District FOG Control Program Administrator to protect the District's system or as specified by other Regulatory Agencies.
 7. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Ordinance.

3.4 FOG WASTEWATER DISCHARGE PERMIT APPLICATION FEE

- A. The FOG Wastewater Discharge Permit application fee shall be paid by the applicant in an amount adopted by resolution of the Member Agencies. Payment of the permit fee must be received at the time of filing the application for the permit. All delinquent fees must be paid prior to issuance of renewal permits.
- B. The District and its Member Agencies may adopt reasonable fees for reimbursement of costs, which may include:
1. Fees for FOG Ordinance Permit Forms including the cost of processing such forms.
 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users.

3. Fees for reviewing and responding to accidental Discharge procedures and construction.
 4. Any other fees the District and its Member Agencies deem necessary to carry out the requirements contained herein.
- C. These fees shall relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties determined to be chargeable by the District or Member Agency.

3.5 FOG WASTEWATER DISCHARGE PERMIT MODIFICATION OF TERM & CONDITIONS

- A. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the District FOG Control Program Administrator during the life of the permit based on:
1. The quantity of FOG a FSE discharges.
 2. Changes in the requirements of Federal, State or County Regulatory Agencies which affect the District; or
 3. A determination by the District FOG Control Program Administrator that such modification is appropriate to further the objectives of this Ordinance.
- B. The User may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and include reasons for the change. The District FOG Control Program Administrator shall review the request, make a determination on the request, and respond in writing.
- C. The User shall be informed of any change in the permit limits, conditions, or requirements at least forty-five days (45) prior to the effective date of the change. Any changes shall include a reasonable time schedule for compliance.

3.6 FOG WASTEWATER DISCHARGE PERMIT DURATION AND RENEWAL

FOG Wastewater Discharge Permits shall be issued annually. At least 30 days prior to the expiration of the permit, the User shall apply for renewal in accordance with the FSE permit.

3.7 NON-TRANSFERABILITY OF PERMITS

FOG Wastewater Discharge Permits issued under this section of the Ordinance are for a specific FSE, for a specific operation and create no vested rights. No permit holder shall assign, transfer, or sell any FOG Wastewater Discharge Permit issued under this Ordinance nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit. No permit can be transferred to a new owner or operator or to a new facility.

3.8 FOG WASTEWATER DISCHARGE PERMIT CHARGE OF USE

Each Member Agency will determine the appropriate equitable permit charge.

ARTICLE 4 – FACILITY REQUIREMENTS

4.1 GREASE INTERCEPTOR REQUIREMENTS

- A. All FSE shall discharge wastewater acceptable to the District, under the requirements and standards established herein before discharging to any public sewer. Any FSE is required to provide FOG pretreatment, install, operate, and maintain an approved type and adequately sized Grease Interceptor necessary to maintain compliance with the objectives of this Ordinance.
- B. Grease Interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code (UPC) and manufacturers specifications. Grease Interceptors shall be constructed in accordance with the design approved by the District FOG Control Program Administrator and shall have a minimum of two compartments with fittings designed for grease retention.
- C. The Grease Interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.
- D. Access manholes, with a minimum diameter of 24 inches, shall be provided over each Grease Interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

4.2 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

- A. Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the Interceptor which includes wastewater accumulated FOG, floating materials, sludge and solids.
- B. All existing and newly installed Grease Interceptors shall be maintained in a manner consistent with maintenance frequency approved by the FOG Control Program Administrator pursuant to this section.
- C. No FOG that has accumulated in a Grease Interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- D. FSE with Grease Interceptors shall be required to submit data and information necessary to establish the maintenance frequency of Grease Interceptors.
- E. The maintenance frequency for all FSE with a Grease Interceptor shall be determined in one of the following methods:
 - 1. Grease Interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total designed hydraulic depth of the Grease Interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system. All FSE with a Grease Interceptor shall maintain their Grease Interceptor no less than every ninety (90) days.
 - 2. Grease Interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established.
 - 3. If the Grease Interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in E.1 of this Section, the FSE shall be required to have the Grease Interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the Grease Interceptor. If deemed necessary, the District FOG Control Program Administrator may also increase the maintenance frequency of the Grease Interceptor from the current frequency.
 - 4. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the Grease Interceptor shall be disposed off site properly by waste haulers in accordance with all applicable federal, state and/or local laws.

4.3 GREASE TRAP REQUIREMENTS

- A. Sizing and installation of Grease Traps shall conform to the current edition of the UPC and manufacturers specifications.
- B. Grease Traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease Traps and their baffles shall be maintained free of all FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- C. Food waste disposal units shall not be connected to or discharged into any Grease Trap.
- D. Grease Traps shall be provided with an approved type of vented Flow Control Device (FCD), in conformance with the current edition of the UPC.
 - 1. FCD shall be designed and installed so that the total flow through such a device or devices shall at no time be greater than the rated flow of the Grease Trap.
 - 2. No FCD, having adjustable or removable parts shall be approved by the District.
 - 3. The vented FCD shall be located such that no system vent shall be between the flow control device and the Grease Trap inlet.
 - 4. No vent or air inlet of the FCD shall connect with the sanitary drainage vent, as required by the UPC, or shall terminate through the roof of the building, and shall not terminate to the free atmosphere inside the building.
 - 5. A vent shall be installed downstream of the Grease Trap in accordance with the requirements set forth in the current edition of the UPC.

4.4 GREASE TRAP MAINTENANCE REQUIREMENTS

- A. Grease Traps shall be maintained in efficient operating conditions by removing accumulated grease on a weekly basis.
- B. Grease Traps shall be maintained free of all food solids and any FOG waste removed during the cleaning and scraping process.
- C. Grease Trap cleaning records shall be maintained on-site for a minimum of three years.

4.5 REQUIREMENTS FOR BEST MANAGEMENT PRACTICES

- A. All FSE shall implement Best Management Practices in accordance with the requirements and guidelines established by the District and its Member Agencies under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.
- B. All FSE shall be required, at a minimum, to comply with Best Management Practices (BMP), when applicable.

4.6 BEST MANAGEMENT PRACTICES

- A. Employees of the FSE shall be trained by ownership/management periodically in BMP which may include:
 - 1. How to —dry wipe pots, pans, dishware and work areas before washing to remove grease.
 - 2. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - 3. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.
 - 4. Use of proper water temperatures to minimize grease blockages downstream.
- B. Best Management Practices and/or No Grease Posters shall be posted conspicuously in the food preparation and dishwashing areas at all times.
- C. Record keeping.

ARTICLE 5 – MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENT

5.1 MONITORING AND REPORTING REQUIREMENTS

- A. The District FOG Control Program Administrator may require video monitoring at the sole expense of the User to observe the actual conditions of the FSE connection to sewer system and sewer lines downstream.
- B. The District FOG Control Program Administrator may require sampling reports for the self-monitoring of FOG wastewater which may be necessary for

determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Ordinance. Monitoring reports concerning the analysis of FOG wastewater shall be in a manner and form approved by the District FOG Control Program Administrator and shall be submitted upon request of the District FOG Control Program Administrator. Failure by the User to perform any required monitoring, or to maintain monitoring reports required by the District FOG Control Program Administrator constitutes a violation of this Ordinance and be cause for the District to initiate all necessary tasks and analysis to determine wastewater constituents for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in this Ordinance. The User shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.

- C. Other reports may be required such as compliance schedule progress reports, FOG Control Monitoring Reports, and any other reports deemed reasonably appropriate by the FOG Control Program Administrator to ensure compliance with this Ordinance.

5.2 RECORD KEEPING REQUIREMENTS

- A. The User shall keep all manifests (if provided), receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three years. The User shall, upon request, make the manifests, receipts and invoices available to any District representative, or inspector. These records may include:
 - 1. A log book of Grease Interceptor, Grease Trap or grease control device cleaning and maintenance practices.
 - 2. A record of Best Management Practices being implemented including employee training.
 - 3. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the Grease Interceptors.
 - 4. Records of any spills and/or cleaning of the lateral or sewer system.
- B. The User shall also provide any other information deemed appropriate by the District FOG Control Program Administrator to ensure compliance with this Ordinance.

5.3 FALSIFYING INFORMATION OR TAMPERING WITH PROCESS

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District or Member Agency, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Ordinance.

5.4 RIGHT OF ENTRY: INSPECTION AND SAMPLING

- A. The District personnel and/or other authorized representatives of the District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and the performance of any additional duties.
- B. Should a User have security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District will be permitted to enter without delay for the purposes of performing specific responsibilities as set forth above.
- C. The District shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- D. Any temporary or permanent obstruction preventing safe and easy access to the facility area to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the District access to the User's premises shall be a violation of this Ordinance.

5.5 RIGHT TO INSPECT

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community.

5.6 NOTIFICATION OF SPILL

- A. If a User is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the User has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Ordinance, the discharger shall immediately notify the appropriate Member Agency by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSO, the discharger shall immediately notify the Member Agency in which the User resides. Confirmation of this notification shall be made in writing to the District FOG Control Program Administrator at the address specified in the Permit no later than five working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- B. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or Member Agency or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.

5.7 NOTIFICATION OF REMODEL OR EXPANSION

Users shall notify the District at least 60 days prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. Users shall notify the District in writing of the proposed expansion or remodeling and shall submit any information requested by the District for evaluation of the effect the expansion/re-model may have on the Sewer System.

ARTICLE 6 – Enforcement

6.1 GENERAL PROCEDURE

The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 6 in response to any permit or Ordinance violations.

6.2 DETERMINATION OF NONCOMPLIANCE WITH FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

- A. Sampling and inspection of FSE shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the District FOG Control Program Administrator.
- B. Noncompliance with permit discharge conditions, or any discharge provisions of this Ordinance may be determined by an inspection of grease control device, Grease Interceptor and associated manifest and documentation; dye testing; and analysis of a grab or composite sample of the effluent of a FSE.
- C. Any sample taken from an approved sample point is considered to be representative of the discharge to the public sewer. All costs associated with sampling shall be at the Users expense.

6.3 NOTIFICATION OF NON-COMPLIANCE

When the District finds that a User has violated any provision of this Ordinance or order, the District may serve upon that User a written Notice of Non-Compliance and will have 30 days from the date of written notice to reach compliance.

6.4 NOTIFICATION OF VIOLATION

When the District finds that a User has violated the conditions set forth as part of the Notice of Non-Compliance, and/or continues to violate, any provision of this Ordinance, or order issued hereunder, any other FOG Ordinance Standard or Requirement, the District may serve upon that User a written Notice of Violation. The User will then correct the specified violation within a 14 day corrective timeline provided by the District. A plan for corrective actions may also be submitted by the User to the District. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

6.5 NONCOMPLIANCE FEE

Any User determined to be in noncompliance with the terms and conditions specified in Article 4 and Article 5 or with any provision of this Ordinance shall pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District and its Member Agencies for costs of additional inspections and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the continued non-compliance, and shall be in addition to and not in lieu of any

penalties as may be assessed. Non Compliance fees shall be in an amount adopted by resolution by the District or its Member Agencies.

6.6 PERMIT SUSPENSION

- A. The District may immediately suspend a FOG Wastewater Discharge Permit after any written notice to the User has been issued, or when such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause imminent or substantial endangerment to the health or welfare of Persons.
- B. The District may also immediately suspend a FOG Wastewater Discharge Permit, after notice and opportunity to respond to such notice, that threatens to interfere with the operation of the Sewer Collection and Treatment System, or which presents, or may present, an endangerment to the environment.
- C. Any User notified of a suspension of Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the applicable Member Agency shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer collection and treatment system, its receiving waters, or endangerment to any persons. The Member Agency may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed.

6.7 PERMIT REVOCATION

- A. The FOG Control Program Administrator may revoke any permit when it is determined that a User:
 - 1. Knowingly provides a false statement, representation, record, report, or other document to the District or Member Agency.
 - 2. Refuses to provide records, reports, plans, or other documents required.
 - 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
 - 4. Fails to comply with the terms and conditions of permit suspension.
 - 5. Discharges effluent to the District and Member Agencies sewer system while its permit is suspended.

6. Refuses reasonable access to the User's premises for the purpose of inspection and monitoring.
7. Does not make timely payment of all amounts owed to the Member Agency for User charges, permit fees, or any other fees imposed pursuant to this Ordinance.
8. Causes interference, sewer blockages, or SSO to the District or Member Agency.
9. Violates Grease Interceptor or Trap maintenance, which results in unapproved discharge quantity and composition.

6.8 APPROVAL

- A. When the FOG Control Program Administrator has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice to the User.
- B. In the event the FOG Control Program Administrator determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

6.9 EFFECT

- A. Upon an order of revocation by the FOG Control Program Administrator becoming final, the User shall lose all rights to discharge wastewater containing FOG directly or indirectly into the District's system. The District and its Member Agencies shall additionally have the right to shut off water service to the affected property that is subject to the order of revocation.
- B. Lien Rights. The District and/or Member Agency shall have the right to place a lien on the property affected by the order of revocation to cover all costs, administrative and including legal, as a part of that lien.
- C. Each owner or responsible management employee of the User shall be bound by the order of revocation.
- D. Any future application for a permit at any location within the Member Agencies and District by any person associated with a notice of revocation will be considered after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

6.10 BYPASS

- A. Bypass is prohibited, and the District may take an enforcement action against a User for a Bypass, unless authorized by the District or unless:
1. Bypass was unavoidable to prevent loss of life, serious personal injury, or Severe Property Damage.
 2. There were no feasible alternatives to the Bypass, such as the use of auxiliary Interceptor facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance.
- B. If a User knows in advance of the need for a Bypass, the User shall submit prior notice to the District, at least ten (10) days before the date of the Bypass, if possible.
- C. A User shall submit written notice to the District of an unanticipated Bypass that exceeds applicable FOG Ordinance Standards within twenty-four (24) hours. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

ARTICLE 7 - JUDICIAL ENFORCEMENT REMEDIES

7.1 CRIMINAL PROSECUTION

The Board of Directors of the South San Luis Obispo County Sanitation District, along with the City Council or District Board of each Member Agency, intends to secure compliance with the provisions of this Ordinance. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being use to achieve compliance against continuing violations. Each and every day that such violation exists constitutes a separate offense. Notwithstanding any other provision of this Ordinance, each violation of the provisions of this Ordinance may be enforced as an alternative.

7.2 INFRACTION

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance may be prosecuted for an infraction. Written citations for infractions may be issued by the District FOG Control Program Administrator or his or her designee.

7.3 MISDEMEANOR

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by the District's attorney. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

7.4 CIVIL ACTION

The District's attorney, or any Member Agency's legal counsel, by and at the request of the City Council, or Community Services District Board, may institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the conditions to be found in violation as provisions of this Ordinance, as provided by law.

7.5 REMEDIES NONEXCLUSIVE

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

ARTICLE 8 – FALSIFYING INFORMATION; DAMAGES TO MONITORING EQUIPMENT

Any Person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished in accordance with District's Pretreatment Ordinance 1994-1, Article V, Sections 27 Civil Remedies, 28 Criminal Penalties & 29 Termination of Service.

APPENDIX A

SSLOCSD Survey

SSLOCSD Permit Application

Fats, Oil, & Grease (F.O.G.) Participant Data

South San Luis Obispo County

Sanitation District

1. Business Name: _____

Owner: _____

Mailing address: _____

Street

City

State

Zip

Owner/Contact Telephone: (____) _____

2. Physical address of facility (if same as above, check box): ☐

Business address: _____

Street

City

State

Zip

Business Telephone: (____) _____

3. Type of food service:

☐ Full Service Kitchen

☐ Single Service Kitchen*

☐ Grocery with cooked foods or deli

☐ Grocery without cooked foods or deli

☐ Other: _____

* Single Service Kitchen: meals are served as take out or on disposable plates and utensils; facility clean-up is the only dishwashing involved.

4. Number of seats in establishment: _____

5. Hours of Operation:

Open _____ am/pm Close _____ am/pm

6. Types of food products made/sold: _____

7. Does the facility use a deep fryer? ☐ Yes ☐ No

How many? _____ What size? _____

8. What equipment do you have in this facility?

☐ Floor drain – number in facility: _____

☐ Dishwasher

☐ Garbage Disposal/food grinder

☐ Drainage for grill, roaster, BBQ, etc.

☐ Three compartment sink

☐ Other sinks – Number of sinks: _____

☐ Other: _____

9. Estimate the quantities of raw product per week brought into this facility that may be a source of FOG: (e.g. – 20 gallons of milk, 12 pounds of cheese, 10 gallons of cooking oil, 5 gallons of mayonnaise, etc.).

Type of FOG Food	Quantity

10. Does this facility have a grease trap or interceptor: ☐ Yes ☐ No

Location of trap or interceptor: _____

Note: Please indicate location of indoor traps on the kitchen sketch.

Size of trap/interceptor (gallons or actual dimensions): _____

11. Cleaning and recycling information (*fill out all that apply*):

Name of grease recycling/rendering company picking up waste grease:

_____ Phone: _____

Oven Hood Cleaner: _____ Phone: _____

Grease Trap/Interceptor Cleaner: _____ Phone: _____

12. Please sketch the layout of your kitchen, including equipment and drain locations.

A large grid of 30 columns and 30 rows, intended for sketching a kitchen layout. The grid is composed of small squares, with a central vertical column of 30 squares and two horizontal lines intersecting it at the 10th and 20th rows from the top.

13. In the space provided, describe your FOG Management Plan and Goals based on the Best Management Practices. The South San Luis Obispo County Sanitation District FOG program staff will review this FOG Plan. *(The plan below should represent the Best Management Practices that your facility can reasonably achieve. Directions along with an example of a FOG Management Plan have been provided at the end of this Participant Data Booklet pages 6 & 7).*

[illegible]

14. If your business has a grease trap, your signature on this FOG Management Plan signifies that you agree to the following:

- ✓ The device shall be cleaned and maintained (at a minimum): once every 7 day(s).
- ✓ The cleaning shall consist of grease skimmed off the surface of the water with a perforated ladle or similar tool. Any materials removed from the grease trap shall be:
 - Recycled by, a licensed service provider that accepts grease trap waste.
 - Disposed of as solid waste in a sealed non-breakable, airtight container, and placed in the waste receptacle.
- ✓ Every 3 month(s), a certified company shall thoroughly clean the grease trap or interceptor.
 - All invoice copies from cleanings will be kept on file in the facility for a minimum of three years.
 - All invoices shall be accessible to District officials at all times upon request.
- ✓ A FOG Program Maintenance Reporting Form shall be posted above or near the grease trap.
 - All maintenance on the trap shall be documented on the form.
 - The form shall be accessible to District officials at all times.
- ✓ The grease trap shall be filled with cold water following each professional cleaning.

15. If your business has an interceptor, your signature on this FOG Management Plan signifies that you agree to the following:

- ✓ Inspect, clean, and pump the interceptor (at a minimum) once every 90 days by a licensed grease hauler.
- ✓ The owner/manager shall work with the cleaning service to determine an appropriate schedule for cleaning the interceptor.
 - All invoices from the cleanings shall be kept on file in the facility for a minimum of three years.
 - All invoices shall be made accessible to District officials upon request.

16. A FOG Program Maintenance Reporting Form shall be posted in the facility.

- ✓ All inspections, maintenance, and cleaning of the interceptor shall be documented on the form.
 - The form shall be accessible to District officials at all times.

I submit and agree to implement this FOG Management Plan. I will advise the District FOG Program staff of any significant changes made to this plan or to the operations of the facility:

Owner/Manager: _____ Date: _____

Printed Name: _____

Please deliver or mail this FOG Management Plan to:
South San Luis Obispo County Sanitation District
FOG Management Program
c/o 612 Clarion Court
San Luis Obispo, CA 93401

Attn: Project Analyst
Phone: (805) 544-4011
E-mail: Melissam@wallacegroup.us

FOG Management Plan Directions:

The goal of a FOG Management Plan is to implement reasonable and technically feasible controls for the fats, oils, and grease that are present within your food establishment. The basic components of a FOG Management Plan should include:

1. A written policy articulating the management support for the plan and an assurance to implement planned activities.
2. A description of the facility type and a summary of the products made and/or service provided.
3. Quantities of FOG brought into your facility as raw product, amounts contained in products, and quantities discharged to the sewer (estimations are acceptable).
4. A description of current reduction, recycling, and treatment activities.
5. Identification of a full range of potentially feasible reduction opportunities.
6. A description of the reduction or control opportunities selected for implementation.
7. Specific performance goals and implementation schedule.

Example:

Food Service Establishment – Ethel Ritchie’s Down Home Diner
123 Eatery Row
Bowie Island, Ca 93654

Policy and Assurance

I, Ethel Ritchie owner of Ethel Ritchie’s Down Home Diner plan to implement and follow the Best Management Practices (BMP) guidelines pertaining to the fats, oils, and grease that are present within my facility.

Facility Type

Ethel Ritchie’s is a 24 hour facility, currently serving about 2000 meals weekly. We are a full service restaurant specializing in fried chicken, soups and “homemade” pies and cakes. We have one: three compartment sink and one dishwasher. We also have a one compartment sink used for prepping and two hand sinks in the kitchen area. Ethel Ritchie’s has one grease trap under the three comp sink and an outside grease barrel.

Quantities of FOG

We have three fryers, that are changed every three days or when the oil/grease is no longer clear. We use about 30 gallons of oil weekly for fried chicken. The chicken itself, pies (crusts made with butter, plus the cream for the cream pies and whole milk would be about another 25 gallons and all other products served may be about another 35 gallons. The speculated total grease generated weekly is 90 gallons.

Current Practices in Use for Reducing FOG

My staff and I at present properly dispose of waste (all food items are scraped into the trash prior to cleaning). We also dry wipe all dishes prior to entering the dishwasher. We use a grease collection company (Marine Keeper Grease Haulers (805)-888-XXXX) for our grease barrel. They collect grease weekly. We also clean our grease trap monthly.

Possible Policy Changes for Reducing FOG

1. Train all new employees with the BMP's.
2. Post No Grease signs in restrooms, over the one - three compartment sinks, by floor drains, next to the dishwasher. This would serve as a reminder to staff to help control the amount of grease that will be flushed down the drains to the sewer.
3. Utilize the most appropriate water temperature.
4. Monitor the water temperature to ensure that it is below 140 degrees and above the accepted minimum health department standards. This will allow the grease that is entering the drain to be caught in the grease trap and not further down the system causing a blockage.
5. Verify that the grease trap is not plumbed to the dishwasher.
6. Clean the grease trap every seven days rather than monthly and have records kept showing what days the trap is cleaned and by whom.
7. Keep records from the grease hauling company.
8. Discontinue the use of a degreaser that is normally poured down the drains every evening.
9. Relocate the grease barrel so it is not near a storm drain.
10. Keep the grease barrel on a paved surface and tightly sealed.
11. Have absorbent pads available for collecting oil spills (restaurant approved pads).

Policies Planned for Reducing FOG

I plan to implement all changes proposed above. The temperature changes will save me money in utility costs. My only concern is determining if my facility is plumbed properly for the grease trap. I will wait until your inspectors come to let me know if changes may be necessary.

Goals and Implementation Schedule

I plan to have all changes completed within 30 days excluding the possible plumbing alterations.

Appendix 3D

SSLOCSD Ordinance No. 2006-01-~~2011-295~~
~~Resolution~~

AM
01/03/2012

RESOLUTION NO. 2011-295

**A RESOLUTION OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION
DISTRICT ESTABLISHING NONCOMPLIANCE FEES FOR
VIOLATIONS OF THE FAT, OILS, AND GREASE ORDINANCE**

**The Board of Directors of the South San Luis Obispo County Sanitation District
does ordain as follows:**

RECITALS

WHEREAS, the South San Luis Obispo County Sanitation District (District) operates a wastewater treatment facility and maintains trunk lines that service the City of Arroyo Grande, City of Grover Beach, and the Oceano Community Service District (Member Agencies); and

WHEREAS, the State Water Resources Control Board adopted Water Quality Orders No. 2006-0003-DWQ and 2008-0002-EXEC on May 2, 2006 and February 20, 2008, respectively, for Publicly Owned Treatment Works; and

WHEREAS, these Orders require the development and implementation of a Sewer System Management Plan (SSMP); and

WHEREAS, a Fats, Oils, and Grease (FOG) Control Program is a mandatory element of the SSMP; and

WHEREAS, the Board of Directors of the District adopted the FOG Ordinance on October 18, 2008, creating a FOG Control Program for food service establishments (FSEs) in the District, which requires a permit for sewer discharges that could contain FOG and imposes requirements for the monitoring and elimination of FOG from discharges for such establishments; and

WHEREAS, Article 6 of the FOG Ordinance authorizes the adoption by resolution of Noncompliance Fees to compensate the District and its Member Agencies for costs of additional inspections and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the continued noncompliance; and

WHEREAS, the District has determined a need based upon the magnitude of expenses for enforcement regarding noncompliance with the FOG Ordinance; and

WHEREAS, the District has prepared an analysis which demonstrates the amount of cost required to provide the services for which the District's Noncompliance Fees are imposed; and

WHEREAS, based on the facts and analysis prepared by the District and the Staff Report, the Board of Directors finds:

- A. The public meetings adopting this Resolution have been properly noticed pursuant to California Government Code § 54950, *et seq.* (The Ralph M. Brown Act); and
- B. That notice has been published and mailed as required by law; and
- C. The fees that are the subject of this Resolution do not exceed the estimated reasonable cost of providing the services for which the fees and/or charges are imposed; and
- D. That the public benefits from the logical, long-range approach to the operation, maintenance, and financing of public facilities.

NOW THEREFORE, be it resolved and judged and determined that the District Noncompliance Fees structure shall be as follows:

SECTION 1. NONCOMPLIANCE FEES

This section sets forth and establishes the following noncompliance classification and associated fee for South San Luis Obispo County Sanitation District's Fats, Oils, and Grease Ordinance:

Table 1: Noncompliance Fee Schedule

Noncompliance Classification	Noncompliance Fee
Notice of Violation Fee	\$ 125.00

FSEs will be charged this Notice of Violation Fee upon issuance of a written Notice of Violation, which a FSE receives when it is noncompliant during their FOG re-inspection.

All other enforcement actions and activities are subject to the following fee:

$$Fee = (Staff\ Time \times Staff\ Hourly\ Rate) + Cost\ of\ Materials + 15\%\ District\ Overhead\ Fee$$

The Board of Directors of the District hereby determines that it is necessary for the effective operation of the District to fund all noncompliance and hereby orders these fees to be implemented as set forth in this Resolution.

SECTION 2. ENABLING AUTHORITY

This Regulation is adopted under the authorization of the California Health and Safety Code § 4700, *et seq.*

SECTION 3. RECITALS

The Recitals to this Resolution are true and correct and incorporated herein by reference.

SECTION 4. APPLICATION

This Resolution shall apply to all users of the Publicly Owned Treatment Works.

SECTION 5. REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS

All Ordinances, sections of Ordinances, and Resolutions that are inconsistent with this Resolution are hereby repealed.

SECTION 6. REFERENCE TO SPECIFIC ORDINANCES

Whenever a reference is made to this code as "Resolution No. 2011-295" or to any portion thereof, or to any ordinance the South San Luis Obispo County Sanitation District, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

SECTION 7. 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 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.

SECTION 8. 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.

SECTION 9. CEQA FINDINGS

The Board of Directors of the District finds that the fees adopted by this Resolution are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code § 21080(b)(8) and CEQA Guidelines, 14 CCR § 15273. The Board of Directors further finds that the adoption of the Rules and Regulations established by this Resolution fall within the activities described in 14 CCR § 15378(b)(4) and (5), which are deemed not to be "projects" for the purposes of CEQA, because it can be seen with certainty that the adoption of the Noncompliance Fees, which are the subject of this Resolution, will not have a significant effect on the environment. The District Administrator is directed to prepare and file an appropriate notice of exemption.

SECTION 10. SEVERANCE CLAUSE

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 the 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.

SECTION 11. RIGHT OF REVISION

The Board of Directors of the District may by resolution revise and adjust the amount of said Noncompliance Fees as shown in Section 1 of this Resolution.

SECTION 12. PAYMENT OF NONCOMPLIANCE FEES

Noncompliance fees shall be paid in full to the Member Agency in which the facility in violation is located.

SECTION 13. EFFECTIVE DATE

The Noncompliance Fees established by this Resolution shall be effective thirty (30) days from the date of final passage.

ADOPTED, SIGNED, AND APPROVED by the Governing Board of **SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT** this 21st day of December, 2011.



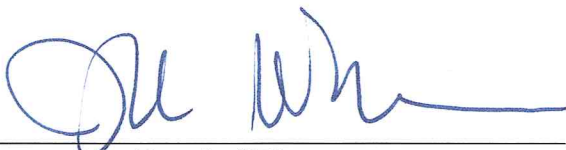
Chairman of the Board of Directors
South San Luis Obispo County Sanitation District

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 Resolution No. 2011-295 is a full, true, and correct copy and was introduced and adopted at a regular meeting of the South San Luis Obispo County Sanitation District Board of Directors on the 21st day of December, 2011, by the following vote:

AYES: Guerrero and Nicolls
NOES: None
ABSENT: Ferrara
ABSTAIN: None



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

ORDINANCE NO. 2006-01

AN ORDINANCE OF THE GOVERNING BOARD OF THE SOUTH
SAN LUIS OBISPO COUNTY SANITATION DISTRICT ESTABLISHING
MONTHLY RATES FOR SERVICE CHARGES AND SETTING CONNECTION
FEES.

THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO
COUNTY SANITATION DISTRICT DOES ORDAIN AS FOLLOWS:

WHEREAS, the South County Sanitation District (District) operates a waste water treatment facility and maintains trunk lines that services the Communities of Arroyo Grande, Grover Beach and the Oceano Community Services District (Oceano) and;

WHEREAS, the entirety of it's funding from service charges and connection fees and the District has not raised connection and service fees since 1983 and 1986 and;

WHEREAS, the District has determined a need based upon a short fall for overhead expenses and for capital projects and;

WHEREAS, the District has retained the services of Tuckfield and Associates to conduct a rates study to determine rates appropriately fund the District for capital improvements and overhead expenses into the future and;

WHEREAS, the Districts Board of Directors has considered The Tuckfield report and has asked for modifications based upon local knowledge regarding actual flows and;

WHEREAS, the District has reviewed the Report and associated information with the Utilities Staff for Arroyo Grande, Grover Beach and Oceano and has reached concurrence in regards to the data contained therein.

WHEREAS, based upon facts and analysis presented Tuckfield and Associates, the Rate Study, the District Engineer's analysis, and the Staff Report, the Board of Directors finds:

- A. The public meetings adopting this Ordinance have been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act); and
- B. That notice has been published and Mailed as required by law; and
- C. The fees, rates and charges that are the subject of this Ordinance do not exceed the estimated reasonable cost of providing the services for which the fees and/or charges are imposed; and
- D. That the public benefits from the logical, long-range approach to the operation, maintenance and financing of public facilities:

NOW THEREFORE, be it resolved and judged and determined that the District Rates structure shall be as follows:

The chart attached as **Exhibit A** to this Ordinance sets forth each customer classification, the existing rates and the rates by classification.

The chart attached as **Exhibit B** sets forth the connection fees.

The Board of Directors of the District hereby determines that it is necessary for the effective operation of the District to fund all projects that are anticipated and in anticipation of overhead costs and that the charges and fees outlined in **Exhibit A** and **Exhibit B** are necessary and hereby orders these fees to be implemented as set forth in **Exhibit A** and **Exhibit B**.

Section 3. The Recitals to this Ordinance are true and correct and incorporated herein by reference.

Section 4. Repeal of Prior Ordinances and Resolutions

All Ordinances, sections of Ordinances and Resolutions that are inconsistent with this ordinance are hereby repealed.

Section 5. Effect of Repeal on Past Actions and Obligations.

This Ordinance does not affect prosecutions for Ordinance violations committed prior to the effective date of this Ordinance, does not waive any fee or penalty due and unpaid on the effective date of this Ordinance..

Section 6. CEQA Findings

The Board of Directors of the District finds that the fees and charges adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The Board of Directors further finds that the adoption of the Rules and Regulations established by this Ordinance fall within the activities described in Section 15378(b)(4) and (5) of the CEQA Guidelines which are deemed not to be "projects" for the purposes of CEQA, because it can be seen with certainty that the adoption of the Fees and Charges that are the subject of this Ordinance will not have a significant effect on the environment. The District Administrator is directed to prepare and file an appropriate notice of exemption.

Section 7. Severance Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 8. Effect of Headings in Ordinance.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 9. Effective Date.

The Connection fees established by this Ordinance shall take effect sixty (60) days after passage. The Service Charges established by this Ordinance shall take effect thirty (30) days after passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in a newspaper of general circulation within the District.

Based upon motion made by: Director Ekbom

Seconded by: Director Dahl

And upon Roll Call Vote:

AYES: Director Ferrara, Director Ekbom, Director Dahl

NOES: None

ABSENT: None

ABSTAINING: None

This Ordinance is hereby adopted as of November 29, 2006.



Vice Chairman



Secretary of Board



MICHAEL W. SEITZ
District Legal Counsel

South San Luis Obispo County Sanitation District

NOTICE OF PROPOSED SERVICE CHARGE AND CONNECTION FEE INCREASE

Dear Property Owner:

This is a notice to explain the proposed increases in service charges and connection fees for the South San Luis Obispo County Sanitation District (SCSD). This notice is being sent to all property owners within the District or who currently receive service outside the District. The proposed rate increases will be recommended for adoption by the SCSD's Board of Directors at a public hearing described in this notice.

NOTICE OF PUBLIC HEARING

At a public hearing the SCSD will consider proposed increases for service charges and connection fees. The proposed changes are listed in this notice. The public hearing will be held on November 29th, 2006 at 6 o'clock p.m. at the Oceano Community Services District office building located at : 1655 Front Street Oceano, CA.

Annual rate increases beginning in January 2007 through May 1st, 2010 with subsequent inflationary adjustments will be recommended for adoption by the Board of Directors at the November 29th, 2006 public hearing. If approved, these rate increases will take effect January 1st, 2007.

Customers may voice their support or opposition to the proposed rate changes during the public hearing. In addition, customers may support or protest the proposed rates by filing a written statement with the District's secretary at or before the time set for the public hearing. A written statement of support or protest should include the property owner's name and address and which portion of the rate changes are being supported or protested and mailed to SCSD P.O. Box 339 Oceano, CA 93445.

The SCSD Board of Directors will be discussing the proposed rates on November 1st at the Board's regular meeting at 6 P.M. at 1655 Front Street Oceano, CA. The public will also have the opportunity to ask questions of the District Staff and make comments to the Board at that meeting.

WHY CHANGE THE SEWER RATES

Providing reliable and affordable sewer service is the mission of the District. The District is required to provide service primarily through user rates. It receives no other funding by property taxes or otherwise for the provision of sewer service. The proposed sewer rate increases are needed to:

1. Provide sufficient funds for ongoing operation and maintenance.
2. Support rehabilitation and upgrade of the facilities, which provide service and to comply with governmental regulations.
3. To maintain reserves to reduce risk and prudently manage Districts' resources.

What follows is additional information for your consideration. First you will see the current and proposed service charges. Following you will see a comparison of current and proposed connection fees.

HOW THE TYPICAL SEWER BILL BE AFFECTED

Current and Proposed Monthly Wastewater Service Rates

Customer Classification		Existing Rates	Future Rate As of Jan 1, 2007	Future Rate As of May 1, 2007	Future Rate As of May 1, 2008	Future Rate As of May 1, 2009	Future Rate As of May 1, 2010
a.	Residences and Apartments	\$6.50	\$8.93	\$10.70	\$12.31	\$13.52	\$14.86
b.	Hotel Units with Kitchens	5.20	9.41	11.29	12.98	14.28	15.71
c.	Motel Units without Kitchens	4.40	6.02	7.22	8.30	9.12	10.02
d.	Hotel Room	4.55	6.22	7.46	8.58	9.42	10.36
e.	Commercial Establishments	6.73	4.59	5.51	6.26	6.97	7.65
	Each additional employee above 5	0.44	0.92	1.10	1.25	1.39	1.53
f.	Beauty Shops	8.66	8.49	10.19	11.60	12.73	13.97
	Each additional operator above 6	0.86	1.41	1.70	1.93	2.12	2.33
g.	Eating Establishments w/o Grinders	9.31	9.11	10.92	12.56	13.79	15.16
	Each additional 5 seats above 30	1.01	1.52	1.82	2.09	2.30	2.53
h.	Restaurants (w/ Grinders) less than 30 seats	14.78	17.30	20.67	24.31	28.12	31.07
	Restaurants (w/ Grinders) seats over 30	18.29	22.18	26.51	31.17	36.06	39.84
i.	Laundromats - per washing machine	2.96	5.83	7.01	7.98	8.85	9.71
	minimum charge	8.71	17.50	21.03	23.93	26.54	29.14
j.	Service Stations - no wash/rack	7.86	23.26	27.91	31.84	34.11	37.41
	Service Stations - with wash/rack	12.47	34.18	41.06	46.56	49.65	54.40
k.	Factories	12.47	13.34	16.02	18.30	20.08	22.05
	Each additional employee above 20	0.38	0.66	0.80	0.91	1.00	1.10
l.	Churches	6.71	7.57	9.10	10.34	11.44	12.56
	Per ADA with elementary school	0.21	0.21	0.25	0.28	0.31	0.34
	Per ADA with other school	0.30	0.30	0.36	0.42	0.46	0.51
m.	Bottling Plants	12.47	13.34	16.02	18.30	20.08	22.05
n.	Schools (Non-boarding)	3.25	4.27	5.13	5.83	6.44	7.07
	Per ADA with elementary school	0.21	0.20	0.24	0.27	0.30	0.33
	Per ADA with other school	0.30	0.31	0.38	0.43	0.47	0.52
o.	Schools (Boarding)	3.25	4.27	5.13	5.83	6.44	7.07
	Per ADA with elementary school	0.38	0.43	0.51	0.59	0.65	0.71
	Per ADA with other school	0.48	0.57	0.68	0.78	0.86	0.95
p.	Trailer/Mobile Home Space	6.50	2.52	3.02	3.47	3.81	4.19
q.	RV Dump Stations - Less Than 50 services	21.00	25.22	30.15	35.20	38.75	42.69
r.	Brine (per gallon)	\$0.01125	\$0.01125	\$0.01125	\$0.01125	\$0.01125	\$0.01125

FY 2006-07 rates to be implemented January 1. All other rates to be implemented May 1 of fiscal year. After FY 2010-11, rates increase by the change in CPI. Rate adjustments reflect changes in capital cost allocations with the addition of capital improvements to fixed assets.

Comparison of Existing and Proposed Connection Fees

Dwelling Unit or Meter Size	Existing Connection Fee	Proposed Connection Fee
Single Family Dwelling unit	\$2,000	\$2,475
Apartment Complex (Bachelor, 1 or 2 bedrooms)	\$1,500	\$1,856
Apartment Complex (3 or more bedrooms)	\$2,000	\$2,475
Motel/Hotel (per room)	\$1,000	\$1,237
Hybrid Use	\$1,500	\$1,856
Condominium (per unit)	\$2,000	\$2,475
Mobile Home Parks (per space)	\$2,000	\$2,475
Travel Trailer (per space)	\$1,000	\$1,237
5 / 8 inch (meter)	\$2,000	\$2,475
3 / 4 inch (meter)	\$2,800	\$3,712
1 inch (meter)	\$4,900	\$6,187
1 to 1 1 / 2 inch (meter)	\$11,000	\$13,612
2 inch (meter)	\$19,500	\$24,131
3 inch (meter)	\$44,000	\$54,450