

Chapter 16.08

SEWER SYSTEM ORDINANCE¹

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16.08.010 DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms, as used in this section, shall have the meanings as defined in this section:

- 1) **“Best management practice”** (BMP) shall mean pollution control practices designed to reduce the pollutants contained in discharges.
- 2) **“Building”** means any dwelling, structure, place of business, or facility for human habitation, occupancy or other use.
- 3) **“Building drain”** means that part of the lowest horizontal piping of a wastewater drainage system which receives the discharge from pipes inside the walls of the building, and conveys it to the building sanitary sewer, which begins two feet outside the inner face of the building wall.
- 4) **“Building Sanitary sewer”** or sanitary sewer lateral shall mean a pipe that conveys wastewater from a property building drain to a public sanitary sewer main, including the connection to the main. See Illustration A at the end of this Chapter.
- 5) **“Sanitary Sewer Inspection Forms”** **“Sanitary Sewer Inspection Forms”** are forms provided by the City of Santa Cruz Public Works in order to verify compliance with Section 16.08.060. This include forms for lateral inspection after overflow, lateral inspection for sale of property, cleaning and inspection of private sanitary sewer collection systems, and inspection of sanitary sewer lift stations and ejector pumps.
- 6) **“Buyer”** means the person, persons, or entity to whom the title to real property is conveyed.
- 7) **“Categorical industry”** means those industries subject to final regulations promulgated and adopted by EPA as referenced in the categorical standards (40 CFR Chapter I, Subchapter N, Parts 405 through 471).
- 8) **“Cooling water”** means the water discharged from any use, such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.
- 9) **“Composite sample”** means a twenty-four hour flow-proportional composite sample. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least eight aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Where flow-proportional composite sampling is not feasible, the director may waive the flow-proportional requirement providing that a minimum of eight time-proportional samples are taken.
- 10) **“Director”** means the director of Public Works of the City of Santa Cruz or his/her representative.

- 11) **Environmental Compliance Program Enforcement Response Plan** means the procedures followed by the City relating to potential water quality violations into either the City's wastewater sewer system or storm water conveyance system, consistent with local, state and federal laws. These procedures and rules are promulgated and adopted by the City pursuant to statutory requirements set forth in the federal Water Pollution Control Act as amended by the Clean Water Act of [1977](#) and the California Water Code.
- 12) **“Grab sample”** means an individual sample collected over a period of time not exceeding fifteen minutes.
- 13) **“Hazardous materials”** means all of the following liquid, solid and gaseous substances:
- a. Hazardous waste as defined by the California Code of Regulations (CCR) at 22 CCR 66261.3;
 - b. Hazardous waste as defined in the Federal Code of Regulations at 40 CFR 261.2; and
 - c. Any material determined to be hazardous by the City, subsequent to a review by the City council after public notice and a public hearing, based on a finding by City environmental compliance program that the material, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the community.
- 14) **“Interceptor”** means a device designed and installed so as to separate and retain prohibited, deleterious, hazardous, or undesirable matter from wastewater and to permit the wastewater to discharge to the POTW. “Interceptor” includes but is not limited to grease interceptors, grease traps, sand interceptors and clarifiers.
- 15) **“Industrial user”** means any nondomestic source, which introduces wastewater into the POTW.
- 16) **“Interference”** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- a. Inhibits or disrupts the Publicly Owned Treatment Works (POTW), its treatment processes or operations, or its processing, use or disposal of sludge; and
 - b. Either:
 - i. Causes a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation); or
 - ii. Prevents use or disposal of sewage sludge in compliance with the following statutory provisions and regulations or permits issued thereunder or more stringent state or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state

sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Marine Protection, Research and Sanctuaries Act; or

- iii. Causes blockage of the sanitary sewer or disruption of the POTW, which requires actions or expense to prevent (A) or (B) above.

- 17) **“Lower explosive limit (LEL)”** of a compound means the minimum concentration of the compound as a gas or vapor, measured as a percent in air, which will explode or burn.
- 18) **NPDES Permit** means a national pollutant discharge elimination system permit which is a regulatory document issued by either the EPA or an approved state agency. The permit is designed to control the discharge of pollutants from point sources into waters of the U.S. pursuant to Section 402 of the Act ([33 USC Section 1342](#)).
- 19) **“Nuisance”** means “public nuisance” as defined in this section.
- 20) **“Oil and grease”** is any material recovered as a substance soluble in n-hexane or other solvent used in an oil and grease procedure listed in 40 CFR, Part 136, Table 1B “List of Approved Inorganic Test Procedures,” or otherwise approved for NPDES monitoring.
- 21) **“Operational Defect Condition of Sewer”** means operational defect conditions in a sewer pipe as defined by the City of Santa Cruz Public Works Department that may be due to roots of trees or other vegetation, grease deposits, or other solids, which may impede the flow or obstruct the transmission of wastewater. These operational defects are referenced in the City’s Building Sanitary Sewer Inspection Form and are classified into the following categories:
 - Grade 3 –major root intrusion;
 - Grade 2 – medium root intrusion;
 - Grade 1 – Acceptable operational condition
- 22) **“Pass-through”** means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge(s) from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).
- 23) **“Person”** means any individual, firm, company, partnership, corporation, association, group or society, and includes the United States and its agents and the state of California, and agencies, districts, commissions, and political subdivisions created by or pursuant to state law.
- 24) **“POTW”** or “publicly owned treatment works” means a treatment works as defined by Section 212 of the Clean Water Act, (33 U.S.C. Section 1292), which is owned by a state or municipality (as defined by Section 502(4) of the Clean Water Act (33 U.S.C. Section 1362(4)). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of wastewater. It also includes public sewers and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

- 25) **“Pretreatment”** means application of any process to reduce the amount of pollutants in or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the POTW.
- 26) **“Pretreatment standards”** means prohibited discharge standards, categorical standards and local limits. All applicable federal rules and regulations implementing Section 307 of the Clean Water Act including but not limited to 40 CFR Chapter I, Parts 405 through 471, as well as any state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.
- 27) **“Private Sanitary Sewer Collection System”** shall mean any sanitary sewer pipe originating or located at least partially on private property collecting wastewater from more than one building sanitary sewer, including but not limited to: apartment buildings, business complexes, mobile home parks, condominiums, or townhomes. This excludes single family residential property with an accessory dwelling unit.
- 28) **“Property Owner”** shall be mean to include any Person (as defined in section (t) in this chapter) owning, leasing, occupying, or having a legal interest in the building or real property or having charge or possession of the building or real property.
- 29) **“Public nuisance”** means any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the City Council, or as defined in Chapter 4.01 of this Code.
- 30) **“Public sanitary sewer”** means a sanitary sewer, which is controlled by the City of Santa Cruz.
- 31) **“Public Works Street Opening Permit”** means a permit authorized by the City to perform work in the public right-of- way.
- 32) **“Sanitary sewer”** means a pipe or conduit which carries wastewater and to which storm water, surface water and groundwater are not intentionally admitted.
- 33) **“Sanitary Sewer Overflow”** means that anytime wastewater is not discharged to the sanitary sewer.
- 34) **“Seller”** means any owner transferring title to a building to a buyer.
- 35) **“Severe Condition”** Is as defined in the Building Sanitary Sewer Inspection Form.
- 36) **“Sewer lateral”** means a Building Sanitary Sewer Pipe.
- 37) **“Shall”** means mandatory. **“May”** means permissive.
- 38) **“Significant industrial user”** means either:
- a. An industrial user subject to categorical pretreatment standards; or
 - b. An industrial user that discharges:
 - i. An average discharge flow of twenty-five thousand gallons per day or more of process wastewater to the POTW (“process wastewater” excludes sanitary, noncontact cooling water, and boiler blow-down wastewater). If seasonal, the average shall be based upon the seasonal discharge.
 - ii. An industrial user that contributes a waste stream equal to or greater than five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the wastewater treatment system; or

- iii. Has a reasonable potential (as determined by the director), either individually to violate wastewater limitations of this chapter or in combination with other industrial discharges, to adversely affect the wastewater treatment system (by upsetting, interfering with the system, or causing pass-through of pollutants, sludge contamination, or endangerment of City workers). Liquid waste haulers are included in this definition.

39) **“Significant noncompliance”** means any incident or incidents of noncompliance with federal, state, or local wastewater discharge regulations that meet the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed either the daily maximum limit or the product of the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, any of the following: interference, pass-through, or endangerment of POTW personnel or the general public (“interference” and “pass-through” as defined in 40 CFR Part 403 and amendments thereto);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- e. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within thirty days after the due date, required reports, baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; and
- h. Any other violation or group of violations that the director determines will adversely affect the operation or implementation of the local pretreatment program.

40) **“Significant user”** means a “significant industrial user” as defined in this section.

41) **“Slug loading”** means either:

- a. Any discharge of pollutants at a volume or concentration that causes upset of or interference with the POTW or causes the pass-through of pollutants to receiving waters, or
 - b. Any discharge of a pollutant(s), measured by a grab sample, at a concentration exceeding five times the composite or grab sample discharge limit, or
 - c. Any discharge of wastewater outside the pH range of five to ten for either a continuous duration of greater than or equal to fifteen minutes or for a sum total of thirty minutes within one day.
- 42) **“Storm drain” or “storm drain system”** means collectively any street, gutter, conduit, natural or artificial drain, channel, and watercourse, or other facility that is owned, operated, maintained, or controlled by the City and used for the purpose of collecting, storing, transporting, or disposing of runoff.
- 43) **“Storm water”** means any water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.
- 44) **“Structural Defect Condition of Sewer”** means structural defect conditions in a building sewer pipe as defined by the City of Santa Cruz Public Works Department that may include cracks, breaks, openings, rodent holes, structural sags or missing portions. These structural defects are classified into the following categories:
 Grade 5 – Collapse or collapse imminent;
 Grade 4 – Collapse likely in foreseeable future;
 Grade 3 – Collapse unlikely in near future;
 Grade 2 – Minimal collapse risk;
 Grade 1 – Acceptable structural condition
- 45) **“User”** means any person, business or entity that discharges, contributes, causes, or permits the discharge of wastewater into the City’s wastewater treatment system.
- 46) **“Wastewater”** means liquid and water which is generated or discharged by residential, industrial, commercial institutions, municipal, mobile, agricultural, or other sources, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 47) **“Wastewater treatment system”** means the City sanitary sewer mains, pump stations, manholes and other similar facilities, which accept, collect or convey sanitary sewage to the wastewater treatment plant.
- 48) **“Wastewater treatment plant”** means POTW.
- 49) **“Water quality requirements”** means requirements for the City’s wastewater treatment system effluent established by NPDES permit, or by state or federal regulatory agencies for the protection of receiving water quality.
- 50) Terms not otherwise defined herein shall be defined in accordance with the latest publication of 40 CFR 403 or the online version of “Standard Methods for the Examination of Water and Wastewater,”

published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation or the California Plumbing Code.

(Ord. 2012-14 § 1, 2012: Ord. 2002-24 § 2 (part), 2002).

16.08.020 DISCHARGE TO SANITARY SEWER.

All wastewater shall be discharged to public sewers except as provided in this chapter, in Chapter [6.20](#), and in Chapter 16A of the California Plumbing Code, as adopted by reference in Title [18](#) of this code. Septic tanks and cesspools are not allowed within City boundaries except as specified in Chapter [6.20](#).

(Ord. 2011-04 § 1, 2011: Ord. 2002-24 § 2 (part), 2002).

16.08.030 DISCHARGE OF STORM WATER TO THE SANITARY SEWER IS PROHIBITED.



No user shall discharge or cause to be discharged any storm waters, surface waters, roof runoff, subsurface drainage, or groundwater to any sanitary sewer except as specifically allowed by the director.

(Ord. 2002-24 § 2 (part), 2002).

16.08.040 DISCHARGE INTO THE STORM DRAIN SYSTEM.

No user shall cause the discharge of non-stormwater runoff to enter the storm drain system except in accordance with Chapter [16.19](#), Stormwater and Urban Runoff Pollution Control, of the City of Santa Cruz Municipal Code.

(Ord. 2002-24 § 2 (part), 2002).

16.08.050 DISCHARGE OF SWIMMING POOL/HOT TUB WATER.

Swimming pool and hot tub water shall be discharged into the sanitary sewer system. Water quality and discharge rate must meet all requirements of this chapter.

(Ord. 2002-24 § 2 (part), 2002).

16.08.060 PRIVATE SANITARY SEWER MAINTENANCE AND REPAIR.

- 1) The property owner shall be responsible for the maintenance, repair and proper operation of the building sanitary sewer (sanitary sewer lateral) and/or private sanitary sewer collection system that connects the building to the City sanitary sewer main, including the connection at the main, regardless of whether any part of the building sanitary sewer or private sanitary sewer collection system is located on private property or within the public right-of-way. (See, Illustration A at the end of this chapter). The City shall have no responsibility or obligation for the maintenance, repair, or proper operation of such building sanitary sewer or private sanitary sewer collection system.

2) Property owners shall maintain building sanitary sewers associated with their parcels to the extent necessary to ensure the building sanitary sewers meet the following conditions. All property owners shall perform any repair or replacements necessary to meet these standards and requirements:

- a. The building sanitary sewer and private sanitary sewer collection system shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the transmission or flow of wastewater.
 - b. All joints shall be watertight and all pipes shall be sound and free from structural defects, cracks, breaks, openings, sags or missing portions to prevent ex-filtration by waste or infiltration by groundwater or storm water.
 - c. There shall be no non-sanitary sewer connections to the building sanitary sewer.
- 3) The property owner shall be responsible for clearing any and all obstructions in the building sanitary sewer and/or private sanitary sewer collection system immediately upon discovery and/or notification by the City consistent with this chapter. When clearing any obstructions or performing any maintenance or repair, the property owner must install a temporary trap downstream of the work to ensure any roots, debris or other items dislodged from the sewer do not flush into the City's sanitary sewer system.
- 4) Sanitary sewer connection to the City's wastewater collection system shall be limited to one sanitary sewer lateral per lot, parcel or tract of land. This limitation of one sanitary sewer lateral per lot shall apply to condominium subdivisions, planned unit developments and commercial developments. A joint building sanitary sewer lateral with two or more laterals from separate parcels that combine into one sewer lateral that connects to the City's sewer main is prohibited, unless specifically waived by the City for good cause and/or in a subdivision improvement agreement or sanitary sewer main extension agreement. Any such agreement must be recorded with the Santa Cruz County Recorder in a form acceptable to the City. The affected property owners and not the City, shall have the responsibility for the maintenance, repair and replacement of any joint building sanitary sewer lateral.

(Ord. 2002-24 § 2 (part), 2002).

16.08.062 SANITARY SEWER OVERFLOWS.

1. If a building drain, building sanitary sewer, or private sanitary sewer collection system is not operating properly and causes the discharge of wastewater to any location other than the POTW, it is considered a sanitary sewer overflow. Any sanitary sewer overflow condition shall constitute a public nuisance to be abated by the property owner as follows:

- a. The property owner shall: 1) take immediate action to eliminate the overflow upon discovery, and 2) notify the City's Public Works Department within twenty-four hours upon discovery of the overflow.
 - b. The City shall serve a notice of violation (N.O.V.) either upon any property owner or posted conspicuously on or in front of the property to request abatement of the overflow and inspection of the sewer lateral. The notice shall be deemed effective immediately upon service to begin the timeline for correcting and abating the sanitary sewer overflow.
 - c. At least within 72 hours of the notice of violation, the property owner shall have a licensed contractor, who is on the City of Santa Cruz Public Works Department list of "Certified Sewer Inspectors," inspect the sanitary sewer lateral internally by a closed circuit television camera to determine the cause of the overflow to bring the condition of the lateral up to City standards as defined by the Public Works Sanitary Sewer Inspection Form.
 - d. Within fourteen (14) calendar days after service of the notice of the violation, the property owner must have completed all necessary repairs to bring the condition of the lateral up to City standards as defined by the Public Works Sanitary Sewer Inspection Forms and submit to the City evidence of the repair or corrective action. The property owner must obtain a Public Works street opening permit from the City Public Works Department prior to performing any required repairs in the City's right-of-way.
 - e. The property owner(s) shall submit as evidence of the repair or corrective action (to the Public Works Department, 809 Center Street, Room 201) the following:
 - i. Completed Public Works Sanitary Sewer Inspection Form for Sanitary Sewer Overflows, and
 - ii. DVD, flash drive, or color digital video file of the sanitary sewer as defined by the Public Works Sanitary Sewer Inspection Forms.
- 2) Penalties for Non-Compliance. The property owner shall have 14 days from the date of the City's notice of violation to obtain City required permits and make repairs, unless public health and safety considerations require earlier action. If the work is not completed within this timeframe, the City, at its option, may either make the repairs itself or hire a licensed contractor to mitigate the condition all at the owner's expense, including assessing an administrative fee for each violation to be charged to the property owner. The property owner may also be assessed a civil penalty for failure to comply in the amount of \$1000 for each day the violation continues after the 14 day deadline to repair has expired. If payment is not made by the owner, the City may impose a property tax assessment or lien to recover all penalties, administrative and repair costs associated with mitigating the sewer condition.

16.08.063 MANDATORY INSPECTION AND CLEANING OF PRIVATE SANITARY SEWER COLLECTION SYSTEMS.

1. Private sanitary sewer collection systems that collect wastewater are subject to the following requirement as defined by the Public Works Sanitary Sewer Inspection Form:
 - a) **Be cleaned a minimum of once every two (2) years** if the system collects wastewater from ten or more building sanitary sewers or every five years if less than 10 building sanitary sewers and shall submit to the Public Works Department a completed Sanitary Sewer Inspection Form for Inspection of Collection Systems.
 - b) **Inspected internally through a closed circuit television camera every ten (10) years** by a licensed contractor who is on the City of Santa Cruz Public Works Department list of “Certified Sewer Inspectors.” As part of that inspection all building sanitary sewers shall be inspected. The property owner shall submit to the City of Santa Cruz Public Works Department a completed Sanitary Sewer Inspection Form for Inspection of Collection Systems within 45 calendar days of each inspection to verify that the collection system passes inspection as defined by the Public Works Sanitary Sewer Inspection Form.

All Sanitary Sewer Lift Stations and Ejector Pumps from sanitary sewer collection systems with five units or more shall be inspected annually and less than five units inspected every five years. Lift stations and ejector pumps shall be maintained and pass an inspection meeting City’s standards as defined by the Public Works Sanitary Sewer Inspection Form.

The property owner shall have a licensed contractor perform the inspection and shall submit to the City of Santa Cruz Public Works Department a completed Sanitary Sewer Inspection Form for inspection of the lift station or ejection pump within 45 calendar days of the inspection to verify that any defective conditions have been remedied as defined by the Public Works Sanitary Sewer Inspection Form.

16.08.064 SEWER LATERAL REQUIREMENTS UPON SALE OF REAL PROPERTY.

1. All residential, commercial, and industrial buildings shall, at the time of sale have the building sanitary sewer be inspected for any defects and be repaired or corrected to meet the City’s standards as defined by the Public Works Sanitary Sewer Inspection Form unless exempted under Section 16.080.066
2. Responsibilities of Seller. The owner of the real property prior to the time of sale (“seller”) shall be responsible for complying with the requirements of this chapter and for obtaining a Sanitary Sewer Inspection Certificate before the time of sale.
3. Option to Transfer Seller’s Responsibility to Buyer. Before the time of sale, the seller and buyer of any property may mutually agree to transfer responsibility for compliance with this chapter to the buyer. In

the event the buyer agrees to assume responsibility for inspecting the building sanitary sewer, the buyer shall complete the inspection and meet the City's standards within ninety (90) calendar days from the date of the sale. Before the time of sale, the seller and buyer shall complete the following procedures:

- a) The seller shall request from the Public Works Department, a TRANSFER OF RESPONSIBILITY to Inspect Form. Both the seller and buyer shall sign the form certifying that the buyer has assumed responsibility for the inspection.
 - b) The seller shall file the signed TRANSFER OF RESPONSIBILITY to Inspect Form with the Public Works Department before the time of sale and include it in the real estate transfer documentation.
4. Verification of Compliance. The seller or buyer (only if based on a valid TRANSFER OF RESPONSIBILITY to Inspect Form to buyer) shall verify compliance with this chapter by submitting a completed Sanitary Sewer Inspection Form within the time limit specified above. Once compliance with the requirements of this chapter has been verified, a Sanitary Sewer Inspection Certificate will be issued within five business days.

16.80.65 INSPECTION OF SANITARY SEWER LATERAL CONDITION FOR BUILDING PERMIT

5. For any project requiring a building permit relating to construction of any new residential or commercial unit that is intended to connect to an existing building sanitary sewer, the property owner must inspect the sanitary sewer laterals on the property for defects and satisfy the requirements of this chapter as a condition of the building permit and before a certificate of occupancy is issued, unless exempted under Section 16.80.066.

16.80.066 EXEMPTIONS FROM INSPECTION REQUIREMENT

The inspection requirements do not apply if any of the following applies:

- a) If the building including the building sanitary sewer was constructed within the prior 10 year period.
- b) If the building sanitary sewer was completely replaced within the prior 10 year period.
- c) If the building sanitary sewer was inspected as meeting City's standards as required by this Chapter within the prior 5 year period.
- d) If the building sanitary sewer has been inspected as part of the inspections required by Section 16.06.063 within the prior 10 year period.

16.08.066 GRAYWATER SYSTEMS.

- 1) A plumbing permit shall be obtained from the City planning/building department for all simple and complex graywater systems, as defined in Chapter 16A of the California Plumbing Code, as adopted by reference in Title [18](#) of this code. Prior to issuance of said plumbing permit, an environmental health clearance shall be obtained from the county environmental health services. Following construction, a field inspection of the irrigation portion of the graywater system shall be conducted by the county environmental health services.
- 2) A plumbing permit, environmental health clearance, and field inspection shall not be required for a clothes washer system, provided it is constructed and operated in compliance with Chapter 16A of the California Plumbing Code, as adopted by reference in Title [18](#) of this code, and the owner signs, submits, and complies with the installation and maintenance agreement for clothes washer graywater system as published by the City of Santa Cruz Public Works department.
- 3) The county environmental health services, in providing any services or conducting any inspection to confirm that permitted graywater systems comply with county environmental health services standards, is authorized to assess fees to the property owner for said services and inspections in accordance with the fee schedule updated by the Santa Cruz County board of supervisors for the provision of similar services and inspections in the unincorporated area of the county.
- 4) All graywater systems shall be designed to allow the user to direct the flow to the irrigation or disposal field or to the building sanitary sewer. The means of changing the direction of the graywater shall be clearly labeled and readily accessible to the user.
- 5) All graywater shall be directed to the building sanitary sewer during the winter wet season to prevent ponding or runoff.

(Ord. 2011-04 § 2, 2011).

16.08.070 TAMPERING WITH PUBLIC SEWERS.

No unauthorized persons shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the director.

(Ord. 2002-24 § 2 (part), 2002).

16.08.080 DAMAGE TO PUBLIC SEWER.

- 1) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the POTW. Persons doing so shall be liable for damages.

- 2) Any user who discharges wastewater into a public sewer shall be liable for any damage to the POTW if such damage arises from conditions originating on the premises of such person or from connecting the building sanitary sewer pursuant to Section [16.12.120](#).

(Ord. 2002-24 § 2 (part), 2002).

16.08.090 COMPLIANCE WITH OTHER REGULATIONS.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the county health officer, the Regional Water Quality Control Board, or other public agencies having jurisdiction. All dischargers must be in compliance with all federal categorical pretreatment limitations and other applicable standards (e.g., 40 CFR Chapter I, subchapter N, Parts 405 through 471 or 40 CFR Chapter I, subchapter N, Part 403.5(a) and (b)).

(Ord. 2002-24 § 2 (part), 2002).

16.08.100 RIGHT OF ENTRY FOR INSPECTION.

The City's representative may demand inspection of any building, facility, or property whenever the director or any authorized representative of the City wishes to ascertain whether a user is complying with the purposes and requirements of this chapter or has cause to suspect that a nuisance exists.

- 1) Persons or occupants of premises where wastewater is generated or discharged shall allow the City's representative access at all reasonable times to all parts of the premises for the purposes of inspection or sampling and in the performance of any of their duties.
- 2) Where the user has security measures in force, the user shall make the necessary arrangements with the security guards so that City personnel will be permitted to enter without delay, upon presentation of suitable identification, for the purpose of performing inspection activities.
- 3) The City shall have the right to set up on user's property such equipment as is necessary to conduct sampling or metering of wastewater flows. The user shall not tamper with, alter or damage any equipment used by the City for the purposes of inspection or monitoring.
- 4) The director or any authorized representative of the City may enter upon the user's property at any hour under emergency circumstances.

(Ord. 2002-24 § 2 (part), 2002).

16.08.110 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES.



- 1) **General Prohibitions on Wastewater Discharges.** No person shall introduce, discharge, convey, or permit or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:

- a. Interfere with the process or efficiency of the wastewater treatment system or not be susceptible to treatment.
 - b. Constitute a slug loading.
 - c. Cause a pass through or interference to occur at the POTW, either alone or in combination with a discharge(s) from other sources.
 - d. Be at a discharge flow rate that would exceed the carrying capacity of the sanitary sewer.
 - e. Violate state or federal pretreatment standards.
 - f. Inhibit the processing, use, or disposal of sludge.
 - g. Violate any of the provisions of this chapter.
- 2) Specific Prohibitions on Wastewater Discharges. No person shall discharge or cause or allow to be discharged into POTW any wastewater which contains the following:
- a. Flammables and Explosives.
 - i. Explosive mixtures, liquids, solids, or gases that are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to any persons, the wastewater treatment system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. When calibrating explosion hazard meters, the meter shall be calibrated using a representative standard of the combustibles expected to be present in the wastewater discharge. If a methane standard is used, the meter alarm shall be set at the lowest LEL for those combustibles expected to be present in the wastewater discharge.
 - ii. Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flash point of less than sixty degrees Celsius or one hundred forty degrees Fahrenheit using test methods specified in 40 CFR 261.21.
 - b. Corrosive Wastes. Pollutants that cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0.
 - c. Solid or Viscous Pollutants. Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW or interfere with the proper operation of the wastewater treatment system.
 - d. Flow Rate and/or Pollutant Concentration. Any pollutant, including oxygen-demanding pollutants (BOD, TOC, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

- e. Temperature. Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Celsius (one hundred four degrees Fahrenheit).
 - f. Oil and Grease. Petroleum oil, cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
 - g. Gases, Vapors, Fumes. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - h. Transported Pollutants. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - i. Noxious Materials. Noxious or malodorous solids, liquids or gases, which, whether singly or by interaction with other wastes, are capable of creating an odor nuisance or hazard to life, or are sufficient to prevent entry into a sewer for its maintenance and repair.
 - j. Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Clean Water Act. Also included are any chemical elements or compounds, or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system or that will pass through the POTW, or that will accumulate to toxic levels in marine waters, sediments or biota.
 - k. Radioactive Wastes. Except as allowed in this chapter, no user shall discharge or permit to be discharged any radioactive waste into the public sewer.
 - l. Waste Radiator Coolant. Waste radiator coolant or any radiator-flushing wastewater generated from auto, truck, or equipment maintenance.
 - m. Discolored Material. Wastes with objectionable color not removable by the wastewater treatment system, which cause discoloration of the POTW effluent such that receiving water quality requirements established by law cannot be met.
 - n. Engine and Vehicle Parts Cleaning Wastes. Wastewater or other wastes from the cleaning of engines, undercarriages or vehicle parts. Such wastes must be either recycled in a closed-loop recycling system or hauled off-site for proper disposal.
 - o. Hazardous Waste. Hazardous waste as defined by the California Code of Regulations (CCR) at 22 CCR 66261.3. Any liquid, solid or gaseous substances defined as hazardous materials in Section [16.08.010](#) are subject to regulation by this chapter.
- 3) Specific Limitations on Wastewater Discharges. The following are the maximum concentrations of pollutants allowable in wastewater discharges to the wastewater treatment system, unless state or federal limits are lower in which case those limits shall control. Dilution of any wastewater discharge for

the purpose of satisfying these pretreatment standards or any applicable pretreatment standards shall be considered a violation of this chapter and is prohibited.

Grab samples must be used for pH, cyanide, oil and grease, sulfide, and volatile organic compounds.

Composite samples for twenty-four hours or other time period approved by the director are required for all other parameters, using flow-proportional techniques where feasible.

| Pollutant | Concentration |
|---|--|
| Arsenic | 0.21 mg/l |
| Cadmium | 1.57 mg/l |
| Chromium, total | 35.65 mg/l |
| Chromium, hexavalent | 5.26 mg/l |
| Copper | 2.17 mg/l |
| Cyanide | 0.08 mg/l |
| Lead | 6.04 mg/l |
| Mercury | 0.32 mg/l |
| Nickel | 1.15 mg/l |
| Selenium | 96.28 mg/l |
| Silver | 0.71 mg/l |
| Sulfide (dissolved) | 0.20 mg/l – Monthly Average; 1.0 mg/l – Maximum |
| Suspended solids | 3,000 mg/l |
| Zinc | 25.23 mg/l |
| pH | 5.0 min. to 10.0 max |
| Total petroleum hydrocarbons | 100 mg/l |
| Temperature | ≤104°F (40°C) |
| Oil or grease of animal or vegetable origin | 300 mg/l (unless exempt by Section 16.08.190) |

| | |
|--------------------------------|------------------------------|
| MTBE | 1.0 mg/l |
| TTO* | 1.0 mg/l |
| Phenols, total** | 150 mg/l |
| Phenols, chlorinated*** | 0.60 mg/l |
| Chlordane | 1.48 x 10 ⁻⁵ mg/l |
| DDT, o, p | 0.011 mg/l |
| dieldrin | 9.40 x 10 ⁻⁵ mg/l |
| endosulfan I | 0.006 mg/l |
| endrin | 0.002 mg/l |
| heptachlor | 0.00014 mg/l |
| heptachlor epoxide | 1.39 x 10 ⁻⁵ mg/l |
| hexachlorobenzene | 23.50 mg/l |
| Naphthalene | 2,350 mg/l |
| Phenanthrene/Anthracene, C1 | 2,349.99 mg/l |
| Anthracene | 2,422.68 mg/l |
| Fluoranthene | 123.38 mg/l |
| 8 – PCB | 0.000138859 mg/l |
| 2,3,7,8-TCDD | 2.53 x 10 ⁻⁹ mg/l |

* TTO is defined as the sum of all individual compounds listed in the Code of Federal Regulations (CFR) at 40 CFR 433.11e with quantifiable concentrations greater than 0.01 mg/l when measured using test methods approved under 40 CFR 136 or other methods approved for NPDES monitoring, and other toxic organic compounds as determined by the director.

** Phenols, total, by EPA Method 420.1.

*** Phenols, chlorinated, is defined as the sum of 2-chlorophenol, 2,4-dichlorophenol, pentachlorophenol, 2,4,6-trichlorophenol and 4-chloro-3-methylphenol (p-choloro-m-cresol).

(Ord. 2012-14 § 2, 2012: Ord. 2010-20 § 1, 2010: Ord. 2002-24 § 2 (part), 2002).

16.08.120 DISCHARGE OF RADIOACTIVE WASTES.

- 1) The discharge of radioactive wastes into the sewer system shall conform to the requirements of the California Radiation Control Regulations, Title [17](#), California Code of Regulations, Chapter 5, Subchapter 4.
- 2) Hospitals, laboratories and clinics for radiation treatment may discharge low-level radioactive waste when the following conditions are met:
 - a. The organization is authorized to use radioactive materials by the Nuclear Regulatory Commission and all other applicable federal and state authorities, and
 - b. The waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency that has jurisdiction.
- 3) Except as defined above, no user shall discharge or permit to be discharged any radioactive waste into the public sewer.

(Ord. 2002-24 § 2 (part), 2002).

16.08.130 CONTROL OF PROHIBITED WASTES.

- 1) Regulatory Actions. If wastewater not in compliance with this chapter is discharged or proposed to be discharged into the POTW, the director may take any action necessary to:
 - a. Prohibit the discharge of such wastewater.
 - b. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.
 - c. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this chapter.
 - d. Require the person making, causing or allowing the discharge to pay any penalties, and additional cost or expense incurred by the City for handling and treating excess loads on the wastewater treatment system.
 - e. Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.
- 2) Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the director for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities are prohibited unless prior approval has been obtained from the director.

- 3) Pretreatment Facilities Operations. Users shall make their wastewater effluent acceptable under the limitations established in Section [16.08.110](#) before discharging to any public sewer. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his/her own cost and expense. Documentation of flow, pH and other pretreatment facility conditions shall be maintained and made available as required by the director. Pretreatment facility operations shall be subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.
- 4) Protection From Accidental Discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans for new facilities, showing equipment and operating procedures to provide this protection, shall be submitted to and approved by the director prior to commencing construction. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his/her facility as necessary to meet the requirements of this chapter.
- 5) Reporting of Accidental Discharge or Slug Loading. If, for any reason, a facility does not comply with the provisions of this chapter or releases an accidental discharge or slug load, whether intentionally or accidentally, the facility shall immediately notify the wastewater treatment plant so that corrective action may be taken to protect the POTW. This requirement is extended to any discharge that could cause interference, upset or damage to the POTW or cause a pass-through, public nuisance or other hazard, either alone or in combination with other discharges and whether or not such discharges are specifically identified in the chapter. Such notification shall be followed, within five days of the occurrence, by a written report addressed to the director detailing the date, time and cause of the discharge, the quantity and characteristics of the discharge, actions taken to mitigate the discharge, and corrective action taken to prevent such future discharges. Such notification will not relieve the responsible party of liability for any expense, loss, or damage to the wastewater treatment system or for any fines imposed on or by the City resulting from such discharge.
- 6) Notice to Employees. In order that employees of users are informed of City requirements, the director may require users to make copies of this chapter available to their employees. In addition, users may be required to make available such other wastewater regulatory information, including the Wastewater Discharge Permit and the latest Best Management Practices Manual published by the City's Public Works Department. If required, the user shall provide employees with all necessary and required training regarding wastewater regulations and best management practices. A notice shall be furnished and permanently posted on the user's bulletin board and other locations, as determined by the director, advising employees to call the wastewater treatment plant immediately in case of a discharge in violation of this chapter.

- 7) Proper Disposal of Sludges and Chemicals. The disposal of sludges, chemicals, and other pollutants generated shall be done in accordance with Section 405 of the Clean Water Act, 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act, 403.12(p)(1) of the General Pretreatment Regulations, and all other applicable regulations. Accordingly, the industrial user shall notify the director, the EPA Regional Waste Management Division director, and state hazardous waste authorities (Department of Toxic Substances Control) in writing of any discharge into the wastewater collection system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Under no circumstances may hazardous waste, as defined by the California Code of Regulations (CCR), 22 CCR 66261.3, be discharged to the POTW.

(Ord. 2002-24 § 2 (part), 2002).

16.08.140 INTERCEPTORS.

- 1) The director may require a commercial discharger of wastewater to install an interceptor. Required interceptors shall be of a type and capacity approved by the director.
- a. Installation. The interceptor shall be installed as required by the California Plumbing Code and by the City. The interceptor shall be installed so that it is at all times easily accessible for inspection, sampling, cleaning, and removal of intercepted wastes. The director may require that interceptors have a sampling box installed. The sampling box shall be located so that it is at all times easily accessible for inspection and sampling. The interceptor and sample box shall be constructed in such a manner as to exclude the entrance of surface water and storm water. The interceptor shall be situated on the user's premises unless the director approves installation in the public street or sidewalk area.
 - b. Cleaning and Repairs.
 - i. The interceptor shall be cleaned, maintained, and repaired by the owner or operator at his/her own expense. Cleaning shall require that the entire contents of an interceptor be pumped out and disposed of at a facility designed to handle such waste. Pumped interceptor contents shall never be discharged into any drainage piping, public or private sewer. A record of interceptor cleaning and maintenance or copies of interceptor pumping receipts must be maintained onsite for a twelve-month period and made available for inspection upon request by the City's representative.
 - ii. Prior written approval from the director must be obtained prior to the use of chemicals, bacteria or other agents to dissolve grease or otherwise clean or treat grease interceptors.
 - iii. When it is determined that repairs to either the interceptor itself or to the external plumbing are necessary, such repairs shall be completed within thirty days of

notification or sooner if the director determines that delay may result in interference with the POTW.

- c. Building Remodels. Buildings remodeled for uses requiring interceptors shall be subject to the aforementioned regulations. Abandoned interceptors shall be emptied and filled as required for abandoned septic tanks, according to the California Plumbing Code and the City.

(Ord. 2002-24 § 2 (part), 2002).

16.08.150 INSTALLATION OF SAMPLING ACCESS FOR COMMERCIAL USERS.

 SHARE

- 1) When required by the director, a commercial user shall install a suitable sampling manhole or other access approved by the director in the building sewer to facilitate observation, sampling, and measurement of wastes.
- 2) The sampling manhole or access and any related monitoring equipment shall be located and maintained on the industrial user's premises outside the building or other location approved by the director. The sampling manhole or access shall be installed so that it is at all times easily accessible for inspection and sampling.
- 3) When more than one user can discharge into a common sewer, the director may require installation of separate sampling manholes or accesses for each industrial user. When it is necessary to separately sample different processes of a significant user, the director may require the installation of more than one sampling manhole or access.
- 4) Whether constructed on public or private property, the sampling manholes or accesses shall be constructed in accordance with the director's and City requirements and all applicable construction standards and specifications.
- 5) All sampling manholes or accesses and monitoring equipment shall be installed by the owner at his/her expense, and shall be maintained in operating condition by him/her so as to be functional, safe and accessible at all times.
- 6) Upon written notification from the director, construction of any required sampling manholes or accesses and installation of monitoring equipment shall be completed within thirty days of the date of notification, unless a time extension is granted by the director.

(Ord. 2002-24 § 2 (part), 2002).

16.08.160 WASTEWATER DISCHARGE PERMIT REGULATIONS.

 SHARE

- 1) Purpose of Permit.
 - a. To provide for and regulate the disposal of industrial wastewater to the City POTW.

- b. To provide for the charging and collecting of various fees and other charges necessary, and not collected otherwise, for the administration and issuance of wastewater discharge permits.
- 2) Wastewater Discharge Permits Required. All significant users of the City's wastewater treatment system shall obtain a wastewater discharge permit for each site or facility discharging wastewater. Significant industrial users shall not discharge industrial wastewater without written authorization from the director.
- 3) Property Rights. The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.
- 4) Application for a Wastewater Discharge Permit. Users seeking a wastewater discharge permit shall complete and file with the director a wastewater discharge permit application accompanied by the applicable fees. The director shall establish the permit application fee. For a corporation or business entity, the application must be signed by an authorized executive officer of the business desiring to discharge industrial wastewater, at least of the level of president, vice-president, general partner, , or an individual responsible for the overall operation of the facility applying for said permit.
 - a. Time of Application.
 - i. All un-permitted existing significant users connected to or discharging to any part of the City's wastewater treatment system must submit a wastewater discharge permit application within 10 business days from the date of notification of the requirement. All significant users, with an existing wastewater discharge permit, must notify the director of any proposed plans to increase the quantity or strength of discharge at least sixty days in advance of the proposed discharge.
 - ii. All potential significant users proposing to connect to or discharge into any part of the City wastewater treatment system must first obtain a wastewater discharge permit. Potential significant users must submit a wastewater discharge permit application 60 days prior to the proposed discharge.
 - iii. The director may require any industrial user to submit a wastewater discharge permit application.
 - b. Submittal of Information. The wastewater discharge permit application shall include all information deemed by the director to be necessary to evaluate the permit application.
 - c. Confidentiality. Any information submitted to the City may be claimed as confidential by the submitter; however, the claim must be asserted at the time of submission by the words "confidential business information" on each page containing such information. Information and data provided to the City regarding the industrial discharge shall be available to the public without restriction. Confidential information will be available to EPA and the State Water

Resources Control Board but these agencies will be advised of required confidential treatment of such information.

5) Permit Issuance.

- a. If the director determines that a permit application has insufficient information to determine whether the permit should be issued, the director shall refuse to issue said permit and the application shall be returned to applicant with an explanation of the required information within thirty days of the date of filing. Thereafter, the applicant shall have thirty days to complete the application. If the returned application is not resubmitted within thirty days (or such longer period of time as specified by the director), then a new application for a wastewater discharge permit must be submitted along with the appropriate permit application fee.
- b. The director shall either issue or refuse to issue a wastewater discharge permit within ninety days of the date such an application is complete. An interim permit may be granted if the director finds that more than ninety days are necessary to review the permit application.
- c. The director shall issue a permit to all applicants who meet all wastewater discharge permit conditions and who are in compliance with this Chapter [16.08](#) of the Santa Cruz Municipal Code, or who have submitted a timetable of compliance which has been approved by the director.

6) Refusal to Issue Permit.

- a. The director may refuse to issue a wastewater discharge permit if one or more of the following conditions exists:
 - i. The appropriate permit application fee does not accompany the application;
 - ii. The application for a permit is incomplete or contains false or misleading information;
 - iii. The issuance of the permit would result in the discharge of industrial wastes of such quantity or strength that violate regulations set forth in this chapter;
 - iv. The application does not contain plans for adequate secondary containment and other types of protection from accidental discharges to land, the storm drain system, or the sanitary sewer system, as required by the California Code of Regulation, Chapter 30 of Division 4 of Title [22](#), and the City of Santa Cruz Hazardous Materials Ordinance and amendment thereto (for both documents); or
 - v. For other reasons determined by the director.
- b. If the director refuses to issue a permit, a written notice explaining the grounds for refusal shall be sent to the permit applicant. The permit application fee shall not be returned to the applicant, unless the director has ascertained that a permit is not required to discharge the wastewater for which the permit application is made.

7) Permit Duration, Renewal, and Modification. Wastewater discharge permits shall be issued for a period of three years. At the discretion of the director, a permit may be issued for a period of less than three

years, or may be stated to expire on a specific date. If the user wishes to renew the permit, the user must submit an application sixty days prior to the expiration of the permit. The terms and conditions of the permit may be modified by the director, as limitations or requirements identified in this chapter are modified, to verify compliance with this chapter, to require timetables for compliance, or for other reasons determined by the director. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The director must approve any new or increased discharges, in volume or pollutant type or concentration, prior to an industrial user commencing such a discharge.

- 8) **Transfer of Permit.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.
- 9) **Permit Conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the City. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter and applicable state and federal regulations. Permit conditions will include the following whenever applicable:
 - a. The City and federal limits of wastewater constituents and characteristics;
 - b. Limits on rate and time of discharge or requirements for flow regulations or equalization;
 - c. Requirements for installation of inspection and sampling facilities and specifications for industry self-monitoring programs;
 - d. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;
 - e. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
 - f. Compliance schedules;
 - g. Requirements for the installation of any technology required for compliance with applicable pretreatment standards or other wastewater discharge requirements;
 - h. Other conditions as deemed appropriate by the director to ensure compliance with this chapter.
- 10) **Annual Inspection.** Facilities for which a wastewater discharge permit has been issued are subject to at least one annual detailed site inspection and review of records to verify that no substantial change in operating conditions has occurred and that waste materials have been properly disposed. At least one annual detailed site inspection will be conducted without prior notification.
- 11) **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with the permit, including such

accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

- 12) Continuation of Expired Permits. An expired permit will continue to be effective and enforceable until the permit is reissued if:
 - a. The permittee has submitted a complete permit application at least sixty days prior to the expiration date of the user's existing permit.
 - b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.
- 13) Compliance with Applicable Standards and Requirements. Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, state and federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.
- 14) Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of wastewater treatment and control (and related apparatus) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes but is not limited to: effective performance, preventive maintenance, calibration and other necessary adjustments, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
- 15) Duty to Halt or Reduce Activity. Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 16) Bypass of Treatment Facilities.
 - a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
 - b. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance or improvements to assure efficient operation.
 - c. Notification of bypass:

- i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the director.
 - ii. Unanticipated bypass. In the event of an unanticipated bypass, the permittee shall immediately notify the wastewater treatment plant at (831) 420-6050 and submit a written report to the director within five business days. This report shall specify:
 - d. A description of the bypass including the cause, volume, time, duration, concentrations of pollutants discharged, steps taken to control the discharge and mitigate the effects;
 - e. The steps being taken or to be taken to prevent a reoccurrence of the bypass.
 - d. A description of the bypass including the cause, volume, time, duration, concentrations of pollutants discharged, steps taken to control the discharge and mitigate the effects;
 - e. The steps being taken or to be taken to prevent a reoccurrence of the bypass.
- 17) Permit Revocation. Any user, who violates the following conditions of his/her permit or of this chapter, or of applicable state and federal regulations, is subject to having his/her permit revoked. Violations subjecting a user to possible revocation of his/her permit include, but are not limited to, the following:
 - a. Failure to accurately report the wastewater constituents and characteristics of his/her discharge.
 - b. Failure to report, in advance, increases for:
 - i. Volume of wastewater discharged or
 - ii. Concentration of any pollutant discharged.
 - c. Failure to report, in advance, introduction of new pollutant into waste stream.
 - d. Refusal of access to the user's premises for the purpose of inspection or monitoring.
 - e. Violations of conditions of the permit.
 - f. Nonpayment of fees and charges.
 - g. Failure to report accidental discharge.
 - h. Failure to comply with provisions of the permit or of this chapter.
- 18) Permit Appeals. An industrial user may appeal terms, conditions, refusal to issue, or revocation of a permit within thirty days of permit issuance, refusal, or revocation. The director shall make the decision on the appeal. Appeals must be in writing. In the appeal, the user must indicate the permit terms or conditions objected to, or the reasons a permit should not be refused or revoked. Failure to submit a petition for review shall be deemed to be a waiver of the appeal. The terms, conditions, refusal to issue, or revocation of a permit shall remain in force during reconsideration.

(Ord. 2002-24 § 2 (part), 2002).

16.08.170 INDUSTRIAL WASTEWATER MONITORING AND REPORTING.

- 1) Sampling and Analysis.
 - a. Collection, preservation, and analysis of industrial wastewater samples shall be in accordance with procedures contained in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part

136 does not include sampling or analytical techniques for the pollutants in question, sampling shall be representative of the discharge and analyses shall be performed using validated analytical methods as prescribed in the online version of Standard Methods for the Examination of Water and Wastewater, as published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation.

- b. Sampling of industrial wastewater, for the purpose of compliance determination with respect to this chapter, shall be conducted at a frequency determined by the director. Significant industrial users shall be required to sample at least twice a year.
 - c. All samples shall be analyzed by an analytical laboratory certified by the California Department of Health Services Environmental Laboratory Accreditation Program or NELAPP (National Environmental Laboratory Accreditation Program) for the analytical method used. Samples may be analyzed for pH and temperature by the discharger, provided that equipment and calibration records are approved by the director, and that they are maintained and made available for inspection.
 - d. Costs for non-scheduled compliance sampling and analysis shall be paid by the user.
- 2) Records and Wastewater Monitoring.
- a. All significant users who discharge or propose to discharge wastewater to the POTW shall maintain records of production and related factors, effluent flows, and pollutant amounts or concentrations that are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standard or requirements.
 - b. Wastewater records shall be made available to the director upon request. All such records relating to compliance with pretreatment standards shall be made available to officials of the California Water Quality Control Board or the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the significant user's compliance with Section [16.08.110](#) shall be prepared and submitted to the City at such intervals as designated by the director. Records of monitoring activities and results must be retained for a minimum of three years.
 - c. In the event that no special sampling facility is available, the sampling point shall be considered to be either the nearest downstream manhole in the public sewer or the last possible access point on the user's property that includes flows from appropriate processes, as determined by the director.
 - d. The director may require dischargers to provide water or sewer flow metering.
- 3) Discharge Reports.
- a. Every significant industrial user shall file a periodic discharge report at intervals as designated by the director. The director may require any other users discharging or proposing to discharge into the wastewater treatment system to file such periodic reports.

- b. The discharge report shall include but not be limited to, as determined by the director, the following: average daily flow, peak rate of flow, production quantities, hours of operation, concentrations of controlled pollutants, or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the director may require information in the form of industrial wastewater discharge permit applications and self-monitoring reports.
- c. Reports Required by Federal Law. Every industrial user shall submit to the director all reports required to be submitted to the control authority under the Code of Federal Regulations, Title 40, Section 403.12 (40 CFR Section 403.12), as now in effect or as hereafter amended. These reports include a baseline monitoring report, compliance schedule progress report, a report on compliance with categorical deadline, and periodic compliance report signed and certified by a duly authorized representative of the industrial user. The periodic compliance report must be submitted a minimum of twice annually. These reports shall be submitted under the same circumstances and at the same times and shall include the same information, as required by that section of the Code of Federal Regulations. At the discretion of the director, such reports may be combined with other reports required by this municipal code when timely and appropriate.

(Ord. 2002-24 § 2 (part), 2002).

16.08.180 BEST MANAGEMENT PRACTICES FOR BUSINESSES. 

All business activities shall implement mandatory best management practices (BMPs) as detailed in the latest BMP Manual published by the City’s Public Works Department. New employees shall be trained in best management practices before beginning work and annually thereafter.

(Ord. 2002-24 § 2 (part), 2002).

16.08.190 FOOD SERVICE FACILITIES. 

- 1) Grease Interceptors.
 - a. Food service facilities meeting the requirements of this subsection (a) shall be exempt from the animal and vegetable oil and grease limit of Section [16.08.110](#).
 - b. Food service facilities shall have an interceptor if oil or grease may, in the opinion of the director, be discharged to the sanitary sewer. The interceptor type and capacity shall be approved by the director.
 - c. Interceptors shall be installed, cleaned, maintained, and repaired in accordance with this chapter and as required by the director.

- d. A dishwasher shall not be connected to an interceptor unless approved by the director.
 - e. New and existing businesses or facilities and building remodels shall comply with this chapter.
A completed grease trap/interceptor questionnaire form must be submitted to the director prior to commencing construction of new facilities or remodeling.
- 2) Garbage grinders shall not be connected to the sanitary sewer.
 - 3) New and remodeled food service facilities, that use or will use kitchen floor mats, shall provide an enclosed area for washing mats. Such an enclosure shall drain to the sanitary sewer. The enclosure shall have drain screens to retain particles larger than one-half inch, which shall not be discharged to the sanitary sewer. The enclosure shall be constructed so that storm water may not flow into the area and that wastewater may not flow out. The director may require such enclosures to be connected to an interceptor.

(Ord. 2002-24 § 2 (part), 2002).

16.08.200 VEHICLE SERVICE FACILITIES.

- 1) Oils, greases, fuels, solvents, aqueous cleaners, or radiator fluids (including radiator flushing wastewater) shall not be discharged to the sanitary sewer.
- 2) No wastes, including rinse water, from any engine or parts cleaning may be discharged to the sanitary sewer. Wastewater from engine and parts cleaning must be either recycled in a closed-loop recycling system or hauled off-site for proper disposal.
- 3) Floor drains in work areas are prohibited unless a wastewater discharge permit has been obtained or the drain(s) is located in areas used exclusively for exterior vehicle washing. In new and remodeled vehicle service facilities, floor drains are prohibited except in areas used exclusively for exterior vehicle washing.
- 4) Exterior vehicle washing using detergents or cleansers must be conducted in a City-approved wash pad area. The wash pad area must be sloped and bermed to prevent discharge to the storm drain and to prevent excess storm water from running to the pad area drain. The wash pad must be covered unless exempted by the director. The director may require treatment or an interceptor prior to discharge.
- 5) Waste disposal records, including hazardous waste manifests, must be kept on-site for three years and shall be made available to City inspectors upon request.
- 6) New and existing businesses, new facilities and building remodels shall comply with this chapter.

(Ord. 2002-24 § 2 (part), 2002).

16.08.210 SEWAGE DISCHARGE FACILITIES FOR RECREATIONAL VEHICLES.



- 1) Facilities to accommodate the disposal of domestic sewage from recreational vehicles into the City's sewer system may be installed and used under the following conditions:
 - a. Any responsible person may apply to the Department of Public Works for permission to install such facilities. "Responsible person" includes the owner of the business and/or property on which the facilities are proposed or any person authorized in writing by such owner to act in his/her place with respect to the installation and maintenance of such facilities.
 - b. Before permission to connect such a facility to the City's sewer system is granted, the responsible person shall pay to the City a connection charge, which charge shall be established by resolution of the City council. In addition, after the facility has been installed, the responsible person shall pay a monthly service charge as provided in [Section 16.12.020](#).
 - c. Such facilities may be located only on commercial premises used for the sale or service of recreational vehicles, automobiles, buses, trucks, or any other four-wheeled motor vehicles; and the specific location on such premises shall be subject to approval by the director.
 - d. Such facilities may be installed only in conformity with designs approved by the director and the City.
 - e. The installation of such facilities shall be subject to all applicable building and inspection regulations in force at the time of the installation; and the City shall bear no part of the cost of such installation.
 - f. After installation, such facilities shall be made available for inspection at any time during business hours and at any other time upon reasonable notice given to the responsible person or without notice in case of emergency. The inspection shall be conducted by the director or by any person designated by the director.
 - g. The responsible person shall take all reasonable steps necessary to ensure that users of such facilities do not discharge into the City sewer system any substance in violation of this chapter. The Public Works Department, as allowed in this chapter, may establish mandatory best management practices for such recreational vehicle sewage waste disposal sites.
 - h. The director may order that the use of any such facilities be discontinued or that it be disconnected from the City sewer system if, after prior notice of such violations, the responsible person has failed to prevent the discharge of prohibited substances into the sewer. Thereafter, the use of such a facility or its connection to the City's sewer system may be reinstated if the director determines that the conditions requiring such discontinuance or disconnection have ceased to exist.
 - i. The responsible person shall notify the director whenever any of the following events occur:

- i. The responsible person ceases to act as responsible person.
 - ii. The premises upon which the facilities are located cease to be used for commercial sale or servicing of recreational vehicles, automobiles, trucks, or other four-wheeled motor vehicles.
- j. Upon receipt of notice that use of the facilities is to be terminated for an indefinite period of time, the director may take actions to ensure compliance with the requirements of this chapter including either of the following:
- i. Disconnect or require that the facilities disconnect from the City's sewer system, or
 - ii. Require the responsible person to take the necessary steps to prevent further use of the facilities.

(Ord. 2002-24 § 2 (part), 2002).

16.08.220 MUNICIPAL LANDFILL LEACHATE.

 SHARE

Use of the City's Resource and Recovery Facility leachate pipeline will be limited to transporting leachate from the Resource and Recovery Facility and septic tank effluent from the Resource and Recovery Facility and approved Wilder Ranch State Park facilities.

(Ord. 2002-24 § 2 (part), 2002).

16.08.230 SUMMARY ABATEMENT OF NUISANCES.

 SHARE

Whenever the director of public works or any duly authorized representative of the City finds that a nuisance exists that is an actual and current menace to public health and safety, that person may summarily abate the same as set forth herein. All costs associated with abatement, including enforcement and inspection costs, will be charged to the responsible party who shall be liable to the City therefor.

(a) If any user discharges or threatens to discharge any pollutant to the City wastewater treatment system, and if such discharge presents or would present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes or would cause interference with the operation of the POTW, and if the director determines that immediate action is necessary to terminate or prevent such discharge, the director may issue an order that such discharge be terminated or prevented immediately. Such order shall be personally served upon any person in charge or apparently in charge of the premises of the user, or posted conspicuously on the property, and shall be effective as soon as it is so served.

(b) If, after service of the order, the discharge is not immediately terminated or prevented, the director may then take any steps that may be appropriate or necessary to terminate or prevent the discharge as quickly as

possible, including severance or blockage of the user's facilities from the City's wastewater treatment system, or any other steps that may be appropriate under the circumstances. The cost and expenses so incurred by the City shall be paid by the user upon presentation by the City of an invoice and demand for payment. If not paid within sixty days, said amounts shall become a lien or an assessment on the property and shall be collected at the same time and in the same manner as local real property taxes.

(c) The decision made by the director that costs shall be charged to the user or property owner or that there shall be a lien or assessment upon the property may be appealed to a hearing officer in accordance with the provisions of Chapter 4.24 of the Santa Cruz Municipal Code. Absent an appeal, the charges shall be deemed final, conclusive and owing immediately, and the lien or assessment on the property may be imposed without further hearings.

(d) Any user may seek review of any action by or decision of the director to terminate, block, or sever the user's facilities from the City's wastewater treatment system under this paragraph within forty-eight hours of the action or decision. The City Manager or his/her designee shall hold an informal hearing to determine whether there was sufficient cause for the action taken. The director and user and any other interested person shall have an opportunity to present evidence and other information. The decision of the City Manager shall be final.

(e) As an alternative to the nuisance abatement procedure set forth in subsection (a), the director of public works or the director's representative may elect to proceed with other remedies and procedures outlined in Title 4 of this code.

(Ord. 2002-24 § 2 (part), 2002).

16.08.240 ADMINISTRATIVE REMEDIES.

- 1) Notice of Violation: Whenever the director finds that any person has violated or is violating or continues to violate, any provision, limitation or requirement set forth in this chapter, or finds that any user is in significant non-compliance with wastewater discharge regulations, the director may serve upon such person a written notice stating the nature of the violation and providing a reasonable time of ten days, but not to exceed thirty days, for the satisfactory correction thereof.
 - a. The written notice of violation may assess civil penalties up to a maximum of \$2,500.00 per day for each violation of this chapter.
 - b. The written notice of violation may additionally include monetary assessments to reimburse the City for any costs incurred by the City related to any violation, status inspection, surveillance, sampling, laboratory analysis, and administration.

- c. A notice of violation assessing civil penalties or imposing any other monetary assessments may be appealed to the hearing officer in accordance with the provisions of Chapter [4.20](#) of this code.
- 2) Administrative Citation: Any violation of this chapter is also subject to administrative citations and fines imposed according to bail schedules adopted by the City Council and decisions by administrative hearing officers. Fines may be a minimum of one hundred dollars for first offenses to a maximum of \$2,500 per violation per day.
- 3) Show Cause Hearing for Termination of Sanitary Sewer Service:
- a. If the violation is not timely corrected in accordance with the notice of violation or order, the director may require the property owner to show cause before an enforcement officer why an order should not be made directing the termination of service and imposing additional penalties for the noncompliance. The notice of the show cause hearing shall be served on the property owner by regular mail at least ten days before the hearing and the hearing is subject to the administrative hearing procedures set forth in Chapter 4.22
 - b. The enforcement officer may issue an order to the party responsible for the discharge directing that:
 - i. Following a specified time period, the sewer services be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances shall have been installed or existing pretreatment facilities, devices, or other related appurtenances are properly operated, and
 - ii. The property owner and/or violator pay a penalty which for an industrial user violating pretreatment discharge standards may be up to \$2,500.00 per day for each day of violation, and
 - iii. Such further orders and directives as are necessary and appropriate.
 - c. The decision of the enforcement officer shall be final on the date of service of the order. Judicial review of the order may be sought pursuant to a writ of administrative mandamus.
- 4) Publication of Significant Violators. The City will annually publish a list of all significant violators of the pretreatment program.

(Ord. 2002-24 § 2 (part), 2002).

16.08.245 ALTERNATIVE ADMINISTRATIVE ENFORCEMENT.

As an alternative to the administrative enforcement procedures and remedies delineated in Section [16.08.240](#), the director or director's representative may elect to administratively prosecute violations of this chapter and

assess penalties in accordance with the procedures delineated in the City of Santa Cruz Environmental Compliance Program Enforcement Response Plan (the “enforcement response plan”) promulgated and adopted by the City pursuant to statutory requirements set forth in the federal Water Pollution Control Act as amended by the Clean Water Act of [1977](#) and the California Water Code. A copy of said enforcement response plan will be maintained for public inspection in the main office of the City’s Public Works Department. (Ord. 2004-19 § 1, 2004).

16.08.250 REMEDIES – CIVIL/CRIMINAL.

- 1) **Civil Remedies:** If any person violates (1) the provisions of this chapter, (2) any order of the City Council or City Manager issued pursuant to this chapter, or (3) any wastewater discharge permit condition imposed pursuant to this chapter, the City Attorney may commence an action for appropriate legal and/or equitable relief, in any appropriate court. In such an action, the City Attorney may seek all appropriate judicial relief including, but not limited to, injunctive relief, damages in the minimum of \$2,500.00 per violation per day, and attorney’s fees.
- 2) **Administrative Fines:**
 - a. When a person has violated, or continues to violate, any provision of this chapter or an order issued thereunder, or any other applicable state or federal regulations or pretreatment standard or requirement, the person is subject to administrative fines as approved by the City Council.
 - b. In addition, the director may fine such person, including as set out in the California Government Code, [54740.5\(d\)1-4](#), for industrial waste in an amount not to exceed twenty-five thousand dollars a day for each violation. In addition to the foregoing:
 - (i) failure or refusal to submit technical or monitoring reports may result in fines up to two thousand dollars per day;
 - (ii) failure or refusal to comply with any compliance schedule may result in fines up to three thousand dollars per day;
 - (iii) violation of any waste discharge limitation, permit condition or requirement issued, reissued or adopted by the City may result in fines of five thousand dollars per violation, per day;
 - and (iv) discharges in violation of suspension, cease and desist orders or other orders or prohibition issued, reissued or adopted may result in fines up to ten dollars per gallon discharged.
- 3) **Criminal Liability:** Any person who violates any provision of this chapter, any order of the City Council or City Manager issued pursuant to this chapter, or any permit condition imposed pursuant to this chapter shall be guilty of an infraction. Any person who discharges any substance into the City’s

wastewater treatment system in violation of the provisions of this chapter or an order of the City Council or City Manager, and who thereafter, after having been notified by the director of such violation, continues to allow such discharge, shall be guilty of a misdemeanor. The City may seek criminal penalties and incarceration in the maximum amount prescribed by the California Penal Code for infractions and misdemeanors.

- 4) **Continuing Violations:** Each day on which a violation occurs or continues to occur shall be a separate and distinct offense.
- 5) **Judicial Remedies:** Nothing set forth in this chapter shall be construed as prohibiting the City from seeking civil or criminal judicial relief in connection with the enforcement of this chapter pursuant to Title [4](#) of this code or pursuant to any other state or federal statutory or common law right to such relief.
- 6) **Remedies Cumulative:** The remedies provided herein shall be cumulative and not exclusive.

(Ord. 2002-24 § 2 (part), 2002).

16.08.260 SEWER ENTERPRISE FUND DEPOSITS.

Notwithstanding any provision to the contrary set forth in Title [4](#) of this code, all monies collected by the City for violations of this chapter in the form of fines, penalties, assessments, costs or expenses, and whether collected pursuant to civil, criminal or administrative procedures prescribed in this chapter or in Title [4](#) of this code, shall be deposited into the City's sewer enterprise fund.

(Ord. 2002-24 § 2 (part), 2002).

16.08.270 SEVERABILITY.

If any portion of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

(Ord. 2002-24 § 2 (part), 2002).

[1](#)

For statutory provisions pertaining to regulation of drain and sewer construction, see Gov. Code § [38660](#).

For statutory provisions authorizing construction, establishment and maintenance of drains and sewers, see Gov. Code § [38900](#).

For statutory provisions authorizing mandatory sewer connection and declaring other means of sewage disposal to be a nuisance, see Gov. Code § [54352](#).

For statutory provisions pertaining to the power of cities to establish rules and regulations, see Health and Safety Code § 5006.

Illustration 1

