

(O-83-239)

ORDINANCE NUMBER O- 15984 (New Series)

Adopted on JUN 06 1983

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISIONS 1 THROUGH 6, SECTIONS 64.0100 THROUGH 64.0600, AND BY REPEALING SECTIONS 64.01 THROUGH 64.35 ALL RELATING TO THE CITY'S WASTEWATER SYSTEM.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 4, of the San Diego Municipal Code be and it is hereby amended by adding Divisions 1 through 6, Sections 64.0100 through 64.0600 to read as follows:

DIVISION 1

PURPOSE, SCOPE AND POLICY

SEC. 64.0100 PURPOSE

The purpose of this ordinance is to provide for the maximum beneficial public use of the City's wastewater system through adequate regulation of sewer construction, sewer use and industrial wastewater discharge, to provide for equitable distribution of the City's costs, and to provide procedures for complying with wastewater discharge requirements placed upon the City by other regulatory bodies.

SEC. 64.0101 SCOPE

This ordinance shall be interpreted in accordance with

the definitions set forth herein and the provisions of this ordinance shall apply to the direct or indirect discharge of all waste into the City's wastewater system.

This ordinance, among other things, provides for the regulation of sewer construction in areas within the City's boundaries, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of Permits for Industrial Wastewater Discharge and of other miscellaneous permits, and the establishment of penalties for violation of this ordinance.

SEC. 64.0102 LIQUID WASTE DISPOSAL POLICY

The City builds and operates public sewers, and wastewater facilities serving homes, industries and commercial establishments. The following policies apply to wastewater discharges within the City's boundaries and to other discharges that are tributary to the City's wastewater facilities.

Generally, wastewater originating within the City's boundaries will be removed by the City's wastewater system provided the wastewater will not (1) damage structures, (2) create nuisances such as odors, (3) menace public health, (4) impose unreasonable collection, treatment or disposal costs on the City, (5) interfere with wastewater treatment processes, (6) exceed quality requirements set by regulatory government agencies, or (7) detrimentally affect the local environment.

The City is committed to a policy of wastewater renovation and reuse in order to provide an alternate source of water supply and to reduce overall costs of wastewater treatment and disposal. The renovation of wastewater through secondary and tertiary wastewater treatment processes may necessitate more stringent quality requirements on industrial wastewater dischargers than those required by other regulatory agencies.

To comply with stated policies of the Federal government and to permit the City to meet increasingly higher standards, provisions are made in this ordinance for the regulation of industrial wastewater discharges. This ordinance establishes quantity and quality limitations on industrial wastewater discharges. Methods of cost recovery from industrial wastewater dischargers are also established where the discharges impose inequitable collection, treatment or disposal costs on the City.

Recovery and reuse procedures established by industrial wastewater dischargers themselves to meet the limitations set on their discharges will be preferred by the City over those procedures designed solely to meet wastewater discharge limitations. Methods providing for beneficial reuse of otherwise wasted resources shall be the approved method of industrial wastewater treatment wherever feasible.

Optimum use of the City's wastewater facilities may require that certain industrial wastewaters be discharged during periods of low flow in the City's wastewater system.

DIVISION 2

DEFINITIONS

SEC. 64.0200 DEFINITIONS

Unless otherwise defined herein, terms relating to water and wastewater shall be as adopted in the latest edition 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.

The meaning of other various terms as used in this ordinance shall be as follows:

a) "Applicant" shall mean a person, firm or corporation who applies for connections to a public sewer.

(b) "Discharger" shall mean any person that discharges or causes a discharge of wastewater directly or indirectly to a public sewer.

(c) "Domestic Wastewater" shall mean the liquid and waterborne wastes derived from the ordinary living processes in a dwelling unit, said wastes being of such character as to permit satisfactory disposal, without special treatment, into a public sewer or by means of a private disposal system.

(d) "Industrial Wastewater" shall mean all wastewater, excluding domestic wastewater, and shall include all wastewater from any producing,

manufacturing, processing, institutional, commercial, service, agricultural, or other operation. These may also include wastes of human origin similar to domestic wastewater.

(e) "Mass Emission Rate" shall mean the weight of material discharged to a public sewer during a given time interval.

(f) "Person" shall mean any individual, partnership, entity, firm, association, corporation, or public agency including the State of California and the United States of America.

(g) "Public Sewer" shall mean a sewer owned and operated by the City which is tributary to treatment facilities operated by the City.

(h) "Standard Methods" shall mean procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(i) "Suspended Solids" shall mean any insoluble material contained as a component of wastewater and capable of separation from the liquid portion of said wastewater by laboratory filtration as determined by the appropriate testing procedure and Standard Methods.

(j) "Treatment Facilities" shall mean treatment works actually used in the treatment of wastewater or

for the reclamation of wastewater.

(k) "Waste" shall mean wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.

(l) "Wastewater" shall mean waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

(m) "Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological or radiological parameters, including volume, flow rate and such other parameters that define, classify or measure the quality and quantity of wastewater.

(n) "Wastewater System or Facilities" shall mean any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

DIVISION 3
GENERAL PROVISIONS

SEC. 64.0300 ADMINISTRATION

The City Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to persons in the employ of the City.

The City Manager shall make and enforce regulations necessary to the administration of this ordinance. He may amend such regulations from time to time as conditions require. These regulations shall be consistent with the general policy established herein by the City Council.

SEC. 64.0301 PENALTY FOR VIOLATION AND CIVIL LIABILITY

(a) Public Nuisance

Discharge of wastewater in any manner in violation of this ordinance or of any order issued by the City Manager as authorized by this ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person creating such a public nuisance is guilty of a misdemeanor.

(b) Injunction

Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of

contamination, pollution or nuisance, the City Manager may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

(c) Costs of Damage

Any person violating any of the provisions of this ordinance or who has a discharge which causes a deposit, obstruction, damage, or any other impairment to the City's facilities shall become liable to the City for all expense, loss, or damage occasioned the City by reason of such violation or discharge.

(d) Falsifying of Information

Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the City Manager or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor.

(e) Termination of Service

The City may revoke any Industrial Wastewater Discharge Permit issued pursuant to Division 5 hereof or terminate or cause to be terminated any wastewater service to any premise if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance. This

provision is in addition to other statutes or rules authorizing termination of service for delinquency in payment.

When deemed necessary by the City Manager for the preservation of public health or safety or for the protection of public or private property, he may suspend sewer service to any person or persons using the wastewater system in a manner or way to endanger the public health or safety, or public or private property. In suspending service he may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the City Manager may act immediately to suspend sewer service without notice or warning to said person or persons.

SEC. 64.0302 NOTICE AND APPEAL PROCEDURES

Unless otherwise provided herein, any notice required to be given by the City Manager under this ordinance shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the City Manager. Where the address is unknown, service may be made upon the owner of record of the property involved.

Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

Any person found to be violating any provision of this ordinance shall be served by the City Manager with written notice stating the nature of the violation. Within 30 days

after the date of the notice, unless a shorter time is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City Manager. If the violation is not corrected by timely compliance, or a satisfactory correction plan submitted within the specified time, the City Manager may order any person to show cause before the City Manager why enforcement action should not be taken. A written notice shall be served on the person specifying the time and place of a hearing, the reason why the action is to be taken, and the proposed enforcement action. The City Manager may propose any enforcement action reasonably necessary to abate the violation. Based upon the evidence presented at the hearing, the City Manager shall determine the appropriate enforcement action which should be taken, if any.

SEC. 64.0303 TIME LIMITS

Any time limit provided in any written notice or in any provision of this ordinance may be extended only by a written directive of the City Manager.

SEC. 64.0304 INSPECTION AND SAMPLING

Adequate identification shall be provided by the City Manager for all inspectors and other authorized personnel and those persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.

Inspection and sampling of every facility that is involved directly or indirectly with the discharge of

wastewater to the City's wastewater system may be made by the City Manager as he deems necessary. These facilities shall include but not be limited to sewers, wastewater pumping stations, pollution control plants, all industrial processes, industrial wastewater generation, conveyance and pretreatment facilities, and all similar wastewater facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this ordinance.

Access to all of the above facilities or to other facilities directly or indirectly connected to the City's wastewater system shall be given to authorized personnel of the City at all reasonable times including those occasioned by emergency conditions. Any permanent or temporary obstruction to easy access to the wastewater facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the City Manager and shall not be replaced.

No person shall interfere with, delay, resist or refuse entrance to an authorized City inspector attempting to inspect any wastewater generation, conveyance or treatment facility connected directly or indirectly to the City's wastewater system.

SEC. 64.0305 RECORDING OF FEES AND CHARGES

The City Manager shall keep a permanent and accurate account of all fees and charges received under this ordinance, giving the names and addresses of the persons on

whose account the fees and charges were paid, the date and amount thereof, and the purpose for which charges were paid.

SEC. 64.0306 ESTIMATED QUANTITIES AND VALUES

Unless otherwise provided herein, whenever the fees and charges required by this ordinance are based on estimated values or estimated quantities, the City Manager shall make such determinations in accordance with established estimating practices.

SEC. 64.0307 APPROVAL OF PLANS AND ISSUANCE OF PERMITS

The City Manager will approve plans for wastewater facilities construction, issue a Permit for Industrial Wastewater Discharge or any other permit under this ordinance only if it appears to the City Manager that the wastewater facilities construction, sewer connection, industrial wastewater discharge or other procedure conforms to the requirements of this ordinance.

All required fees and charges shall be paid before approval of plans or issuance of a permit.

The approval of plans or the issuance of a permit shall not relieve the discharger of any duty imposed upon him pursuant to this ordinance.

SEC. 64.0308 MALICIOUS DAMAGE TO CITY'S FACILITIES

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing or tampering with any structure, equipment or appurtenance which is a part of the City's wastewater system shall be a violation of this ordinance.

DIVISION 4

CONSTRUCTION, MAINTENANCE, FUNDING
AND USE OF WASTEWATER FACILITIES

SEC. 64.0400 CONNECTIONS TO PUBLIC SEWERS -
PERMIT REQUIRED

It is a misdemeanor for any person to connect any pipe on private property with any pipe in the street that is connected with the public sewer of City, or to construct any sewer in City, without first obtaining a permit from the City as hereinafter provided.

Application must be made in writing to the City, by the owner of the property to be sewerred, or his agent. A permit must be obtained prior to the installation of any plumbing fixtures.

Where a sewer line is installed at the cost of property owners, on or over any street, alley, or any ground dedicated to the City for street purposes, or across private property, and where the sewer is connected to any public sewer, or is run to any outfall or septic tank which may be on City property, or which will ever be connected with the public sewer, or may become a part of the City wastewater system, the same shall be installed under City supervision, and the City shall have the right to make extensions and connections to said sewer at any and all time.

SEC. 64.0401 APPROVAL OF PLANS FOR WASTEWATER
FACILITIES CONSTRUCTION

No person, other than employees of the City, persons

contracting to do work for the City, or maintenance workers of the City shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection or industrial connection sewer, or wastewater pumping station, within the City where existing or proposed wastewater flows will discharge directly or indirectly to the City's public sewers without first obtaining approval of wastewater facility construction plans from the City.

The applicant shall submit to the City for approval, construction plans and such specifications and other details as required to describe fully the proposed wastewater facility. The plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California.

SEC. 64.0402 CONNECTIONS TO PUBLIC SEWERS - WORK DONE
BY CITY - FEES AND CHARGES

The owner or applicant for a sewer connection shall pay to City for construction and laying of laterals an amount to be established by resolution of the City Council based upon recommendations by the City Manager. Said amounts shall be determined and computed in order to fully reimburse City for the cost of materials, labor, equipment and any other costs incidental to the performance of said services.

In all cases in which a lateral has been installed to serve a particular lot or parcel of land and the street is, or has been subsequently paved, that lateral must be used unless an exception is made by the City Manager.

SEC. 64.0403 SEWER REVENUE FUND ESTABLISHED

(a) There is hereby created a "Sewer Revenue Fund." All revenues derived from the operation of the wastewater system shall be paid into the Sewer Revenue Fund.

(b) All revenues shall be used for the following purposes only:

1. Paying the cost of maintenance and operation of the City's wastewater system.

2. Paying all or any part of the cost and expense of extending, constructing, reconstructing, or improving the City's wastewater system or any part thereof.

3. Any purpose authorized by Section 90.2 of the City Charter.

SEC. 64.0404 SEWER SERVICE CHARGE ESTABLISHED

In addition to other fees, assessments or charges provided by the Municipal Code, the owner or occupant of any parcel of real property for which no other sewer service charge is provided, and which parcel of property is connected with the wastewater system and/or water system of the City of San Diego, shall pay a sewer service charge as established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said sewer service charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk as least ten (10) days prior to consideration of such a resolution by the City Council.

SEC. 64.0405 SEWER SERVICE CHARGE OUTSIDE CITY

When it appears to the best interests of the City and the people thereof and when approved in writing by the City Manager, the owner or occupant of property situated outside the boundaries of the City may be permitted to have such property connected to the sewer system of the City. In addition to other fees, assessments or charges provided by the Code, the owner or occupant of property situated outside the City shall pay a sewer service charge for applicable service established by Section 64.0404.

SEC. 64.0406 RULES AND REGULATIONS OF THE CITY MANAGER

(a) The City Manager shall have the power to prescribe reasonable sewer service charges other than established in the Municipal Code and to establish rules and regulations for the granting of variances from the established sewer service charges for property connected with the sewer service and/or the water service of the City. Such rules, regulations and sewer service charges shall be effective when approved by the City Council. The City Manager shall have the power to grant variances from the established sewer service charges upon his own initiative or when the owner or occupant of any premises applies therefor as hereinafter provided and one or more of the following situations exist:

1. Where the wastewater from any parcel or premise, except single-family residences shall be substantially different in volume or type from the average wastewater entering the sewer system of the City. For the purpose of this subsection, "average

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wastewater" shall be: In volume, 50 to 70 gallons of wastewater for each 100 gallons of water consumed on any plant, building or premises of an industrial or commercial character, and in type, 300 milligrams per liter (mg/l) of suspended solids and 300 mg/l of biochemical oxygen demand.

2. Where the water supplied to an entity utilizing the sewer system is received from a source other than the City's water system; provided that the sewer service charge for such entities shall as nearly as possible be equivalent to the sewer service charge established under this section for similar entities supplied with water from the City's water system. However, if the entity utilizing the sewer does not have a metered water flow, then the wastewater flow must be measured and charged on a basis equal to the established variance charge for one hundred percent (100%) ratio of sewer flow to water use.

3. Where a substantial portion of the premises of an industrial or commercial establishment is used for industrial, commercial, recreational, horticultural or agricultural purposes of such a nature that the water supplied to such premises is not entirely or substantially discharged into the sewer system.

4. Where a fire service connection to the municipal water system is installed.

5. Where the premises are not connected to the

City's wastewater system and it is not physically possible or reasonably feasible financially to connect such premises with the City's wastewater system.

6. When water is supplied to premises through a separate water meter measuring irrigation water and that water is used entirely for irrigation purposes.

(b) The owner or occupant of any premises subject to the sewer service charge may apply in writing to the City Manager for a reclassification of such premises under the provisions of paragraph (a), subparagraphs 1 through 6; provided, however, that no rebate upon such reclassification shall be allowed for a period of more than ninety (90) days preceding the filing of such application. The applicant shall furnish substantial engineering and factual data to support the applicant's contention that the premises should be reclassified as provided in this section. The decision of the City Manager shall be final and conclusive.

SEC. 64.0407 ADJUSTMENT OF SEWER SERVICE CHARGES
AUTHORITY THEREFOR

When excessive water consumption is caused by unknown water pipe leaks, sewer service charge adjustments may be made by the Department in accordance with Administrative Regulations promulgated by the City Manager.

SEC. 64.0408 PAYMENT OF SEWER SERVICE CHARGE

All sewer service charges imposed under the provisions of this ordinance shall be due and payable at the times and in the manner provided in the Municipal Code for the payment of water bills. Such sewer service charges shall

be billed to the owner or occupant of the premises on the same bill on which the water is billed to said owner or occupant. Such combined bill for water consumed and for sewer service charge shall be paid in its entirety and may not be severed for the separate payment of either portion thereof. Where the premises consume water from a source other than the City's water system, the sewer service charge shall be billed to the owner or occupant of the premises in a separate bill.

In the event the owner or occupant of any premises shall be delinquent in the payment of his sewer service charge and such delinquency shall continue for a period of five (5) days after the final date for payment of such charge, the City shall have the right, forthwith and without notice, to discontinue water service and sewer service to such delinquent owner or occupant, and water and sewer service shall not again be supplied to him until all delinquent sewer service charges as herein provided have been paid. The sewer service charge may be collected by suit in any court of competent jurisdiction or any other manner.

SEC. 64.0409 SEWER SERVICE CHARGE - APPLICANT'S
GUARANTEE DEPOSIT

(a) Guarantee deposits are required from all applicants for sewer service who are not the legal or equitable owners of the property to be served, except applicants for domestic sewer service.

(b) The City shall have the right to require deposits from the owner or occupant of any premises who has allowed his bill for sewer service charge to become delinquent or who does not have an acceptable credit rating.

(c) Deposits shall be equal to the estimated amount of three (3) months' sewer service charges.

SEC. 64.0410 CAPACITY CHARGE

When any person, firm, corporation or other entity shall request a new sewer connection, an additional connection, a larger connection or in any other way increase the flow into the sewer by the addition of an equivalent family unit or units, a minimum capacity charge as established from time to time by a resolution of the City Council shall be paid; provided, however, that prior to considering any change in said sewer service charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council. This charge shall be due and payable at the time the building permit fees are paid, or if a building permit is not required, at the time the sewer connection fees must be paid. In any case, this sewer capacity charge must be paid before the sewage flow increase is accomplished. This section shall not be construed to pertain to agreements between participating agencies in the Metropolitan Sewerage System and the City.

DIVISION 5

INDUSTRIAL WASTEWATER

SEC. 64.0500 WASTE DISPOSAL - PERMIT REQUIRED

Any person, municipality, sanitation district, or governmental agency desiring to discharge industrial waste into a public sewer shall obtain a permit to discharge said wastes into said system from the City Manager known as a Permit for Industrial Wastewater Discharge.

SEC. 64.0501 PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE

The Permit for Industrial Wastewater Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this ordinance.

No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the Industrial Wastewater Permit should apply to the City Manager for an amended Permit.

SEC. 64.0502 DISCHARGE REPORTS

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The City may require that any person discharging or proposing to discharge wastewater into a public sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged. In addition to discharge reports, the City may require information in the form of Industrial Wastewater Discharge Permit applications and self-monitoring reports.

SEC. 64.0503 PERMIT APPLICATION

Persons seeking an Industrial Wastewater Discharge Permit shall complete and file with the City Manager, an application in the form prescribed by the City Manager, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

1. Name, address and Standard Industrial Classification number of applicant;
2. Volume of wastewater to be discharged;
3. Wastewater constituents and characteristics including but not necessarily limited to those mentioned in Section 64.0512 as determined by a laboratory approved by the City;

4. Time and duration of discharge;
5. Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
6. Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
7. Any other information as may be deemed by the City Manager to be necessary to evaluate the permit application.

The City Manager will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, treatment systems, or other systems relating to the waste discharge may be required. The City Manager may then issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

SEC. 64.0504 PERMIT CONDITIONS

Industrial Wastewater Discharge Permits shall be subject to all provisions of this ordinance and all other regulations, user charges and fees established from time to time by resolution of the City Council. The conditions of Industrial Wastewater Discharge Permits shall be uniformly enforced by the City Manager in accordance with this ordinance, and applicable local, State and Federal regulations.

SEC. 64.0505 DURATION OF INDUSTRIAL WASTEWATER
DISCHARGE PERMITS

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the permittee is not notified by the City 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit as limitations or requirements as identified in Section 64.0512 are modified and changed. The permittee shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SEC. 64.0506 TRANSFER OF AN INDUSTRIAL WASTEWATER
DISCHARGE PERMIT OR CHANGED USE

Industrial Wastewater Discharge Permits shall be issued only for specific use for a specific operation. Any sale, lease, transfer or assignment of the premises or operation for which the permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued.

SEC. 64.0507 REVOCATION OF INDUSTRIAL WASTEWATER
DISCHARGE PERMIT

The City Manager may revoke the permit of any permittee who is found to be in violation of this ordinance or applicable local, State or Federal regulations or who:

(a) Fails to factually report the wastewater constituents and characteristics of its discharge;

(b) Fails to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refuses reasonable access to the permittee's premises for the purpose of inspection or monitoring;
or

(d) Violates conditions of the permit.

SEC. 64.0508 INDUSTRIAL WASTEWATER DISCHARGE
PERMIT FEE

An Industrial Wastewater Discharge Permit fee will be collected annually from all permittees. The permit fee will be established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said permit fee by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council.

SEC. 64.0509 SAMPLING, SELF-MONITORING AND FLOWS

The City Manager shall require the permittee to provide results of periodic measurements of its discharge which is to include chemical analyses and flow. The City Manager may require a monitoring facility to be furnished and operated at permittee's expense. All permittees making periodic measurements shall furnish and install at an appropriate location, a calibrated flume, weir, flow meter or similar device suitable to measure flow rate and total volume approved by the City Manager. In lieu of wastewater

flow measurement, the City Manager may accept records of water usage and adjust the flow volume by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge. The monitoring facility should normally be situated on the permittee's premises, but the City Manager may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City Manager's requirements and shall be completed within ninety (90) days following written notification by the City Manager, unless a time extension is granted by the City Manager. Those permittees required by the City Manager to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements as required in the permit. When required by the City Manager, permittees shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment. Permittees shall allow the City or its representative ready access at all reasonable times to all parts of the premises for purposes of sampling or in the performance of any of their duties. The City Manager shall have the right to set up on the permittee's property such devices as are necessary to conduct sampling or metering

operations. Where a permittee has security measures in force, the permittee shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel of the City shall be permitted to enter without delay.

All sampling, analysis and flow measurement procedures, equipment, results and records shall be subject at any time to inspection by the City Manager.

SEC. 64.0510 PRETREATMENT

Permittees shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. Any facilities required to pretreat wastewater to a level acceptable to the City Manager shall be provided and maintained at the permittee's sole expense. Detailed plans, compliance schedules, and operating procedures shall be submitted to the City Manager for review and shall be approved by the City Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the permittee from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City Manager under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the City Manager. No permittee shall 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 any local, state, or federal

discharge standard.

SEC. 64.0511 PROTECTION FROM ACCIDENTAL DISCHARGE

(a) Each permittee shall provide protection from accidental discharge of prohibited materials or from other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the permittee's own cost and expense.

(b) In the case of an accidental discharge, it is the responsibility of the permittee to immediately notify the City Manager of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. Within five (5) days following an accidental discharge, the permittee shall submit to the City Manager a detailed written report describing the cause of the discharge and the measures to be taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee of any expense, loss, damages, or other liability which may be incurred as a result of damage to the wastewater systems, fish kills, or any other damage to persons or property; nor shall such notification relieve the permittee of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law. A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees who to call in the event of an accidental discharge. Permittees shall insure that all

employees who may cause, allow or observe such an accidental discharge to occur are advised of the emergency notification procedures.

SEC. 64.0512 PROHIBITED DISCHARGES

In most cases, the concentration or amount of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen but will depend on the results of technical determinations and the actions of regulatory agencies. The list of constituents which may be regulated provides specific limits only where they are now reasonably well established. The other constituents in the list are presented with the objective of enumerating the types of wastes which will be regulated from time to time. Unless approval has been obtained from the City Manager, no person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the City's wastewater system, the following:

(a) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the wastewater system.

(b) Any matter containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other substances, may create a health hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in

the wastewater system.

(c) Any matter having a pH lower than 5.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system.

(d) Any solids or viscous substances or other matter of such quality, size or quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

(e) Any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water.

(f) Any matter having a temperature higher than 150 degrees Fahrenheit (65 degrees Celcius).

(g) Any matter containing more than 500 mg/l of oil or grease.

(h) Any strongly odorous matter or matter tending to create odors.

(i) Any matter containing over 1.0 mg/l of dissolved sulfides.

(j) Any matter with a pH high enough to cause alkaline incrustations on sewer walls.

(k) Any matter promoting or causing the promotion of toxic gases.

(l) Any matter requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.

(m) Any excessive amounts of deionized water, steam condensate, distilled water, or single pass cooling water.

(n) Any radioactive matter, except:

1. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and

2. When the matter is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17), and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and

3. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

(o) Any matter producing excessive discoloration of the wastewater treatment plant effluent.

(p) Any toxic materials including, but not limited to, all heavy metals, cyanide, phenols, chlorinated hydrocarbons, and other organic compounds unless limited to that concentration which complies with all local, State and Federal discharge limitations, and which does not interfere with the operation of the wastewater facilities.

SEC. 64.0513 LIMITATIONS ON THE USE OF GARBAGE GRINDERS

Matter from garbage grinders shall not be discharged into a public sewer except matter generated in preparation of food normally consumed on the premises, or where the permittee has obtained a permit for that specific use from the City Manager, and agrees to undertake whatever self-monitoring is required to enable the City Manager to equitably determine the sewer service charges based on the waste constituents and characteristics. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

SEC. 64.0514 DISCHARGE OF WATER SOFTENER BRINES
PROHIBITED IN CERTAIN AREAS OF THE CITY

(a) It is the purpose and intent of this section to prohibit the discharge into the public sewers of residual brine from water softening devices within the eastern portion of the Los Penasquitos area of the City of San Diego where generated sewage flows through any sewer which is tributary to the City of Poway Water Reclamation Plant.

This prohibition is necessary in order that the wastewater generated within that portion of the City conform to the residual brine discharge restrictions established by the City of Poway for the purpose of economical wastewater reclamation.

(b) It shall be unlawful for any person to discharge into the public sewers any residual brine from commercial or domestic water softening devices within that eastern portion of the Los Penasquitos area in the City of San Diego, California, which is east of Interstate 15, south of Rancho Bernardo, west of Pomerado Road and north of Scripps Ranch, as more particularly designated on that certain drawing filed in the office of the City Clerk as Document No. 00-15449.

SEC. 64.0515 LIMITATIONS ON POINT OF DISCHARGE

No person shall discharge any substances directly into a manhole or other opening in a public sewer other than through an approved sewer connection unless upon written application and payment of the applicable charges and fees, the City Manager issues a permit for such direct discharges.

SEC. 64.0516 AVAILABILITY OF THE CITY'S WASTEWATER FACILITIES

If wastewater facilities capacity is not available, the City Manager may require the industrial waste discharger to restrict his discharge until sufficient capacity can be made available. When requested, the City Manager will advise persons desiring to locate new facilities as to the areas where industrial wastewater of

their proposed quantity and quality can be received by available wastewater facilities. The City Manager may refuse service to persons locating facilities in areas where their proposed quantity or quality of industrial wastewater is unacceptable in the available treatment facility.

SEC. 64.0517 DISCREPANCIES BETWEEN ACTUAL AND
REPORTED INDUSTRIAL WASTEWATER
DISCHARGE PERMIT QUANTITIES

Should measurements or other investigations reveal that the permittee is discharging a flow rate, or a quantity of flow, chemical oxygen demand or suspended solids significantly in excess of that stated on the permit or in excess of the quantities reported to the City Manager by the permittee and upon which the sewer service charge is based, the permittee shall apply for an amended permit and shall be assessed for all delinquent charges together with penalty and interest. Before these charges shall be assessed at least two additional 24-hour samples and flow measurements shall be obtained by the City Manager with all costs of sampling and analyses to be paid by the permittee.

For the purpose of establishing the correct sewer service charge, the data obtained in these samplings along with any other relevant information obtained by the City Manager or presented by the permittee, shall be used by the City Manager in determining the quantity parameters for use in determining the sewer service charge. A permittee who violates this Section shall, in the absence of other evidence, be presumed to have been discharging at the

determined parameter values over the preceding three years or since the City Manager's previous verification of quantity parameters, whichever period is shorter.

SEC. 64.0518 TRUCKER'S DISCHARGE PERMIT

All persons owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, industrial liquid wastes or other liquid wastes to the City's public sewers or to facilities that discharge directly or indirectly to such public sewers shall first have a valid City Trucker's Discharge Permit. All applicants for a Trucker's Discharge Permit shall complete the application form and pay the appropriate fee as established from time to time by City Council resolution.

Discharge of septic tank, seepage pit, interceptor or cesspool contents or other wastes containing no industrial wastes may be made at any of the City's designated public dumping manholes by trucks holding a City Permit. Truck transported industrial wastes shall be discharged only at the locations specified by the City Manager for the specific waste. The City Manager may require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes. The Trucker's Discharge Permit shall be valid for one year from date of issuance. Any person violating the City's requirements for liquid waste discharges from trucks shall be in violation of this ordinance and may have his permit revoked by the City Manager.

SEC. 64.0519 RECORDS RETENTION

All permittees subject to this division of this ordinance shall retain and preserve for not less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a permittee in connection with its discharge. All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

DIVISION 6

VALIDITY

SEC. 64.0600 VALIDITY

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

Section 2. That Chapter VI, Article 4, of the San Diego Municipal Code be and it is hereby amended by repealing Sections 64.01 through 64.35, as follows:

SEC. 64.01 SEWERS - DEFINITIONS

SEC. 64.02 SEWER MAIN EXTENSIONS - PAYMENT OF PROPORTIONATE SHARE OF COST REQUIRED

- SEC. 64.03 SEWER MAIN EXTENSIONS - DETERMINATION OF COST AND AREAS
- SEC. 64.04 SEWER MAIN EXTENSIONS - PREPARATION OF PLAT
- SEC. 64.05 SEWER MAIN EXTENSIONS - PAYMENT BY OWNERS OF COSTS
- SEC. 64.06 SEWER MAIN EXTENSIONS - REFUND OF PRIOR PAYMENTS
- SEC. 64.07 SEWER MAIN EXTENSIONS - PETITIONS FOR - PAYMENTS OF COSTS
- SEC. 64.08 SEWER MAIN EXTENSIONS - COMPLETION OF WORK - REPORTS REQUIRED
- SEC. 64.09 SEWER MAIN EXTENSIONS - SALE OF PROPERTY - ASSIGNMENT OF RIGHTS AND BENEFITS ACCRUING TO OWNER
- SEC. 64.10 SEWER MAIN EXTENSION - FEES HEREIN ARE ADDITIONAL TO OTHER REQUIRED FEES
- SEC. 64.11 SEWER MAIN EXTENSIONS - FEES PAYABLE ON ALL OF CONTIGUOUS PROPERTY UNDER SAME OWNERSHIP
- SEC. 64.12 SEWER MAIN EXTENSIONS - EXCEPTIONS TO PROVISIONS
- SEC. 64.13 CONNECTIONS TO PUBLIC SEWERS - WORK TO BE DONE BY WATER UTILITIES DEPARTMENT - FEES AND CHARGES
- SEC. 64.14 CONNECTIONS TO PUBLIC SEWERS - PERMIT REQUIRED - SPECIFICATIONS
- SEC. 64.15 CONNECTIONS TO PUBLIC SEWERS - SPECIFICATIONS OF CONNECTING LINES
- SEC. 64.16 CONNECTIONS TO PUBLIC SEWERS - LIABILITY OF PLUMBER FOR DAMAGE
- SEC. 64.17 CONNECTIONS TO PUBLIC SEWERS - LIABILITY OF PERSONS CAUSING WORK TO BE DONE
- SEC. 64.18 CONNECTIONS TO PUBLIC SEWERS - SPECIFICATIONS FOR PIPES NOT DIRECTLY CONNECTED TO PUBLIC SEWER
- SEC. 64.19 CONNECTIONS TO PUBLIC SEWERS - DEFINITION - REMOVAL OF OBSTRUCTIONS
- SEC. 64.20 CONNECTIONS TO PUBLIC SEWERS - PENALTY FOR VIOLATION BY PLUMBER

- SEC. 64.21 WASTE DISPOSAL - OBJECTIONABLE SEWAGE PROHIBITED
 - SEC. 64.21.1 WASTE DISPOSAL - PERMIT REQUIRED
 - SEC. 64.21.2 WASTE DISPOSAL - REGULATIONS
 - SEC. 64.21.3 WASTE DISPOSAL - APPEAL
 - SEC. 64.21.4 WASTE DISPOSAL - NOTICE OF VIOLATION
 - SEC. 64.21.5 WASTE DISPOSAL - SUSPENSION OF SEWER SERVICE
 - SEC. 64.21.6 WASTE DISPOSAL - INSPECTION BY CITY EMPLOYEES
 - SEC. 64.21.7 WASTE DISPOSAL - DEFINITIONS
- SEC. 64.22 DISCHARGE OF WATER SOFTENER BRINES PROHIBITED IN CERTAIN AREAS OF THE CITY
- SEC. 64.25 TRUNK LINE SEWERS, SEWAGE PUMP STATIONS AND APPURTENANT STRUCTURES
- SEC. 64.31 SEWER REVENUE FUND ESTABLISHED
- SEC. 64.32 SEWER SERVICE CHARGE ESTABLISHED
 - SEC. 64.32.1 SEWER SERVICE CHARGE OUTSIDE CITY - ESTABLISHED
 - SEC. 64.32.2 RULES AND REGULATIONS OF THE CITY MANAGER
 - SEC. 64.32.3 ADJUSTMENT OF SEWER SERVICE CHARGES - AUTHORITY THEREFOR
- SEC. 64.33 PAYMENT OF SEWER SERVICE CHARGE
- SEC. 64.34 SEWER SERVICE CHARGE - APPLICANT'S GUARANTEE DEPOSIT
- SEC. 64.35 CAPACITY CHARGE

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By *C. M. Fitzpatrick*
C. M. Fitzpatrick
Senior Chief Deputy

CMF:ps
5/11/83
Or.Dept:W.Util.
O-83-239
Form=r.none

Passed and adopted by the Council of The City of San Diego on JUN 06 1983,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Marjell L. Pontecorvo, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 23 1983

JUN 06 1983

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Marjell L. Pontecorvo, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15984 Adopted JUN 06 1983

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C St., 12th Floor
SAN DIEGO, CA 92101
ATTN.: MAYDELL L. PONTECORVO

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15984
(New Series)

ORDINANCE NO. 0-15984
(New Series)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISIONS 1 THROUGH 6, SECTIONS 64.0100 THROUGH 64.0900, AND BY REPEALING SECTIONS 64.01 THROUGH 64.35 ALL RELATING TO THE CITY'S WASTEWATER SYSTEM.
This ordinance revises the City's regulation of the public sewer (wastewater) system to eliminate unnecessary antedated provisions and to provide for implementation of the Industrial Wastewater Permit System required by the Federal Clean Water Act.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
Introduced on MAY 23, 1983.
Passed and adopted by the Council of The City of San Diego on JUNE 8, 1983.
AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Published June 20, 1983 60-5493

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15984
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

June 20, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 20th day of June, 1983.

Carrie Gedeon
(Signature)

00677

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44.35