

**ORDINANCE NO.: 10681 (N.S.)**

**SAN DIEGO COUNTY SANITATION DISTRICT  
ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE  
FACILITIES**

The Board of Directors of the San Diego County Sanitation District (District) ordains as follows:

Section 1. On October 9, 2019 the Regional Water Quality Control Board for the San Diego Region amended the operating permit for the Julian Wastewater Treatment Area. The amended permit increased the treatment capacity for the Julian Wastewater Treatment Area from 40,000 million gallons per day (mgd) to 80,000 mgd. District ordinances reflecting limited capacity in the Julian Wastewater Treatment Area such as transfer rights are no longer needed and will be amended to reflect this change. In addition, provision will be made for the use of laterals serving multiple properties under limited circumstances; delegation of authority consistent with the authority delegated to County San Diego staff to allow for, among other things, more efficient contracting and acceptance of property; and to correct or clarify existing language.

Section 2. Part I, Article 2, Section 2.2 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

- 2.2 The following definitions shall relate to all occurrences of the terms listed below.
1. "Available Sewer Capacity" is the remaining uncommitted sewer capacity composed of contract sewer capacity or physical sewer capacity, whichever is less, less committed sewer capacity.
  2. "Board of Directors" of the San Diego County Sanitation District shall mean the governing Board of the District provided by the Board of Supervisors of the County of San Diego.
  3. "BOD" means biochemical oxygen demand. BOD relates to the strength of the wastewater and directly effects the energy and cost of wastewater treatment. BOD values are one variable used in the determination of the annual sewer service charges for a specific use.
  4. "Building Sewer" or "Sewer Lateral" shall mean a sewer conveying wastewater from the premise of a user to the District sewer system and includes gravity sewers, force mains, pumping systems, and all equipment and appurtenances required to convey wastewater.
  5. "Capital Facility Capacity Fee" is the fee established as a method of purchasing a specified amount of available sewer capacity as determined by the Wastewater Discharge Permit.

6. "Commercial Condominium" shall mean any individual commercial office unit.
7. "Committed Sewer Capacity" is the sewer rights committed by issuing a validated wastewater discharge permit for the District or a sewer capacity commitment.
8. "Contract Sewer Capacity" is the District's contract average flow rights through the metropolitan sewerage system or any other sewerage system.
9. "Department" shall mean the Department of Public Works of the County of San Diego responsible for administration of the District.
10. "Director" shall mean the Director of the Department of Public Works, County of San Diego, State of California.
11. "District" shall mean the San Diego County Sanitation District within the County of San Diego, including areas served by agreement, for which the County Board of Supervisors serves as the District's Board of Directors.
12. "Equivalent Dwelling Unit (EDU)" shall mean the unit of measure that is based on the flow characteristics of an average single-family residence in terms of sewage quantity and constituent quality.
13. "Fiscal Year" shall mean the period from July 1 to the following June 30, both inclusive.
14. "Local Agency Formation Commission (LAFCO)" is the commission responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers, and dissolution of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.
15. "Person" shall mean any person, firm, company, corporation, political subdivision, municipal corporation, district, the State of California, the United States of America or any department or agency thereof.
16. "Physical Sewer Capacity" is the District's physical average flow ability through its own or another sewerage system.
17. "Premise" shall mean any lot, piece or parcel of land, building or establishment.
18. "Residential Condominium" or "Unit" as used herein shall mean a distinct classification of user. Section 2188.3 of the Revenue and Taxation Code and Sections 783 and 1350 of the State of California Civil Code shall be used to

classify units. Each condominium unit so identified shall be considered an individual permittee for the purposes of this Ordinance.

19. "Sewer System" shall mean all facilities and appurtenant equipment utilized in the collection, transportation, pumping, treatment and final disposal of wastewater within the District.
20. "TSS" means total suspended solids. TSS values are one variable used in the determination of the annual sewer service charges for a specific use.
21. "Wastewater" shall mean all residential, commercial and industrial liquid wastes authorized for discharge into any collection system operated by the District.
22. "Wastewater Discharge Permit" shall mean the written documentation allowing a user to connect and discharge wastewater to the District sewer collection system.

Section 3. Part I, Article 3, Section 3.1 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

**Article 3 - Annexation and Detachment Fees**

3.1 Annexation Fee. In addition to any other fees established by the District, including those fees established or to be collected pursuant to Chapter 2 (commencing with Section 68.201) Division 8 of Title 6 of the San Diego County Code of Regulatory County Ordinances, which Code is applicable to the territory within the District, annexation fees shall be paid in accordance with the following:

- a. APPLICATION FEE. Territories annexed to the District shall pay application fees as established by the District and set forth in the fee ordinance.
- b. ANNEXATION FEE. In addition to the fee established in this Ordinance, the District shall establish an annexation use fee comprised of a fixed fee per acre (prorated for fractional acre lots). These fees shall be set forth in the District fee ordinance.
- c. STATE BOARD OF EQUALIZATION FEE. Changes in jurisdictional boundaries must be mapped and reported to the State Board of Equalization. A processing fee is charged for this service.

Section 4. Part I, Article 4, Section 4.2 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

4.2 Payment of Capital Facility Capacity Fees. The entire Capital Facility Capacity Fees prescribed in Sections 4.1 (a through e) inclusive, shall become owing, due and payable at the time application is made to connect a premise to the sewer

system of the District. This fee shall be paid to the District prior to the issuance of any permit authorizing the connection of such premise to the District's sewer system. If the proposed connection cannot be made, the fee may be refunded when approved by the Director.

Notwithstanding the provisions of Section 4.2 above to the contrary, the payment of Capital Facility Capacity Fees in connection with residential tracts and commercial building permits may be deferred and paid prior to or at the time of scheduling a final building inspection.

4.2.1 Extreme Hardship Cases: At the discretion of the Director, the District may approve payment plans for collection of Capital Facility Capacity Fees. Payment must be paid in full within twelve (12) months. Customers must submit written request for establishment of a payment plan, including demonstration of extreme hardship.

Section 5. Part I, Article 5, Sections 5.1 through 5.5 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

**Article 5 - Establishment of Sewer Service Charge**

5.1 Establishment of Sewer Service Charge. There is hereby levied and assessed upon each premise in the District that discharges sewage directly or indirectly into the sewer lines of the District, and upon each person owning, letting, or occupying such premise an Annual Sewer Service Charge.

The Annual Sewer Service Charge is made up of two components. The first component is based on the District's annual cost to collect and transport wastewater, and is equally divided among the number of equivalent dwelling units connected to the District's system. The second component is the District's cost for wastewater treatment and disposal paid to the City of San Diego for capacity and use of the San Diego Metropolitan Sewer System and the District's costs for operation and maintenance of District-owned treatment and disposal facilities. This factor is allocated to users of the District's system based on the user's generation of annual wastewater flow, biochemical oxygen demand and suspended solids discharged into the District's system.

For the purpose of this ordinance, the discharge characteristics of commercial/industrial users is a minimum sewer capacity of 1.2 EDU for each business unit with flow quantity and strength as measured by BOD and SS, as set forth in the current edition of the California State Water Resources Control Board publication, "Policy for Implementing the State Revolving Fund for Construction of Wastewater Treatment Facilities", or comparable industry standards acceptable to the California State Water Resource Control Board and approved by the Director.

The EDUs are determined for individual business units as set forth in this Ordinance. The Director shall assign flow rates, BOD, and SS based upon the

estimated amount of and strength of wastewater that is typically generated for each business unit. The EDUs, flow rates, BOD, and SS so assigned shall be used in computing the sewer service charges.

If potable water delivered through the water meter is used by the District to estimate the volume of wastewater discharged over a period of time, then 100% of water meter flow is estimated to be discharged into the sewer unless the discharger or legal owner presents evidence to the contrary and this evidence is satisfactory to the Director. The Director may adjust the charges for wastewater treatment and disposal in proportion to the estimated volume of wastewater discharged to the sewer.

## 5.2 Formula for Determining Sewer Service Charges (SSC)

$$SSC = \left(\frac{n}{N} \times D\right) + \left(\frac{f}{F} \times MF\right) + \left(\frac{b}{B} \times MB\right) + \left(\frac{s}{S} \times MS\right)$$

Annual Sewer Service Charges shall be determined by the formula (rounded to the nearest dollar). In the above formula the symbols have the following meanings and definitions:

**n** = Number of equivalent dwelling units (EDUs) assigned to a particular user. EDUs are assigned in accordance with this Ordinance.

**f** = Flow of a particular user in million gallons per year, based either upon assigned EDUs or water meter records.

**b** = BOD of a particular user in pounds per year, based either upon State standards or comparable industry standards approved by the State.

**s** = Suspended solids of a particular user in pounds per year, based either upon State standards or comparable industry standards approved by the State.

**N** = Total number of EDUs in the District. This is a summation of the EDUs assigned to all users, based upon this Ordinance.

**D** = District budgeted costs for the fiscal year in dollars, to collect and transport wastewater. This is the net cost for District customers after the revenues from Out-of-District-Users have been subtracted from the total District Budget Cost. Such cost shall include, but not be limited to operation and maintenance costs of pipelines, pump stations, and meter stations; design and construction cost of replacement facilities; and administration costs including fee collections, accounting, record maintenance, planning and code enforcement.

**M** = Total District budgeted cost for the fiscal year in dollars, for treatment and disposal of wastewater. Such cost shall include, but not necessarily be limited

to, fees paid to the City of San Diego for capacity in and use of Metro System. The Metro treatment and disposal cost are further divided into cost categories as follows: Flow Cost  $M_F$  ; BOD Cost =  $M_B$  ; SS COST =  $M_S$ .

**F** = Total flow in the District in million gallons per year from summation of users flows.

**B** = Total BOD in the District in pounds per year, from a summation of users BOD loadings, based upon either State standards, or comparable industry standards approved by the State.

**S** = Total Suspended Solids in the District in pounds per years, from a summation of users, TSS loadings, based either upon State standards, or comparable industry standards approved by the State.

**5.3 Assignment of sewer capacity for residential structures. Sewer capacity shall be assigned in terms of Equivalent Dwelling Unit(s) as follows:**

	<u>EDU</u>
a. Single-Family Residence (Includes manufactured homes, and mobile homes which are on separate private lots)	1.0
b. Apartments and Multiple Family Housing. Each individual living unit, regardless of number of bedrooms.	0.80
c. Residential condominiums. Each individual living unit.	1.0
d. Mobile Home and Trailer Parks, per each individual living space:	
1. Mobile Home Space	0.65
2. Trailer Space	0.65
3. Recreational Vehicle Park, occupied or not	0.65

**5.4 Commercial/Industrial Facilities: The EDU designation for the specific commercial/industrial uses described in this section shall be used when no information is available regarding the actual discharge volume of the user. When determining the necessary sewer capacity requirements for a specific use, the District has the discretion to use any information available to reach an accurate, justifiable capacity determination.**

	<u>EDUs</u>
a. Food Service Establishments	
1. Take-out restaurants with disposable utensils, no dishwasher, no public rest rooms	3.0
2. Miscellaneous food establishments - ice-cream/yogurt	3.0

3. Take out/eat-in restaurants:	
(a) With disposable utensils, but with seating and public restrooms	3.0 min.
(b) Restaurants with re-usable utensils, seating and public restrooms	3.0 min.
One EDU is assigned for each 6-seat unit as follows:	3.0
Each additional 6-seat unit will be assigned	1.0
b. Hotels and Motels	
1. Per living unit without kitchen	0.38
2. Per living unit with kitchen	0.60
c. Commercial, Professional, Industrial Buildings. Establishments not specifically listed herein.	
1. Any office, store, or industrial condominium or establishment. First 1,000 sq.ft.	1.2
Each additional 1,000 sq.ft. or portion thereof	0.7
2. Where occupancy type or usage is unknown at the time of application for service, the following EDUs shall apply. This shall include but not be limited to shopping centers, industrial parks, and professional office buildings.	
First 1,000 square feet of gross building floor area.	1.2
Each additional 1,000 square feet of gross building floor area. Portions less than 1,000 sq.ft. will be prorated.	0.7
d. Churches, theaters and auditoriums	
Per each 150-person seating capacity, or any fraction thereof.	1.5
(Does not include office spaces, school rooms, day care facilities, food preparation areas, etc. Additional EDUs will be assigned for these supplementary uses.)	
e. Schools	
Elementary schools. For 50 pupils or fewer.	1.0

Junior High Schools. For 40 pupils or fewer. 1.0

High Schools. For 24 pupils or fewer. 1.0

Additional EDUs will be prorated based on above values.

The number of pupils shall be based on the average daily attendance of pupils at the school during the preceding fiscal year, computed in accordance with the Education Code of the State of California. However, where the school has had no attendance during the preceding fiscal year, the Director shall estimate the average daily attendance for the fiscal year for which the fee is to be paid and compute the fee based on such estimate.

- f. Convalescent Homes EDU
  - 1. Skilled nursing care facilities, psychological hospitals, convalescent hospitals 0.7/bed
  - 2. Community care facilities licensed by the County of San Diego 0.5/bed
  - 2. Community care homes with 6 or fewer total residents, including resident staff and house-keepers (to be the same EDU as a single-family residence) 1.0

g. Other

In the case of commercial, industrial and other business establishments such as bottling works, supermarkets, markets, deli/markets, convenience stores, hospitals, laundries, automobile service stations, equivalent dwelling units shall be determined in each case by the Director and shall be based upon the estimated volume and type of wastewater discharge into the sewer.

5.5 Payment of Annual Sewer Service Charges

5.5.1 The District collects initial Annual Sewer Service Charge payment when the Wastewater Discharge Permit and Building Permit charges are collected. In cases where no Building Permit is involved, as when changing from septic to sewer, the Annual Sewer Service Charge is collected with the associated Wastewater Discharge Permit Charges.



- 5.5.2 Initial payment of Annual Sewer Service Charge is prorated utilizing a fiscal year of July to June. The two months following the date of application are deducted.-
- 5.5.3 Thereafter, the Annual Sewer Service Charge for such premise shall be collected with the taxes of the District as authorized by this Ordinance.
- 5.5.4 Government agencies not receiving tax bills will be invoiced in August for their Annual Sewer Service Charge.
- 5.5.5 If a use increases, and therefore the Annual Sewer Service Charge increases, the initial year difference is paid with a supplemental Wastewater Discharge Permit. Thereafter, the Annual Sewer Service Charge shall be collected with the taxes of the District or invoiced if the use is a governmental agency. In the event a supplemental permit is not purchased for the increased use, the Annual Sewer Service Charge shall be collected either with taxes when the use is a private business or invoiced when the use is a governmental agency.

Section 6. Part I, Article 6, Sections 6.1 through 6.9 of the Sanitation District's Ordinances regarding use of District facilities are hereby amended, and existing Section 6.10 of the aforementioned ordinances is hereby deleted as follows:

**Article 6 - Miscellaneous Provisions**

6.1 Sewerage Construction Provisions. Plans shall meet the District's "Minimum Standard Specifications for Sewer Construction". Inspection of all sewerage construction shall be made by District personnel in the manner described in the County Standard Specifications.

In addition, the County minimum standards for sewer construction will be used to specify the maximum allowable infiltration/exfiltration rate for new sewers.

6.2 Separate Sewer Laterals. Except as provided below, each legal lot shall have its own separate sewer lateral connection; common laterals for new construction will not be allowed. If older properties within the District have shared laterals and habitable structures and they propose to split lots or further subdivide, separate laterals with individual connections to the District's public sewer main must be installed for each lot. Separate sewer laterals must be installed prior to recordation of the subdivision map, certificate of compliance, or other map creating separate lots.

In cases where land use changes include the construction of a secondary dwelling, or additional structure(s) that will generate wastewater on the existing legal lot, installation of a separate sewer lateral connection to serve the proposed secondary/additional structure(s) will be required if zoning associated with the existing lot allows future subdivision or splitting of the parcel.

Notwithstanding the foregoing, the Director of the Department of Public Works, or designee, may waive the requirement to install separate sewer laterals in cases where the requirement is technically infeasible or would cause an unwarranted financial burden; provided, the following conditions are met: 1) there is an agreement, covenant, or other arrangement acceptable to the Director entered into by the owners of each property served by the lateral that runs with the land which obligation cannot be modified or removed without the consent of the District that ensures the perpetual, uninterrupted sewer service to all parcels. 2) Each owner of property served by the lateral is, with regard to the District, individually responsible for all flows in the lateral regardless of whether or not the property owner was the source or merely contributed to a discharge in violation of District requirements.

- 6.3 **Users Outside the District.** The Board of Directors of the District may establish by agreement or resolution the fees and charges and such other conditions as may be necessary. The same shall be imposed for providing sewer service to premises located outside of the District provided that such fees and charges shall not be less than would apply to similar services within the District. Any extension of sewer outside the District shall be subject to LAFCO approval as appropriate and shall not be in violation of any Board of Supervisors Policy.
- 6.4 **Modification of Fees and Charges.** The fees and charges established by this ordinance or by the District fee ordinance may be modified or amended by resolution of the District Board of Directors.
- 6.5 **Deposit and Expenditure of Fees and Charges.** All fees and charges collected pursuant to the District fee ordinance shall be deposited in the revenue fund of the District.
- 6.6 **Use of District's Facilities Prohibited unless Fees and Charges Paid.** No person shall discharge, or allow the discharge of, or dump sewage or other waste matter into the District's sewerage system except when in compliance with the terms of this ordinance and payment of the fees and charges provided and established by or pursuant to the District's fee ordinance.
- 6.7 **Director to Enforce Ordinance.** The Director is charged with the duty of enforcing the provisions of this ordinance and the rules and regulations adopted as herein provided.
- 6.8 **Enforcement Measures in case of Delinquency.** When any fee or charge imposed by this ordinance becomes delinquent, the Director is authorized to take any or all of the following actions:
  - a. Steps authorized by law to collect such fees and charges, including collection of a basic penalty of 10% for nonpayment of the charges herein imposed

within the time and in the manner prescribed, and in addition, a penalty of one-half of 1% per month for nonpayment of said charges and basic penalty.

- b. Disconnect the premise from the District's sewerage system, provided, however, that prior to such disconnection at least five (5) days written notice of such disconnection shall be given to the occupant of the premise by United States mail or by posting such notice on the premise. When a premise has been disconnected, it shall not be reconnected until all delinquent fees and charges have been paid together with reasonable charge for disconnection and reconnection as established by the Director, plus the penalties provided herein.

**6.9 Unlawful to make Sewer Connection Without Payment of Fee.** It shall be unlawful for any person to connect any building to the District's sewerage system without first paying the fees prescribed by the District fee ordinance.

**6.10 Appeal Procedure.** All appeals for reconsideration of Annual Sewer Service Charges must be made in writing and include the basis of the appeal. If consideration of water usage is part of the appeal, customers must submit water usage records from their water agency covering the current plus three (3) previous calendar years. Any decision made by the Director shall be final.

- a. **Single-Family Residence (base rate 1.0 EDU); Commercial, Professional, and Industrial Buildings (base rate 1.2 EDU):** Property owners shall not be eligible to appeal the base rates assigned to these uses. The only instances when the base rate may be waived is if the structure has been demolished and only a vacant lot remains, or the structure has no connection to the District sewer.
- b. **Multi-Family Residence:** Property owners may request a re-consideration of their Annual Sewer Service Charge. The request must set forth the details and facts supporting the applicant's appeal. Water utility records may be required to support the appeal before rendering a decision.
- c. **Commercial/Industrial Facilities:** Property owners may request a re-consideration of their Annual Sewer Service Charge. The request must set forth the details and facts supporting the applicant's appeal. Occupancy factors and water consumption data shall be considered before rendering a decision on the applicant's appeal. Commercial buildings or commercial condominiums that share a common bathroom may qualify for an EDU adjustment comparable to residential apartment units.

Once a property owner appeals the Sewer Service Charge, the water records and occupancy information will continually be collected for that property in February/ March of each year. This will eliminate the need for any further appeals for that property.

Section 7. Part I, Article 7, Section 7.1 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

**Article 7 - Fees and Charges may be Collected with Taxes**

7.1 Collection on Tax Roll. Notwithstanding any other provision of this ordinance, the Sewer Service Charges imposed by Article 5, may be collected on the tax roll in the same manner and together with the general taxes of the District pursuant to Section 5473 through 5473.11, inclusive, of the Health and Safety Code of the State of California.

Section 8. Part II, Article 1, Section 1.2 through 1.5 are hereby amended and added as follows:

**PART II - RULES AND REGULATIONS FOR USE OF DISTRICT SEWERAGE FACILITIES**

**Article 1 - Authority**

1.1 The Director is charged with enforcing all applicable State, Federal, and local laws and ordinances regarding discharge of wastewater into the sewer systems under the District's jurisdiction and all the provisions of this Ordinance. This legal authority is established and binding for industrial users and enforceable by contract law or police powers. The Director is assigned the authority to enforce this Ordinance, through his designee under one or more of the following ordinances:

- a. San Diego County Code of Regulatory Ordinances, Section 68.101 et seq.
- b. City of San Diego Municipal Code, Chapter I, Article 2, Sections 12.0803 to 12.0810 and Chapter VI, Article 4, Sections 64.0100 to 64.0519.

1.2 The Director, Department of Public Works, or designee, is delegated the authority to perform the following tasks on behalf of the District:

- a. Cause to be executed and recorded deeds or other instruments of conveyance evidencing transfer of title in property to the District.
- b. Act as the responsible officer or representative of the District and approve, certify, sign, and submit reports, certifications, and other documents to federal, State, and local authorities pursuant to applicable laws, orders, regulations, or permits.
- c. Approve minor change orders for public works contracts in a manner consistent with County Policy and Ordinances.

1.3 When directed to do so by the Director, Department of Public Works, the Clerk of the County Board of Supervisors is delegated the authority to perform the following tasks related to parcel maps and subdivision maps pursuant to the Subdivision Map Act, on behalf of the District:

- a. Execute public sewer improvement and security agreements (including joint agreements) that have been approved by the County.
  - b. Accept sewer easements or other property interests for sewer facilities offered for dedication on maps.
- 1.4 Delegations of authority provided to County of San Diego staff by County Ordinance or Board of Supervisors policy pertaining to acquisition or disposition of interests in property, contracts for public works, and contracts for goods and services shall apply to County staff when working on behalf of the District. Authority is further delegated to the Director to enter into a reimbursement agreement or other arrangement with the County of San Diego to reimburse the County for any work performed for the District by the County pursuant to a Job Order Contract awarded in accordance with Public Contract Code Sec. 20128.5 or other applicable law.
- 1.5 Emergencies. The Board of Directors of the District hereby finds in accordance with Public Contract Code Sec. 20783 that if there is an imminent threat of a sewer system overflow, loss of service or other failure of District sewer treatment, storage or transmission facilities as a result of fire, flood, storm, earthquake or other unexpected event that presents a clear and imminent danger to health, life or property that an emergency shall be deemed to exist and a public works contract may be awarded without bidding. The Director shall document the circumstances giving rise to the emergency and shall communicate the existence of the emergency to the Director, Department of Purchasing and Contracting. The Director, Department of Purchasing and Contracting, may after being notified by the Director of the circumstances giving rise to the emergency, award an emergency contract on behalf of the District.

Section 9. Part II, Article 3, Section 3.2 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

- 3.2 The following definitions shall relate to all occurrences of the terms listed below.
1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
  2. "Approval Authority". For pretreatment, the administrator of the EPA, unless delegated to State of California Water Resources Control Board.
  2. "Authorized User". An authorized representative of an Industrial User may be: (1) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such

representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

4. "B.O.D. (Denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidization of organic matter under standard laboratory procedure in 5 days at 20 degrees Celsius expressed in milligrams per liter.
5. "Categorical User" shall mean an industrial user having discharges as described in 40 Code of Federal Regulations, parts 410 through 471, and amendments thereof.
6. "Class I User" shall mean any Categorical User.
7. Class II User means any industrial or commercial user whose processes generate a waste stream that is discharged to sewer and contains toxic or non-conventional pollutants of concern.
8. "Class III User" means any industrial or commercial user whose processes generate a waste stream that is discharged to sewer and contains conventional pollutants.
9. "Conventional Pollutant" means a combination of biochemical oxygen demand, suspended solids, pH, fecal Coliform bacteria and oil and grease.
10. "Domestic Wastewater" shall mean liquid and liquid-borne wastes normally discharged from premises occupied by humans as living quarters.
11. "Environmental Protection Agency (EPA)" shall mean the Federal Agency responsible for protecting human health and safeguarding the natural environment air, water, and land.
12. "Grab Sample". A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of less than fifteen minutes.
13. "Non-conventional Pollutant" shall mean any pollutant that is not a conventional pollutant as defined herein.
14. "Industrial User" shall mean any user that discharges water carried wastes and wastewater to the District's sewerage facilities, and is identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget, as amended and supplemented under Divisions A, B, C, D, E and I.
15. "Industrial Wastes" shall mean solid, liquid or gaseous substances discharged or flowing from an industrial, manufacturing or commercial

premise resulting from manufacturing, processing, treating, recovery or development of natural or artificial resources of whatever nature.

16. "Industrial Wastewater" shall mean all water carried wastes and wastewater of the facility, excluding sanitary wastewater, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other operation. These may include wastes of human origin similar to domestic wastewater. Industrial wastewater is classified as regulated process wastewater, unregulated process wastewater, or dilute industrial wastewater.
17. "Industrial Wastewater Discharge Permit" shall mean written documentation, signed by the Director or his designee, authorizing discharge of industrial wastewater into the District sewerage system. Industrial Wastewater Discharge Permits shall state all conditions, requirements and limitations placed on the permittee by the district.
18. "Interference". The inhibition or disruption of the POTW treatments, processes or operations, which contributes to a violation of any requirement of the treatment plant's Discharge Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
19. "Local Limits" means the limits developed by the POTW to implement the general and specific prohibitions listed in this Ordinance.
20. "Mass Emission Rate" shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
21. "National Categorical Pretreatment Standard or Pretreatment Standard". Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
22. "National Standard". Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
23. "New Source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33

U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to each source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

24. "Person" shall mean any person, firm, company, association, corporation, district, the State of California, the United States of America, or any department or agency thereof.
25. "pH" shall mean the negative of the logarithm of the concentration in milligrams per liter, of the hydrogen ion in solution.
26. "Pollutant" shall mean any chemical, physical, biological, or radiological constituent or characteristic discharged or imparted to wastewater; standards limiting the quantity or quality of pollutants discharged in wastewater, or specifying management practices for such pollutants as condition of authorization to discharge, may be imposed by either the District or the regulatory bodies empowered to regulate the District.
27. "Premise" shall mean any lot, piece or parcel of land, building or establishment.
28. "Pretreatment or Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or other process means, except as prohibited by 40 CFR Section 403.6(d).
29. "Pretreatment Requirements". Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
30. "Publicly Owned Treatment Works (POTW)" shall mean the entire wastewater collection, transmission and treatment system operated in any part by the District.
31. "Sewer System" shall mean all construction and appurtenant equipment utilized in the collection, transportation, pumping, treatment and final disposal of wastewater within the District.
32. "Shall" is mandatory; "May" is permissive.



33. "Significant Industrial User" shall mean all categorical industrial users and any class II or class III user that:
  1. discharges an average of 25,000 gpd or more of process wastewater to the POTW;
  2. contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  3. is designated a Significant Industrial User by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  
34. "Standard Industrial Classification (SIC)". A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or revisions thereof.
  
35. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
  
36. "Waste" shall mean sewage and any and all other waste substance, liquid, solid, gaseous, or radioactive material, 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.
  
37. "Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

Section 10. Part II, Article 4, Section 4.6 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

- 4.6 Permit Transfer. Industrial 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 changed operation.

Section 11. Part II, Article 5, Section 5.1 of the Sanitation District's Ordinances regarding use of District facilities is hereby amended as follows:

**Article 5 - Regulations.**

- 5.1 General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply

to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other Federal, State or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- a. Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.
- b. Solid or viscous pollutants in amounts that will cause or are likely to cause obstruction or significant interference to the flow in the POTW.
- c. Pollutants that will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 12.5, unless the works is specifically designed to accommodate such discharges.
- d. Pollutants that 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.
- e. Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance that may cause the POTW effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- g. Any substance that will cause the POTW to violate its Discharge Permit or the receiving water quality standards.
- h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i. 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 Treatment Plant exceeds 40 deg.C (104 deg.F).

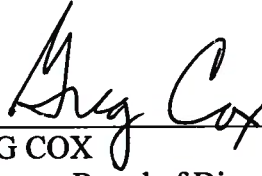
- j. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director, or his designee, in compliance with applicable State or Federal regulations.
- l. Any wastewater that causes a hazard to human life or creates a public nuisance.
- m. Any trucked or hauled pollutants except at discharge points designated by the POTW.
- n. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or which are likely to not pass through the POTW.
- o. Any substance having the potential to pass-through or cause interference at the POTW by nature of quality or quantity as determined by the Director, or his designee.
- p. Any rainwater, storm water, groundwater, or water from street drainage, subsurface drainage, yard drainage, roof drainage, evaporative type air cooler discharge into any sewerage facility that is directly or indirectly connected to the sewage system of the District.

Section 12. This ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary thereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

By: \_\_\_\_\_  
 Thomas L. Bosworth, Senior Deputy  
 County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the San Diego County Sanitation District this 5<sup>th</sup> day of August 2020.



GREG COX  
Chairman, Board of Directors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Directors this 5<sup>th</sup> day of August 2020.

ANDREW POTTER  
Clerk of the Board of Directors

By



Joana Santiago, Deputy



Ordinance No.: 10681 (N.S.)  
Meeting Date: 08/05/2020 (SA1)