

ORDINANCE NO. 1307

AN ORDINANCE REPEALING CHAPTER 20 OF THE LODI CITY CODE ENTITLED "SEWERS" AND REENACTING A NEW CHAPTER 20 PROVIDING WASTEWATER DISCHARGE REGULATIONS ON THE TYPE OF WASTE WHICH WILL BE ACCEPTED AND DISCHARGED INTO THE CITY'S DOMESTIC AND INDUSTRIAL WASTEWATER SEWERS AND STORM DRAINS; ESTABLISHING SERVICE CHARGES AND CONNECTION FEES; ESTABLISHING ADMINISTRATIVE AND ENFORCEMENT PROCEDURES; AND REESTABLISHING THE SANITARY SEWER EXTENSION POLICIES OF THE CITY OF LODI.

The City Council of the City of Lodi does ordain as follows:

Section 1. Chapter 20 entitled, "Sewer," of the City Code of the City of Lodi is hereby repealed in full and said Chapter 20 is reenacted to read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 20-1. Purpose and Policy

These Wastewater Discharge Regulations set uniform requirements for discharges of domestic, industrial waste and storm drainage water into the City of Lodi sewerage system to enable the City to comply with the administrative provisions of the Clean Water Grant Regulations, water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems.

Sec. 20-2. Definitions

Unless otherwise defined herein, terms 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. Waste constituents and characteristics shall be measured by said Standard Methods, unless expressly stated, or as established by federal or state regulatory agencies. The following words shall have these meanings(s):

1. Bed Room(s). Room(s) of residential user designed or used primarily for sleeping purposes.
2. Biochemical Oxygen Demand (BOD). As determined in accordance with standard analytical procedures and, unless otherwise noted, exerted in a period of 5 days at 20 degrees Celsius.
3. Chemical Oxygen Demand (COD). As determined in accordance with standard analytical procedures.
4. City. The City of Lodi, San Joaquin County, California.
5. City Council. City Council of the City of Lodi.
6. Commercial User. Any user of the sewerage system except those specifically classified as residential user or industrial user.
7. Community Sewer or Collection System. A sewer owned and operated by the City tributary to a treatment plant. It shall include, but not be limited to, pumping stations, syphons, canal crossings, manholes, and sewers leading from the property line or easement line to the collection sewer.
8. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the City's National Pollutant Discharge Elimination System (NPDES) permit.

9. Connection Fee. A one time charge for new connections to the collection system. The fee is normally paid at the time of issuance of a building permit.
10. Contamination. An impairment of the quality of the receiving waters by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.
11. Critical User. A user who is required to obtain a permit, as defined in Article IV of this Ordinance.
12. Dissolved Solids. Residue upon evaporation of water after filtration in accordance with standard analytical procedures. Also termed total dissolved solids or TDS.
13. Domestic Sewage. Shall mean the waterborne wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal, without special treatment, into the community sewer.
14. Domestic System. Portion of sewerage system and treatment facility used primarily for domestic sewage.
15. Storm Drain System. Any conduit for the conveyance of storm water or surface or subsurface drainage water to the sewerage system.
16. Federal Act. The Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.
17. High Strength User. A user with discharge volume in excess of 0.2 MGD or a waste strength in excess of the limitations in Section 20-11 of this Ordinance or in excess of 300 mg/L BOD and/or 300 mg/L SS or 900 mg/L COD or as determined by the Public Works Director.
18. Holding Tank Waste. Any domestic waste from holding tanks, contained in vessels, chemical toilets, campers, trailers, septic tanks, vacuum tank trucks, or other stationary or mobile sources.
19. Industrial System. Portion of the sewerage system used primarily for industrial waste.
20. Industrial User. A user who discharges industrial waste. Any user of a publicly-owned treatment works identified in the U.S. "Standard Industrial Classification Manual, 1972," under the following divisions:
 

Division A	Agriculture, Forestry and Fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, Communications, Electric, Gas and Sanitary Services
Division I	Services

A user in these divisions may be excluded from the industrial user category if the discharge is essentially domestic sewage. See also "User."
21. Industrial Waste. The waterborne waste and wastewater from any production, manufacturing, or processing operation of whatever nature, including institutional and commercial operations, where water is used for the removal of significant quantities of waste other than from human habitation of premises connected to the domestic or industrial

- sewers. Contents of chemical toilets, septic tanks, waste holding tanks and waste surps shall be classed as industrial waste.
22. Interference. The inhibition or disruption of the sewer system, treatment processes or operations of the treatment plant which contributes to the violation of its discharge requirements.
  23. mgd or MGD. Abbreviation for million gallons per day.
  24. MGY. Abbreviation for million gallons per year.
  25. Mass Emission Rate. The weight of material discharged to the sewerage 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.
  26. Moderate Strength User. Users with a wastewater strength of less than **300 mg/L** of **BCD** and **SS** and having a moderate waste flow less than **0.2 MGY**.
  27. Natural Outlet. Any outlet into a watercourse, ditch, pond, lake or other body or surface or groundwater.
  28. Nuisance. Anything which is injurious to health, or is offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
  29. Permit. Wastewater Discharge Permit.
  30. Person. Any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.
  31. pH. The logarithm of the reciprocal of the hydrogen-ion activity in moles per liter of solution as measured by standard analytical procedures.
  32. Pollution. An alteration of the quality of the receiving waters by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include, but not be limited to, contamination.
  33. Pretreatment. The treatment or flow limitation of industrial wastes prior to discharge to the City sewerage system.
  34. Private Sewer, Building Sewer or House Service Sewer. That part of the building sewer beginning at the junction thereof with the building plumbing or drainage system and terminating at the property line or at the easement line.
  35. Public Works Director. The Public Works Director of the City of Lodi.
  36. Residential User. Single family house or each unit of a duplex, flat, group dwelling, apartment or any other living accommodation which has facilities for sleeping and the preparation of food, where sanitary facilities connected to the collection system are provided for the occupants thereof whether or not such sanitary facilities are installed therein or connected thereto; living accommodations designed or used for short term transient lodging which are rented to other than the controlling occupant of the premises shall be considered as a commercial unit.
  37. Settable Solids. That portion of matter present in sewage, industrial waste or waters introduced into the storm drains that

readily settles out of the carrier liquid in a quiescent state as determined in a standard analytical procedure.

38. Sewerage System. All words for collecting, pumping, treating, disposing, storing and reclaiming sewage, industrial waste and/or storm drain system.
39. Sewage. The waterborne wastes received from human habitation and use of premises for residential, commercial, institutional and industrial purposes.
40. Sewage Service Charge. An annual charge for each user based upon each user's proportional use of the sewerage system.
41. Sewage Service Unit. Defined as each increment of flow equal to the flow from a two-bedroom residence (280 gal per day) and having a strength less than 300 mg/L BOD and SS.
42. Sewer. A pipe or conduit which carries sewage and/or industrial wastes and to which storm, surface and groundwaters are not intentionally admitted. When used in this Ordinance, sanitary sewer shall mean those pipelines operated primarily for the collection of domestic sewage. Industrial sewer shall mean those pipelines operated primarily for the collection of industrial waste. Storm sewers shall mean those pipelines operated primarily for the collection of storm waters.
43. Slug, A sudden large increase or decrease (factor of two or more) from normal waste volume or concentration.
44. Suspended Solids (SS). That portion of non-settled residue present in sewage, industrial waste or waters introduced into the storm drains that is retained on a filter (nonfilterable) in a standard analytical procedure.
45. Treatment Plant. Shall mean the White Slough Water Pollution Control Facility of the City of Lodi, and include but not be limited to the domestic sewage treatment facilities, industrial waste treatment facilities and irrigatable lands.
46. Unpolluted Water. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.
47. User. Any person that discharges, causes or permits the discharge of wastewater into a sewerage system.
48. Waste. Includes sewage 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 or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
49. Wastewater. Waste and water, whether treated or untreated, discharged into or permitted to enter a sewerage system.
50. Wastewater Discharge Permit. A permit issued by City for a user to discharge into a sewerage system.
51. Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological and radiological parameters and such other parameters that serve to define, classify or measure the contents, quality and strength of wastewater as determined by a State certified laboratory; and the volume, rate of flow or other parameters that serve to define quantity.

ARTICLE 11. REGULATIONS

Sec. 20-3. Prohibitions of Discharges

No person shall discharge to the sewerage system, natural outlet, street or earth surface, wastes which cause, threaten to cause or are capable of causing either alone or by interaction with other substances:

1. A fire or explosion;
2. Obstruction of flow in a sewerage system or injury of the system or damage to the sewerage collection, treatment or storm facilities by ashes, cinders, sand, mud, grit, straw, offal, shavings, metal, glass, rags, feathers, tar, plastics, wood, sawdust, manure or other solid or viscous substances capable of causing obstruction of the flow or other interference with the proper operation of the sewerage system in the opinion of the Public Works Director;
3. Danger to life or safety of personnel;
4. A nuisance or prevention of the effective maintenance or operation of the sewerage system, through having a strong, unpleasant odor;
5. Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
6. Interference with the wastewater treatment process;
7. A detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the City;
8. Discoloration or any other condition in the quality of the City's treatment plant effluent and/or storm system discharge in such a manner that receiving water quality requirements established by law cannot be met by the City;
9. Conditions at or near the City's treatment facilities which violate any statute or rule, regulation or ordinance of any public agency of state or federal regulatory body;
10. Quantities or rates of flow which overload the City's sewerage system or treatment facilities or cause excessive City collection or treatment costs or hamper treatment facility operation.
11. Pollutants which can cause corrosive structural damage to the sewerage system or treatment facilities, but in no case with pH lower than 6.5 without prior approval of the Public Works Director.

Sec. 20-4. Prohibitions on Storm Drainage and Groundwater

Storm water, groundwater, rainwater, street drainage, subsurface drainage, roof down spouts, exterior foundation drains, swimming pools or other sources of drainage water shall not be discharged through direct or indirect connections to a domestic system without special permission.

Sec. 20-5. Prohibition on Unpolluted Water

Unpolluted water, including but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the sewerage system unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a domestic sewer, the user shall pay the applicable user charges and fees and shall meet such other conditions as required by the Public Works Director.

Sec. 20-6. Prohibition on Use of Septic Tanks

No person shall be permitted to use a septic tank for disposal of wastewater if the property to be served is within 100 feet of the domestic system. Where such domestic sewer exists and buildings are inhabited or used by human beings, the property owner(s) shall install lateral service connection(s) in accordance with Article VII of this Ordinance.

Sec. 20-7. Limitations on Radioactive Wastes

No person shall discharge or cause to be discharged, any radioactive waste into a sewerage system 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 waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Atomic Energy 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, and
4. When the person is in possession of a permit issued by the City which specifically allows such discharges.

Sec. 20-8. Limitations on the Use of Garbage Grinders

Wastes from garbage grinders shall not be discharged into a domestic sewer system except:

1. Wastes generated in preparation of food by residential users, or
2. Where the user has obtained a permit for that specific use from the City, and agrees to undertake whatever self-monitoring is required to enable the Public Works Director to equitably determine the user charges based on the waste constituents and characteristics.

Garbage grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the domestic sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

Sec. 20-9. Limitations of Point of Discharge

No person shall discharge any substances directly into a manhole or other opening in a sewerage system except through an approved private sewer or house service sewer, unless upon written application by the user and payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

Sec. 20-10. Holding Tank Waste

A user proposing to discharge holding tank domestic waste into a domestic sewer must secure a permit for each separate discharge. This permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, the wastewater constituents and characteristics and origin of such wastes. If a permit is granted for discharge of such waste into the domestic sewer, the user shall pay the applicable user charges and fees and shall meet such other conditions as required by the Public Works Director.

Sec. 20-11. Limitations on Discharge Strength

No person shall discharge or cause to be discharged to a sewerage system, any of the following without first obtaining a Wastewater Discharge Permit that specifically permits such waste discharge characteristics.

1. Discharge during a daily twenty-four (24) hour period in excess of 50,000 gallons.
2. Volume of flow or concentration of waste constituting a slug.
3. Waters or wastes with a pH factor lower than 6.5 or higher than 8.5.
4. Discharges containing metal pickling or etching wastes or plating solutions, whether neutralized or not.
5. Any discharge which has an average daily concentration of:

Toxicant	Maximum Allowable Concentration mg/L
Arsenic	0.1
Boron	20.0
Cadmium	0.5
Chlorinated Hydrocarbons (total identifiable)	0.01
Chromium, hexavalent	0.5
Chromium, total	2.0
Copper	2.0
Cyanide	2.0
Iron	50.0
Lead	1.0
Mercury	0.01
Nickel	1.5
Phenolic compounds	2.0
Silver	0.5
Zinc	3.0
Other toxic substances in concentrations having an acute toxicity to fish exceeding a 96-hour tolerance limit of 50% when tested in accordance with standard test procedures.	

6. Discharges containing phenols or other taste and odor producing substances in concentrations exceeding limits which may be established by the Public Works Director as necessary to meet water quality requirements.
7. Hot wastes at temperatures exceeding 160 degrees (70 degrees Celsius) or exceeding 110 degrees Fahrenheit (43 degrees Celsius) for any eight (8) hour period.
8. Materials which exert or cause in the sewerage system or receiving waters unusual concentrations either of inert suspended solids (such as but not limited to, soil solids, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulphate) in excess of 750 mg/L.
9. Discharges in such quantities or such qualities that they are not amenable to treatment or reduction by wastewater treatment processes

employed, or are amenable to treatment only to such a degree that the treatment facility effluent cannot meet water quality requirements.

10. Grease, oil and sand interceptors shall be provided by the discharger when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastes containing grease in excess of 150 mg/L of animal and vegetable origin and 50 mg/L of mineral origin, or any flammable wastes, sand, grit and other harmful ingredients. All interceptors shall be of a type and capacity approved in writing, prior to installation, by the Public Works Director, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Grease and/or oil/sand interceptors shall be constructed in any place or building having a capacity to serve group meals or commercial and industrial cleaning facilities. Where installed, all grease, oil, sand and grit interceptors shall be maintained by the owner at owner's expense in continuous efficient operation at all times. Materials collected shall not be reintroduced into the sewerage system.
11. Any industrial waste, based upon 24 hour composite sampling, containing settleable solids in excess of 200 mg/L, suspended solids in excess of 1000 mg/L and BOD in excess of 1000 mg/L.

Sec. 20-12. Federal Requirement Limitations

Users in industrial categories subject to the categorical pretreatment standards developed by the EPA under the Clean Water Act of 1977 (PL 95 217) 33 U.S.C. 1251 et. seq. are required to achieve limitations based on Best Practical Control Technology (BPT) immediately and Best Available Technology Economically Achievable (BAT) by July 1, 1983 in accordance with Sections 301 and 304. New sources are required to comply with New Source Performance Standards (NSPS) based on Best Available Demonstrated Control Technology (BDT) for industrial users in terms of concentration and equivalent mass values. Users must comply with pretreatment standards promulgated pursuant to Section 307. The City may issue standards more stringent than the federal standards if the Public Works Director determines that the limitations in the federal standards are not sufficient to:

1. Protect the operation of the City's treatment facilities, or
2. Comply with water quality standards or effluent limitations specified in the City's National Pollutant Discharge Elimination System (NPDES) permit.

Sec. 20-13. Regional Water Quality Control Board Requirement Limitations

Source control of industrial discharges shall be accomplished by use of a permit and monitoring system as described in Article III of this Ordinance. Discharge of industrial waste from any person within the City onto land or to any natural outlet may be permitted only if the discharge complies with all requirements of the Regional Water Quality Control Board and of all other local, state and federal laws and regulations.

Sec. 20-14. Other Governmental Agency Jurisdictions

Nothing contained in this Section shall be construed to limit any additional requirements that may be imposed by the County Health Officer, by the Regional Water Quality Control Board, Fish and Game, or by other governmental agencies having jurisdiction thereof.

Sec. 20-15. Prohibition on Connections Outside City Limits

No discharge from facilities or properties outside the limits of the City of Lodi shall be allowed into the sewerage system.

Sec. 20-16. Limitations on Industrial Waste

No person shall discharge or cause to be discharged to the industrial system an industrial waste that has not been pretreated by being passed through a screening device with a maximum screen opening of 1.5 millimeters.

ARTICLE 111. SEWER SERVICE CHARGES AND CONNECTION FEES

Sec. 20-17. Classification

All users shall be classified for wastewater collection, treatment and disposal purposes in accordance with the principle activity conducted by the person, as determined by the Public Works Director. The purpose of classification is to facilitate the regulation of wastewater discharge based on quantity and quality of flow, to provide an effective means of industrial waste source control, and to establish a system of sewage service charges and connection fees which will insure, but not be limited to, the recovery of City capital, operating and maintenance costs in an equitable manner.

Sec. 20-18. Domestic System Service Charges

Charges for use of the domestic system shall be determined by the volume, biochemical oxygen demand (BOD), and suspended solids (SS) of wastes discharged.

Those residential, commercial and industrial users whose discharge of wastes classify them as a moderate strength user and those dischargers of industrial and commercial wastes that classify as high strength users shall pay charges as determined herein. Determination of the category for each specific user shall be made by the Public Works Director.

1. All moderate strength users shall be assigned sewage service units. The minimum sewage service units assigned to any commercial and industrial user shall be 1.0 unit.

The cost of treating one sewage service unit is calculated annually by dividing the total operating, maintenance and capital costs of wastewater facilities allocated to moderate strength users by the total number of units. Service charges for moderate strength users shall be determined by multiplying the cost of one sewage service unit by the number of sewage service units assigned to each user.

- a. Residential user sewage service units shall be based upon the number of bedrooms per dwelling unit as follows:

Number of Bedrooms	Sewage Service Units
1	0.75
2	1.00
3	1.25
4	1.50
5	1.75
6	2.00
7	2.25

- b. Commercial and industrial user sewage service charges shall be based on the number of sewage service units assigned to each user. The unit of measure for determining the number of sewage service units assigned to each user are as follows:

	<u>User Description</u>	<u>Unit of Measure</u>
1.	Meeting place, religious	Ea 200 seats
2.	Meeting place, public	Ea 100 seats
3.	Hotel, motel	Ea 5 beds
4.	Veterinary clinic	Ea 10 kennels
5.	Post office	Ea 25 employees
6.	Funeral parlor	Ea 2 employees
7.	Service station pumps	Ea 3 pumps
8.	Car wash bays	Ea bay
9.	School, 8th grade and below	Ea 25 students
10.	High school	Ea 20 students
11.	Eating place, seating only	Ea 10 seats
12.	Eating place, seating and take-out	Ea 7 seats
13.	Eating place, take-out only	Ea 5 employees
14.	Lunch truck business	Ea 5 employees
15.	Laundry, coin <b>op.</b> , reg. mach.	Ea 2 machines
16.	Laundry, coin <b>op.</b> , big mach.	Ea machine
17.	Comm. laundry and dry cleaning	Ea 2 employees
18.	Doctor's office	Ea 10 employees
19.	Dentist's office	Ea 5 employees
20.	Chiropractor's office	Ea 10 employees
21.	X-ray laboratory	Ea 10 employees
22.	Office, store, warehouse, manufacturer	Ea 10 employees
23.	Bar	Ea 25 seats
24.	Barber, beauty shop	Ea 4 chairs
25.	Hospital, convalescent home	Ea 2 beds
26.	Rest and retirement home	Ea 3 beds
27.	Mobile home park	Ea 1.33 pads
28.	RV dump station	Ea station

One sewage service unit shall be assigned to each unit of measure. Fees shall be based on nearest one-tenth sewage service unit except minimum number of sewage service units shall be 1.0.

2. All high strength user sewage service charges shall be determined based upon the actual quantity of flow, BOD and SS discharged annually. The unit cost of collection, treatment and disposal for each characteristic shall be determined annually and multiplied by the measured wastewater characteristics for each user to develop the annual sewage service charge.

The unit cost for each of the above characteristics shall be determined by: (1) distributing the total capital, operation and maintenance cost between moderate strength and high strength users, (2) proportion the annual costs for high strength users among various characteristics, and (3) divide the total annual cost for each characteristic by the total quantity discharged by the high strength users.

The sewage service charge shall be determined by multiplying the unit cost by the annual quantity of each characteristic.

#### Sec. 20-19. Domestic System Connection Fees

The Connection fee shall cover the proportionate capital cost associated with the existing unused treatment facility capacity which will be utilized by the new discharger. Any actual costs incurred by the City in making the connection shall be in addition to the connection fee described herein.

1. Moderate strength user connection fees shall be based on a rate per sewage service unit as assigned under Section 20-18. The minimum connection fee for a commercial or industrial user shall be one sewage service unit.
2. High strength user connection fees shall be based on a unit rate for the cost of treating flow, BOD and SS. The estimated annual quantities of each characteristic shall be justified to, and approved by, the Public Works Director for the purpose of determining the connection fee.
3. Any discharger, after one full year of operating data is available, may request the Public Works Director to make an adjustment, or the Public Works Director may institute an adjustment, if a significant variation exists between the estimated and actual quantities for each characteristic. Increases in connection fees shall be due and payable on demand at the time the Public Works Director makes the fee adjustment and decreases will be credited.

#### Sec. 20-20. Industrial System Service Charges

Industrial system sewage service charges shall be determined based upon the actual quantity of flow and BOD discharged annually. The unit cost for each characteristic will be determined annually and multiplied by each user's measured effluent characteristics. The total of the two characteristic fees shall be the annual sewage service charge.

The unit cost for each characteristic shall be determined by distributing the total operation, maintenance and capital costs to each characteristic at a proportionate rate and dividing each proportionate cost by the total annual quantity of each characteristic discharged to the system.

#### Sec. 20-21. Industrial System Connection Fees

Fees shall be determined on an individual basis by the Public Works Director and shall be, in part, based upon the value of existing capacity to be utilized and/or the cost of providing additional new capacity. The connection fee shall be based on a unit rate for the cost of treating flow and BOD.

#### Sec. 20-22. Storm Drain Service Charges

The rate for disposal of storm waters, swimming pool, or cooling water discharges, or wash waters into the City's storm drains will be established by resolution.

The City shall estimate and determine the amount of storm, swimming pool, cooling water, or wash waters deposited into the City's storm drains unless the user of the service elects to provide, install and maintain in good working order and integrating meter satisfactory to the City for the

purposes of measuring such storm, swimming pool, cooling water, or wash waters.

In determining the amount of storm, swimming pool, cooling water, or wash waters deposited into the City's storm drain system, no charge shall be made for the storm waters or minor irrigation waters, drainage from roofs, pavements or hard-surfaced areas within the City limits. Where such drainage is metered along with wash water, a credit of twelve hundred and fifty gallons per year for each one hundred square feet, as projected and measured upon a horizontal plane, of such drainage area tributary to the meter shall be allowed. Where roofs or other areas are sprinkled or flushed, such flushing or sprinkling waters shall be included in the quantities for billing purposes. For areas outside the corporate limits of the City tributary to the City's storm drain system, storm waters shall be included in the quantities determined for billing purposes and unless otherwise metered, the annual quantity of storm waters shall be assumed as equal to twelve hundred and fifty gallons per one hundred square feet, as projected and measured upon a horizontal plane of roof, pavement or hard-surfaced area service.

**Sec. 20-23. Holding Tank Waste**

The charge for a discharge of holding tank wastes shall be based on the method for determining charges for the high strength user in the domestic system as outlined in Section 20-17.2. Characteristics of BOD and SS shall be determined on an annual basis by random sampling of holding tank waste discharges.

**Sec. 20-24. Charges and Fees**

The schedule of charges and fees for domestic system service charges and connection fees, industrial system service charges and connection fees, storm drain service charges and holding tank waste charges will be those established and adopted by the City Council from time to time by resolution.

**Sec. 20-25. Billing and Collections**

All billing and collections shall be per Section 2-39 of the Lodi City Code.

**Sec. 20-26. Appeal Procedure**

The owner or occupants of any premises who finds that the foregoing charges and/or fees are unjust or inequitable may make application to the Public Works Director to have the fees modified, in accordance to Section 20-37 of this Ordinance.

## ARTICLE IV. ADMINISTRATION

### Sec. 20-27. Discharge Reports

The City may require that any high-strength user discharging, or proposing to discharge, wastewater into a sewerage system, 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, temperature, pH, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including characteristics in the wastewater discharge. Such reports shall also include the chemical characteristic and quantity of liquid or gaseous materials used annually as well as those stored on site, even though the latter may not normally be discharged. In addition to discharge reports, the City may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports.

### Sec. 20-28. Wastewater Discharge Permits

1. **Mandatory Permits.** All critical users proposed to connect or to discharge into a sewerage system after the effective date of this Ordinance must obtain a Wastewater Discharge Permit before connecting to, or discharging into, a sewerage system. All existing critical users connected to, or discharging into, a sewerage system must apply for a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance, except for (d) below which shall be 90 days after notification by the Public Works Director. For purposes of this Ordinance, a critical user is defined as any user whose user classification is identified in the Standard Industrial Classification (SIC) Manual in any Divisions, A, B, D, E, and I and who (a) has a discharge flow of 50,000 gallons or more per average work day, or (b) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (c) has in user's wastes toxic pollutants in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act, or (d) is found by the Public Works Director to have significant impact, either singularly or in combination with other contributing industries, on the treatment or sewerage collection system.
2. **Optional Permits.** The Public Works Director may issue a Wastewater Discharge Permit to any user in accordance with the terms of this section in the following categories:
  - a. A user who requires the user charges and fees to be based on an estimation of wastewater flow.
  - b. Any user whose wastewater strength is less than the normal range for the user classification because of pretreatment, process changes or other reasons.
  - c. Any single dwelling, office, commercial business, lodge, apartment, church or multiuse building user who discharges only domestic waste.
3. **Permit Application.** Users seeking a Wastewater Discharge Permit shall complete and file with the Public Works Director an application in the form prescribed by the Public Works Director, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:
  - a. Name, address and SIC number of applicant;
  - b. Volume of wastewater to be discharged;
  - c. Wastewater constituents and characteristics including, but not limited to, those mentioned in Article 11;
  - d. Time and duration of discharge;

- e. Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Any other information determined necessary by the Public Works Director to evaluate the permit application. This may include, but is not limited to, the following:
  - 1. Site plans, floor plans, mechanical, and plumbing plans, water supply and discharge information and details to show all sewers and appurtenances by size, location and elevation;
  - 2. Description of activities, facilities, and plant process on the premises including all materials, processes, and types of materials which are, or could be, discharged;
  - 3. Each product produced by type, amount and rate of production;
  - 4. Number of employees and hours of work.

The Public Works Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Public Works Director may issue a Wastewater Discharge Permit subject to **terms** and conditions provided herein.

- 4. Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the City Council. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Public Works Director or assigned agent in accordance with this Ordinance, and applicable State and Federal regulations. Permits may contain the following:
  - a. The unit charge or schedule or user charges and fees for the wastewater to be discharged to the sewerage system;
  - b. The collection of connection fee, inspection fee and prepayment for the prorated portion of annual user charges, if collected annually.
  - c. The average and maximum wastewater characteristics;
  - d. Limits on rate and time of discharge or requirements for flow regulations and equalization;
  - e. Requirements for installation of inspection and sampling facilities;
  - f. Pretreatment requirements;
  - g. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;
  - h. Requirements for submission of technical reports or discharge reports;
  - i. Requirements for maintaining plant records relating to wastewater discharge as specified by the City, and affording the City access thereto;
  - j. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined in Article I) are proposed or present in the user's wastewater discharge.

k. Other conditions as deemed appropriate by the Director of Public Works to insure compliance with this Ordinance.

5. Duration of 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 user is not notified in writing 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 stipulated in Article II are modified and changed. The user shall be informed of any proposed changes in user's 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.
6. Transfer of a Permit. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be assigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.
7. Temporary Suspension of Permit. A permit may be temporarily suspended at any time if it is the Public Works Director's opinion that the continued discharge of the waste or water into the sewerage system would substantially jeopardize the ability of the treatment facilities or sewerage system to meet water quality requirements or would cause an unsafe condition to occur. In lieu of temporary suspension of permits, the public Works Director may impose such temporary restrictions, conditions or limitations upon the quantities, qualities and rates of discharge made thereunder as deemed necessary to assure that said receiving water quality requirements will not be violated or to alleviate the unsafe condition. Notice of the temporary suspension or the imposition of temporary restrictions, conditions or limitations shall be given in writing by the public Works Director to the permittee at least twenty-four (24) hours prior to their effective date. Delivery of said notice to the permittee's place of business shall constitute delivery of notice to permittee.
8. Revocation of Permit. Any user who violates the following conditions of the permit or of this Ordinance, or applicable State and Federal regulations is subject to having this permit revoked:
  - a. Failure of a user to factually report the wastewater constituents and characteristics of their discharge;
  - b. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
  - c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring of all possible sources of pollution;
  - d. Failure to pay wastewater bill;
  - e. Violation of conditions of the permit.

#### Sec. 20-29. Monitoring Facilities

The Public Works Director may require the user to construct and maintain, at user's expense, monitoring facilities which meet all government safety regulations (OSHA) to allow inspection, sampling and flow measurement of the building sewer or internal storm drainage systems and may also require sampling or metering equipment to be provided, installed, operated and maintained at the user's expense. The monitoring facility should normally be situated on the user's premises, but the Public Works Director may, when such a location would be impractical or cause undue hardship on the user or the City, require the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

When the monitoring facility is inside the user's fence, there shall be accommodations to allow access for the Public Works Director or designated representative, such as a gate secured with a City lock. There shall be ample room in or near such monitoring facility to allow accurate sampling and compositing of samples for analysis. The monitoring facility shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, plans and specifications shall be approved by the Public Works Director and be in accordance with all applicable City construction standards and specifications. Construction shall be completed within 60 days following written notification by the City; unless a time extension is otherwise granted by the City.

**Sec. 20-30. Inspection and Sampling**

The Public Works Director or designated representative may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Public Works Director or agent ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The Public Works Director shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, the Public Works Director or designated representative will be permitted to enter without delay for the purposes of performing their specific responsibilities.

**Sec. 20-31. Protection from Accidental Discharge**

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Public Works Director before construction of the facility.

The review of such plans and operating procedures by the public Works Director will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this Ordinance.

**Sec. 20-32. Confidential Information**

All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes, or methods that would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Public Works Director as confidential shall not be transmitted to any governmental agency or to the general public by the

public Works Director, until and unless prior and adequate notification is given to the user.

Sec. 20-33. Special Agreements

Special agreements and arrangements between the City and any persons or agencies may be established when, in the opinion of the City Council, unusual or extraordinary circumstances compel special terms and conditions.

## ARTICLE V. ENFORCEMENT

### Sec. 20-34. Accidental Discharges

1. Notification of Discharge. Users shall notify the Water/Wastewater Superintendent or the White Slough Water Pollution Control Facilities (WSWPCF) immediately by telephone or in person, upon accidentally discharging wastes in violation of this Ordinance, or in violation of a City-issued discharge permit to enable countermeasures to be taken by the City to minimize damage to the sewerage system, treatment facility, treatment processes and/or the receiving water.

This notification shall be followed, within 10 calendar days of the date of occurrence, by a detailed written statement to the Public Works Director describing the causes of the accidental discharge, the measures taken to correct the problem, and steps taken to prevent future occurrence.

Such notification will not relieve users of liability for any expense, loss or damage to the sewerage system, treatment plant, or treatment process, or for any fines imposed on the City on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code.

2. Notices to Employees. In order that employees of users be informed of the City's requirements, users shall make available to their employees copies of this Ordinance, together with such other wastewater information and notices which may be furnished by the City from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Ordinance.

### Sec. 20-35. Issuance of Cease and Desist Orders

When the City finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this Ordinance, or the provisions of a Wastewater Discharge Permit, the Public Works Director may issue an order to cease and desist, and direct those persons not complying with such prohibitions, limits, requirements, or provisions, to:

1. Comply forthwith;
2. Comply in accordance with a time schedule set forth by the City; or
3. Take appropriate remedial or preventive action in the event of a threatened violation.

### Sec. 20-36. Submission of Time Schedule

When the City finds that a discharge of wastewater has been taking place, or is threatening to take place, in violation of prohibitions or limitations prescribed in this Ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the City may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions, which the user shall take in order to prevent or correct a violation of requirements.

### Sec. 20-37. Appeals

Any user, permit applicant, or permit holder affected by any decision, action or determination, including Cease and Desist Orders, made by the Public Works Director, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Public Works Director a written request for reconsideration within 20 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Public Works Director may accept the application, reject the application for sound

reasons, or direct the applicant, at applicant's sole expense, to maintain and operate in a manner satisfactory to the Public Works Director such indicating or integrating meters as may be required to properly measure the flow, establish sampling equipment, tests and procedures satisfactory to the Public Works Director to determine the characteristics **of** the wastes.

If the ruling made by the Public Works Director is unsatisfactory to the person requesting reconsideration, the person may, within **20** days after notification of the City's action, file a written appeal to the City Council. The written appeal shall be heard by the Council within **20** days from the date of filing. The City Council shall make a final ruling on the appeal within **20** days of the hearing. The Public Works Director's decision, action or determination shall remain in effect during such period of reconsideration.

## ARTICLE VI. ABATEMENT

### Sec. 20-38. Liability

Any person, firm or corporation, or any partner, officer, agent, or employee **who** thereof deposits or permits to be deposited into the City's sewerage system or any facilities tributary thereto any wastes other than those permissible under the terms of this Ordinance and the terms of a valid permit granted thereunder, shall be liable for any and all damage caused to the City by virtue of such act, including compensation for damage to the City's facilities and all costs of any legal fees, suits or judgments against the City which may be attributable to such wastes **so** discharged.

### Sec. 20-39. 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 may petition 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.

### Sec. 20-40. Damage of Facilities

When a discharge of wastewaters causes an obstruction, damage or any other impairment to the City's facilities, the City shall assess a charge against the user for the work required to clean or repair the facility.

### Sec. 20-41. Civil Penalties

Any person who violates any provision of this Ordinance or permit condition or **who** discharges wastewater which causes pollution, or **who** violates a Cease and Desist Order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable civilly to a penalty not to exceed **\$6,000** for each day in which such violation occurs. The City Attorney, upon order of the City Council, shall petition the Superior Court to impose, assess and recover such sums.

### Sec. 20-42. Termination of Service

The City may revoke any Wastewater Discharge Permit, or terminate or cause to be terminated, wastewater service to any premise if a violation of any provisions 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 as defined in this Ordinance. This provision is in addition to other statutes, rules or regulations, authorizing termination of service for delinquency in payment.

ARTICLE VII. CONSTRUCTION OF SEWERS AND SEWER CONNECTIONS

Sec. 20-43. Construction Permit

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any sewerage system or appurtenances thereof without first obtaining a written permit from the Public Works Director.

Sec. 20-44. Design Standards

All construction of public sewerage systems or appurtenances thereof, shall conform to the design criteria, the standard plans and specifications and the inspection and testing in accordance with current City Standards.

Sec. 20-45. Application for Sewer Service

Whenever a property owner is desirous of obtaining sewer service where no adequate sewer system exists, an application shall be made to the Public Works Director for sewer service in accordance with Article **VIII** of this Ordinance.

ARTICLE VIII. SEWER SERVICE AND EXTENSIONS

Sec. 20-46. Policy

The City Council is desirous of adopting a sewer service and extension policy that is fair and equitable to all developing properties and that provides that the cost of extension shall be distributed among subsequently developing properties connecting thereto.

Sec. 20-47. Application; Determination of Nearest Sewer, Size of Main, and Extension Limits

Whenever a property owner is desirous of obtaining sewer service, an application shall be made to the Public Works Director for sewer service.

The Public Works Director shall determine the closest adequate sewer and, if an extension is necessary, indicate the size of the main to be extended and the limits of the extension.

Sec. 20-48. Applicant Required to Install Extension

Whenever, the Public Works Director determines that a sewer extension is necessary, the applicant will be required to install, at applicant's own expense, the sewer extension in accordance with engineering plans furnished by applicant and approved by the Public Works Director. The plans shall be prepared in accordance with the City of Lodi Design Standards.

Sec. 20-49. Sewer to Extend to Full Frontage of Parcel

In every case where a sewer is to be tapped to serve a parcel, the same shall be extended the full frontage of said parcel unless the Public Works Director determines that the sewer will not need to be extended to serve any other properties.

Sec. 20-50. Minimum Size of Sewer Main

The minimum size sewer main shall have a nominal inside diameter of six inches. Larger size mains may be required as determined by the Public Works Director from engineering calculations or the City of Lodi Master Sewer Plan.

Sec. 20-51. Reimbursement

Whenever an applicant for sewer extension constructs or installs a sewer that may serve abutting properties, the applicant may apply for a sewer extension reimbursement agreement. The Public Works Director shall determine the extent to which abutting properties may be served and recommend a sewer extension agreement to the City Council prior to construction of any sewer.

Sec. 20-52. Reimbursement Agreement

The sewer extension reimbursement agreement shall contain the following:

- (a) The amount of the reimbursable costs shall be determined by the Public Works Director and subject to the approval of the City Council.
- (b) Reimbursable costs shall include estimated sewer construction costs, less any applicable credits, plus an administrative and engineering cost of 10% of the construction cost.
- (c) Sewer laterals serving individual properties shall not be included as a reimbursable cost.
- (d) There shall be no reimbursement to the applicant in excess of reimbursable costs stated in the agreement.

- (e) No interest, finance or security costs shall be included in the reimbursable costs.
- (f) Reimbursement shall be paid from charges collected by the City from abutting properties as they connect to the new sewer.
- (g) Reimbursement shall be paid only from charges collected within ten years from the date of the agreement. The City shall have no obligation to pay reimbursement from any source other than reimbursement funds collected pursuant to this ordinance. Charges collected from abutting properties after ten years shall be retained by the City.
- (h) The charges collected for reimbursement shall be based upon front footage parallel to the sewer of the abutting properties,
- (i) An administrative cost of 2% of the total reimbursable cost shall be deducted from any monies paid to the City as payment for administering the reimbursement provisions of this ordinance.
- (j) Reimbursement shall be payable to heirs, successors and assigns of the applicant.

Sec. 20-53. City Obligation

Whenever engineering calculations or the City of Lodi Master Sewer Plan require that a sewer main larger than ten inches in diameter be installed, the City shall pay to the applicant the difference in cost of material between the actual sewer to be installed and a ten-inch sewer. The difference in costs of material shall be determined by the Public Works Director. Payment shall be made at the time the sewer reimbursement agreement is approved by the City Council.

Sec. 20-54. City Eligibility for Reimbursement

Whenever the City has extended or installed a sewer that will serve abutting properties, the City shall be eligible for reimbursement in a like manner as other applicants.

Sec. 20-55. Payment for Reimbursement

Wherever the City Council has approved a sewer extension reimbursement agreement, the front footage charges shall be collected by the City from any parcel abutting the sewer covered in the agreement at the time of development and prior to sewer service being provided to the abutting parcel.

Sec. 20-56. Letter of Entitlement

When payment for reimbursement has been made, the Public Works Director shall prepare a letter of entitlement stating the fees collected, reference to the sewer extension reimbursement agreement, the amount to be reimbursed, and the administrative charge to be retained by the City. This letter of entitlement shall be forwarded to the Finance Director for actual reimbursement under terms of the agreement.

Sec. 20-57. Unclaimed Reimbursement

The Finance Director shall mail the reimbursement to the last address on file with the Finance Director of the applicant in the sewer reimbursement agreement. Any reimbursement returned or unclaimed after two years from the date of mailing will revert to the City's general fund.

Sec. 20-58. Publication

Pursuant to Section 36933, a summary of this Ordinance shall be published one time within 15 days following adoption in the "Lodi News-Sentinel," a daily newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

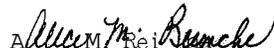
Dated: February 1, 1984

Approved this 1st day of February, 1984



\_\_\_\_\_  
Mayor

Attest



Alice M. Reimche  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1307 was introduced at a regular meeting of the City Council of the City of Lodi held February 1, 1984 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 15, 1984 by the following vote:

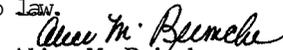
Ayes: Council W e r s - Reid, Snider, Pinkerton,  
Murphy, and Olson (Mayor)

Noes: Council W e r s - None

Absent: Council W e r s - None

Abstain: Council Members - None

I further certify that Ordinance No. 1307 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



Alice M. Reimche  
City Clerk

Approved as to form



Ronald M. Stein  
City Attorney