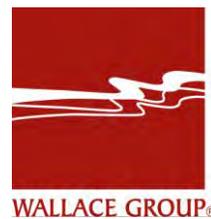




# City of Pacific Grove

**Sewer System  
Management Plan  
Revision 02  
August 2018**

**Prepared by:**





**City of Pacific Grove**  
**SEWER SYSTEM MANAGEMENT PLAN**

**Revision 2**

**August 2018**

The Sewer System Management Plan, Revision 2 was created with the expertise of, assistance of, and documentation from the following City of Pacific Grove and Wallace Group Staff:

City Staff

Daniel Gho; Public Works Director

Sherman Low, PE; City Engineer

Vince Gentry; Wastewater Field Supervisor

Bret Boatman; Maintenance Supervisor (M1W)

Cary Stiebel; GIS Specialist

Caleb Schneider; Management Analyst

Wallace Group Staff

Bill Callahan; Senior Environmental Compliance Specialist

Heather Billing; Senior Environmental Compliance Specialist

## **CERTIFICATION STATEMENT**

---

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

---

Daniel Gho  
Public Works Director

## **TABLE OF CONTENTS**

---

### **Acronyms and Abbreviations**

### **SSMP Update and Adoption Record**

### **Executive Summary**

### **Introduction**

- Section 0.1 – Requirement Background
- Section 0.2 – City of Pacific Grove System Overview
- Section 0.3 – Governing Body
- Appendix 0A – WDR and MRP Orders No. 2006-0003-DWQ and WQ 2008-0002-EXEC
- Appendix 0B – Meeting Minutes Adopting SSMP, Revision 1 & Revision 2

### **Element 1 – Goal**

- Element 1 Revision Record
- Section 1.1 – Regulatory Requirements
- Section 1.2 – Sanitary Sewer System Goals [WDR D.13(i)]

### **Element 2 – Organization**

- Element 2 Revision Record
- Section 2.1 – Regulatory Requirements
- Section 2.2 – Responsible and Authorized Representatives [WDR D.13(ii)(a)]
- Section 2.3 – SSMP Program Implementation [WDR D.13(ii)(b)]
- Section 2.4 – Chain of Communication for Responding to SSOs [WDR D.13(ii)(c)]
- Appendix 2A – City of Pacific Grove Council Members and MRWPCA Representatives
- Appendix 2B – City of Pacific Grove Organization Charts

### **Element 3 – Legal Authority**

- Element 3 Revision Record
- Section 3.1 – Regulatory Requirements

## **TABLE OF CONTENTS**

---

### **Element 3 – Legal Authority (Continued)**

- Section 3.2 – SSMP Sanitary Sewer System Legal Authority [WDR D.13(iii)(a – e)]
- Appendix 3A:
  - City of Pacific Grove Municipal Code Chapter 1.12
  - City of Pacific Grove Municipal Code Chapter 1.16
  - City of Pacific Grove Municipal Code Chapter 1.19
  - City of Pacific Grove Municipal Code Chapter 9.20
  - City of Pacific Grove Municipal Code Chapter 15.24
  - City of Pacific Grove Municipal Code Chapter 18.04
  - City of Pacific Grove Municipal Code Chapter 18.08
  - City of Pacific Grove Municipal Code Chapter 24.08
  - MRWPCA Waste Discharge Ordinance, Ordinance No. 2008-01

### **Element 4 – Operation and Maintenance Program**

- Element 4 Revision Record
- Section 4.1 – Regulatory Requirements
- Section 4.2 – Collection System Map [WDR D.13(iv)(a)]
- Section 4.3 – Preventative Maintenance Program [WDR D.13(iv)(b)]
- Section 4.4 – Rehabilitation and Replacement Plan [WDR D.13(iv)(c)]
- Section 4.5 – Training [WDR D.13(iv)(d)]
- Section 4.6 – Equipment and Replacement Parts Inventory [WDR D.13(iv)(e)]
- Appendix 4A – iWORQ Computer System Management Example
- Appendix 4B – Larson Consulting CCTV Summary Report
- Appendix 4C – 2013 CCTV Inspections
- Appendix 4D – Contract with Green Line for Sewer Cleaning
- Appendix 4E – Manhole Inspection Form

## **TABLE OF CONTENTS**

---

### **Element 4 – Operation and Maintenance Program (Continued)**

- Appendix 4F – High Maintenance List
- Appendix 4G – Root Control Contract & Schedule
- Appendix 4H – M1W Contract: Lift Stations
- Appendix 4I – Monthly Lift Station Maintenance Logs
- Appendix 4J – Budget Information
- Appendix 4K – Sewer Rate Study & Rate Structure Resolution
- Appendix 4L – 2006 Sewer Master Plan
- Appendix 4M – Sewer Lateral Information
- Appendix 4N – Sewer System Operations Procedures
- Appendix 4O – SSO Contractor Orientation
- Appendix 4P – Critical Parts and Equipment and Emergency Contractor/Vendor List

### **Element 5 – Design and Performance Provisions**

- Element 5 Revision Record
- Section 5.1 – Regulatory Requirements
- Section 5.2 – Design and Construction Standards and Specifications [WDR D.13(v)(a)]
- Section 5.3 – Inspection and Testing Procedures and Standards [WDR D.13(v)(b)]
- Appendix 5A – Contract with Neill Engineers Corp. for Design Services
- Appendix 5B – City of Pacific Grove Standard Details for Street Improvements

## **TABLE OF CONTENTS**

---

### **Element 6 – Overflow Emergency Response Plan**

- Section 6.1 – Regulatory Requirements
- Section 6.2 – Initial SSO Notification Procedures [WDR D.13(vi)(a)]
- Section 6.3 – SSO Response Program [WDR D.13(vi)(b)]
- Section 6.4 – SSO Notification and Reporting Procedures [WDR D.13(vi)(c)]
- Section 6.5 – OERP Training [WDR D.13(vi)(d)]
- Section 6.6 – Emergency Operations Procedures [WDR D.13(vi)(e)]
- Section 6.7 – SSO Impact Mitigation Program [WDR D.13(vi)(f)]
- Appendix 6A – Overflow Emergency Response Plan and Associated Emergency Response Procedures

### **Element 7 – FOG Control Program**

- Element 7 Revision Record
- Section 7.1 – Regulatory Requirements
- Section 7.2 – FOG Control Program Public Education and Outreach [WDR D.13(vii)(a)]
- Section 7.3 – FOG Disposal Facilities [WDR D.13(vii)(b)]
- Section 7.4 – Discharge Prohibition Legal Authority and SSO Prevention Measures [WDR D.13(vii)(c)]
- Section 7.5 – Grease Removal Devices Design, Installation, and Maintenance Requirements [WDR D.13(vii)(d)]
- Section 7.6 – FOG Control Program Inspection, Enforcement, and Staffing [WDR D.13(vii)(e)]
- Section 7.7 – Grease Problem Area Identification and Sewer Cleaning [WDR D.13(vii)(f)]
- Section 7.8 – Source Control Measure Development and Implementation [WDR D.13(vii)(g)]

## **TABLE OF CONTENTS**

---

### **Element 7 – FOG Control Program (Continued)**

- Appendix 7A – MOU with MRWPCA for Conducting a Public Education Program
- Appendix 7B – City of Pacific Grove Municipal Code Chapter 18.08
- Appendix 7C – Clog Busters Outreach: Recycle Turkey Fryer Oil
- Appendix 7D – CalFOG List of Monterey County Grease Haulers
- Appendix 7E – MRWPCA Waste Discharge Ordinance, Ordinance No. 2008-01
- Appendix 7F – City of Pacific Grove Municipal Code Chapter 1.19
- Appendix 7G – Contract with MRWPCA for Grease Source Control Program Services

### **Element 8 – System Evaluation and Capacity Assurance Plan**

- Element 8 Revision Record
- Section 8.1 – Regulatory Requirements
- Section 8.2 – Evaluation [WDR D.13(viii)(a)]
- Section 8.3 – Design Criteria [WDR D.13(viii)(b)]
- Section 8.4 – Capacity Enhancement Measures [WDR D.13(viii)(c)]
- Section 8.5 – Schedule [WDR D.13(viii)(d)]

## **TABLE OF CONTENTS**

---

### **Element 9 – Monitoring, Measurement, and Program Modifications**

- Element 9 Revision Record
- Section 9.1 – Regulatory Requirements
- Section 9.2 – Establishing and Prioritizing SSMP Activities [WDR D.13(ix)(a)]
- Section 9.3 – SSMP Implementation Monitoring [WDR D.13(ix)(b)]
- Section 9.4 – Preventative Maintenance Program Assessment [WDR D.13(ix)(c)]
- Section 9.5 – SSMP Updates [WDR D.13(ix)(d)]
- Section 9.6 – SSO Trends [WDR D.13(ix)(d)]
- Appendix 9A – Annual Sanitary Sewer System Goal Evaluation Reports

### **Element 10 – Sewer System Management Plan Program Audits**

- Element 10 Revision Record
- Section 10.1 – Regulatory Requirements
- Section 10.2 – SSMP Program Audits [WDR D.13(x)]
- Appendix 10A – SSMP Data & Records Request & 2017 Audit

### **Element 11 – Communication Program**

- Element 11 Revision Record
- Section 11.1 – Regulatory Requirements
- Section 11.2 – Communication Program [WDR D.13(xi)]
- Appendix 11A – Contracts with MRWPCA for Community Outreach Services
- Appendix 11B – Outreach and Education Examples
- Appendix 11C – Community Sewer Line Replacement Information

## LIST OF TABLES

---

### Element 2 – Organization

- Table 2-1: City of Pacific Grove Authorized Representative Pg. 2-2
- Table 2-2: Staff and Contract SSMP Responsibilities and Contact Information Pg. 2-2

### Element 3 – Legal Authority

- Table 3-1: City of Pacific Grove Legal Authority References Pg. 3-2

### Element 4 – Operation and Maintenance Program

- Table 4-1: Age of Sewer Lines Pg. 4-1
- Table 4-2: Summary of CCTV Sewer Line Condition Assessment Pg. 4-8
- Table 4-3: HMA Cleaning Breakdown Pg. 4-12
- Table 4-4: Lift Station Numbers and Names Pg. 4-14
- Table 4-5: History of Sewer Lateral Replacement Loans Pg. 4-18

### Element 6 – Overflow Emergency Response Plan

- Table 6-1: Regulatory Agency Notification Information for a SSO to Surface Water Pg. 6-6

### Element 7 – FOG Control Program

- Table 7-1: City of Pacific Grove and M1W FOG Legal Authority Pg. 7-4
- Table 7-2: Grease Removal Device Design, Installation, and Maintenance Requirements Pg. 7-6
- Table 7-3: FOG Control Program Inspection and Enforcement Legal Authorities Pg. 7-8
- Table 7-4: City of Pacific Grove FOG Program Staffing Pg. 7-10

## LIST OF TABLES

---

### Element 8 – System Evaluation and Capacity Assurance Plan

- Table 8-1: 2014 SCSMP City Recommended Design and Performance Standards Pg. 8-2
- Table 8-2: City of Pacific Grove CIP Forecasted Schedule 2017/18 Pg. 8-3

### Element 9 – Monitoring, Measurement, and Program Modifications

- Table 9-1: SSMP Implementation Management Pg. 9-1
- Table 9-2: Number of SSOs per Indicator per Year 2014 - 2018 Pg. 9-7
- Table 9-3: 2014 – 2018 SSO History Detail Pg. 9-8

### Element 10 – Sewer System Management Plan Program Audits

- Table 10-1: SSMP Audit Ranking Criteria Pg. 10-2
- Table 10-2: SSMP Management Schedule Pg. 10-3

### Element 11 – Communication Program

- Table 11-1: Communication Program Overview Pg. 11-1

## LIST OF FIGURES

---

### Introduction

- Figure 0-1: Pacific Grove Service Area Pg. 0-2
- Figure 0-2: Monterey One Water Facilities Pg. 0-3

### Element 2 – Organization

- Figure 2-1: SSO Response Chain of Communication Pg. 2-12

### Element 3 – Legal Authority

- Figure 3-1: City of Pacific Grove Legal Authority References Pg. 3-2

### Element 4 – Operation and Maintenance Program

- Figure 4-1: City Sewer Lines and Appurtenances Pg. 4-2
- Figure 4-2: Sewer System Atlas Pg. 4-4
- Figure 4-3: GIS System Atlas Pg. 4-7
- Figure 4-4: Sewer Tributary Basins Pg. 4-10
- Figure 4-5: High Maintenance Area – Chemical Root Control Pg. 4-12

### Element 6 – Overflow Emergency Response Plan

- Figure 6-1: SSO Response Chain of Command Pg. 6-3
- Figure 6-2: SSO Notification and Reporting Overview Pg. 6-5

### Element 7 – FOG Control Program

- Figure 7-1: Types of Businesses Enrolled in the FOG Control Program in 2017 Pg. 7-1

### Element 9 – Monitoring, Measurement and Program Modification

- Figure 9-1: Number of SSOs 2007-2017 Pg. 9-6
- Figure 9-2: SSO Volume in Gallons 2007-2017 Pg. 9-6

## ACRONYMS AND ABBREVIATIONS

---

BMP	Best Management Practices
CAP	Capacity Assessment Plan
Cal EMA	California Emergency Management Agency (formerly State OES)
Cal/OSHA	California Division of Occupational Health and Safety
CCR	California Code of Regulations
CCTV	Closed Circuit Television
CDFW	California Department of Fish and Wildlife
CFR	Code of Federal Regulations
CIP	Capital Improvement Plan
City	City of Pacific Grove
CIWQS	California Integrated Water Quality System
CWEA	California Water Environment Association
EHS	Environmental Health Services
ELAP	Environmental Laboratory Accreditation Program
EOP	Emergency Operating Procedure
EPA	Environmental Protection Agency
FOG	Fats, Oil, and Grease
FSE	Food Services Establishment
HMA	High Maintenance Area
I/I	Inflow & Infiltration
IIPP	Injury and Illness Prevention Program
LRO	Legally Responsible Official
MBUAPCD	Monterey Bay Unified Air Pollution Control District
mgd	Million Gallons per Day
M1W	Monterey One Water (formally known as MRWPCA)
MRP	Monitoring and Reporting Program (Used in this SSMP to reference MRP Order No. WQ 2008-0002-EXEC, which is the MRP to WDR Order No. 2006-0003-DWQ.)
NOAA	National Oceanic and Atmospheric Administration
OERP	Overflow Emergency Response Plan
OES	Office of Emergency Services
O&M	Operation and Maintenance
OSHA	Occupational Safety and Health Administration

## **ACRONYMS AND ABBREVIATIONS**

---

PLSD	Private Lateral Sewage Discharge
PM	Preventative Maintenance
PPE	Personal Protective Equipment
R&R	Rehabilitation and Replacement
RWQCB	Central Coast Regional Water Quality Control Board
SCADA	Supervisory Control and Data Acquisition
SECAP	Sewer Evaluation and Capacity Assessment Plan
SOP	Standard Operating Procedure
SSOR	Sewer System Overflow Report
SSAMP	Sewer System Asset Management Plan
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflow
SSS	Sanitary Sewer System
SWRCB	State Water Resources Control Board
WDR	Waste Discharge Requirements (Used in this SSMP to reference WDR Order No. 2006-0003-DWQ, the Statewide General WDR for SSSs.)



## **EXECUTIVE SUMMARY**

---

The State Water Resources Control Board's (SWRCB's) Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, and Amended Monitoring and Reporting Program (MRP), Order No. WQ 2008-0002-EXEC, require the City of Pacific Grove (City) to have and maintain a Sewer System Management Plan (SSMP), which provides "a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system" in order to "help reduce and prevent sanitary sewer overflows (SSOs), as well as mitigate any SSOs that do occur" [Order No. 2006-0003-DWQ Section D.13(i)].

The SSMP includes the following eleven (11) Elements:

### **1. Goal**

The City's goals, which are included in the SSMP, are:

- a) Be available and responsive to the needs of the public, and work cooperatively with local, state, and federal agencies to reduce, mitigate, and properly report SSOs.
- b) The Public Works Director will maintain documentation and update each SSMP Element, which contains schedules and plans to complete operations and maintenance tasks, engineering studies, and SSO monitoring, reporting and records keeping requirements, on an annual basis.
- c) Maintain the number of SSOs to less than three (3) in a calendar year.
- d) Have zero (0) capacity-related SSOs except those caused by storm events exceeding the design storm for that section of the collection system.
- e) Have zero (0) SSOs repeated within one (1) year from the same sewer line segment, manhole, or lift station.

### **2. Organization**

The Organization Element of the SSMP identifies the City of Pacific Grove Staff and Contract Staff, who are responsible for implementing the SSMP, responding to SSOs, and meeting the SSO reporting requirements, and identifies the lines of authority of SSO responsibilities and chains of communication for SSO response and reporting.

The Legally Responsible Official (LRO) is also named in this SSMP Element in order to meet the SWRCB requirements for completing and certifying SSO reports in the SWRCB's online regulatory information database and tracking system, California Integrated Water Quality System (CIWQS).

### **3. Legal Authority**

This SSMP Element outlines the City Municipal Code Chapters and Monterey One Water (M1W) Ordinances that provide the City with the legal authority to:

- a. Prevent illicit discharges;
- b. Require that sewers and connections be properly design and constructed;
- c. Limit the discharge of fats, oils, and grease (FOG) and other debris that may cause blockages; and
- d. Enforce any violation of its sewer ordinances.

### **4. Operation and Maintenance Program**

The City's operation and maintenance of its collection system ensures that the system is kept in good working condition, and this SSMP Element outlines the work that is conducted to accomplish the optimal operation and maintenance of the City's collection system. This SSMP Element details a:

- a. Sanitary sewer system map, which is developed and maintained in GIS;
- b. Preventative Maintenance Program, which consists of activities such as cleaning of sewer lines and other regular maintenance;
- c. Rehabilitation and Replacement Plan, which focuses on sewer pipes at risk of collapse or prone to more frequent blockages due to pipe defects and includes a time schedule for funding and completing the capital improvement plan;
- d. Training program and records for City Staff and Contractor collection system operation and maintenance activities; and
- e. Equipment and replacement part inventory with critical replacement parts and equipment identified.

The Operation and Maintenance Program Element has been updated to include the status of recommended capital improvement plan (CIP), funding mechanisms, and CIP time schedule from the Sewer Collection System Master Plan (SCSMP). Additional updates to this Element include the development of Standard Operating Procedures, a formal sewer collection system training program, and a formal list of critical parts and equipment and descriptions of changes to City O&M practices.

### **5. Design and Performance Provisions**

The Design and Performance Provisions Element describes the standards and specifications for new construction, repair of the existing sanitary sewer system, and the inspection and testing of these items.

The City has Standard Details for Street Improvements, which includes standard details related to the sanitary sewer system, and the City's Municipal Code Sections 9.20.010, 9.20.030 provide some design specifications. The City also depends on design and construction standards developed for each specific project the City undertakes, such as those used for the City CIP which are adopted each Fiscal Year (FY).

The City plans by the end of 2019 to formalize or incorporate by reference a complete set of design and construction standards, which must include the installation of new sanitary sewer systems, pump stations, and other appurtenances and the rehabilitation and repair of existing sanitary sewer systems. These standards should include the California Department of Public Health's standards for separation requirements and should specify maximum manhole spacing, gravity sewer pipe sizing and velocity criteria, and pipe material requirements.

The City will also develop or incorporate by reference a set of inspection and testing procedures and standards, which can be part of these design and construction standards.

## **6. Overflow Emergency Response Plan**

The Overflow Emergency Response Plan (OERP) contains the following information in order to protect public health and the environment in the event of a SSO:

- a. Notification procedures for primary responders and regulatory agencies;
- b. Notification procedures for regulatory agencies and other potentially affected entities for SSOs that potentially affect public health or reach the waters of the State;
- c. OERP training procedures for City Staff and Contractors responsible for responding to SSOs;
- d. Emergency operations procedures for response activities, such as traffic and crowd control; and
- e. A SSO mitigation and impact assessment program.

This SSMP Element has been updated with a formal Emergency Operating Procedures and a OERP training program. Additional Monitoring and Reporting protocols have been included for compliance with the States 2013 Monitoring and Reporting Requirements.

## **7. Fats Oil and Grease (FOG) Control Program**

The goal of the FOG Control Program is to reduce the amount of FOG discharged to the sanitary sewer system. This SSMP Element includes the following information:

- a. Public education outreach implementation plan and schedule;
- b. FOG disposal plan and schedule;

- c. The legal authority to prohibit FOG discharges and prevent associated SSOs;
- d. Grease control device installation, maintenance, best management practices, and record keeping and reporting requirements and design standards;
- e. High maintenance area identification and cleaning maintenance schedule; and
- f. FOG source control measure development and implementation.

## **8. System Evaluation and Capacity Assurance Plan**

The System Evaluation and Capacity Assurance Plan consists of a sanitary sewer system hydraulic evaluation, which is used to establish appropriate design criteria and a short- and long-term Capital Improvement Program (CIP) with an implementation schedule and identification of funding sources.

The City of Pacific Grove developed its Sewer Collection System Master Plan (SCSMP) in May 2014 which evaluated the collection system's capacity. Since 2014 the City maintains a CIP and implementation schedule in order to address capacity deficient areas identified in 2014 SCSMP.

## **9. Monitoring, Measurement, and Program Modifications**

The City monitors the implementation of the SSMP Elements in order to measure the effectiveness of the City's SSMP program in reducing SSOs. This SSMP Element outlines the manner in which each SSMP Element is monitored and evaluated and the schedule with which the City completes this monitoring and evaluation.

## **10. Sewer System Management Plan Program Audits**

The SSMP Program Audits Element outlines the audit process and identifies the City Staff responsible for conducting or participating in SSMP Program Audits and generating the required SSMP Program Audit Report. SSMP Program Audits must occur at a minimum of every two (2) years and are required to evaluate the City's SSMP Program, identify program deficiencies, and provide an improvement schedule based on the audit findings.

## **11. Communication Program**

This SSMP Element describes the manner in which the City communicates the development, implementation, and performance of its SSMP with the public in order to provide them with the opportunity to provide input as the SSMP program is developed and implemented.

This Sewer System Management Plan (SSMP) was developed in compliance with the requirements of the State Water Resources Control Board (SWRCB) Statewide General Waste Discharge Requirements (WDR), Order No. 2006-0003-DWQ, and Amended Monitoring and Reporting Program (MRP) Order No. WQ 2013-0058-EXEC, which are both included in Appendix 0A.

## INTRODUCTION

---

This Sewer System Management Plan (SSMP) was developed in compliance with the requirements of the State Water Resources Control Board (SWRCB) Statewide General Waste Discharge Requirements (WDR), Order No. 2006-0003-DWQ, and Amended Monitoring and Reporting Program (MRP) Order No. WQ 2013-0058-EXEC, which are both included in Appendix 0A.

### 0.1 Requirement Background

The WDRs require all public wastewater collection system agencies in California that own and operate sanitary sewer systems greater than one mile in length, which collect or convey untreated or partially treated wastewater to a publicly owned treatment facility, to develop, implement, and maintain a SSMP and report sanitary sewer overflows (SSOs) using the State's electronic reporting system, California Integrated Water Quality System (CIWQS).

The SSMP includes the following eleven (11) Elements:

1. Goal
2. Organization
3. Legal Authority
4. Operation and Maintenance Program
5. Design and Performance Provisions
6. Overflow Emergency Response Plan
7. FOG Control Program
8. System Evaluation and Capacity Assurance Plan
9. Monitoring, Measurement, and Program Modifications
10. Sewer System Management Plan Program Audits
11. Communication Program

Each SSMP Element is prefaced with the associated WDR section and narrated with the City policies and procedures, which address the respective SWRCB requirement.

The City of Pacific Grove was also subject to a Consent Decree, Case No. C03-2612 PVT, which became effective on June 2, 2004 and is included in Appendix 0B. The Consent Decree required the City to develop a robust Capital Improvement Plan (CIP) and maintenance plan to address sewer system deficiencies. This CIP and maintenance plan was created by the development of a 2004 Sewer System Asset Management Plan (SSAMP) and 2006 Sewer Pump Station Master Plan. This 2004 SSAMP and 2006 Pump Station Master Plan helped to identify deficiencies in the system and made recommendations to address these deficiencies.

In 2013 the City Adopted Sewer System Management Plan Revision 01 for compliance with the requirements of the State Water Resources Control Board (SWRCB) Statewide General Waste Discharge Requirements (WDR), Order No. 2006-0003-DWQ, and Amended Monitoring and Reporting Program (MRP) Order No. WQ 2008-0002-EXEC.

The City of Pacific Grove SSMP Revision 02 was developed using information identified in the 2013 Rev 01 SSMP and incorporates information necessary for compliance with Amended Monitoring and Reporting Program (MRP) Order No. WQ 2013-0058-EXEC which was issued a

short time after the City's 2104 SSMP was adopted. The 2018 SSMP Rev 02 also meets the requirements for the City to complete a formal update of the SSMP every 5-Years to include significant program changes and requires recertification by the governing board.

## 0.2 City of Pacific Grove System Overview

The City of Pacific Grove was incorporated and chartered as a city on July 16, 1889 and April 22, 1927, respectively. The City is located on the tip of the Monterey Peninsula of the Central California Coast, approximately 100 miles south of San Francisco. Figure 0-1 provides an aerial overview of Pacific Grove and identifies the City's service area.



**Figure 0-1: Pacific Grove Service Area**

Pacific Grove provides sewer services for residences and commercial businesses with a population of approximately 15,041<sup>1</sup> residents. The City's Collection and conveyance system is comprised of approximately fifty-eight (58) miles of pipelines: fifty-seven (57) miles of gravity pipelines, which vary in diameter from 4-inch to 18-inch, and one (1) mile of force mains.

Maintenance access to the sewers is provided by 904 manholes and a number of structures, such as clean outs and inspection holes. There are nine (9) sewer lift stations located in the City's service area that pump the City's wastewater to an interceptor pipeline, which conveys the wastewater to a regional wastewater treatment plant north of Marina. Wastewater treatment is contracted to Monterey One Water (M1W) which used to be known as the Monterey Regional Water Pollution Control Agency (MRWPCA).

Over half of the City's sewer mains were built prior to 1920, concurrent with the urbanization that occurred with the initial Pacific Grove Retreat subdivision and the following additions in the area of the City that faces the Monterey Bay. Prior to the construction of a regional treatment facility and formation of MRWPCA in the late 1970's, the City operated its own wastewater treatment plant, which was located near Point Pinos within the City.

Additionally, all nine (9) lift stations are operated and maintained by Monterey One Water. Two (2) of the nine (9) lift stations are owned by Monterey One Water, and the remainder are owned by the City. Collected wastewater is conveyed to the Monterey One Water treatment plant by an interceptor pipeline that is located along the coast by the Cities of Monterey, Seaside, and Marina. Figure 0-2 shows the Monterey One Water interceptor serving the City of Pacific Grove and other agencies in the area.

---

<sup>1</sup> Year 2010 United States Census

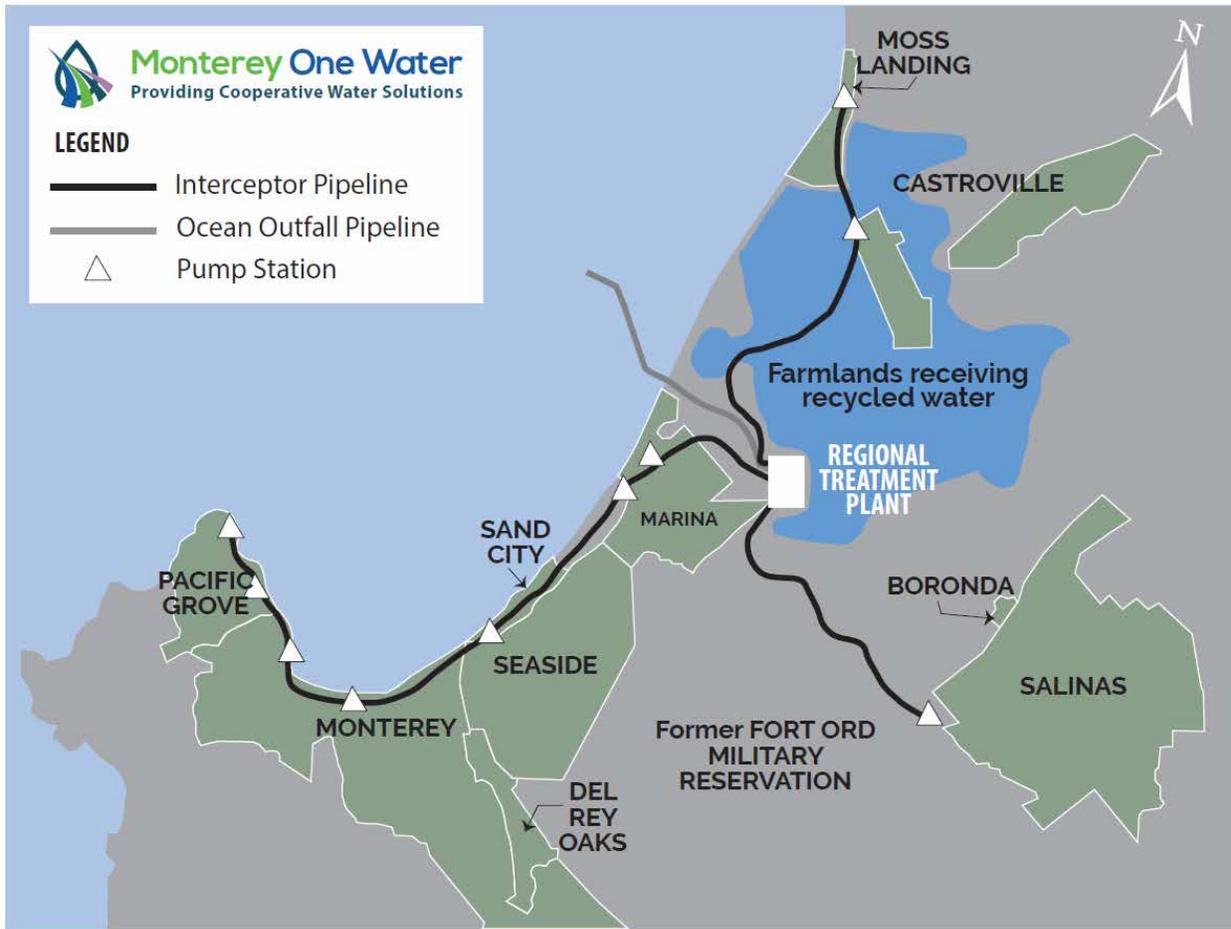


Figure 0-2: Monterey One Water Facilities (Source: [www.montereyonewater.org](http://www.montereyonewater.org))

### 0.3 Governing Body

Pacific Grove is a Charter City that is governed by City Council comprised of seven (7) members. The Mayor is elected at each general municipal election, held in the City on the first Tuesday after the first Monday in November in each even numbered year for a two (2) year term. The six (6) additional members of the City Council are elected at the general municipal election described above for a four (4) year term.

The City Council governs the City and makes policy decisions with advice from the City Manager and City Attorney. City Council meetings are held in the Council Chambers at two (2) regular meetings each month. The City Council's authority and responsibility includes the adoption and approval of the SSMP and any formal updates to the SSMP. The SSMP formal update and adoption record is included at the beginning of the SSMP, and the City Council Meeting Minutes for the adoption of the current SSMP is included in Appendix 0C.

## **APPENDIX 0A**

---

WDR and MRP Orders No. 2006-0003-DWQ and WQ 2013-0058-EXEC

*SWRCB's Statewide General Waste Discharge Requirements for Sanitary Sewer Systems,  
Order No. 2006-0003-DWQ*

*Amended Monitoring and Reporting Program for the SWRCB's Statewide General Waste  
Discharge Requirements for Sanitary Sewer Systems, Order No. WQ 2013-0058-EXEC*

**STATE WATER RESOURCES CONTROL BOARD  
ORDER NO. 2006-0003-DWQ**

**STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR  
SANITARY SEWER SYSTEMS**

The State Water Resources Control Board, hereinafter referred to as "State Water Board", finds that:

1. All federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California are required to comply with the terms of this Order. Such entities are hereinafter referred to as "Enrollees".
2. Sanitary sewer overflows (SSOs) are overflows from sanitary sewer systems of domestic wastewater, as well as industrial and commercial wastewater, depending on the pattern of land uses in the area served by the sanitary sewer system. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. SSOs may cause a public nuisance, particularly when raw untreated wastewater is discharged to areas with high public exposure, such as streets or surface waters used for drinking, fishing, or body contact recreation. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.
3. Sanitary sewer systems experience periodic failures resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.
4. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, debris blockages, sanitary sewer system age and construction material failures, lack of proper operation and maintenance, insufficient capacity and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures and operation and maintenance of the sanitary sewer system.

### **SEWER SYSTEM MANAGEMENT PLANS**

5. To facilitate proper funding and management of sanitary sewer systems, each Enrollee must develop and implement a system-specific Sewer System Management Plan (SSMP). To be effective, SSMPs must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost benefit analysis. Additionally, an SSMP must contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential nuisance conditions.
6. Many local public agencies in California have already developed SSMPs and implemented measures to reduce SSOs. These entities can build upon their existing efforts to establish a comprehensive SSMP consistent with this Order. Others, however, still require technical assistance and, in some cases, funding to improve sanitary sewer system operation and maintenance in order to reduce SSOs.
7. SSMP certification by technically qualified and experienced persons can provide a useful and cost-effective means for ensuring that SSMPs are developed and implemented appropriately.
8. It is the State Water Board's intent to gather additional information on the causes and sources of SSOs to augment existing information and to determine the full extent of SSOs and consequent public health and/or environmental impacts occurring in the State.
9. Both uniform SSO reporting and a centralized statewide electronic database are needed to collect information to allow the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) to effectively analyze the extent of SSOs statewide and their potential impacts on beneficial uses and public health. The monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program No. 2006-0003-DWQ, are necessary to assure compliance with these waste discharge requirements (WDRs).
10. Information regarding SSOs must be provided to Regional Water Boards and other regulatory agencies in a timely manner and be made available to the public in a complete, concise, and timely fashion.
11. Some Regional Water Boards have issued WDRs or WDRs that serve as National Pollution Discharge Elimination System (NPDES) permits to sanitary sewer system owners/operators within their jurisdictions. This Order establishes minimum requirements to prevent SSOs. Although it is the State Water Board's intent that this Order be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more

prescriptive WDRs for sanitary sewer systems. Upon issuance or reissuance of a Regional Water Board's WDRs for a system subject to this Order, the Regional Water Board shall coordinate its requirements with stated requirements within this Order, to identify requirements that are more stringent, to remove requirements that are less stringent than this Order, and to provide consistency in reporting.

## REGULATORY CONSIDERATIONS

12. California Water Code section 13263 provides that the State Water Board may prescribe general WDRs for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

This Order establishes requirements for a class of operations, facilities, and discharges that are similar throughout the state.

13. The issuance of general WDRs to the Enrollees will:

- a) Reduce the administrative burden of issuing individual WDRs to each Enrollee;
- b) Provide for a unified statewide approach for the reporting and database tracking of SSOs;
- c) Establish consistent and uniform requirements for SSMP development and implementation;
- d) Provide statewide consistency in reporting; and
- e) Facilitate consistent enforcement for violations.

14. The beneficial uses of surface waters that can be impaired by SSOs include, but are not limited to, aquatic life, drinking water supply, body contact and non-contact recreation, and aesthetics. The beneficial uses of ground water that can be impaired include, but are not limited to, drinking water and agricultural supply. Surface and ground waters throughout the state support these uses to varying degrees.

15. The implementation of requirements set forth in this Order will ensure the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each region and take into account the environmental characteristics of hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect

water quality in the area, costs associated with compliance with these requirements, the need for developing housing within California, and the need to develop and use recycled water.

16. The Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of sewage effluent to waters of the United States must comply with technology-based, secondary treatment standards, at a minimum, and any more stringent requirements necessary to meet applicable water quality standards and other requirements. Hence, the unpermitted discharge of wastewater from a sanitary sewer system to waters of the United States is illegal under the Clean Water Act. In addition, many Basin Plans adopted by the Regional Water Boards contain discharge prohibitions that apply to the discharge of untreated or partially treated wastewater. Finally, the California Water Code generally prohibits the discharge of waste to land prior to the filing of any required report of waste discharge and the subsequent issuance of either WDRs or a waiver of WDRs.
17. California Water Code section 13263 requires a water board to, after any necessary hearing, prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. The requirements shall, among other things, take into consideration the need to prevent nuisance.
18. California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
  - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
  - b. 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.
  - c. Occurs during, or as a result of, the treatment or disposal of wastes.
19. This Order is consistent with State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the Order imposes conditions to prevent impacts to water quality, does not allow the degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than prescribed in State Water Board or Regional Water Board plans and policies.
20. The action to adopt this General Order is exempt from the California Environmental Quality Act (Public Resources Code §21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment. (Cal. Code Regs., tit. 14, §15308). In addition, the action to adopt

this Order is exempt from CEQA pursuant to Cal.Code Regs., title 14, §15301 to the extent that it applies to existing sanitary sewer collection systems that constitute “existing facilities” as that term is used in Section 15301, and §15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

21. The Fact Sheet, which is incorporated by reference in the Order, contains supplemental information that was also considered in establishing these requirements.
22. The State Water Board has notified all affected public agencies and all known interested persons of the intent to prescribe general WDRs that require Enrollees to develop SSMPs and to report all SSOs.
23. The State Water Board conducted a public hearing on February 8, 2006, to receive oral and written comments on the draft order. The State Water Board received and considered, at its May 2, 2006, meeting, additional public comments on substantial changes made to the proposed general WDRs following the February 8, 2006, public hearing. The State Water Board has considered all comments pertaining to the proposed general WDRs.

**IT IS HEREBY ORDERED**, that pursuant to California Water Code section 13263, the Enrollees, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder, shall comply with the following:

#### **A. DEFINITIONS**

1. **Sanitary sewer overflow (SSO)** - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:
  - (i) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
  - (ii) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
  - (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.
2. **Sanitary sewer system** – Any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities are not considered to be SSOs.

For purposes of this Order, sanitary sewer systems include only those systems owned by public agencies that are comprised of more than one mile of pipes or sewer lines.

3. **Enrollee** - A federal or state agency, municipality, county, district, and other public entity that owns or operates a sanitary sewer system, as defined in the general WDRs, and that has submitted a complete and approved application for coverage under this Order.
4. **SSO Reporting System** – Online spill reporting system that is hosted, controlled, and maintained by the State Water Board. The web address for this site is <http://ciwqs.waterboards.ca.gov>. This online database is maintained on a secure site and is controlled by unique usernames and passwords.
5. **Untreated or partially treated wastewater** – Any volume of waste discharged from the sanitary sewer system upstream of a wastewater treatment plant headworks.
6. **Satellite collection system** – The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility to which the sanitary sewer system is tributary.
7. **Nuisance** - California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
  - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
  - b. 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.
  - c. Occurs during, or as a result of, the treatment or disposal of wastes.

## **B. APPLICATION REQUIREMENTS**

1. **Deadlines for Application** – All public agencies that currently own or operate sanitary sewer systems within the State of California must apply for coverage under the general WDRs within six (6) months of the date of adoption of the general WDRs. Additionally, public agencies that acquire or assume responsibility for operating sanitary sewer systems after the date of adoption of this Order must apply for coverage under the general WDRs at least three (3) months prior to operation of those facilities.
2. **Applications under the general WDRs** – In order to apply for coverage pursuant to the general WDRs, a legally authorized representative for each agency must submit a complete application package. Within sixty (60) days of adoption of the general WDRs, State Water Board staff will send specific instructions on how to

apply for coverage under the general WDRs to all known public agencies that own sanitary sewer systems. Agencies that do not receive notice may obtain applications and instructions online on the Water Board's website.

3. Coverage under the general WDRs – Permit coverage will be in effect once a complete application package has been submitted and approved by the State Water Board's Division of Water Quality.

### **C. PROHIBITIONS**

1. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
2. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.

### **D. PROVISIONS**

1. The Enrollee must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for enforcement action.
2. It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with the general WDRs. Nothing in the general WDRs shall be:
  - (i) Interpreted or applied in a manner inconsistent with the Federal Clean Water Act, or supersede a more specific or more stringent state or federal requirement in an existing permit, regulation, or administrative/judicial order or Consent Decree;
  - (ii) Interpreted or applied to authorize an SSO that is illegal under either the Clean Water Act, an applicable Basin Plan prohibition or water quality standard, or the California Water Code;
  - (iii) Interpreted or applied to prohibit a Regional Water Board from issuing an individual NPDES permit or WDR, superseding this general WDR, for a sanitary sewer system, authorized under the Clean Water Act or California Water Code; or
  - (iv) Interpreted or applied to supersede any more specific or more stringent WDRs or enforcement order issued by a Regional Water Board.
3. The Enrollee shall take all feasible steps to eliminate SSOs. In the event that an SSO does occur, the Enrollee shall take all feasible steps to contain and mitigate the impacts of an SSO.
4. In the event of an SSO, the Enrollee shall take all feasible steps to prevent untreated or partially treated wastewater from discharging from storm drains into

flood control channels or waters of the United States by blocking the storm drainage system and by removing the wastewater from the storm drains.

5. All SSOs must be reported in accordance with Section G of the general WDRs.
6. In any enforcement action, the State and/or Regional Water Boards will consider the appropriate factors under the duly adopted State Water Board Enforcement Policy. And, consistent with the Enforcement Policy, the State and/or Regional Water Boards must consider the Enrollee's efforts to contain, control, and mitigate SSOs when considering the California Water Code Section 13327 factors. In assessing these factors, the State and/or Regional Water Boards will also consider whether:
  - (i) The Enrollee has complied with the requirements of this Order, including requirements for reporting and developing and implementing a SSMP;
  - (ii) The Enrollee can identify the cause or likely cause of the discharge event;
  - (iii) There were no feasible alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event identified in the SSMP. It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems.
  - (iv) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;
  - (v) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for:
    - Proper management, operation and maintenance;
    - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent SSOs (e.g., adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow (I/I), etc.);
    - Preventive maintenance (including cleaning and fats, oils, and grease (FOG) control);
    - Installation of adequate backup equipment; and
    - Inflow and infiltration prevention and control to the extent practicable.
  - (vi) The sanitary sewer system design capacity is appropriate to reasonably prevent SSOs.

- (vii) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.
7. When a sanitary sewer overflow occurs, the Enrollee shall take all feasible steps and necessary remedial actions to 1) control or limit the volume of untreated or partially treated wastewater discharged, 2) terminate the discharge, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water.

The Enrollee shall implement all remedial actions to the extent they may be applicable to the discharge and not inconsistent with an emergency response plan, including the following:

- (i) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;
  - (ii) Vacuum truck recovery of sanitary sewer overflows and wash down water;
  - (iii) Cleanup of debris at the overflow site;
  - (iv) System modifications to prevent another SSO at the same location;
  - (v) Adequate sampling to determine the nature and impact of the release; and
  - (vi) Adequate public notification to protect the public from exposure to the SSO.
8. The Enrollee shall properly, manage, operate, and maintain all parts of the sanitary sewer system owned or operated by the Enrollee, and shall ensure that the system operators (including employees, contractors, or other agents) are adequately trained and possess adequate knowledge, skills, and abilities.
9. The Enrollee shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices.
10. The Enrollee shall provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events. Capacity shall meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance Plan for all parts of the sanitary sewer system owned or operated by the Enrollee.
11. The Enrollee shall develop and implement a written Sewer System Management Plan (SSMP) and make it available to the State and/or Regional Water Board upon request. A copy of this document must be publicly available at the Enrollee's office and/or available on the Internet. This SSMP must be approved by the Enrollee's governing board at a public meeting.

12. In accordance with the California Business and Professions Code sections 6735, 7835, and 7835.1, all engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Specific elements of the SSMP that require professional evaluation and judgments shall be prepared by or under the direction of appropriately qualified professionals, and shall bear the professional(s)' signature and stamp.
13. The mandatory elements of the SSMP are specified below. However, if the Enrollee believes that any element of this section is not appropriate or applicable to the Enrollee's sanitary sewer system, the SSMP program does not need to address that element. The Enrollee must justify why that element is not applicable. The SSMP must be approved by the deadlines listed in the SSMP Time Schedule below.

### **Sewer System Management Plan (SSMP)**

- (i) **Goal:** The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.
- (ii) **Organization:** The SSMP must identify:
  - (a) The name of the responsible or authorized representative as described in Section J of this Order.
  - (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and
  - (c) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to the State and Regional Water Board and other agencies if applicable (such as County Health Officer, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services (OES)).
- (iii) **Legal Authority:** Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
  - (a) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);

- (b) Require that sewers and connections be properly designed and constructed;
  - (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
  - (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
  - (e) Enforce any violation of its sewer ordinances.
- (iv) **Operation and Maintenance Program.** The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:
- (a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities;
  - (b) Describe routine preventive operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewer system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance (PM) program should have a system to document scheduled and conducted activities, such as work orders;
  - (c) Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the capital improvement plan;
  - (d) Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be appropriately trained; and

- (e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

(v) **Design and Performance Provisions:**

- (a) Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and
- (b) Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) **Overflow Emergency Response Plan** - Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (b) A program to ensure an appropriate response to all overflows;
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

- (vii) **FOG Control Program:** Each Enrollee shall evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:
- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
  - (b) A plan and schedule for the disposal of FOG generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sanitary sewer system service area;
  - (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG;
  - (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
  - (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;
  - (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and
  - (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.
- (viii) **System Evaluation and Capacity Assurance Plan:** The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:
- (a) **Evaluation:** Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs

that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;

- (b) **Design Criteria:** Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria; and
  - (c) **Capacity Enhancement Measures:** The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.
  - (d) **Schedule:** The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a)-(c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D. 14.
- (ix) **Monitoring, Measurement, and Program Modifications:** The Enrollee shall:
- (a) Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities;
  - (b) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;
  - (c) Assess the success of the preventative maintenance program;
  - (d) Update program elements, as appropriate, based on monitoring or performance evaluations; and
  - (e) Identify and illustrate SSO trends, including: frequency, location, and volume.
- (x) **SSMP Program Audits** - As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the

Enrollee's compliance with the SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them.

- (xi) **Communication Program** – The Enrollee shall communicate on a regular basis with the public on the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed and implemented.

The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer system.

14. Both the SSMP and the Enrollee's program to implement the SSMP must be certified by the Enrollee to be in compliance with the requirements set forth above and must be presented to the Enrollee's governing board for approval at a public meeting. The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general WDRs within the time frames identified in the time schedule provided in subsection D.15, below.

In order to complete this certification, the Enrollee's authorized representative must complete the certification portion in the Online SSO Database Questionnaire by checking the appropriate milestone box, printing and signing the automated form, and sending the form to:

State Water Resources Control Board  
Division of Water Quality  
Attn: SSO Program Manager  
P.O. Box 100  
Sacramento, CA 95812

The SSMP must be updated every five (5) years, and must include any significant program changes. Re-certification by the governing board of the Enrollee is required in accordance with D.14 when significant updates to the SSMP are made. To complete the re-certification process, the Enrollee shall enter the data in the Online SSO Database and mail the form to the State Water Board, as described above.

15. The Enrollee shall comply with these requirements according to the following schedule. This time schedule does not supersede existing requirements or time schedules associated with other permits or regulatory requirements.

**Sewer System Management Plan Time Schedule**

<u>Task and Associated Section</u>	<b>Completion Date</b>			
	Population > 100,000	Population between 100,000 and 10,000	Population between 10,000 and 2,500	Population < 2,500
Application for Permit Coverage <b>Section C</b>	6 months after WDRs Adoption			
Reporting Program <b>Section G</b>	6 months after WDRs Adoption <sup>1</sup>			
SSMP Development Plan and Schedule <b>No specific Section</b>	9 months after WDRs Adoption <sup>2</sup>	12 months after WDRs Adoption <sup>2</sup>	15 months after WDRs Adoption <sup>2</sup>	18 months after WDRs Adoption <sup>2</sup>
Goals and Organization Structure <b>Section D 13 (i) &amp; (ii)</b>	12 months after WDRs Adoption <sup>2</sup>		18 months after WDRs Adoption <sup>2</sup>	
Overflow Emergency Response Program <b>Section D 13 (vi)</b>	24 months after WDRs Adoption <sup>2</sup>	30 months after WDRs Adoption <sup>2</sup>	36 months after WDRs Adoption <sup>2</sup>	39 months after WDRs Adoption <sup>2</sup>
Legal Authority <b>Section D 13 (iii)</b>				
Operation and Maintenance Program <b>Section D 13 (iv)</b>				
Grease Control Program <b>Section D 13 (vii)</b>	36 months after WDRs Adoption	39 months after WDRs Adoption	48 months after WDRs Adoption	51 months after WDRs Adoption
Design and Performance <b>Section D 13 (v)</b>				
System Evaluation and Capacity Assurance Plan <b>Section D 13 (viii)</b>				
Final SSMP, incorporating all of the SSMP requirements <b>Section D 13</b>				

1. In the event that by July 1, 2006 the Executive Director is able to execute a memorandum of agreement (MOA) with the California Water Environment Association (CWEA) or discharger representatives outlining a strategy and time schedule for CWEA or another entity to provide statewide training on the adopted monitoring program, SSO database electronic reporting, and SSMP development, consistent with this Order, then the schedule of Reporting Program Section G shall be replaced with the following schedule:

Reporting Program <b>Section G</b>	
Regional Boards 4, 8, and 9	8 months after WDRs Adoption
Regional Boards 1, 2, and 3	12 months after WDRs Adoption
Regional Boards 5, 6, and 7	16 months after WDRs Adoption

If this MOU is not executed by July 1, 2006, the reporting program time schedule will remain six (6) months for all regions and agency size categories.

2. In the event that the Executive Director executes the MOA identified in note 1 by July 1, 2006, then the deadline for this task shall be extended by six (6) months. The time schedule identified in the MOA must be consistent with the extended time schedule provided by this note. If the MOA is not executed by July 1, 2006, the six (6) month time extension will not be granted.

#### **E. WDRs and SSMP AVAILABILITY**

1. A copy of the general WDRs and the certified SSMP shall be maintained at appropriate locations (such as the Enrollee's offices, facilities, and/or Internet homepage) and shall be available to sanitary sewer system operating and maintenance personnel at all times.

#### **F. ENTRY AND INSPECTION**

1. The Enrollee shall allow the State or Regional Water Boards or their authorized representative, upon presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

## **G. GENERAL MONITORING AND REPORTING REQUIREMENTS**

1. The Enrollee shall furnish to the State or Regional Water Board, within a reasonable time, any information that the State or Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Enrollee shall also furnish to the Executive Director of the State Water Board or Executive Officer of the applicable Regional Water Board, upon request, copies of records required to be kept by this Order.
2. The Enrollee shall comply with the attached Monitoring and Reporting Program No. 2006-0003 and future revisions thereto, as specified by the Executive Director. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2006-0003. Unless superseded by a specific enforcement Order for a specific Enrollee, these reporting requirements are intended to replace other mandatory routine written reports associated with SSOs.
3. All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within 30days of receiving an account and prior to recording spills into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding a Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.
4. Pursuant to Health and Safety Code section 5411.5, any person who, without regard to intent or negligence, causes or permits any untreated wastewater or other waste to be discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State, as soon as that person has knowledge of the discharge, shall immediately notify the local health officer of the discharge. Discharges of untreated or partially treated wastewater to storm drains and drainage channels, whether man-made or natural or concrete-lined, shall be reported as required above.

Any SSO greater than 1,000 gallons discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State shall also be reported to the Office of Emergency Services pursuant to California Water Code section 13271.

#### **H. CHANGE IN OWNERSHIP**

1. This Order is not transferable to any person or party, except after notice to the Executive Director. The Enrollee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new Enrollee containing a specific date for the transfer of this Order's responsibility and coverage between the existing Enrollee and the new Enrollee. This agreement shall include an acknowledgement that the existing Enrollee is liable for violations up to the transfer date and that the new Enrollee is liable from the transfer date forward.

#### **I. INCOMPLETE REPORTS**

1. If an Enrollee becomes aware that it failed to submit any relevant facts in any report required under this Order, the Enrollee shall promptly submit such facts or information by formally amending the report in the Online SSO Database.

#### **J. REPORT DECLARATION**

1. All applications, reports, or information shall be signed and certified as follows:
  - (i) All reports required by this Order and other information required by the State or Regional Water Board shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in paragraph (ii) of this provision. (For purposes of electronic reporting, an electronic signature and accompanying certification, which is in compliance with the Online SSO database procedures, meet this certification requirement.)
  - (ii) An individual is a duly authorized representative only if:
    - (a) The authorization is made in writing by a person described in paragraph (i) of this provision; and
    - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

#### **K. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS**

1. The California Water Code provides various enforcement options, including civil monetary remedies, for violations of this Order.
2. The California Water Code also provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or

falsifying any information provided in the technical or monitoring reports is subject to civil monetary penalties.

**L. SEVERABILITY**

1. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
2. This order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Enrollee from liability under federal, state or local laws, nor create a vested right for the Enrollee to continue the waste discharge.

**CERTIFICATION**

The undersigned Clerk to the State Water Board does hereby certify that the foregoing is a full, true, and correct copy of general WDRs duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 2, 2006.

AYE: Tam M. Doduc  
Gerald D. Secundy

NO: Arthur G. Baggett

ABSENT: None

ABSTAIN: None



---

Song Her  
Clerk to the Board

## STATE WATER RESOURCES CONTROL BOARD

### MONITORING AND REPORTING PROGRAM NO. 2006-0003-DWQ STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-2003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting.

#### **A. SANITARY SEWER OVERFLOW REPORTING**

##### **SSO Categories**

1. Category 1 - All discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system that:
  - A. Equal or exceed 1000 gallons, or
  - B. Result in a discharge to a drainage channel and/or surface water; or
  - C. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.
2. Category 2 – All other discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system.
3. Private Lateral Sewage Discharges – Sewage discharges that are caused by blockages or other problems within a privately owned lateral.

##### **SSO Reporting Timeframes**

4. Category 1 SSOs – All SSOs that meet the above criteria for Category 1 SSOs must be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Initial reporting of Category 1 SSOs must be reported to the Online SSO System as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO. Minimum information that must be contained in the 3-day report must include all information identified in section 9 below, except for item 9.K. A final certified report must be completed through the Online SSO System, within 15 calendar days of the conclusion of SSO response and remediation. Additional information may be added to the certified report, in the form of an attachment, at any time.

The above reporting requirements do not preclude other emergency notification requirements and timeframes mandated by other regulatory agencies (local

County Health Officers, local Director of Environmental Health, Regional Water Boards, or Office of Emergency Services (OES)) or State law.

5. Category 2 SSOs – All SSOs that meet the above criteria for Category 2 SSOs must be reported to the Online SSO Database within 30 days after the end of the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of January must be entered into the database by March 1st).
6. Private Lateral Sewage Discharges – All sewage discharges that meet the above criteria for Private Lateral sewage discharges may be reported to the Online SSO Database based upon the Enrollee's discretion. If a Private Lateral sewage discharge is recorded in the SSO Database, the Enrollee must identify the sewage discharge as occurring and caused by a private lateral, and a responsible party (other than the Enrollee) should be identified, if known.
7. If there are no SSOs during the calendar month, the Enrollee will provide, within 30 days after the end of each calendar month, a statement through the Online SSO Database certifying that there were no SSOs for the designated month.
8. In the event that the SSO Online Database is not available, the enrollee must fax all required information to the appropriate Regional Water Board office in accordance with the time schedules identified above. In such event, the Enrollee must also enter all required information into the Online SSO Database as soon as practical.

### **Mandatory Information to be Included in SSO Online Reporting**

All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.

At a minimum, the following mandatory information must be included prior to finalizing and certifying an SSO report for each category of SSO:

9. Category 2 SSOs:
  - A. Location of SSO by entering GPS coordinates;
  - B. Applicable Regional Water Board, i.e. identify the region in which the SSO occurred;
  - C. County where SSO occurred;
  - D. Whether or not the SSO entered a drainage channel and/or surface water;
  - E. Whether or not the SSO was discharged to a storm drain pipe that was not fully captured and returned to the sanitary sewer system;

- F. Estimated SSO volume in gallons;
- G. SSO source (manhole, cleanout, etc.);
- H. SSO cause (mainline blockage, roots, etc.);
- I. Time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a Final SSO Identification (ID) Number.

10. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known), as well as;
- B. Identification of sewage discharge as a private lateral sewage discharge; and
- C. Responsible party contact information (if known).

11. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached surface water, drainage channel, or not recovered from a storm drain;
- C. Estimated SSO amount recovered;
- D. Response and corrective action taken;
- E. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA must be selected.
- F. Parameters that samples were analyzed for (if applicable);
- G. Identification of whether or not health warnings were posted;
- H. Beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- I. Whether or not there is an ongoing investigation;
- J. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- K. OES control number (if applicable);
- L. Date OES was called (if applicable);
- M. Time OES was called (if applicable);
- N. Identification of whether or not County Health Officers were called;
- O. Date County Health Officer was called (if applicable); and
- P. Time County Health Officer was called (if applicable).

**Reporting to Other Regulatory Agencies**

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant to California state law. These reporting requirements do not replace other Regional Water Board telephone reporting requirements for SSOs.

1. The Enrollee shall report SSOs to OES, in accordance with California Water Code Section 13271.

Office of Emergency Services  
Phone (800) 852-7550

2. The Enrollee shall report SSOs to County Health officials in accordance with California Health and Safety Code Section 5410 et seq.
3. The SSO database will automatically generate an e-mail notification with customized information about the SSO upon initial reporting of the SSO and final certification for all Category 1 SSOs. E-mails will be sent to the appropriate County Health Officer and/or Environmental Health Department if the county desires this information, and the appropriate Regional Water Board.

## **B. Record Keeping**

1. Individual SSO records shall be maintained by the Enrollee for a minimum of five years from the date of the SSO. This period may be extended when requested by a Regional Water Board Executive Officer.
3. All records shall be made available for review upon State or Regional Water Board staff's request.
4. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. The Enrollee shall retain records of all SSOs, such as, but not limited to and when applicable:
  - a. Record of Certified report, as submitted to the online SSO database;
  - b. All original recordings for continuous monitoring instrumentation;
  - c. Service call records and complaint logs of calls received by the Enrollee;
  - d. SSO calls;
  - e. SSO records;
  - f. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
  - g. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
  - h. A list and description of complaints from customers or others from the previous 5 years; and
  - i. Documentation of performance and implementation measures for the previous 5 years.
6. If water quality samples are required by an environmental or health regulatory agency or State law, or if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical technique or method used; and,
- f. The results of such analyses.

**C. Certification**

1. All final reports must be certified by an authorized person as required by Provision J of the Order.
2. Registration of authorized individuals, who may certify reports, will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2006-0003 will become effective on the date of adoption by the State Water Board.

**CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 2, 2006.



---

Song Her  
Clerk to the Board

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
ORDER NO. WQ 2013-0058-EXEC

AMENDING MONITORING AND REPORTING PROGRAM  
FOR  
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR  
SANITARY SEWER SYSTEMS

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general Waste Discharge Requirements (WDRs) for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code section 13263(i).
2. Water Code section 13193 *et seq.* requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) to gather Sanitary Sewer Overflow (SSO) information and make this information available to the public, including but not limited to, SSO cause, estimated volume, location, date, time, duration, whether or not the SSO reached or may have reached waters of the state, response and corrective action taken, and an enrollee's contact information for each SSO event. An enrollee is defined as the public entity having legal authority over the operation and maintenance of, or capital improvements to, a sanitary sewer system greater than one mile in length.
3. Water Code section 13271, *et seq.* requires notification to the California Office of Emergency Services (Cal OES), formerly the California Emergency Management Agency, for certain unauthorized discharges, including SSOs.
4. On May 2, 2006, the State Water Board adopted Order 2006-0003-DWQ, "Statewide Waste Discharge Requirements for Sanitary Sewer Systems"<sup>1</sup> (hereafter SSS WDRs) to comply with Water Code section 13193 and to establish the framework for the statewide SSO Reduction Program.
5. Subsection G.2 of the SSS WDRs and the Monitoring and Reporting Program (MRP) provide that the Executive Director may modify the terms of the MRP at any time.
6. On February 20, 2008, the State Water Board Executive Director adopted a revised MRP for the SSS WDRs to rectify early notification deficiencies and ensure that first responders are notified in a timely manner of SSOs discharged into waters of the state.
7. When notified of an SSO that reaches a drainage channel or surface water of the state, Cal OES, pursuant to Water Code section 13271(a)(3), forwards the SSO notification information<sup>2</sup> to local government agencies and first responders including local public health officials and the applicable Regional Water Board. Receipt of notifications for a single SSO event from both the SSO reporter

---

<sup>1</sup> Available for download at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2006/wqo/wqo2006\\_0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf)

<sup>2</sup> Cal OES Hazardous Materials Spill Reports available Online at:

[http://w3.calema.ca.gov/operational/mal haz.nsf/\\$defaultview](http://w3.calema.ca.gov/operational/mal haz.nsf/$defaultview) and <http://w3.calema.ca.gov/operational/mal haz.nsf>

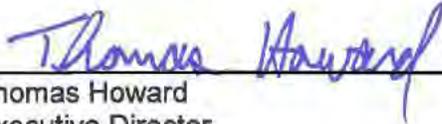
and Cal OES is duplicative. To address this, the SSO notification requirements added by the February 20, 2008 MRP revision are being removed in this MRP revision.

8. In the February 28, 2008 Memorandum of Agreement between the State Water Board and the California Water and Environment Association (CWEA), the State Water Board committed to re-designing the CIWQS<sup>3</sup> Online SSO Database to allow "event" based SSO reporting versus the original "location" based reporting. Revisions to this MRP and accompanying changes to the CIWQS Online SSO Database will implement this change by allowing for multiple SSO appearance points to be associated with each SSO event caused by a single asset failure.
9. Based on stakeholder input and Water Board staff experience implementing the SSO Reduction Program, SSO categories have been revised in this MRP. In the prior version of the MRP, SSOs have been categorized as Category 1 or Category 2. This MRP implements changes to SSO categories by adding a Category 3 SSO type. This change will improve data management to further assist Water Board staff with evaluation of high threat and low threat SSOs by placing them in unique categories (i.e., Category 1 and Category 3, respectively). This change will also assist enrollees in identifying SSOs that require Cal OES notification.
10. Based on over six years of implementation of the SSS WDRs, the State Water Board concludes that the February 20, 2008 MRP must be updated to better advance the SSO Reduction Program<sup>4</sup> objectives, assess compliance, and enforce the requirements of the SSS WDRs.

**IT IS HEREBY ORDERED THAT:**

Pursuant to the authority delegated by Water Code section 13267(f), Resolution 2002-0104, and Order 2006-0003-DWQ, the MRP for the SSS WDRs (Order 2006-0003-DWQ) is hereby amended as shown in Attachment A and shall be effective on 07/26/2013.

7/30/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Thomas Howard  
Executive Director

<sup>3</sup> California Integrated Water Quality System (CIWQS) publicly available at <http://www.waterboards.ca.gov/ciwqs/publicreports.shtml>

<sup>4</sup> Statewide Sanitary Sewer Overflow Reduction Program information is available at: [http://www.waterboards.ca.gov/water\\_issues/programs/ssso/](http://www.waterboards.ca.gov/water_issues/programs/ssso/)

## ATTACHMENT A

### STATE WATER RESOURCES CONTROL BOARD ORDER NO. WQ 2013-0058-EXEC

#### AMENDING MONITORING AND REPORTING PROGRAM FOR STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order 2006-0003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems" (SSS WDRs). This MRP shall be effective from September 9, 2013 until it is rescinded. The Executive Director may make revisions to this MRP at any time. These revisions may include a reduction or increase in the monitoring and reporting requirements. All site specific records and data developed pursuant to the SSS WDRs and this MRP shall be complete, accurate, and justified by evidence maintained by the enrollee. Failure to comply with this MRP may subject an enrollee to civil liabilities of up to \$5,000 a day per violation pursuant to Water Code section 13350; up to \$1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement. The State Water Resources Control Board (State Water Board) reserves the right to take any further enforcement action authorized by law.

#### A. SUMMARY OF MRP REQUIREMENTS

Table 1 – Spill Categories and Definitions

CATEGORIES	DEFINITIONS [see Section A on page 5 of Order 2006-0003-DWQ, for Sanitary Sewer Overflow (SSO) definition]
CATEGORY 1	Discharges of untreated or partially treated wastewater of <b>any volume</b> resulting from an enrollee's sanitary sewer system failure or flow condition that: <ul style="list-style-type: none"><li>Reach surface water and/or reach a drainage channel tributary to a surface water; or</li><li>Reach a Municipal Separate Storm Sewer System (MS4) and are not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the MS4 is considered to have reached surface water unless the storm drain system discharges to a dedicated storm water or groundwater infiltration basin (e.g., infiltration pit, percolation pond).</li></ul>
CATEGORY 2	Discharges of untreated or partially treated wastewater of <b>1,000 gallons or greater</b> resulting from an enrollee's sanitary sewer system failure or flow condition that <b>do not</b> reach surface water, a drainage channel, or a MS4 unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.
CATEGORY 3	All other discharges of untreated or partially treated wastewater resulting from an enrollee's sanitary sewer system failure or flow condition.
PRIVATE LATERAL SEWAGE DISCHARGE (PLSD)	Discharges of untreated or partially treated wastewater resulting from blockages or other problems <b>within a privately owned sewer lateral</b> connected to the enrollee's sanitary sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be <b>voluntarily</b> reported to the California Integrated Water Quality System (CIWQS) Online SSO Database.

**Table 2 – Notification, Reporting, Monitoring, and Record Keeping Requirements**

ELEMENT	REQUIREMENT	METHOD
<b>NOTIFICATION</b> (see section B of MRP)	<ul style="list-style-type: none"> <li>• Within two hours of becoming aware of any Category 1 SSO <b>greater than or equal to 1,000 gallons discharged to surface water or spilled in a location where it probably will be discharged to surface water</b>, notify the California Office of Emergency Services (Cal OES) and obtain a notification control number.</li> </ul>	Call Cal OES at: (800) 852-7550
<b>REPORTING</b> (see section C of MRP)	<ul style="list-style-type: none"> <li>• Category 1 SSO: Submit draft report within three business days of becoming aware of the SSO and certify within 15 calendar days of SSO end date.</li> <li>• Category 2 SSO: Submit draft report within 3 business days of becoming aware of the SSO and certify within 15 calendar days of the SSO end date.</li> <li>• Category 3 SSO: Submit certified report within 30 calendar days of the end of month in which SSO the occurred.</li> <li>• SSO Technical Report: Submit within 45 calendar days after the end date of any Category 1 SSO in which 50,000 gallons or greater are spilled to surface waters.</li> <li>• "No Spill" Certification: Certify that no SSOs occurred within 30 calendar days of the end of the month or, if reporting quarterly, the quarter in which no SSOs occurred.</li> <li>• Collection System Questionnaire: Update and certify every 12 months.</li> </ul>	Enter data into the CIWQS Online SSO Database ( <a href="http://ciwqs.waterboards.ca.gov/">http://ciwqs.waterboards.ca.gov/</a> ), certified by enrollee's Legally Responsible Official(s).
<b>WATER QUALITY MONITORING</b> (see section D of MRP)	<ul style="list-style-type: none"> <li>• Conduct water quality sampling <b>within 48 hours</b> after initial SSO notification for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters.</li> </ul>	Water quality results are required to be uploaded into CIWQS for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters.
<b>RECORD KEEPING</b> (see section E of MRP)	<ul style="list-style-type: none"> <li>• SSO event records.</li> <li>• Records documenting Sanitary Sewer Management Plan (SSMP) implementation and changes/updates to the SSMP.</li> <li>• Records to document Water Quality Monitoring for SSOs of 50,000 gallons or greater spilled to surface waters.</li> <li>• Collection system telemetry records if relied upon to document and/or estimate SSO Volume.</li> </ul>	Self-maintained records shall be available during inspections or upon request.

## **B. NOTIFICATION REQUIREMENTS**

Although Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) staff do not have duties as first responders, this MRP is an appropriate mechanism to ensure that the agencies that have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

1. For any Category 1 SSO greater than or equal to 1,000 gallons that results in a discharge to a surface water or spilled in a location where it probably will be discharged to surface water, either directly or by way of a drainage channel or MS4, the enrollee shall, as soon as possible, but not later than two (2) hours after (A) the enrollee has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the Cal OES and obtain a notification control number.
2. To satisfy notification requirements for each applicable SSO, the enrollee shall provide the information requested by Cal OES before receiving a control number. Spill information requested by Cal OES may include:
  - i. Name of person notifying Cal OES and direct return phone number.
  - ii. Estimated SSO volume discharged (gallons).
  - iii. If ongoing, estimated SSO discharge rate (gallons per minute).
  - iv. SSO Incident Description:
    - a. Brief narrative.
    - b. On-scene point of contact for additional information (name and cell phone number).
    - c. Date and time enrollee became aware of the SSO.
    - d. Name of sanitary sewer system agency causing the SSO.
    - e. SSO cause (if known).
  - v. Indication of whether the SSO has been contained.
  - vi. Indication of whether surface water is impacted.
  - vii. Name of surface water impacted by the SSO, if applicable.
  - viii. Indication of whether a drinking water supply is or may be impacted by the SSO.
  - ix. Any other known SSO impacts.
  - x. SSO incident location (address, city, state, and zip code).
3. Following the initial notification to Cal OES and until such time that an enrollee certifies the SSO report in the CIWQS Online SSO Database, the enrollee shall provide updates to Cal OES regarding substantial changes to the estimated volume of untreated or partially treated sewage discharged and any substantial change(s) to known impact(s).
4. PLSDs: The enrollee is strongly encouraged to notify Cal OES of discharges greater than or equal to 1,000 gallons of untreated or partially treated wastewater that result or may result in a discharge to surface water resulting from failures or flow conditions within a privately owned sewer lateral or from other private sewer asset(s) if the enrollee becomes aware of the PLSD.

### C. REPORTING REQUIREMENTS

1. **CIWQS Online SSO Database Account:** All enrollees shall obtain a CIWQS Online SSO Database account and receive a "Username" and "Password" by registering through CIWQS. These accounts allow controlled and secure entry into the CIWQS Online SSO Database.
2. **SSO Mandatory Reporting Information:** For reporting purposes, if one SSO event results in multiple appearance points in a sewer system asset, the enrollee shall complete one SSO report in the CIWQS Online SSO Database which includes the GPS coordinates for the location of the SSO appearance point closest to the failure point, blockage or location of the flow condition that caused the SSO, and provide descriptions of the locations of all other discharge points associated with the SSO event.

#### 3. SSO Categories

- i. **Category 1** – Discharges of untreated or partially treated wastewater of any volume resulting from an enrollee's sanitary sewer system failure or flow condition that:
  - a. Reach surface water and/or reach a drainage channel tributary to a surface water; or
  - b. Reach a MS4 and are not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the MS4 is considered to have reached surface water unless the storm drain system discharges to a dedicated storm water or groundwater infiltration basin (e.g., infiltration pit, percolation pond).
- ii. **Category 2** – Discharges of untreated or partially treated wastewater greater than or equal to 1,000 gallons resulting from an enrollee's sanitary sewer system failure or flow condition that does not reach a surface water, a drainage channel, or the MS4 unless the entire SSO volume discharged to the storm drain system is fully recovered and disposed of properly.
- iii. **Category 3** – All other discharges of untreated or partially treated wastewater resulting from an enrollee's sanitary sewer system failure or flow condition.

#### 4. Sanitary Sewer Overflow Reporting to CIWQS - Timeframes

- i. **Category 1 and Category 2 SSOs** – All SSOs that meet the above criteria for Category 1 or Category 2 SSOs shall be reported to the CIWQS Online SSO Database:
  - a. Draft reports for Category 1 and Category 2 SSOs shall be submitted to the CIWQS Online SSO Database within three (3) business days of the enrollee becoming aware of the SSO. Minimum information that shall be reported in a draft Category 1 SSO report shall include all information identified in section 8.i.a. below. Minimum information that shall be reported in a Category 2 SSO draft report shall include all information identified in section 8.i.c below.
  - b. A final Category 1 or Category 2 SSO report shall be certified through the CIWQS Online SSO Database within 15 calendar days of the end date of the SSO. Minimum information that shall be certified in the final Category 1 SSO report shall include all information identified in section 8.i.b below. Minimum information that shall be certified in a final Category 2 SSO report shall include all information identified in section 8.i.d below.

- ii. **Category 3 SSOs** – All SSOs that meet the above criteria for Category 3 SSOs shall be reported to the CIWQS Online SSO Database and certified within 30 calendar days after the end of the calendar month in which the SSO occurs (e.g., all Category 3 SSOs occurring in the month of February shall be entered into the database and certified by March 30). Minimum information that shall be certified in a final Category 3 SSO report shall include all information identified in section 8.i.e below.
- iii. **“No Spill” Certification** – If there are no SSOs during the calendar month, the enrollee shall either 1) certify, within 30 calendar days after the end of each calendar month, a “No Spill” certification statement in the CIWQS Online SSO Database certifying that there were no SSOs for the designated month, or 2) certify, quarterly within 30 calendar days after the end of each quarter, “No Spill” certification statements in the CIWQS Online SSO Database certifying that there were no SSOs for each month in the quarter being reported on. For quarterly reporting, the quarters are Q1 - January/ February/ March, Q2 - April/May/June, Q3 - July/August/September, and Q4 - October/November/December.  
  
If there are no SSOs during a calendar month but the enrollee reported a PLSD, the enrollee shall still certify a “No Spill” certification statement for that month.
- iv. **Amended SSO Reports** – The enrollee may update or add additional information to a certified SSO report within 120 calendar days after the SSO end date by amending the report or by adding an attachment to the SSO report in the CIWQS Online SSO Database. SSO reports certified in the CIWQS Online SSO Database prior to the adoption date of this MRP may only be amended up to 120 days after the effective date of this MRP. After 120 days, the enrollee may contact the SSO Program Manager to request to amend an SSO report if the enrollee also submits justification for why the additional information was not available prior to the end of the 120 days.

## 5. **SSO Technical Report**

The enrollee shall submit an SSO Technical Report in the CIWQS Online SSO Database within 45 calendar days of the SSO end date for any SSO in which 50,000 gallons or greater are spilled to surface waters. This report, which does not preclude the Water Boards from requiring more detailed analyses if requested, shall include at a minimum, the following:

- i. **Causes and Circumstances of the SSO:**
  - a. Complete and detailed explanation of how and when the SSO was discovered.
  - b. Diagram showing the SSO failure point, appearance point(s), and final destination(s).
  - c. Detailed description of the methodology employed and available data used to calculate the volume of the SSO and, if applicable, the SSO volume recovered.
  - d. Detailed description of the cause(s) of the SSO.
  - e. Copies of original field crew records used to document the SSO.
  - f. Historical maintenance records for the failure location.
- ii. **Enrollee’s Response to SSO:**
  - a. Chronological narrative description of all actions taken by enrollee to terminate the spill.
  - b. Explanation of how the SSMP Overflow Emergency Response plan was implemented to respond to and mitigate the SSO.

- c. Final corrective action(s) completed and/or planned to be completed, including a schedule for actions not yet completed.

iii. **Water Quality Monitoring:**

- a. Description of all water quality sampling activities conducted including analytical results and evaluation of the results.
- b. Detailed location map illustrating all water quality sampling points.

6. **PLSDs**

Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sanitary sewer system or from other private sanitary sewer system assets may be voluntarily reported to the CIWQS Online SSO Database.

- i. The enrollee is also encouraged to provide notification to Cal OES per section B above when a PLSD greater than or equal to 1,000 gallons has or may result in a discharge to surface water. For any PLSD greater than or equal to 1,000 gallons regardless of the spill destination, the enrollee is also encouraged to file a spill report as required by Health and Safety Code section 5410 et. seq. and Water Code section 13271, or notify the responsible party that notification and reporting should be completed as specified above and required by State law.
- ii. If a PLSD is recorded in the CIWQS Online SSO Database, the enrollee must identify the sewage discharge as occurring and caused by a private sanitary sewer system asset and should identify a responsible party (other than the enrollee), if known. Certification of PLSD reports by enrollees is not required.

7. **CIWQS Online SSO Database Unavailability**

In the event that the CIWQS Online SSO Database is not available, the enrollee must fax or e-mail all required information to the appropriate Regional Water Board office in accordance with the time schedules identified herein. In such event, the enrollee must also enter all required information into the CIWQS Online SSO Database when the database becomes available.

8. **Mandatory Information to be Included in CIWQS Online SSO Reporting**

All enrollees shall obtain a CIWQS Online SSO Database account and receive a "Username" and "Password" by registering through CIWQS which can be reached at [CIWQS@waterboards.ca.gov](mailto:CIWQS@waterboards.ca.gov) or by calling (866) 792-4977, M-F, 8 A.M. to 5 P.M. These accounts will allow controlled and secure entry into the CIWQS Online SSO Database. Additionally, within thirty (30) days of initial enrollment and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire). The Questionnaire shall be updated at least once every 12 months.

i. **SSO Reports**

At a minimum, the following mandatory information shall be reported prior to finalizing and certifying an SSO report for each category of SSO:

- a. **Draft Category 1 SSOs**: At a minimum, the following mandatory information shall be reported for a draft Category 1 SSO report:
1. SSO Contact Information: Name and telephone number of enrollee contact person who can answer specific questions about the SSO being reported.
  2. SSO Location Name.
  3. Location of the overflow event (SSO) by entering GPS coordinates. If a single overflow event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the SSO appearance point explanation field.
  4. Whether or not the SSO reached surface water, a drainage channel, or entered and was discharged from a drainage structure.
  5. Whether or not the SSO reached a municipal separate storm drain system.
  6. Whether or not the total SSO volume that reached a municipal separate storm drain system was fully recovered.
  7. Estimate of the SSO volume, inclusive of all discharge point(s).
  8. Estimate of the SSO volume that reached surface water, a drainage channel, or was not recovered from a storm drain.
  9. Estimate of the SSO volume recovered (if applicable).
  10. Number of SSO appearance point(s).
  11. Description and location of SSO appearance point(s). If a single sanitary sewer system failure results in multiple SSO appearance points, each appearance point must be described.
  12. SSO start date and time.
  13. Date and time the enrollee was notified of, or self-discovered, the SSO.
  14. Estimated operator arrival time.
  15. For spills greater than or equal to 1,000 gallons, the date and time Cal OES was called.
  16. For spills greater than or equal to 1,000 gallons, the Cal OES control number.
- b. **Certified Category 1 SSOs**: At a minimum, the following mandatory information shall be reported for a certified Category 1 SSO report, in addition to all fields in section 8.i.a :
1. Description of SSO destination(s).
  2. SSO end date and time.
  3. SSO causes (mainline blockage, roots, etc.).
  4. SSO failure point (main, lateral, etc.).
  5. Whether or not the spill was associated with a storm event.
  6. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the overflow; and a schedule of major milestones for those steps.
  7. Description of spill response activities.
  8. Spill response completion date.
  9. Whether or not there is an ongoing investigation, the reasons for the investigation and the expected date of completion.

10. Whether or not a beach closure occurred or may have occurred as a result of the SSO.
  11. Whether or not health warnings were posted as a result of the SSO.
  12. Name of beach(es) closed and/or impacted. If no beach was impacted, NA shall be selected.
  13. Name of surface water(s) impacted.
  14. If water quality samples were collected, identify parameters the water quality samples were analyzed for. If no samples were taken, NA shall be selected.
  15. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.
  16. Description of methodology(ies) and type of data relied upon for estimations of the SSO volume discharged and recovered.
  17. SSO Certification: Upon SSO Certification, the CIWQS Online SSO Database will issue a final SSO identification (ID) number.
- c. **Draft Category 2 SSOs**: At a minimum, the following mandatory information shall be reported for a draft Category 2 SSO report:
1. Items 1-14 in section 8.i.a above for Draft Category 1 SSO.
- d. **Certified Category 2 SSOs**: At a minimum, the following mandatory information shall be reported for a certified Category 2 SSO report:
1. Items 1-14 in section 8.i.a above for Draft Category 1 SSO and Items 1-9, and 17 in section 8.i.b above for Certified Category 1 SSO.
- e. **Certified Category 3 SSOs**: At a minimum, the following mandatory information shall be reported for a certified Category 3 SSO report:
1. Items 1-14 in section 8.i.a above for Draft Category 1 SSO and Items 1-6, and 17 in section 8.i.b above for Certified Category 1 SSO.
- ii. **Reporting SSOs to Other Regulatory Agencies**
- These reporting requirements do not preclude an enrollee from reporting SSOs to other regulatory agencies pursuant to state law. In addition, these reporting requirements do not replace other Regional Water Board notification and reporting requirements for SSOs.
- iii. **Collection System Questionnaire**
- The required Questionnaire (see subsection G of the SSS WDRs) provides the Water Boards with site-specific information related to the enrollee's sanitary sewer system. The enrollee shall complete and certify the Questionnaire at least every 12 months to facilitate program implementation, compliance assessment, and enforcement response.
- iv. **SSMP Availability**
- The enrollee shall provide the publicly available internet web site address to the CIWQS Online SSO Database where a downloadable copy of the enrollee's approved SSMP, critical supporting documents referenced in the SSMP, and proof of local governing board approval of the SSMP is posted. If all of the SSMP documentation listed in this subsection is not publicly available on the Internet, the enrollee shall comply with the following procedure:

- a. Submit an **electronic** copy of the enrollee's approved SSMP, critical supporting documents referenced in the SSMP, and proof of local governing board approval of the SSMP to the State Water Board, within 30 days of that approval and within 30 days of any subsequent SSMP re-certifications, to the following mailing address:

State Water Resources Control Board  
Division of Water Quality  
Attn: SSO Program Manager  
1001 I Street, 15<sup>th</sup> Floor, Sacramento, CA 95814

**D. WATER QUALITY MONITORING REQUIREMENTS:**

To comply with subsection D.7(v) of the SSS WDRs, the enrollee shall develop and implement an SSO Water Quality Monitoring Program to assess impacts from SSOs to surface waters in which 50,000 gallons or greater are spilled to surface waters. The SSO Water Quality Monitoring Program, shall, at a minimum:

1. Contain protocols for water quality monitoring.
2. Account for spill travel time in the surface water and scenarios where monitoring may not be possible (e.g. safety, access restrictions, etc.).
3. Require water quality analyses for ammonia and bacterial indicators to be performed by an accredited or certified laboratory.
4. Require monitoring instruments and devices used to implement the SSO Water Quality Monitoring Program to be properly maintained and calibrated, including any records to document maintenance and calibration, as necessary, to ensure their continued accuracy.
5. Within 48 hours of the enrollee becoming aware of the SSO, require water quality sampling for, at a minimum, the following constituents:
  - i. Ammonia
  - ii. Appropriate Bacterial indicator(s) per the applicable Basin Plan water quality objective or Regional Board direction which may include total and fecal coliform, enterococcus, and e-coli.

**E. RECORD KEEPING REQUIREMENTS:**

The following records shall be maintained by the enrollee for a minimum of five (5) years and shall be made available for review by the Water Boards during an onsite inspection or through an information request:

1. General Records: The enrollee shall maintain records to document compliance with all provisions of the SSS WDRs and this MRP for each sanitary sewer system owned including any required records generated by an enrollee's sanitary sewer system contractor(s).
2. SSO Records: The enrollee shall maintain records for each SSO event, including but not limited to:
  - i. Complaint records documenting how the enrollee responded to all notifications of possible or actual SSOs, both during and after business hours, including complaints that do not

result in SSOs. Each complaint record shall, at a minimum, include the following information:

- a. Date, time, and method of notification.
  - b. Date and time the complainant or informant first noticed the SSO.
  - c. Narrative description of the complaint, including any information the caller can provide regarding whether or not the complainant or informant reporting the potential SSO knows if the SSO has reached surface waters, drainage channels or storm drains.
  - d. Follow-up return contact information for complainant or informant for each complaint received, if not reported anonymously.
  - e. Final resolution of the complaint.
- ii. Records documenting steps and/or remedial actions undertaken by enrollee, using all available information, to comply with section D.7 of the SSS WDRs.
  - iii. Records documenting how all estimate(s) of volume(s) discharged and, if applicable, volume(s) recovered were calculated.
3. Records documenting all changes made to the SSMP since its last certification indicating when a subsection(s) of the SSMP was changed and/or updated and who authorized the change or update. These records shall be attached to the SSMP.
  4. Electronic monitoring records relied upon for documenting SSO events and/or estimating the SSO volume discharged, including, but not limited to records from:
    - i. Supervisory Control and Data Acquisition (SCADA) systems
    - ii. Alarm system(s)
    - iii. Flow monitoring device(s) or other instrument(s) used to estimate wastewater levels, flow rates and/or volumes.

#### **F. CERTIFICATION**

1. All information required to be reported into the CIWQS Online SSO Database shall be certified by a person designated as described in subsection J of the SSS WDRs. This designated person is also known as a Legally Responsible Official (LRO). An enrollee may have more than one LRO.
2. Any designated person (i.e. an LRO) shall be registered with the State Water Board to certify reports in accordance with the CIWQS protocols for reporting.
3. Data Submitter (DS): Any enrollee employee or contractor may enter draft data into the CIWQS Online SSO Database on behalf of the enrollee if authorized by the LRO and registered with the State Water Board. However, only LROs may certify reports in CIWQS.
4. The enrollee shall maintain continuous coverage by an LRO. Any change of a registered LRO or DS (e.g., retired staff), including deactivation or a change to the LRO's or DS's contact information, shall be submitted by the enrollee to the State Water Board within 30 days of the change by calling (866) 792-4977 or e-mailing [help@ciwqs.waterboards.ca.gov](mailto:help@ciwqs.waterboards.ca.gov).

5. A registered designated person (i.e., an LRO) shall certify all required reports under penalty of perjury laws of the state as stated in the CIWQS Online SSO Database at the time of certification.

**CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Resources Control Board.

7/30/13

Date



Jeanine Townsend  
Clerk to the Board

## **APPENDIX 0B**

---

June 19, 2013 City Council Meeting Minutes

August 2018, City Council Meeting Minutes (*Placeholder*)



## ACTION MINUTES

# CITY OF PACIFIC GROVE CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, June 19, 2013

Regular Meeting Begins at 6:00 P.M.

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

6:01 p.m.

### **CALL TO ORDER**

Mayor Kampe, and Councilmembers Cuneo, Huitt, Lucius and Miller Present.

Councilmember Fischer arrived at 6:02 p.m.. Councilmember Cohen excused absence.

### **1. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by members of the of Breakers Baseball team

### **2. APPROVAL OF AGENDA**

Upon Motion by Councilmember Cuneo and carried on a 6-0 vote, Council moved the location of Item 15A as 13F, and Item 7F as 15A(1), and to approve the agenda.

Additionally, Council moved to continue items 13E to the next Regular Meeting and 16A to the next Special Meeting.

### **3. PRESENTATIONS**

- A. Proclamation in honor of Breakers Baseball team, for completing the season as Undefeated 31 - 0 CCS Champions.
- B. Presentation by Rich Deal, Monterey City Traffic Engineer regarding the consideration of placing roundabouts within the City of Pacific Grove.

### **4. COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

- Mayor Pro Tempore Huitt commemorated the passing of former Mayor Bob Quinn
- Dan Gho advised that the Lovers Point Pool Construction was completed and the opening was slated for June 21, 2013 at 11:00AM
- Dave Laredo, City Attorney, updated the Council and advised that on 1)May 17, 2013 the Superior Court issued a ruling on the 2006 Measure R Case; 2) on May 21, 2013 the Petition for Writ of Mandate for Aberg v City of PG was filed and the City filed to seek Declaratory Relief on Both Matters; and 3) the District Attorney responded to the City with regards to the inquiry about actions taken in 2002.
- Mayor Kampe informed the Council of a BBC publishing where City of Pacific Grove was named one of Americas Best Little Beach Towns. Additionally he provided AMBAG, FORA and Coastal Commission updates.

### **5. ORAL COMMUNICATIONS**

- John Moore discussed the 2010 initiative and the 3% at 50 initiative
- Moe Ammar invited everyone to use the summer shuttle and invited everyone to the 4<sup>th</sup> of July event in Caledonia Park

- Sally Moore made reference to the PG Cemetery landscaping

### **CONSENT AGENDA**

Action: Upon Motion by Councilmember Cuneo and carried on a 6-0 vote, with Councilmember Miller abstaining from Item 6A, the Council approved the Consent Agenda

### **6. APPROVAL OF CITY COUNCIL MEETING MINUTES**

- A. Minutes of the May 15, 2013 City Council & Special Meetings  
Reference: David Concepcion, City Clerk  
Action: Minutes Approved 6-0-1,(Councilmember Miller abstained).

### **7. RESOLUTIONS**

- A. Contract with Allstar Painting for the Exterior Painting of the Pacific Grove Public Library  
Reference: Daniel Gho, Parks and Recreation Manager  
Action: Council approved Resolution 13-030, authorizing the City Manager to enter into a Contract with Allstar Painting for the Exterior Painting of the Pacific Grove Public Library in an amount not to exceed \$19,950 (\$17,000 bid price plus a 15% contingency)
- B. Authorizing the City Manager to Enter into a Contract with Root Tamers for Chemical Root Control of Various Sanitary Sewer Lines  
Reference: Daniel Gho, Parks and Recreation Manager  
Action: Council approved Resolution 13-030, authorizing the City Manager to enter into a Contract with Root Tamers for Chemical Root Control of Various Sanitary Sewer Lines in an amount not to exceed \$48,426.60 bid price plus a 10% contingency per year, for a contract period not to exceed three years.
- C. Authorizing the City Manager to enter into an agreement with Monterey Peninsula Engineering for street improvements to Pine Avenue and Ocean View Boulevard  
Reference: Michael Zimmer, Public Works Director  
Action: Council approved Resolution No. 13-024, approving a resolution authorizing the City Manager to enter into an agreement with Monterey Peninsula Engineering for the 2013 Street Improvements: Pine Avenue and Ocean View Boulevard Project, in an amount not to exceed \$322,585.00 plus a 20% contingency fee.
- D. Agreement with Oona Johnsen, Landscape Architecture for an Outreach Program on Watershed Management and Stormwater Stewardship and Implementation of a Residential Retrofit Rebate Program  
Reference: Sarah Hardgrave, Environmental Programs Manager  
Action: Council approved Resolution No. 13-025, approving a resolution authorizing the City Manager to execute an agreement with Oona Johnsen Landscape Architecture for an outreach program on watershed management and stormwater stewardship and implementation of a residential retrofit rebate program, in an amount not to exceed \$48,465.
- E. Resolution establishing the Appropriations Limit for Fiscal Year 2013-4  
Reference: Anthony McFarlane, Administrative Services Manager  
Action: Held a public hearing and Council approved Resolution No. 13-026, establishing the City's Fiscal Year 2013-4 Appropriations Limit at \$30,705,925.

- F. Pool at Lovers Point Park Name Recommendation  
Reference: City of Pacific Grove Recreation Board  
Action: Pulled by Councilmember Cuneo
  
- G. Agreement with B&H Equipment for the purchase of three HD/SD cameras and equipment for the City Council Chambers  
Reference: David Concepcion, City Clerk  
Action: Council approved Resolution No. 13-027, authorizing the City Manager to enter into a purchase agreement with B&H Equipment for the purchase of three HD/SD cameras and the corresponding editing, control, delivery equipment for the City Council Chambers in an amount not to exceed \$37,784.

**8. ORDINANCES**

- A. Second reading and adoption of an ordinance to amend the City of Pacific Grove's Conflict-of-Interest Code  
Reference: David Concepcion, City Clerk  
Action: Held second reading and Council adopted Ordinance No. 13-010, to amend Pacific Grove Municipal Code Chapter 2.40, Conflict-of-Interest.

**9. REPORTS – INFORMATION ONLY**

- A. None.

**10. REPORTS – REQUIRING ACTION**

- A. Voting delegate and alternate for the League of California Cities Annual Conference September 18-20, 2013  
Reference: David Concepcion, City Clerk  
Action: 1) Council selected Rudy Fischer as Voting Delegate and Casey Lucius as Alternate to attend the 2013 League of California Cities Annual Conference in Sacramento; and 2) Directed staff to bring back League policies issues to the Council for discussion, approval, and/or further direction, if appropriate.
  
- B. Appointing a Pacific Grove Advisor to the Board of the Monterey Convention and Visitors Bureau  
Reference: Thomas Frutchey, City Manager  
Action: Council appointed Lori Mannel as an advisor to the Board of the Monterey Convention and Visitors Bureau.
  
- C. Approve Nomination of Ruth Matthews to the Economic Development Commission  
Reference: Mayor Bill Kampe  
Action: Council approved the nomination of Ruth Matthews to the Economic Development Commission for a term from 6/19/13 to 1/31/15.
  
- D. FY 2013-2015 Special Events recommendations  
Reference: City of Pacific Grove Recreation Board  
Action: Directed staff to prepare five year agreements beginning in FY 2014/15 for the following: Annual Good Old Days sponsored by Pacific Grove Chamber of Commerce, the Feast of Lanterns sponsored by Pacific Grove Feast of Lanterns, INC., Big Sur Half Marathon on Monterey Bay sponsored by Big Sur International Marathon, Annual Wag N'Walk sponsored by SPCA for Monterey County, and Jingle

Bell Run/Walk sponsored by the Arthritis Foundation.

- E. Sewer System Management Plan Revision 1  
Reference: Sarah Hardgrave, Environmental Programs Manager  
Action: Council adopted the Sewer System Management Plan (SSMP) Revision 1 and authorized staff to certify the document in the California Integrated Water Quality System (CIWQS).

**11. MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

- A. Loan Committee Special Meeting Minutes: June 11, 2013  
Action: Minutes received
- B. Library Advisory Board Meeting Minutes: April 17, 2013  
Action: Minutes received
- C. Beautification and Natural Resources Committee Meeting Minutes: April 23, 2013  
Action: Minutes received
- D. Beautification and Natural Resources Committee Special Meeting Minutes: May 9, 2013  
Action: Minutes received
- E. Lovers Point Children's Pool Ad Hoc Oversight Committee Meeting Minutes: May 2, 2013  
Action: Minutes received
- F. Lovers Point Children's Pool Ad Hoc Oversight Committee Meeting Minutes: May 23, 2013  
Action: Minutes received
- G. Recreation Board Meeting Minutes: May 14, 2013  
Action: Minutes received
- H. Traffic Safety Commission Meeting Minutes: May 14, 2013  
Action: Minutes received
- I. Planning Commission Meeting Minutes: June 6, 2013  
Action: Minutes received
- J. Architectural Review Board Meeting Minutes: May 14, 2013  
Action: Minutes received
- K. Architectural Review Board Meeting Minutes: May 28, 2013  
Action: Minutes received
- L. Historic Resources Committee Site Review Meeting Minutes: May 9, 2013  
Action: Minutes received

**12. ITEMS REMOVED FROM CONSENT AGENDA**

- 7F. Pool at Lovers Point Park Name Recommendation

Reference: City of Pacific Grove Recreation Board

Action: Upon Motion by Councilmember Cuneo and carried on a 6-0 vote, Council approved pool name as "Stillwell Children's Pool at Lovers Point."

## REGULAR AGENDA

### 13. PUBLIC HEARINGS

- A. Approval of the Downtown Business Improvement District (BID) program for FY 2013/14  
Reference: Catherine Krysyna, Assistant Finance Officer  
Public Comment: None  
Action: 1) Held a public hearing and determined that no majority protest exists to forming the district equal to a majority of the businesses included in the district; and 2) Upon Motion by Councilmember Cuneo and carried on a 6-0 vote, Council adopted Resolution No.13-028: approving the annual report, levies the annual assessment for the district, approves the recommended program for FY 2013/14, appoints the BID Advisory Board for 2013/14, and authorizes the City Manager to execute an agreement with the Pacific Grove Chamber of Commerce to administer the approved BID budget.
- B. Approval of the Hospitality Improvement District (HID) program for FY 2013/14  
Reference: Catherine Krysyna, Assistant Finance Officer  
Public Comment: None  
Action: 1) Held a public hearing and determined that no majority protest exists to forming the district equal to a majority of the businesses included in the district; and 2) Upon Motion by Mayor Pro Tempore Huitt and carried on a 6-0 vote, Council adopted Resolution No.13-029: approving the annual report, levies the annual assessment for the district, approves the recommended program for FY 2013/14, appoints the HID Advisory Board for 2013/14, and authorizes the City Manager to execute an agreement with the Pacific Grove Chamber of Commerce to administer the approved HID budget.
- C. Ordinance to levy a tax on assessed value of property in Pacific Grove for the Butterfly Habitat Bonds and approval of a resolution that certifies compliance with state law concerning the levying of taxes  
Reference: Anthony McFarlane, Administrative Services Manager  
Public Comment: None  
Action: 1) Held a public hearing and upon Motion by Councilmember Fischer and carried on a 6-0 vote introduced the first reading of an ordinance that levies a tax rate of 0.003% on the assessed value of property in Pacific Grove, to pay the annual debt service on the 2003 General Obligation Refunding Butterfly Habitat Bonds, and direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney; and 2) and introduced a resolution that certifies compliance with the law concerning the levying of taxes.
- D. Ordinance to amend the full-time position classification schedule  
Reference: Beth Kastrup, Human Resources Analyst  
Public Comment: Susan Steele (Friends of the Library)  
Recommended Action: Held a public hearing and upon Motion by Councilmember Lucius and carried on a 6-0 vote, introduced the first reading of an ordinance to

amend the full-time position classification schedule reclassifying the current Library Manager position to include the Library and Information Services Director position and Library Director position.

- E. Ordinance to bring the City Municipal Code into consistency with the Certified Local Government (CLG) Program p.213  
Reference: Lynn Burgess, AICP, Advance Planning Program Manager  
Action: Item continued to the next Regular Meeting 16A to the next Special Meeting
  
- F. Police Services: Proposals to Share Services or Become a Sustainable Stand-alone Department  
Reference: Thomas Frutchey, City Manager  
Public Comment: Steve Gorman, Darius Engels, unidentified member of the public, Tony Prock, Darian Hood, Richard Stilwell, Carl Miller, Ed Lake, Debbie Page, Ron Schenck, Steve Thomas, Marilyn Bell, Don Lassidy, Wally Broda, and Carol Gonzalez.  
Action: 1) Received public input; 2) Posed questions to and obtain needed clarifications from the proponents; 3) Council directed staff and Ralph Andersen & Associates to analyze and propose adequate safeguards such that, if the City does contract out for some or all Police Services, and later wishes to bring such services back in house, a future Council would not be precluded from making such a decision; and 4) Council directed staff to initiate negotiations with two or more proponents, with the goal of returning on June 26, 2013 with updated information, and further refining analysis, timelines, assessments and a final recommendation.

**The meeting recessed on break at 8:39 pm and reconvened at 8:51 pm**

**14. UNFINISHED AND ONGOING BUSINESS**

- A. Water Projects Update and Amendment to an Existing Agreement with Brezack & Associates Planning for Continued Support on the Pacific Grove Local Water Project  
Reference: Thomas Frutchey, City Manager and Sarah Hardgrave, Environmental Programs Manager  
Public Comment: None  
Action: 1) Upon Motion by Councilmember Lucius and carried on a 6-0 vote, Council received updates on water-related matters and provide direction to staff as to items to be returned to the Council for additional consideration; 2) directed the City to be a Party/Participant the California American Water General Rate Case for 2015-2017 for inclusion of the Pacific Grove Local Water Project (LWP); 3) directed the City to be the CEQA Lead Agency for the LWP; 4) directed staff to seek additional funds from Monterey Peninsula Water Management District (MPWMD) and others for continued development of the LWP; and 5) Council adopted Resolution No.13-032 authorizing the City Manager to execute an amendment to an existing agreement with Brezack and Associates Planning for \$197,000.

**15. NEW BUSINESS**

- A. Police Services: Proposals to Share Services or Become a Sustainable Stand-alone Department  
Reference: Thomas Frutchey, City Manager

Action: Moved to Item 13F on the Agenda

- B. A motion to reallocate a small amount of water to the Residential Water Category for use by homeowners listed on the Water Wait List so that they can make additions to their existing homes

Reference: Rudy Fischer, Councilmember

Public Comment: None

Action: Council discussed the item and directed City staff to return to council with recommendations from the March 20, 2013 City Council meeting to transfer up to 0.20 Acre Feet (AF) of water from the City's Community Reserve allocation of 1.3810 AF to the Residential Reserve; and consideration of distribution to those with projects already on the City's Water Wait List.

**16. FULL PRESENTATIONS**

- A. Golf Enterprise Fund Reserve

Reference: Bruce Obbink, Chairman, Golf Links Advisory Commission (GLAC)

Action: Item continued to the June 26, 2013 Special Meeting

**17. REPORTS OF COUNCIL MEMBERS**

- A. Community Human Services Board Meeting Highlights May 16, 2013

Reference: Councilmember Alan Cohen

Recommended Action: Receive Highlights

- B. Monterey Regional Waste Management District Meeting Highlights: May 17, 2013

Recommended Action: Receive Highlights

- C. Monterey Salinas Transit Meeting Minutes: May 13, 2013

Reference: Alan Cohen, Councilmember

Recommended Action: Receive Minutes

- D. Monterey Salinas Transit Meeting Highlights: June 10, 2013

Reference: Alan Cohen, Councilmember

Recommended Action: Receive Highlights

- E. Monterey Regional Waste Management District Meeting Highlights: April 19, 2013

Recommended Action: Receive Highlights

- F. Monterey Peninsula Water Supply Project Governance Committee Meeting Minutes: May 7, 2013

Recommended Action: Receive Minutes

- G. Monterey Peninsula Water Supply Project Governance Committee Meeting Minutes: April 22, 2013

Recommended Action: Receive Minutes

Upon Motion by Councilmember Fisher and carried on a 5-1 vote, with Councilmember Miller Council continued item 16A from this Council meeting, and adding the Report back from the City Manager on 15A, and new items from this meeting in addition to a Special meeting on 6-26 at 6:00PM

**18. PUBLIC COMMENT ON CLOSED SESSION MATTERS**

Staff Recommended only Items 19A, 19B(1), and 19B(2) be taken up.  
Public Comment: None

**19. CLOSED SESSION**

- A. Conference with Labor Negotiators – Police Officers Association and Police Officers Managers Association; City Representatives: Thomas Frutchey, City Manager; Vicki Myers, Chief of Police; (Gov. Code § 54957.6) (Gov. Code § 54956.9(a))
- B. Conference with Legal Counsel - Existing Litigation, Gov. Code § 54956.9(a)
  - 1. Aberg, Grate, Davis vs. City of Pacific Grove Case# M123256
  - 2. PUC Case#A1204109
  - 3. Police Officers Association, Litigation
  - 4. PTAF vs. Monterey County, Existing Litigation Case#A12-04-019
  - 5. John Josef Costandi vs. Pacific Grove Case# M122845
- C. Conference with Legal Counsel – Anticipated Litigation (One Case); (Gov. Code §54956.9(b))

**20. PUBLIC ANNOUNCEMENTS OF ACTION TAKEN IN CLOSED SESSION**

David Laredo, City Attorney, Reported the items were discussed and:

**19A.** Action: Council received a status report and provided direction to the City Manager

**19B(1).** Action: Council received status report, and no specific action was taken

**19B(2).** Action: Council received status report, and no specific action was taken

**ADJOURNMENT**

Council adjourned the regular meeting at 10:21 PM , in Honor of former Mayor Bob Quinn

Respectfully submitted,

  
David Concepción  
City Clerk

Approved by Mayor: Bill Kampel Date 7/23/13

Attest by City Manager: Thomas Frutchey Date 7-29-13



## **ELEMENT 1 - GOAL**

---

The City of Pacific Grove has the following goals for the management and maintenance of the sanitary sewer collection system. These goals provide focus for the City Staff to continue high-quality work to operate and maintain City facilities and to implement improvements for management of the collection system to prevent sanitary sewer overflows (SSOs). The role of the SSMP in supporting these goals is discussed below.

### **1.1 Regulatory Requirement**

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

The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.

### **1.2 Sanitary Sewer System Goals [WDR D.13(i)]**

The City seeks to provide high quality and reliable wastewater collection for its residents and businesses by meeting the following goals:

City of Pacific Grove SSMP Goals:

1. Be available and responsive to the needs of the public, and work cooperatively with local, state, and federal agencies to reduce, mitigate, and properly report SSOs.
2. The Public Works Director will maintain documentation and update each SSMP Element, which contains schedules and plans to complete operations and maintenance tasks, engineering studies, and SSO monitoring, reporting and records keeping requirements, on an annual basis.
3. Maintain the number of SSOs to less than three (3) in a calendar year.
4. Have zero (0) capacity-related SSOs except those caused by storm events exceeding the design storm for that section of the collection system.
5. Have zero (0) SSOs repeated within one (1) year from the same sewer line segment, manhole, or lift station.

## **ELEMENT 2 - ORGANIZATION**

---

The Organization Element of the SSMP identifies the City of Pacific Grove Staff and Contract Staff, who are responsible for implementing this SSMP, responding to SSO events, and meeting SSO reporting requirements.

The Legally Responsible Official (LRO) is designated below to meet SWRCB requirements for completing and certifying SSO reports in CIWQS.

This SSMP Element outlines the City organization, SSMP responsibilities of personnel, authorized representatives, and chains of communication for SSO response and reporting. Names and contact information of the current Mayor, City Council members, and the current representative to Monterey One Water (M1W) are available in Appendix 2A.

### **2.1 Regulatory Requirements**

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

The SSMP must identify:

- (a) The name of the responsible and authorized representative as described in Section J of this Order.
- (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and
- (c) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including persons responsible for reporting SSOs to the State or Regional Water Board and other agencies if applicable (such as County Health Officers, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services (OES)).

The aforementioned WDR Order No. 2006-0003-DWQ Section J states:

All applications, reports, or information shall be signed and certified as follows:

- (i) All reports required by this Order (i) and other information required by the State or Regional Water Board shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in paragraph (ii) of this provision. (For purposes of electronic reporting, an electronic signature and accompanying certification, which is in compliance with the Online SSO database procedures, meet this certification requirement.)
- (ii) An individual is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in paragraph (i) of this provision; and
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

**2.2 Responsible and Authorized Representatives [WDR D.13(ii)(a)]**

The name of the authorized representative described in WDR Section J above is listed in Table 2-1:

**Table 2-1: City of Pacific Grove Authorized Representative**

Name	Title	CIWQS SSO Database
Daniel Gho	Public Works Director	Legally Responsible Official

**2.3 SSMP Program Implementation [WDR D.13(ii)(b)]**

The names and contact information for management, administrative, and maintenance Staff who are responsible for implementing specific measures for the City’s SSMP Program are presented in Table 2-2 below along with their specific responsibilities.

An organization chart showing the lines of authority for all City Staff, consultants contracted with the City, and contract M1W staff is described below in Table 2-2 and is included in Appendix 2B.

**Table 2-2: City of Pacific Grove Staff and Contract Staff SSMP Responsibilities and Contact Information**

Name and Title	SSMP Responsibilities	Contact Information
Ben Harvey  City Manager  <i>City of Pacific Grove</i>	<ul style="list-style-type: none"> <li>▪ The City Manager directs the Public Works Director in the management of all eleven (11) SSMP Elements.</li> </ul>	(831) 648-3106 Office  E-mail: CityManager@cityofpacificgrove.org
David Laredo City Attorney and Heidi Quinn Assistant City Attorney  <i>De Lay and Laredo – Contract with City of Pacific Grove</i>	<ul style="list-style-type: none"> <li>▪ The City Attorney and Assistant City Attorney assist the Public Works Director to manage Element 3 – Legal Authority.</li> </ul>	(831) 648-3187 Office  E-mail: Dave@laredolaw.net Heidi@laredolaw.net



Name and Title	SSMP Responsibilities	Contact Information
<p>Daniel Gho</p> <p>Public Works Director</p> <p><i>City of Pacific Grove</i></p>	<ul style="list-style-type: none"> <li>▪ The Public Works Director directs City, M1W, and Contract Staff in the management of all eleven (11) SSMP Elements.</li> </ul>	<p>(831) 648-5722 x203 Office            (831) 760-0600 Cell</p> <p>E-mail:            DGho@cityofpacificgrove.org</p>
<p>Caleb Schneider</p> <p>Administration</p> <p><i>City of Pacific Grove</i></p>	<ul style="list-style-type: none"> <li>▪ The Administrator receives and assures the appropriate City Staff respond to in person communications, phone calls, e-mails, and faxes to assist with the implementation of               <ul style="list-style-type: none"> <li>- Element 4 – Operation and Maintenance Program;</li> <li>- Element 6 – Overflow Emergency Response Plan;</li> <li>- Element 7 – FOG Control Program;</li> <li>- Element 11 – Communication Program.</li> </ul> </li> <li>▪ In a SSO response, could provide a carefully pre-scripted message for citizens who call with general questions.</li> </ul>	<p>(831) 648-5722 ext. 200</p> <p>E-mail:            CSchneider@cityofpacificgrove.org</p>
<p>Sherman Low, PE</p> <p><i>City Engineer</i></p> <p><i>Neill Engineers Corp – Contract with City</i></p>	<ul style="list-style-type: none"> <li>▪ Neill Engineers, Corp. is under contract as the City Engineer and is directed by the Public Works Director to implement:               <ul style="list-style-type: none"> <li>- Element 4 – Operation and Maintenance Program, Rehabilitation and Replacement Plan;</li> <li>- Element 5 – Design and Performance Provisions; and</li> <li>- Element 8 – System Evaluation and Capacity Assurance Plan.</li> </ul> </li> </ul>	<p>(831) 624-2110 Office</p> <p>E-mail: <a href="mailto:Sherman@neillcorp.com"><b>Sherman@neillcorp.com</b></a></p> <p>Office:            Neill Engineers Corp.            SW Corner Mission and Fifth            Carmel, CA 93921</p> <p>Mail:            P.O. Box LL            Carmel, CA 93921</p>

Name and Title	SSMP Responsibilities	Contact Information
<p>Milas Smith</p> <p>Environmental Programs Manager</p> <p><i>City of Pacific Grove</i></p>	<ul style="list-style-type: none"> <li>▪ The Environmental Programs Manager manages:               <ul style="list-style-type: none"> <li>- Element 1 – Goal;</li> <li>- Element 7 – Fats, Oils, and Grease Control Program; and</li> <li>- Element 11 – Communication Program.</li> </ul> </li> <li>▪ Responds to SSOs after hours, on weekends, and on holidays if the Public Works Director is unreachable after hours, on weekends, and on holidays.</li> </ul>	<p>(831) 648-3188 Office</p> <p>E-mail: <a href="mailto:MSmith@cityofpacificgrove.org">MSmith@cityofpacificgrove.org</a></p>
<p>Bret Boatman</p> <p>Maintenance Supervisor</p> <p><i>Monterey One Water – Contract with City</i></p>	<ul style="list-style-type: none"> <li>▪ The Maintenance Supervisor and his team of M1W mechanics and electricians perform routine operation, preventative maintenance, and repair and major maintenance services for the City owned lift stations as described in Element 4 – Operation and Maintenance Program.</li> <li>▪ Communicates maintenance results for the City lift stations to the Wastewater Supervisor.</li> </ul>	<p>(831) 883-6112 Office</p> <p>E-mail: <a href="mailto:BretB@mrwpca.com">BretB@mrwpca.com</a></p>
<p>Juan Arreguin</p> <p>Source Control Inspector</p> <p><i>Monterey One Water – Contract with City</i></p>	<ul style="list-style-type: none"> <li>▪ The Source Control Inspector conducts new FSE FOG inspections, annual FSE FOG inspections, and FSE re-inspections in accordance with the City Municipal Code 18.08: Grease Traps, as part of Element 7 – Fats, Oils, and Grease Control Program.</li> <li>▪ Drafts enforcement letters when necessary and works with the Wastewater Supervisor to issue the enforcement letters to FSEs in</li> </ul>	<p>(831) 883-6173 Office</p> <p>E-mail: <a href="mailto:Juan@mrwpca.com"><u>Juan@mrwpca.com</u></a></p>

Name and Title	SSMP Responsibilities	Contact Information
	violation of City Code Chapter 18.08.	
Cary Stiebel GIS Specialist  <i>PIE Services –            Contract with            City</i>	<ul style="list-style-type: none"> <li>▪ The GIS Specialist updates and revises the Geographical Information System (GIS) database and creates sanitary sewer system maps as required by Element 4 – Operation and Maintenance Program.</li> <li>▪ Updates the Computerized Maintenance Management System (iWorQ) as directed by the Wastewater Supervisor.</li> </ul>	(831) 915-9449 Office  E- Mail: cary@pieservices.net
John Kuehl Building Official  <i>City of Monterey –            Contract with            City</i>	<ul style="list-style-type: none"> <li>▪ The Building Official inspects newly installed grease traps and interceptors to ensure that the grease trap or interceptor is the correct size and is installed properly as required by Element 7 – Fats, Oils, and Grease Control Program.</li> </ul>	(831) 648-3183 Office  Email: kuel@monterey.org
Roque Pinheiro Buildings and Grounds Supervisor  <i>City of Pacific            Grove</i>	<ul style="list-style-type: none"> <li>▪ The Buildings and Grounds Supervisor and his maintenance staff work with the Wastewater Supervisor to implement Element 4 – Operation and Maintenance Program and Element 6 – Overflow Emergency Response Plan.</li> <li>▪ Responds to SSOs after hours, on weekends, and on holidays.</li> </ul>	(831) 648-5722 x211 Office  E-mail: RPinheiro@cityofpacificgrove.org
Vince Gentry – Storm Water and Wastewater Supervisor  John Goss	<ul style="list-style-type: none"> <li>▪ Performs maintenance in the several divisions of the Public Works Department, which include Buildings &amp; Grounds and Streets, These Public Works Maintenance Staff are not in the Sewer Division but assist the Sewer Division in the event of an emergency.</li> </ul>	(831) 648-5722 Office  (831) 760-0643 Cell Phone  e-mail: VGentry@cityofpacificgrove.org

Name and Title	SSMP Responsibilities	Contact Information
Maintenance Workers  <i>City of Pacific Grove</i>	<ul style="list-style-type: none"> <li>▪ Respond to SSOs with the Vactor truck and other cleanup tools, notifies regulatory agencies, document response activities using City procedures, assist in determining cause of SSO, and assist in implementing corrective actions to prevent recurrence of future SSOs.</li> </ul>	
Emilio Alcaraz  Construction Manager  <i>City of Pacific Grove</i>	<ul style="list-style-type: none"> <li>▪ The Construction Manager manages training associated with Element 4 – Operation and Maintenance Program and Element 6 – Overflow Emergency Response Plan.</li> <li>▪ Responds to SSOs after hours, on weekends, and on holidays.</li> </ul>	(831) 648-5722 x209 Office  E-mail: EAlcaraz@cityofpacificgrove.org
Mike Condon  Maintenance Workers  <i>City of Pacific Grove</i>	<ul style="list-style-type: none"> <li>▪ Assist Wastewater Field Maintenance Supervisor in the implementation of Element 4 – Operation and Maintenance Program.</li> <li>▪ Respond to SSOs with the Vactor truck and other cleanup tools, notifies regulatory agencies, document response activities using City procedures, assist in determining cause of SSO, and assist in implementing corrective actions to prevent recurrence of future SSOs.</li> </ul>	(831) 648-5722 Office

Name and Title	SSMP Responsibilities	Contact Information
<p>Mike Aliotti</p> <p>Maintenance Workers</p> <p><i>City of Pacific Grove</i></p>	<ul style="list-style-type: none"> <li>▪ The Maintenance Workers conduct routine and preventative maintenance, of the sanitary sewer system (SSS) and respond to SSOs as described in:               <ul style="list-style-type: none"> <li>- Element 4 – Operation and Maintenance Program; and</li> <li>- Element 6 – Overflow Emergency Response Plan.</li> </ul> </li> <li>▪ Perform weekly manhole inspections, maintenance, and cleaning of the SSS, and relay critical information, such as High Maintenance Areas, to the Wastewater Field Supervisor.</li> <li>▪ Deliver FOG and other SSS notices or door hangers.</li> <li>▪ Respond to SSOs with the Vector truck and other cleanup tools, notifies regulatory agencies, document response activities using City procedures, assist in determining cause of SSO, and assist in implementing corrective actions to prevent recurrence of future SSOs.</li> </ul>	<p>(831) 648-5722 Office</p>
<p>David Phillips</p> <p>Sewer Cleaning and Emergency Response</p> <p><i>Green Line Corporation – Contract with City</i></p>	<ul style="list-style-type: none"> <li>▪ Green Line contractually implements sewer line hydroflush cleaning, root removal, and emergency call-services to SSOs as described by:               <ul style="list-style-type: none"> <li>- Element 4 – Operation and Maintenance Program; and</li> <li>- Element 6 – Overflow Emergency Response Plan.</li> </ul> </li> </ul>	<p>(831) 649-6388 Office</p> <p>E-mail: phillipsd@lfgw.com</p>



## **2.4 Chain of Communication for Responding to SSOs [WDR D.13(ii)(b)]**

SSO reports usually begin with a call from a resident to the City Public Works Department, 911 dispatchers, or the City Police and Fire Departments.

The City Public Works telephone contact number is (831) 648 - 5722. After hours, the voicemail directs callers to call (831) 648-3143, the main line for the City Police Department in the event of a sewer emergency.

The City Police and Fire personnel have a Public Works Call Out List, which has the names and phone numbers of:

1. Wastewater Supervisor;
2. City Maintenance Staff; and
3. Green Line.

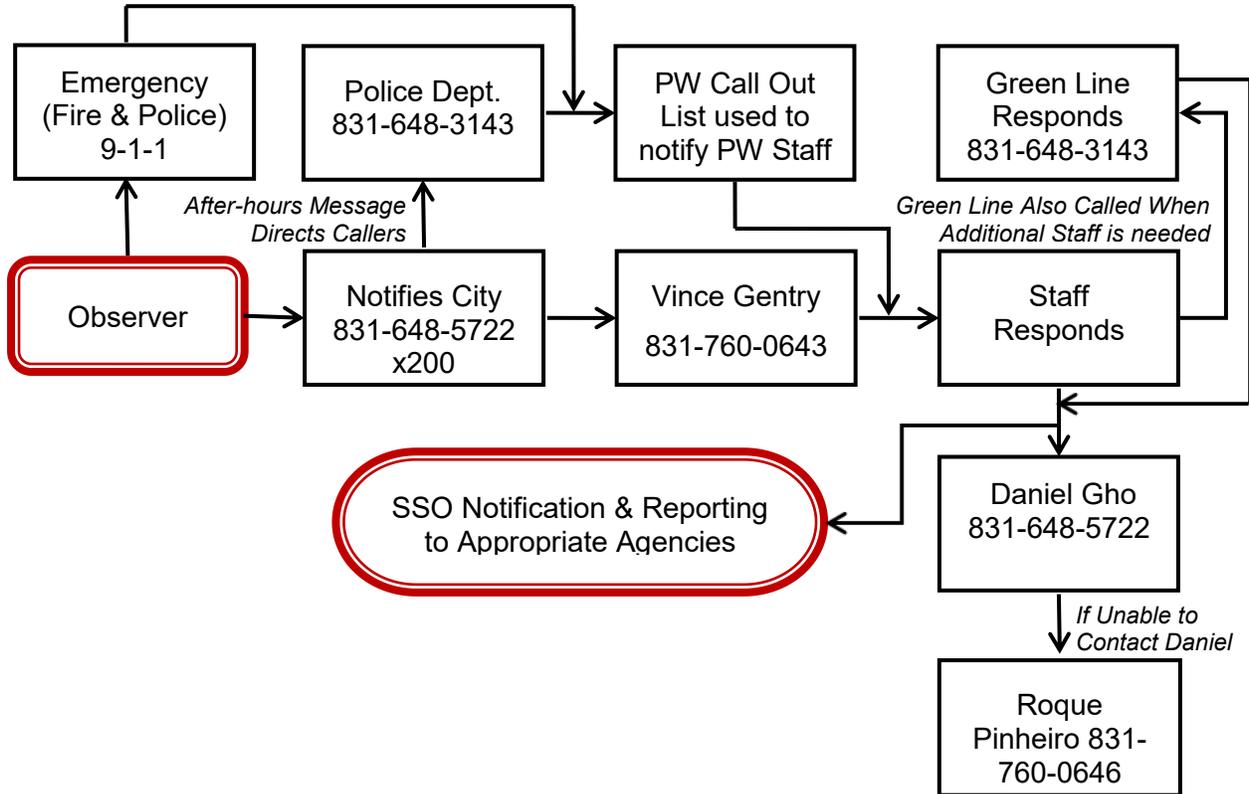
The Public Works Call Out List is included in SS-EOP-02: SSO Notification Attachment 1, which is provided in SSMP Element 6 – Overflow Emergency Response Plan Appendix A and has the names of Staff to call in order of who lives in the City, as staff who live east of the City have a response time of thirty (30) minutes or greater as California Highway 68 and Carmel Valley Road are frequently impacted with traffic.

During the process of responding to a SSO, the following actions are taken to verify the report and ensure the safety of the public:

1. During Public Works business hours, the Public Works Director receives the call from a citizen, the Police, or Fire Department and obtains the location of concern and a description of the problem. The name and phone number of the caller is requested and documented if not anonymous for follow-up information.
2. After hours, the City Police or Fire Department contact the on-call City Maintenance Staff and direct them to the described location. The Overflow Emergency Response Plan (OERP) contained in Element 6 is initiated.
3. City Public Works Maintenance Staff proceed to the location to verify the report.
4. If a SSO is verified, the Maintenance Staff member contacts the Wastewater Supervisor and requests support.
5. The Wastewater Supervisor will notify the Public Works Director both during and after business hours.
6. The Public Works maintenance staff responding notifies the regulatory agencies listed below in Table 2-3. If the maintenance staff are unable to make the notifications, the Wastewater Supervisor or Public Works Director contact the agencies listed in Table 2-3 and contact the City Manager.

- Monterey County Environmental Health, Cal OES, and RWQCB must be contacted within two (2) hours of an SSO, when the SSO is over 1,000 gallons or the SSO reaches a drainage channel or surface water.

SSMP Element 6 – Overflow Emergency Response Plan and SS-EOP-01: Overflow Emergency Response Program, which is provided in SSMP Element 6 – Overflow Emergency Response Plan Appendix A, contains a chain of communication for reporting SSOs for use in the field by the Sewer Field Supervisor or Environmental Programs Manager. This chain of communication is reproduced in Figure 2-1 for reference.



**Figure 2-1: SSO Response Chain of Communication**

SSO notification is outlined in SSMP Element 6 – Overflow Emergency Response Plan and SS-EOP-02: SSO Notification. The contact information and notification requirements associated with notifying RWQCB and other applicable agencies, such as Cal OES, Monterey County Office of Emergency Services, and Monterey County Environmental Health Services, are included in that SSMP Element and EOP.

Upon completion of containment and clean-up, the Wastewater Supervisor and Public Works Director will use SS-EOP-03: SSO Reporting Attachment 1: Reporting SSOs in CIWQS, which is provided in SSMP Element 6 – Overflow Emergency Response Plan Appendix A, to initiate the Draft SSO Report in CIWQS.

## **APPENDIX 2A**

---

### City of Pacific Grove Council Members and Monterey One Water Representatives

**Table 2A-1: City of Pacific Grove Governing Council Members and Monterey One Water (M1W) Representatives**

Name	Title	Term Expires	Council Representative to M1W
Bill Kampe	Mayor	November 2018	-
Robert Huitt	Mayor Protempore	November 2020	-
Ken Cuneo	Council Member	November 2018	-
Rudy Fischer	Council Member	November 2018	<ul style="list-style-type: none"> <li>• M1W Representative; and</li> <li>• M1W Chair of Projects and Planning Committee</li> </ul>
Cynthia Garfield	Council Member	November 2020	-
Bill Peake	Council Member	November 2018	M1W Alternate
Nick Smith	Council Member	November 2020	-

## APPENDIX 2B

---

### City of Pacific Grove Organization Charts

- *Organization Chart of Lines of Authority from City of Pacific Grove Citizens to City Departments*
- *Organization Chart of Lines of Authority from Public Works Director*
- *Organization Chart of Monterey Regional Water Pollution Control Agency - Monterey One Water (M1W)*

# CITIZENS OF PACIFIC GROVE

## CITY COUNCIL

City Attorney

City Manager

Boards and  
Commissions

City Clerk  
Human  
Resources

Finance

Police

Public Works

Fire

Library

Community &  
Economic  
Development

Museum

Risk  
Workers' Comp

Emergency  
Preparedness

Bldgs., Grounds,  
Streets, Eqpt.,  
Forestry

Information  
Services

Planning

Cemetery

Capital  
Improvements

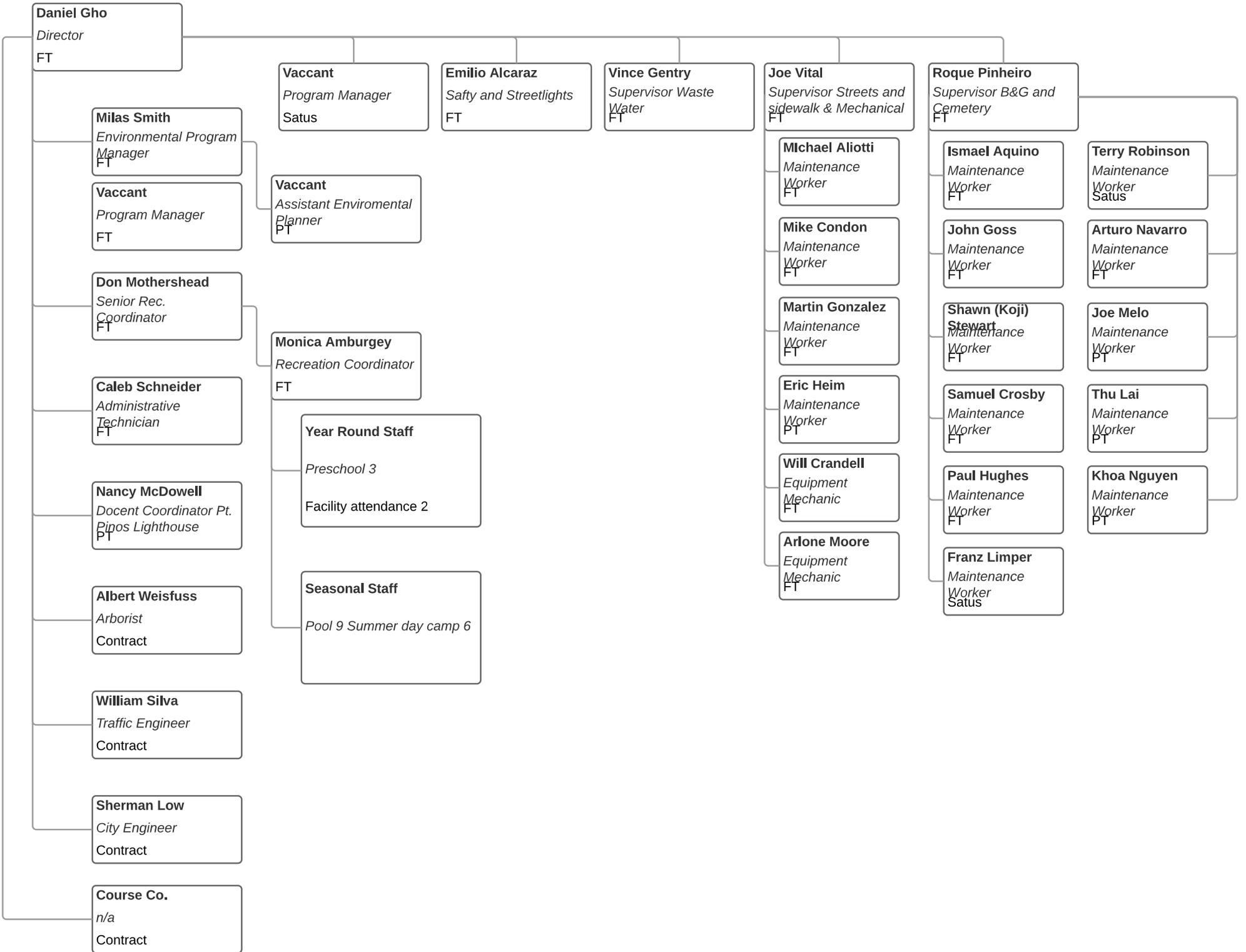
Housing

-Sewer-  
Local Water  
Project

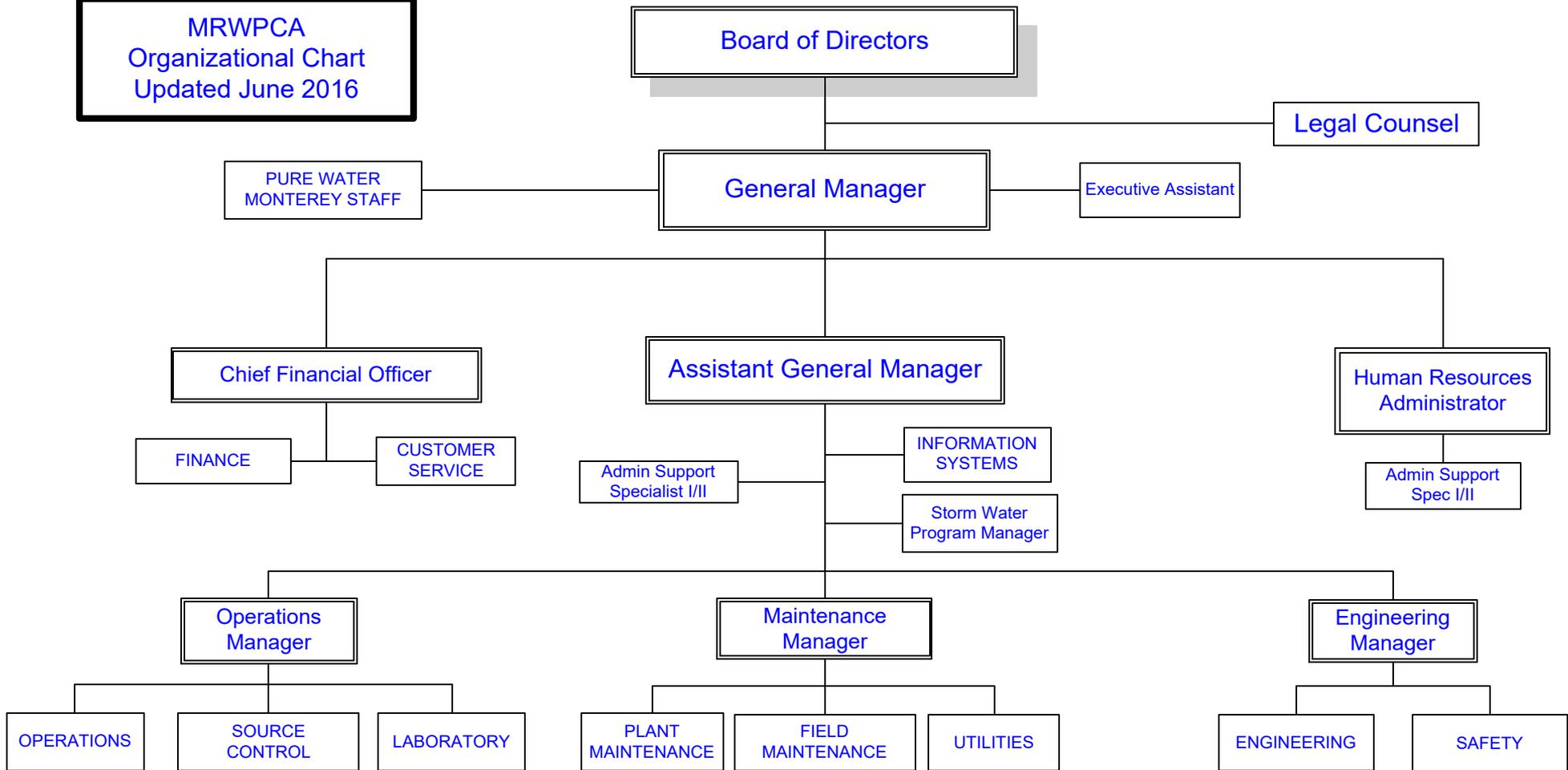
Code  
Compliance

Environmental  
Planning

-Golf Course-  
Recreation



MRWPCA  
Organizational Chart  
Updated June 2016





## **ELEMENT 3 - LEGAL AUTHORITY**

---

The City maintains the legal authority for the sanitary sewer system in the City Municipal Code Chapters and MRWPCA (as of 2017 now named Monterey One Water) Ordinance listed below and included as the appendixes to this Element:

- City Municipal Code Chapter 1.12: Notices (Appendix 3A)
- City Municipal Code Chapter 1.16: Violations (Appendix 3B)
- City Municipal Code Chapter 1.19: Municipal Code and Ordinance Enforcement (Appendix 3C)
- City Municipal Code Chapter 9.20: Sewage Disposal (Appendix 3D)
- City Municipal Code Chapter 15.24: Excavations (Appendix 3E)
- City Municipal Code Chapter 18.04: Building Codes (Appendix 3F)
- City Municipal Code Chapter 18.08: Grease Traps (Appendix 3G)
- City Municipal Code Chapter 24.08: Parcel Map Procedures (Appendix 3H)
- MRWPCA Ordinance No. 2008-01 (Appendix 3I)

### **3.1 Regulatory Requirements**

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

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

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

### **3.2 SSMP Sanitary Sewer System Legal Authority [WDR D.13(iii)(a) – (e)]**

Table 3-1 below provides the mechanisms by which the City maintains the legal authorities required by WDR D.13(iii) for public and private sewer systems.

Where the section of City Municipal Code and/or MRWPCA Ordinance is too long to include in the table, the relevant section(s) of code are referenced and can be found in the Appendices to this SSMP Element.

**Table 3-1: City of Pacific Grove Legal Authority References**

<b>WDR Requirement</b>	<b>Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section</b>	<b>Specific Language</b>
<b>Public Sanitary Sewer System</b>		
<p>D.13(iii)(a) Prevent illicit discharges into its sanitary sewer system (examples may include Inflow &amp; Infiltration (I/I), storm water, chemical dumping, unauthorized debris and cut roots, etc.).</p>	<p>City – 9.20.185</p>	<p><i>9.20.185 Monterey Regional Water Pollution Control Agency provisions incorporated.</i>            There is incorporated as a part of this chapter, as if the same were set forth herein verbatim, all of the terms, conditions, and requirements of Monterey Regional Water Pollution Control Agency (MRWPCA) Ordinance No. 92-02, passed April 27, 1992, as amended by MRWPCA Ordinance No. 93-03 on October 25, 1993, and as may be further amended by time to time by the Monterey Regional Water Pollution Control Agency in with respect to any discharge of any waste in any part of the city. Any violation of any provision thereof shall constitute a misdemeanor, and may be enforced pursuant to Chapter 1.16 PGM, in addition to any penalty or remedy which may be available to said agency under said ordinance(s). Said agency shall be authorized on behalf of the city to enforce said ordinance(s) in any part of the city. The city reserves unto itself the power to enforce each and every term, condition, and requirement thereof in the event said agency fails or ceases to enforce the same or in the event of an emergency. [Ord. 08-006 § 20, 2008; Ord. 06-017 § 7, 2006; Ord. 1321 N.S. § 1, 1982].</p>

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
	MRWPCA – 2.01 – 2.10.6	<p>See Appendix 3I for complete language.</p> <p>A brief summary of relevant sections which prohibit specific discharges to the sanitary sewer system is provided below:</p> <p>2.01.2.2 – specifically prohibits the discharge of substances with a pH lower than 6.0;</p> <p>2.01.2.3 – prohibits the discharge of solid or viscous pollutants in amounts which will cause obstruction to the flow in the Treatment Works resulting in interference;</p> <p>2.01.2.8 – prohibits any trucked or hauled pollutants (residential septage, chemical toilet wastes, dilute oily wastes and salt brine solutions);</p> <p>2.03 – prohibits the discharge of storm water, ground water, rain water, street drainage, or yard drainage through direct or indirect connections to a community sewer unless a permit is issued by MRWPCA;</p> <p>2.06 – prohibits the discharge of radioactive waste, but lists exceptions;</p> <p>2.10.1 – presents numeric local limits on the discharge of ten metals; and</p> <p>2.10.2.(a)-(h) – bans the disposal of pollutants with the following chemical properties: high temperature (&gt;150 F); low pH (&lt;6.0); high pH (&gt;10.5); phenolics (&gt;8.1 mg/L); toxic inorganic pollutants; toxic organic chemicals; oil and grease of animal, vegetable, petroleum, or mineral origin; ammonia at quantities that disrupt the Treatment Works; and Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) at quantities that disrupt the Treatment Works.</p>
D.13(iii)(b) Require that sewers and connections be	City – 9.20.010	9.20.010 <i>Definitions</i> . “Sewer” or “sewer main,” when used herein, means any city-



WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
properly designed and constructed.		owned sewer pipe within a city street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any city street, easement or right-of-way or street, easement or right-of-way under the control of the city, except to the lines, grades, and specifications approved by the proper city authority.
	City – 9.20.030(b)	<i>9.20.030 Sewer Laterals, cleanouts, and connections.</i> (b) No person, firm or corporation shall break or cut into or connect to any sewer in any street, easement or right-of-way in the city or under the control of the city without first securing a permit so to do from the director of public works. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the director of public works or his designee.
	City- 15.24.010(a)	<i>15.24.010 Excavations. Permit required – Resurfacing.</i> (a) Permit Required. Before any person, firm or corporation may cut any pavement or sidewalk or make any excavation in any public street for the purpose of installing or repairing any sewer, water, gas, electric or other utility pipes, conduits, wires or other structure, he or she shall secure a written permit therefor from the proper city authority, in accordance with any regulations then in effect and pertaining thereto, and shall pay the required fees and deposits.

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
	MRWPCA – 2.11	<i>2.11 Sewerage Design Requirements</i> – All new sewers and connections to the community sewer shall meet all design requirements of the public entity member of the Agency having area jurisdiction in question, pursuant to the applicable Uniform Plumbing Code adopted by said member, and shall also meet all design requirements as may be established from time to time by the Agency.
D.13(iii)(c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency.	N/A	The City currently does not own or maintain laterals except to City-owned properties.
D.13(iii)(d) Limit the discharges of fats, oils, and grease and other debris that may cause blockages.	City – 9.20.090(b)	<i>9.20.020 Operation and maintenance of private sewer systems.</i> Periodically clean the sewer lines in order to prevent overflows due to blockages caused by grease, roots, debris or other causes. Sewers that have overflows shall be cleaned at the frequency that is necessary to prevent subsequent overflows.
	City - 18.08.050(l)(1)	<i>18.08.050 Grease Trap General Regulations and Procedures. Maintenance.</i> (1) Traps and interceptors shall be maintained in efficient operations condition by periodic removal of accumulated grease. No collected grease shall be introduced into any public or private drainage piping.
	MRWPCA – 2.01.2.3	<i>Article 2 Regulations, 2.01 Prohibitions on Discharges. Specific Prohibitions.</i> The following pollutants shall not be introduced to the Treatment Works or community sewer: 3. Solid or viscous pollutant in amounts which will cause obstruction to the flow in the Treatment Works resulting in interference.
	MRWPCA – 2.01.2.8	<i>Article 2 Regulations, 2.01 Prohibitions on Discharges. Specific Prohibitions.</i> The

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		<p>following pollutants shall not be introduced to the Treatment Works or community sewer: any trucked or hauled pollutants (residential septage, chemical toilet wastes, dilute oily wastes, and salt brine solutions are accepted at the Treatment Plant and are jointly regulated under MRWPCA Liquid Waste Ordinance 88-3 [as amended by Ordinance 93-1] and this Ordinance).</p>
	<p>MRWPCA – 2.10.2(f)</p>	<p><i>Article 2 Regulations, 2.10 Limitations on Wastewater Strength.</i> No person shall discharge any wastewater containing oil and grease of animal, vegetable, petroleum or mineral origin in such quantities to cause or to contribute significantly to: 1) disruptions in sewer lines and other collection system components; 2) interference with treatment plant operations; or 3) exceedances for plant NPDES permit limitations. Significant dischargers of oil and grease shall implement best practicable technologies for reducing the oil and grease content of their discharges.</p>
<b>Private Sewer Laterals</b>		
<p>D.13(iii)(a) Prevent illicit discharges into its sanitary sewer system (examples may include Inflow &amp; Infiltration (I/I), storm water, chemical dumping, unauthorized debris and cut roots, etc.).</p>	<p>City – 9.20.185</p>	<p><i>9.20.185 Monterey Regional Water Pollution Control Agency provisions incorporated.</i> There is incorporated as a part of this chapter, as if the same were set forth herein verbatim, all of the terms, conditions, and requirements of Monterey Regional Water Pollution Control Agency (MRWPCA) Ordinance No. 92-02, passed April 27, 1992, as amended by MRWPCA Ordinance No. 93-03 on October 25, 1993, and as may be further amended by time to time by the Monterey Regional Water Pollution Control Agency in with respect to any discharge of any waste in any part of the city. Any violation of any provision thereof shall constitute a misdemeanor, and may be</p>

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		<p>enforced pursuant to Chapter 1.16 PGMC, in addition to any penalty or remedy which may be available to said agency under said ordinance(s). Said agency shall be authorized on behalf of the city to enforce said ordinance(s) in any part of the city. The city reserves unto itself the power to enforce each and every term, condition, and requirement thereof in the event said agency fails or ceases to enforce the same or in the event of an emergency. [Ord. 08-006 § 20, 2008; Ord. 06-017 § 7, 2006; Ord. 1321 N.S. § 1, 1982].</p>
	<p>City –            19.20.030(a)</p>	<p><i>9.20.030 Sewer Laterals, cleanouts, and connections.</i> (a) All laterals from the building wall to the connection to the sewer main are the property of the owner of the connected building. All property owners whose properties are connected to a sewer main or are otherwise connected to the city’s sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment.</p>
	<p>MRWPCA –            2.01 – 2.10.6</p>	<p>See Appendix 3I for complete language.</p> <p>A brief summary of relevant sections which prohibit specific discharges to the sanitary sewer system is provided below:</p> <p><i>2.01.2.2</i> – specifically prohibits the discharge of substances with a pH lower than 6.0;</p> <p><i>2.01.2.3</i> – prohibits the discharge of solid or viscous pollutants in amounts which will cause obstruction to the flow in the Treatment</p>

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		<p>Works resulting in interference;</p> <p>2.01.2.8 – prohibits any trucked or hauled pollutants (residential septage, chemical toilet wastes, dilute oily wastes and salt brine solutions);</p> <p>2.03 – prohibits the discharge of storm water, ground water, rain water, street drainage, or yard drainage through direct or indirect connections to a community sewer unless a permit is issued by MRWPCA;</p> <p>2.06 – prohibits the discharge of radioactive waste, but lists exceptions;</p> <p>2.10.1 – presents numeric local limits on the discharge of ten metals; and</p> <p>2.10.2.(a)-(h) – bans the disposal of pollutants with the following chemical properties: high temperature (&gt;150 F); low pH (&lt;6.0); high pH (&gt;10.5); phenolics (&gt;8.1 mg/L); toxic inorganic pollutants; toxic organic chemicals; oil and grease of animal, vegetable, petroleum, or mineral origin; ammonia at quantities that disrupt the Treatment Works; and Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) at quantities that disrupt the Treatment Works.</p>
<p>D.13(iii)(b) Require that sewers and connections be properly designed and constructed.</p>	<p>City – 19.20.090(a)</p>	<p>9.20.090 <i>Operation and maintenance of private sewer systems.</i> Any person or entity responsible for the operation and maintenance of a private sewer system that serves more than one building shall: (a) Ensure that the private sewer system is designed and constructed in accordance with the specifications approved by the director of public works.</p>
	<p>City- 19.20.030(b)</p>	<p>9.20.030 <i>Sewer Laterals, cleanouts, and connections.</i> (b) No person, firm or corporation shall break or cut into or connect</p>

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		to any sewer in any street, easement or right-of-way in the city or under the control of the city without first securing a permit so to do from the director of public works. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the director of public works or his designee.
	City – 18.04.050	See Appendix 3F
	City – 24.08.020	<i>24.08.020 Parcel Map Procedures. Information to be included. (e) A statement as to the existence of public utilities services (including water, electricity, gas, telephone), mail delivery, sewers, garbage collection, streets or rights-of-way, curbs, gutters, or any other improvements on the land, or what provision is made for each.</i>
	City – 24.08.070	<i>24.08.020 Parcel Map Procedures. Additional provisions. All parcel maps shall provide for the following: (b) Sanitary sewer facilities and connections of each lot.</i>
	MRWPCA – 2.11	<i>2.11 Sewerage Design Requirements – All new sewers and connections to the community sewer shall meet all design requirements of the public entity member of the Agency having area jurisdiction in question, pursuant to the applicable Uniform Plumbing Code adopted by said member, and shall also meet all design requirements as may be established from time to time by the Agency.</i>
D.13(iii)(c) Ensure access for maintenance, inspection, or	N/A	The City does not own or maintain laterals except to City-owned properties.

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
repairs for portions of the lateral owned or maintained by the Public Agency.		
D.13(iii)(d) Limit the discharges of fats, oils, and grease and other debris that may cause blockages.	City – 9.20.030	<i>9.20.030 Sewer laterals, cleanouts and connections.</i> (a) All laterals from the building wall to the connection to the sewer main are the property of the owner of the connected building. All property owners whose properties are connected to a sewer main or are otherwise connected to the city’s sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment.
	City – 9.20.040(g)	<i>9.20.040 Inspections and repairs of sewer laterals.</i> (g) Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the city resulting from the spill.
	City – 9.20.090(b)	<i>9.20.090 Operation and maintenance of private sewer systems.</i> (b) Periodically clean the sewer lines in order to prevent overflows due to blockages caused by grease, roots, debris or other causes. Sewers that have overflows shall be cleaned at the frequency

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		that is necessary to prevent subsequent overflows.
	City - 18.08.050(l)(1)	<i>18.08.050 Grease Trap General Regulations and Procedures. Maintenance.</i> (1) Traps and interceptors shall be maintained in efficient operations condition by periodic removal of accumulated grease. No collected grease shall be introduced into any public or private drainage piping.
	MRWPCA – 2.10.2(f)	<i>Article 2 Regulations, 2.10 Limitations on Wastewater Strength.</i> No person shall discharge any wastewater containing oil and grease of animal, vegetable, petroleum or mineral origin in such quantities to cause or to contribute significantly to: 1) disruptions in sewer lines and other collection system components; 2) interference with treatment plant operations; or 3) exceedances for plant NPDES permit limitations. Significant dischargers of oil and grease shall implement best practicable technologies for reducing the oil and grease content of their discharges.
<b>Enforcement: Public and Private Sewer Laterals</b>		
D.13(iii)(e) Enforce any violation of its sewer ordinances.	City – 1.12.010(a) – (c)	See Appendix 3A
	City – 1.16 in entirety	See Appendix 3B
	City – Chapter 1.19 in entirety	See Appendix 3C
	City – Chapter 18.08.050(m) – (n)	<i>18.80.050 Grease Trap General Regulations and Procedures</i>  (m) Suspension or Termination of Health Permit. The city shall have the discretion to request the Monterey County health department (the city’s health officer) to

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		<p>terminate or cause to be terminated the health permit of any user if a violation of any provision of this chapter is found to cause a condition of contamination, pollution, nuisance, or other threat to public health or safety.</p> <p>(n) Request for Ruling. If an applicant for a permit or the owner of a grease trap or grease interceptor disputes the interpretation or application of this chapter, he/she may request a written ruling by the chief building inspector. The decision of the chief building inspector shall be final for all purposes. [Ord. 01-21 § 1, 2001; Ord. 98-34 § 4, 1998; Ord. 1957 N.S. § 1, 1994].</p>
	<p>City –            9.20.020(a)-(b)</p>	<p><i>9.20.020 Manager’s authority to enforce.</i></p> <p>(a) The city manager shall be charged with the administration of the sewerage system and the enforcement of the provisions of this chapter.</p> <p>(b) In order to enforce and/or ensure compliance with the provisions of this chapter, the city may, in its sole discretion, correct any noncompliance hereof by use of city labor and/or materials, or by engaging the services of an independent contractor and/or purchased materials, or any combination thereof. The cost of such correction shall be added as an additional sewer service charge (payable and collectible in accord with PGMC 9.20.140, 9.20.160, 9.20.190, 9.20.210, 9.20.220, and 9.20.230) by the owner of the property which failed to comply with this chapter. Prior to action under this subsection, the city shall post 10 days’ advance written notice of its intent to take corrective action at the site</p>

WDR Requirement	Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section	Specific Language
		of the noncompliance. The city may additionally and/or alternatively petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation or noncompliance of this chapter. [Ord. 06-017 § 6, 2006; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-308, 1952].
	City – 9.20.090	See Appendix 3D
	MRWPCA – Article 6, Enforcement and Article 7, Abatement	See Appendix 3I

## APPENDIX 3A

---

1. City of Pacific Grove Municipal Code Chapter 1.12 – *Notices (1 Page)*
2. City of Pacific Grove Municipal Code Chapter 1.16 – *Violations (3 Pages)*
3. City of Pacific Grove Municipal Code Chapter 1.19 - *Municipal Code and Ordinance Enforcement (10 Pages)*
4. City of Pacific Grove Municipal Code Chapter 9.20 - *Sewage Disposal (12 Pages)*
5. City of Pacific Grove Municipal Code Chapter 15.24 – *Excavations (1 Page)*
6. City of Pacific Grove Municipal Code Chapter 18.04 - *Building Codes (6 Pages)*
7. City of Pacific Grove Municipal Code Chapter 18.08 - *Grease Traps (4 Pages)*
8. City of Pacific Grove Municipal Code Chapter 24.08 - *Parcel Map Procedures (3 Pages)*
9. MRWPCA Waste Discharge Ordinance, Ordinance No. 2008-01 (20 Pages)

## Chapter 1.12 NOTICES<sup>1</sup>

Sections:

[1.12.010](#) Giving of notice.

### 1.12.010 Giving of notice.

(a) Any written notice required by the provisions of this code, unless it is herein otherwise specifically provided, shall be served as follows:

(1) By personal delivery to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at the last known business or residence address, as the same appears in the public records pertaining to the matter, to which such notice is directed. Such service shall be deemed completed at the time of the deposit in the post office.

(2) Where real property is involved, written notice shall be mailed to the property owner at the address as shown on the last equalized county assessment roll.

(3) Where personal service or service by mail upon the property owner is unsuccessful, a copy of the order shall be conspicuously posted at the property which is the subject of the order.

(b) Proof of service of notice may be made by the certificate of any officer or employee of the city, or by affidavit of any person over the age of 18 years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

(c) The failure of any person to receive any notice required under this code shall not affect the validity of any proceedings taken under this code. [Ord. 08-006 § 3, 2008; Ord. 210 N.S. § 1-201, 1952].

---

<sup>1</sup> Publications for contract work, see PGMC Title [2](#).

---

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)  
City Telephone: (831) 648-3100  
Code Publishing Company  
(<http://www.codepublishing.com/>)  
eLibrary  
(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 1.16 VIOLATIONS

### Sections:

- [1.16.010](#) Enforcement – Misdemeanors.
- [1.16.011](#) Enforcement – Infraction.
- [1.16.012](#) Administrative enforcement.
- [1.16.013](#) Falsifying information.
- [1.16.015](#) Violations include aiding, abetting, concealing.
- [1.16.017](#) Enforcement by civil action – Abatement – Exclusivity of remedies.
- [1.16.020](#) Notice to appear – Issuance.
- [1.16.060](#) Bail – Deposit and forfeiture.
- [1.16.065](#) Bail – Schedule.
- [1.16.070](#) Warrant for arrest – Issuance.
- [1.16.090](#) Code enforcement officer designation authority.

### **1.16.010 Enforcement – Misdemeanors.**

(a) Subject to subsection (d) of this section, every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor, except in cases in which the act or failure to perform an act is expressly stated to be an infraction; provided, that the city attorney may elect to prosecute any misdemeanor as an infraction.

(b) A misdemeanor is punishable by a fine of no more than \$1,000 or by imprisonment for no longer than six months, or by both such fine and imprisonment, unless this code otherwise specially provides.

(c) Any person causing or permitting a violation of this code shall be regarded as committing a separate offense on each day that the violation occurs or continues.

(d) Violations of provisions of this code regulating and prohibiting the standing and parking of motor vehicles shall be treated and processed pursuant to California Vehicle Code Section 40200 et seq. [Ord. 08-006 § 8, 2008; Ord. 1961 N.S. § 3, 1994; Ord. 1902 N.S. § 1, 1993; Ord. 1673 N.S. § 1, 1989; Ord. 1548 N.S., 1986; Ord. 833 N.S. § 1, 1975; Ord. 444 N.S. § 7, 1963].

### **1.16.011 Enforcement – Infraction.**

(a) An infraction is punishable by:

- (1) A fine not exceeding \$100.00 for the first violation;
- (2) A fine not exceeding \$200.00 for a second violation of the same ordinance within one year;
- (3) A fine not exceeding \$500.00 for each additional violation of the same ordinance within one year.

(b) Any person causing or permitting a violation of this code shall be regarded as committing a separate offense on each day that the violation occurs or continues. [Ord. 08-006 § 5, 2008].

### **1.16.012 Administrative enforcement.**

(a) The city attorney is authorized to enforce any violations of any provisions of this code as set forth in Chapter [1.19](#) PGMC, Municipal Code and Ordinance Enforcement.

(b) The amounts of fines for violation of various provisions of Chapter [1.19](#) PGMC, Municipal Code and Ordinance Enforcement, shall be in accord with this chapter or as established by resolution of the council. [Ord. 08-006 § 6, 2008].

**1.16.013 Falsifying information.**

Any person who (a) knowingly makes, submits or files any false statement, representation, record, report, plan or other document, including but not limited to photographic, video or electronic media, to the city, or who (b) falsifies, tampers with, or knowingly renders inaccurate any required monitoring device, is hereby declared to be subject to each of the penalties and civil liabilities imposed by this chapter. [Ord. 08-006 § 7, 2008; Ord. 06-017 § 8, 2006].

**1.16.015 Violations include aiding, abetting, concealing.**

Every person who causes, aids, abets, or conceals the fact of a violation of this code is guilty of violating this code. [Ord. 444 N.S. § 8, 1963].

**1.16.017 Enforcement by civil action – Abatement – Exclusivity of remedies.**

(a) In addition to the penalties provided in this code, this code may be enforced by civil action. Any condition existing in violation of this code shall constitute a public nuisance.

(b) The appropriate officers of the city may summarily abate any such nuisance existing on any public property. Where the nuisance exists on private property, it may be summarily abated after 10 days' written notice of intention to do so addressed by regular mail to the last known address of the owner of the property involved. If the owner does not make a substantial effort to abate the nuisance during the 10-day period, the owner shall be liable for all costs and expenses incurred by the city in doing so. The total amount incurred shall constitute a special assessment against the parcel, which shall be collected at the same time and in the same manner as ordinary city property tax, and shall be subject to the same penalties and all laws applicable to the levy, collection and enforcement thereof.

(c) None of the remedies provided in this code shall be exclusive. [Ord. 1961 N.S. § 4, 1994; Ord. 950 N.S. § 1, 1977; Ord. 444 N.S. § 9, 1963].

**1.16.020 Notice to appear – Issuance.**

If any person is arrested for a violation of any provision hereof, and such person is not immediately taken before a magistrate, the arresting officer shall prepare a written notice to appear in accordance with California Penal Code Section 853.6. A copy of the notice to appear shall be delivered to and signed by the arrested person in accordance with said Penal Code section. Once the notice is signed, i.e., once the arrested person has given his or her written promise to appear, the arresting officer shall forthwith release the person from custody. [Ord. 1961 N.S. § 5, 1994; Ord. 361 N.S., 1961; Ord. 210 N.S. § 1-501(1), 1952].

**1.16.060 Bail – Deposit and forfeiture.**

The officer shall, as soon as practicable, file a duplicate notice with a magistrate. Thereupon, the magistrate shall fix the amount of bail which will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him or her in the form set forth in Section 815a of said Penal Code. The defendant may, prior to the date upon which he or she promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant does not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his or her discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 et seq., of said Penal Code. [Ord. 1961 N.S. § 9, 1994; Ord. 361 N.S., 1961: 210 N.S. § 1-

501(5), 1952].

**1.16.065 Bail – Schedule.**

The amounts of bail for violation of various provisions of this code shall be as established by resolution of the council. [Ord. 1858 N.S. § 1, 1992; Ord. 1457 N.S. § 2, 1984; Ord. 1455 N.S. § 2, 1984; Ord. 1185 N.S. § 1, 1980; Ord. 912 N.S. § 1, 1976].

**1.16.070 Warrant for arrest – Issuance.**

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he or she has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law. [Ord. 361 N.S., 1961; Ord. 210 N.S. § 1-501(6), 1952].

**1.16.090 Code enforcement officer designation authority.**

The city manager is empowered to designate public officers or employees to exercise the powers authorized by Section 836.5(a) of the California Penal Code, including the issuance of citations for violation of the provisions of this code pursuant to Sections 853.5 and 853.6 of the California Penal Code. [Ord. 1529 N.S., 1986].

---

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)

City Telephone: (831) 648-3100  
Code Publishing Company

(<http://www.codepublishing.com/>)  
eLibrary

(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 1.19 MUNICIPAL CODE AND ORDINANCE ENFORCEMENT

### Sections:

- [1.19.010](#) Purpose.
- [1.19.020](#) Administrative citation process overview.
- [1.19.030](#) Administrative compliance order process overview.
- [1.19.040](#) Administrative citations.
- [1.19.050](#) Definitions.
- [1.19.060](#) Service of citations, orders and notices.
- [1.19.070](#) Citation issuance.
- [1.19.080](#) Citation fines.
- [1.19.090](#) Hearing request.
- [1.19.100](#) Advance deposit hardship waiver.
- [1.19.110](#) Hearing officer selection.
- [1.19.120](#) Hearing procedure.
- [1.19.130](#) Hearing officer's decision.
- [1.19.140](#) Judicial review.
- [1.19.150](#) Administrative compliance orders.
- [1.19.160](#) Compliance orders.
- [1.19.170](#) Hearing officer selection – Notice of hearing.
- [1.19.180](#) Compliance hearing.
- [1.19.190](#) Administrative order.
- [1.19.200](#) Administrative penalties.
- [1.19.210](#) Administrative costs.
- [1.19.220](#) Failure to comply with administrative order.
- [1.19.230](#) Judicial review.
- [1.19.240](#) Report of compliance after administrative order.
- [1.19.250](#) Compliance dispute.
- [1.19.260](#) Lien procedure.
- [1.19.270](#) Lien hearing and protest.
- [1.19.280](#) Recording lien.
- [1.19.290](#) Satisfaction of lien.

### **1.19.010 Purpose.**

City enforcement issues have become increasingly varied and complex. Alternative enforcement processes have been adopted by other public agencies as a means to address budget difficulties and resource shortages, and to streamline operations. Alternative enforcement processes minimize time delays that can result from increasingly crowded criminal and civil court dockets.

This chapter sets forth a variety of enforcement options to effectively and timely address code and ordinance enforcement matters in order to preserve and protect the quality of life in the neighborhoods and communities of the city of Pacific Grove. This chapter allows traditional criminal prosecution, civil action and nuisance abatement as enforcement. This chapter further establishes several administrative enforcement procedures. [Ord. 07-022 § 2, 2007].

### **1.19.020 Administrative citation process overview.**

Administrative citations generally address municipal code and ordinance violations that the city, in its sole discretion, deems to be minor or transient in nature. The city adopts the administration citation enforcement process, set forth in PGMC [1.19.040](#) through [1.19.150](#),

inclusive, pursuant to California Government Code Section 53069.4, which provides for de novo review of administrative citations in court if a person wishes to challenge an administrative decision upholding an administrative citation. For example, and not by exclusion, administrative citations may be used to enforce provisions regulating signs, yard waste, false alarms, noise issues, vehicle parking, minor or nonrecurring violations of PGMC Title [18](#), Buildings and Construction, PGMC Title [23](#), Zoning, or similar matters.

An enforcement officer issues an administrative citation that lists the violation and the administrative fine amount and describes how to pay the fine or request a hearing to contest the citation. The administrative citation may be contested through an administrative hearing process. The fine must be deposited in advance of the administrative hearing, but a procedure to waive the deposit is allowed for hardship. If not set forth in this code, the amount of the administrative citation fine is set by resolution. Penalties and interest shall be added for late payment of administrative fines.

The administrative citation process is set forth beginning at PGMC [1.19.040](#). [Ord. 07-022 § 3, 2007].

#### **1.19.030 Administrative compliance order process overview.**

Administrative compliance orders generally address municipal code and ordinance violations that the city, in its sole discretion, deems not suitable for the administrative citation process contemplated by PGMC [1.19.020](#). For example, and not by exclusion, administrative compliance orders may be used for serious, continuing or recurring violations of PGMC Title [18](#), Buildings and Construction, PGMC Title [23](#), Zoning, or similar matters.

An administrative compliance order is issued to a responsible party by a city enforcement officer. The compliance order sets forth a description of the observed violation(s), a description of what the responsible party is required to do to bring the property into compliance, and the date by which compliance must be achieved. The compliance order provides notice as to administrative penalties that shall accrue if compliance with the order is not achieved by the date listed on the order. The administrative compliance order may be contested through an administrative hearing process. The decision may contain an order to correct any violations determined to exist, together with an order to pay administrative penalties and costs.

The administrative compliance order process is set forth beginning at PGMC [1.19.150](#). [Ord. 07-022 § 4, 2007].

#### **1.19.040 Administrative citations.**

(a) The administrative citation process provided for in this chapter shall be in addition to any other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code or an ordinance of the city of Pacific Grove.

(b) The administrative citation process set forth in this chapter shall not apply to continuing violations this code, or to an ordinance of the city that pertains to building, plumbing, electrical, or other similar structural or zoning issues. [Ord. 07-022 § 5, 2007].

#### **1.19.050 Definitions.**

For purposes of this chapter, the term “enforcement officer” shall mean and refer to any employee or agent of the city holding authority to enforce violations of this code or an ordinance. This shall include the city manager, and any person designated as an enforcement officer by the city manager. [Ord. 07-022 § 6, 2007].

#### **1.19.060 Service of citations, orders and notices.**

All citations, orders and notices shall be served in accordance with the provisions of Chapter

[1.12](#) PGMC. [Ord. 07-022 § 7, 2007].

**1.19.070 Citation issuance.**

(a) Whenever an enforcement officer determines that a violation of a provision has occurred, the enforcement officer shall be authorized to issue an administrative citation to any person responsible for the violation.

(b) Each administrative citation shall contain the following information:

- (1) The date of the violation;
- (2) The address or a definite description of the location where the violation occurred;
- (3) Reference to the provision of this code or ordinance that was violated and a description of the circumstances pertaining to the violation;
- (4) The amount of the fine related to the violation determined in accord with this chapter;
- (5) A description of the fine payment process, including a statement of the time within which and the place to which the fine shall be paid;
- (6) An order prohibiting continuation or repeated occurrence of the violation described in the administrative citation;
- (7) A description of the administrative citation review process, including the time within which the citation may be contested and the place from which a request for hearing form to contest the citation may be obtained; and
- (8) The name and signature of the citing enforcement officer. [Ord. 07-022 § 8, 2007].

**1.19.080 Citation fines.**

(a) The fines for each municipal code or ordinance violation imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the city council. In the absence of a designated fine, the default fine for each violation shall be \$50.00 per day.

(b) The schedule of fines shall specify an additional fine due for late payment of any fine if not paid in full on or before the date the payment of the fine is due.

(c) The fine stated upon any duly issued administrative citation shall be paid to the city within 30 days from the date of service of the administrative citation.

(d) Any administrative citation fine paid pursuant to this section shall be refunded in accordance with PGMC [1.19.130](#) if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

(e) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative citation.

(f) Any person who fails to pay to the city any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. The city may collect any past due administrative citation fine or late payment charge by use of all available legal means.

(g) Any failure to pay the city any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due shall be deemed a violation of this section enforceable

pursuant to the provisions of Chapter [1.16](#) PGMC. The city attorney shall be directed to collect fines that are due and payable under this section. [Ord. 07-022 § 9, 2007].

#### **1.19.090 Hearing request.**

(a) Any recipient of an administrative citation may contest that there was a violation of this code or an ordinance of the city, or that he or she is the responsible party, by completing a request for hearing form and returning it to the city within 30 days from the date set forth on the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to PGMC [1.19.100](#). A request for hearing form may be obtained from the office of the city manager.

(b) The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.

(c) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing. [Ord. 07-022 § 10, 2007].

#### **1.19.100 Advance deposit hardship waiver.**

(a) Any person who intends to request a hearing to contest whether a municipal code or ordinance violation occurred, or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in PGMC [1.19.080](#), may file a request for an advance deposit hardship waiver.

(b) The request shall be filed with the city manager on an advance deposit hardship waiver application form, available from the office of the city manager, within 10 days of the date of the administrative citation.

(c) The requirement to deposit the full amount of the fine as described in PGMC [1.19.080](#) shall be stayed unless or until the city manager makes a determination not to issue the advance deposit hardship waiver.

(d) The city manager may waive the requirement of an advance deposit set forth in PGMC [1.19.080](#) and issue the advance deposit hardship waiver only if the cited party submits to the city manager a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the city manager the person's actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.

(e) If the city manager determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the city within 10 days of the date of that decision or 30 days from the date of the administrative citation, whichever is later.

(f) The city manager shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the city manager shall be final.

(g) The written determination of the city manager shall be served upon the person who filed the request for an advance deposit hardship waiver. This determination shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure, and the time limit set by PGMC [1.20.010](#) shall apply. [Ord. 07-022 § 11, 2007].

#### **1.19.110 Hearing officer selection.**

The presiding officer of the hearing officer panel shall, by random lot, designate one of the seven members of the hearing officer panel to be the hearing officer for each administrative citation hearing. Should that hearing officer be disqualified for cause, or should that hearing

officer otherwise be unable to conduct the hearing, the presiding officer shall, by random lot, designate a successor hearing officer from available members of the hearing officer panel. [Ord. 07-022 § 12, 2007].

#### **1.19.120 Hearing procedure.**

(a) No hearing to contest an administrative citation before a hearing officer shall be held unless the fine has been deposited in advance, in accordance with PGMC [1.19.080](#), or an advance deposit hardship waiver has been issued in accordance with PGMC [1.19.100](#).

(b) A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The hearing officer shall have sole discretion to grant any request for continuance of the hearing.

(c) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation. The city shall submit its report on the alleged violation, setting forth a detailed recommendation as to relevant findings and conclusions that flow from the facts presented and a recommended decision based upon those findings and conclusions. This report shall meet the standards for administrative findings set forth in *Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506 (1974).

(d) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

(e) The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

(f) The hearing officer may question witnesses and/or request additional information from the enforcement officer or the recipient of the administrative citation prior to closing the hearing. [Ord. 07-022 § 13, 2007].

#### **1.19.130 Hearing officer's decision.**

(a) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list the reasons for that decision. The decision of the hearing officer shall be final.

(b) If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city. If the fine has not been deposited, the hearing officer shall set forth in the decision a payment schedule for the fine.

(c) If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest. If the fine has not been deposited, the hearing officer shall cancel the obligation to tender the fine.

(d) The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision. A copy of the decision shall be forwarded to all members of the hearing officer panel. [Ord. 07-022 § 14, 2007].

#### **1.19.140 Judicial review.**

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in Monterey County in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. [Ord. 07-022 § 15, 2007].

**1.19.150 Administrative compliance orders.**

(a) The administrative compliance order process provided for in this chapter shall be in addition to any other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code or an ordinance of the city.

(b) Use of the administrative compliance order process shall be at the sole discretion of the city. [Ord. 07-022 § 16, 2007].

**1.19.160 Compliance orders.**

(a) Whenever an enforcement officer, as defined by PGMC [1.19.050](#), determines that a violation of any provision of this code or city ordinance has occurred, is occurring or exists, the enforcement officer may issue a written compliance order to any person responsible for the violation.

(b) A compliance order issued pursuant to this chapter shall contain the following information:

- (1) The date of the violation;
- (2) The address or description of the location where the violation occurred;
- (3) Reference to the provision of this code or ordinance that was violated and a description of the circumstances pertaining to the violation;
- (4) The actions required to correct the violation;
- (5) The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved;
- (6) The penalty related to the violation, if compliance is not achieved;
- (7) The name and signature of the citing enforcement officer; and
- (8) Either a copy of this chapter or an explanation of the consequences of noncompliance with this chapter and a description of the hearing procedure and appeal process. [Ord. 07-022 § 17, 2007].

**1.19.170 Hearing officer selection – Notice of hearing.**

(a) If the enforcement officer determines that each violation has been corrected within the time specified in the compliance order, no further action shall be taken.

(b) If full compliance as to each violation is not achieved within the time specified in the compliance order, the enforcement officer shall advise the presiding officer of the hearing officer panel. The presiding officer of the hearing officer panel shall, by random lot, designate one member of that hearing officer panel to be the hearing officer for the compliance order hearing. Should that hearing officer be unable to conduct the hearing, or should that hearing officer be disqualified for cause, the presiding officer shall, by random lot, designate a successor from that hearing officer panel.

(c) The hearing officer shall ensure that the notice provisions of Chapter [1.12](#) PGMC have been followed. Notice of the hearing shall be given at least 10 days prior to the date of the hearing. The hearing officer shall have sole discretion to grant any request for continuance of the hearing. [Ord. 07-022 § 18, 2007].

**1.19.180 Compliance hearing.**

(a) At the place and time set forth in the notice of compliance hearing, the hearing officer shall conduct a hearing on the compliance order issued pursuant to PGMC [1.19.160](#), in accord with

rules and procedures as may be promulgated by the hearing officer panel.

(b) The hearing officer shall consider written or oral evidence in accord with rules and procedures set by the hearing officer panel pursuant to PGMC [3.30.060](#). Evidence regarding the alleged violation or compliance actions may be presented by any party, including the alleged violator, the owner or occupant of any real property affected by the alleged violation, and/or the city. The failure of any party to appear at the hearing shall constitute a failure to exhaust his or her administrative remedies.

(c) The compliance order and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents. The report on the alleged violation shall set forth a detailed recommendation as to relevant findings and conclusions that flow from the facts presented and a recommended decision based upon those findings and conclusions. This report shall meet the standards for administrative findings set forth in *Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506 (1974).

(d) The hearing officer may question witnesses and/or request additional information from the enforcement officer or any party prior to closing the hearing.

(e) Within a reasonable time following the conclusion of the hearing, the hearing officer shall make findings and issue a determination, as to each alleged violation, regarding:

- (1) The existence of the violation;
- (2) The identity of each responsible party;
- (3) The failure of the responsible party to take required corrective action within the required time period.

Findings shall be supported by substantial evidence received at the hearing.

(f) If the hearing officer finds by a preponderance of the evidence that a violation has occurred and that the violation was not corrected within the time period specified in the compliance order, the hearing officer shall issue an administrative order in accord with PGMC [1.19.190](#).

(g) If the hearing officer finds that no violation has occurred or that the violation was corrected within the time period specified in the compliance order, the hearing officer shall issue a finding as to those facts. [Ord. 07-022 § 19, 2007].

#### **1.19.190 Administrative order.**

If the hearing officer determines that a violation occurred which was not corrected within the time period specified in the compliance order, he or she shall issue an administrative order that imposes any or all of the following:

- (a) An order to correct each violation, including a schedule for correction where appropriate;
- (b) Administrative penalties as provided in PGMC [1.19.200](#); and/or
- (c) Administrative costs as provided in PGMC [1.19.210](#). [Ord. 07-022 § 20, 2007].

#### **1.19.200 Administrative penalties.**

(a) The hearing officer shall be authorized to impose administrative penalties for the violation of any provision of this code or ordinance in an amount not to exceed a maximum of \$2,500 per day for each continuing violation, except that the total administrative penalty shall not

exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re inspections, for any related series of violations.

(b) In determining the amount of the administrative penalty, the hearing officer may take any or all of the following factors into consideration:

- (1) The duration of the violation;
- (2) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
- (3) The seriousness of the violation;
- (4) The effect the violation may have upon adjoining properties;
- (5) The good faith efforts of the violator to come into compliance;
- (6) The economic impact of the penalty on the violator; and/or
- (7) The impact of the violation on the community. [Ord. 07-022 § 21, 2007].

#### **1.19.210 Administrative costs.**

(a) The hearing officer shall assess reasonable and necessary administrative costs against the violator when it finds that a violation has occurred, or that compliance has not been achieved within the time specified in the compliance order.

(b) The hearing officer shall assess reasonable and necessary administrative costs against the city when he or she finds that a violation has not occurred.

(c) The administrative costs shall include reasonable and necessary costs incurred in connection with the matter before the hearing officer including, but not limited to, costs of investigation, costs incurred to prepare for the hearing and for the hearing itself, and costs for all re inspections necessary to enforce the compliance order.

(d) The hearing officer may waive the assessment of administrative costs against either party where unique circumstances are present, or in the interests of justice. [Ord. 07-022 § 22, 2007].

#### **1.19.220 Failure to comply with administrative order.**

(a) Any person who fails to comply with an administrative order issued in accord with this chapter, or to pay to the city any amount due pursuant to the provisions of this chapter, on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. The city may collect any past due administrative citation fine or late payment charge by use of all available legal means, including recordation of a lien pursuant to PGMC [1.19.260](#) through [1.19.290](#).

(b) Any failure to comply with an administrative order issued in accord with this chapter, or to pay to the city any amount imposed pursuant to the provisions of this chapter on or before the date that fine is due, shall be deemed a violation of this section enforceable pursuant to the provisions of Chapter [1.16](#) PGMC.

(c) Any failure to pay the amount imposed pursuant to the provisions of this chapter shall also be enforced as:

- (1) A personal obligation of the violator; and/or
- (2) If the violation is in connection with real property, a lien upon the real property. The

lien shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full. [Ord. 07-022 § 23, 2007].

#### **1.19.230 Judicial review.**

Any person aggrieved by an administrative order may obtain review of the administrative order in the superior court by filing with the court a petition for writ of mandate pursuant to PGMC [1.20.010](#). [Ord. 07-022 § 24, 2007].

#### **1.19.240 Report of compliance after administrative order.**

If the city manager determines that compliance has been achieved after a compliance order has been sustained by the hearing officer, the city manager shall file a report with the hearing officer panel indicating that compliance has been achieved. [Ord. 07-022 § 25, 2007].

#### **1.19.250 Compliance dispute.**

(a) If the city manager does not file a report pursuant to PGMC [1.19.240](#), any person who believes that compliance has been achieved may request a compliance hearing before the hearing officer by filing a request for a hearing with the presiding officer of the hearing panel, together with full payment of the compliance dispute hearing fee set by the council.

(b) A hearing on the compliance dispute shall be noticed in accordance with Chapter [1.12](#) PGMC.

(c) The hearing officer shall determine if compliance has been achieved and, if so, when it was achieved. [Ord. 07-022 § 26, 2007].

#### **1.19.260 Lien procedure.**

Whenever the amount of any administrative fine, penalty and/or administrative cost imposed by a hearing officer pursuant to this chapter in connection with real property has not been satisfied in full within 90 days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred. [Ord. 07-022 § 27, 2007].

#### **1.19.270 Lien hearing and protest.**

(a) Any person whose real property is subject to a lien pursuant to PGMC [1.19.270](#) may file a written protest with the city clerk and/or may object to assessment of the lien orally at the city council meeting.

(b) Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds for each protest or objection.

(c) The city council, after the hearing, shall adopt a resolution confirming, discharging or modifying the amount of the lien. [Ord. 07-022 § 28, 2007].

#### **1.19.280 Recording lien.**

Thirty days following the adoption of a resolution by the city council imposing a lien, the city clerk shall file the same as a judgment lien in the office of the county recorder of Monterey County, California. The lien may carry such additional administrative charges as set forth by resolution of the city council. [Ord. 07-022 § 29, 2007].

#### **1.19.290 Satisfaction of lien.**

Once payment in full is received by the city for outstanding penalties and costs, the city manager shall either record a notice of satisfaction or provide the property owner or financial institution with a notice of satisfaction so they may record this notice with the office of the county recorder. Such notice of satisfaction shall cancel the city's lien. [Ord. 07-022 § 30, 2007].

---

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)

City Telephone: (831) 648-3100

Code Publishing Company  
(<http://www.codepublishing.com/>)

eLibrary

(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 9.20 SEWAGE DISPOSAL

### Sections:

- [9.20.010](#) Definitions.
- [9.20.020](#) Manager's authority to enforce.
- [9.20.030](#) Sewer laterals, cleanouts and connections.
- [9.20.040](#) Inspections and repairs of sewer laterals.
- [9.20.050](#) Sewer connection – Required – Septic tank.
- [9.20.055](#) Sewer connection – Permit required for change in use.
- [9.20.060](#) Sewer connection – Outside city limits.
- [9.20.070](#) Outside city connection – Application.
- [9.20.080](#) Outside city connection – Cost of making.
- [9.20.081](#) Outside city connection – Permission of Monterey Regional Water Pollution Control Agency required.
- [9.20.085](#) Sewer connection fees.
- [9.20.086](#) Sewer connection – Reimbursement agreements.
- [9.20.090](#) Operation and maintenance of private sewer systems.
- [9.20.100](#) Service charges – Inside city limits.
- [9.20.110](#) Service charges – Billing.
- [9.20.120](#) Service charges – Rebates for vacancies.
- [9.20.130](#) Service charges – Changing.
- [9.20.140](#) Service charges – Delinquency – Debt to city.
- [9.20.160](#) Service charges – Delinquent – Penalties.
- [9.20.170](#) Application of funds.
- [9.20.180](#) Screening.
- [9.20.185](#) Monterey Regional Water Pollution Control Agency provisions incorporated.
- [9.20.190](#) Disconnection for violators.
- [9.20.200](#) Collection of periodic sewer service charges.
- [9.20.210](#) Delinquent charges to constitute lien – Continuation.
- [9.20.220](#) When lien to attach – Release or foreclosure.
- [9.20.230](#) Court action.

### **9.20.010 Definitions.**

“Backflow valve,” when used herein, refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.

“Building sewers,” as used herein, refers to sewer, soil pipe and drain pipes constructed within and under buildings.

“City,” when used herein, refers to the city of Pacific Grove.

“Manager,” when used herein, refers to the city manager of the city of Pacific Grove.

“Overflow device,” when used herein, refers to a device that is specifically designed to relieve the pressure created when a gravity sewer is flowing full.

“Premises,” when used herein, refers to a lot, parcel of land, building or establishment.

“Private sewer system,” when used herein, means a sewer or system of sewers serving more than one building that is not owned by the city.

“Sewage,” when used herein, means all water or combination of liquid and water-carried solid or semisolid waste conducted away from residences, business buildings, institutions and other sources, which is known as domestic sewage, together with liquid or water-carried solid or semisolid waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drainwater from such process, which is known as industrial waste.

“Sewer” or “sewer main,” when used herein, means any city-owned sewer pipe within a city street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any city street, easement or right-of-way or street, easement or right-of-way under the control of the city, except to the lines, grades, and specifications approved by the proper city authority.

“Sewer lateral” or “lateral,” when used herein, means a privately owned pipeline connecting a building sewer to a sewer main. [Ord. 04-25 § 1, 2005; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-301, 1952].

#### **9.20.020 Manager’s authority to enforce.**

(a) The city manager shall be charged with the administration of the sewerage system and the enforcement of the provisions of this chapter.

(b) In order to enforce and/or ensure compliance with the provisions of this chapter, the city may, in its sole discretion, correct any noncompliance hereof by use of city labor and/or materials, or by engaging the services of an independent contractor and/or purchased materials, or any combination thereof. The cost of such correction shall be added as an additional sewer service charge (payable and collectible in accord with PGMC [9.20.140](#), [9.20.160](#), [9.20.190](#), [9.20.210](#), [9.20.220](#), and [9.20.230](#)) by the owner of the property which failed to comply with this chapter. Prior to action under this subsection, the city shall post 10 days’ advance written notice of its intent to take corrective action at the site of the noncompliance. The city may additionally and/or alternatively petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation or noncompliance of this chapter. [Ord. 06-017 § 6, 2006; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-308, 1952].

#### **9.20.030 Sewer laterals, cleanouts and connections.**

(a) All laterals from the building wall to the connection to the sewer main are the property of the owner of the connected building. All property owners whose properties are connected to a sewer main or are otherwise connected to the city’s sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment.

(b) No person, firm or corporation shall break or cut into or connect to any sewer in any street, easement or right-of-way in the city or under the control of the city without first securing a permit so to do from the director of public works. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the director of public works or his designee.

(c) Each property utilizing the city’s sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched or common laterals shall be permitted only in the following instances:

(1) Where a lateral is maintained by a homeowner’s association or other entity that is

party to a formal, recorded lateral maintenance agreement.

(2) Where more than one building or other structure is situated upon the same lot, in which case all such buildings and structures may, by permit authorized by the director of public works, be joined in the use of one connecting sewer; provided, that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the director of public works. As a further condition of obtaining such a permit, all such buildings and structures shall be owned by the same person.

(3) Where, in the opinion of the director of public works, it is impossible or impractical to connect a building on a single lot to the main sewer except in conjunction with the connection of a building or buildings on other lots, a joint connection may be allowed; provided, that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the director of public works. A permit for each individual lot covering the identification of the responsible party for maintenance and liability for maintenance and overflow damages shall be required.

(4) Where two or more structures on separate parcels are connected to a branched or common lateral, each property shall be disconnected from the branched or common lateral and a new separate lateral shall be constructed upon the transfer of title of either property by sale.

(d) A cleanout and an overflow device approved by the director of public works shall be installed and maintained, at the sole expense of the property owner, on all laterals. In general, the overflow device shall be located as close to the building wall as practical. The installation of the devices shall be required as follows:

(1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;

(2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000 or more;

(3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;

(4) Whenever the city finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;

(5) Whenever the city finds that a sewage spill emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

(e) Backflow Valves.

(1) On laterals serving properties where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole or other sewer access point uphill from the point of connection of the lateral to the public sewer in any new or existing drainage system, approved types of backflow valves may be required by the director of public works. The installation of the devices shall be required under the same circumstances as set forth in subsections (d) (1) through (5), inclusive, of this section.

(2) Where a backflow valve is required, the valve shall be installed in the lateral at the

point of lowest elevation of the ground surface along the alignment of the lateral, or at such other location as is permitted by the city, providing that at any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.

(3) The backflow valve shall have cleanouts directly upstream and downstream of the valve. In addition, an overflow device shall be installed between the building wall and the backflow valve at the lowest point. The cleanouts and the overflow device shall be connected to the lateral by means of wye fittings. The backflow valve shall be accessible from the surface and protected by the use of a precast access box of concrete or heavy-duty plastic approved by the director of public works.

(4) The cleanouts and the overflow device shall be positioned at an elevation at least three inches above the ground in order to prevent the obstruction of the vent opening or the inflow of surface water.

(f) Any owner whose property meeting the elevation criteria of this section that has no backflow valve, or has a defective or improperly installed backflow valve, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage. [Ord. 04-25 § 2, 2005; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-308, 1952].

#### **9.20.040 Inspections and repairs of sewer laterals.**

(a) Property owners shall inspect, and provide to the city a report of the results of an inspection of, the laterals on their property prepared by a licensed plumber using closed circuit television (CCTV) inspection or other inspection or test method approved by the director of public works, and if found defective, the property owner shall obtain a building permit and (if applicable) an encroachment permit and thereafter repair the lateral, as follows:

- (1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
- (2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000 or more;
- (3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;
- (4) Whenever the city finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;
- (5) Whenever the city finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

In the absence of a specific deadline, all inspection and testing work shall be completed within 60 days of notification by the city that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the director of public works.

(b) As part of its periodic construction and maintenance of sewer mains, the city may discover defective laterals. The city may order the property owner to conduct an inspection, repair or replacement of any lateral that the city knows or reasonably suspects to be defective.

(c) The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective

clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.

(d) Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. The director of public works shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the director of public works. The following requirements shall be met.

(1) A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the city.

(2) All new and repaired laterals must pass an air pressure test as specified by the director of public works.

(3) All repaired or replaced laterals shall be brought into compliance with the requirements of PGMC [9.20.030](#)(d). Overflow devices must be installed on all repaired or replaced laterals, and backflow valves may be required to be installed on laterals meeting the criteria of PGMC [9.20.030](#)(e).

(e) In the absence of a specific deadline established by the director of public works, all repair or replacement work shall be completed within 60 days of notification by the city that such repair or replacement is required.

(f) When a lateral is completely replaced in accord with a valid building permit and (if applicable) an encroachment permit, the property owner is not required to inspect the lateral upon sale of the property for 10 years following the date of complete replacement of the lateral.

(g) Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the city resulting from the spill.

(h) The city shall have the authority to recover from a property owner the city's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the city resulting from an overflow, the city may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:

(1) Up to \$500.00 for the first violation.

(2) Up to \$1,000 for a second violation occurring within three years after the first violation.

(3) Up to \$2,500 for each additional violation within a three-year period exceeding two violations.

(i) In addition to any enforcement action brought under Chapter [9.20](#) PGMC, or any penalty imposed pursuant to subsection (h) of this section, failure to comply with any provision of this section shall concurrently constitute a violation of this code as defined in PGMC [1.16.010](#)(c) and (d) and PGMC [1.16.015](#). Concurrent enforcement of any provision of this section is

authorized by civil action pursuant to PGMC [1.16.017](#). The owner of the property upon which the violation occurs shall be liable to the city, as a civil penalty, for the cost and value of all administrative effort and legal fees incurred by the city associated with enforcement of these requirements. The enforcement remedies set forth herein shall be cumulative.

(j) The city manager shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the city upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner, in accord with a valid building permit and (if applicable) an encroachment permit, has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations. [Ord. 06-017 §§ 2 – 5, 2006; Ord. 04-25 § 3, 2005; Ord. 210 N.S. § 5-302, 1952].

#### **9.20.050 Sewer connection – Required – Septic tank.**

(a) Connection. All owners or occupants of premises having sanitary facilities shall, within 10 days after receiving written or printed notice from the city manager, connect said premises with the sewer. Such work of connecting with the sewer shall be done at the expense of the owner.

(b) Septic Tank. The city manager shall require the owner of property served by an existing septic tank system to connect to a sewer main (1) in the event of complete failure of the existing septic tank system (to be determined by the city engineer), or (2) in the event of new or additional development on the property which will exceed the service capacity of the existing septic tank system (to be determined by the city engineer), or (3) in the event of improvements or additions to developed structures on the property which cost will exceed 50 percent of the value of said structures as they exist at the time work begins on the improvements or additions (to be determined by the community development director). Septic tank systems abandoned per required connection to a sewer main hereunder, or abandoned for any other reason, shall have the sewage removed therefrom and at the direction, and subject to the approval, of the city engineer, shall be completely filled with earth, sand, gravel or concrete. [Ord. 97-14 § 1, 1997; Ord. 210 N.S. § 10-301, 1952].

#### **9.20.055 Sewer connection – Permit required for change in use.**

All persons, firms or corporations shall, before adding any additional plumbing fixture to an existing sewer connection (within or outside the city), make application therefor to the community development director. If the fixture, or combination of fixtures, added since the initial connection to the sewer system, results in a potential increase of use of the sewer connection which exceeds 20 percent of the potential use, at the time of initial connection, the sewer connection shall be deemed a new connection for purposes of this chapter. In making such computation of use, the community development director shall consider the continuous discharge capacity of fixtures attached at the initial connection as against such capacity with the additional fixture or fixtures.

The community development director shall take account of all fixtures added since the initial connection to the sewer system, whether or not a permit had been issued for such. Nothing herein shall be deemed a consent to or license for any connection for which a permit has not been issued.

New connections shall not be permitted outside the city except on written revocable licenses approved by the city council. Unless a permit fee shall have been otherwise paid for such fixtures under the plumbing code, each applicant shall pay a permit fee of \$5.00 per fixture. The applicant shall bear the cost, deposited in advance, for any tests required to determine discharge capacity of a fixture. [Ord. 696 N.S. § 1, 1971].

#### **9.20.060 Sewer connection – Outside city limits.**

Permission may be granted to any person, firm or corporation owning or leasing property outside the corporate limits of the city to connect such property with the system of sanitary sewers of the city, in accordance with the terms and conditions of this code. [Ord. 210 N.S. § 5-303(1), 1952].

**9.20.070 Outside city connection – Application.**

Application for permission to connect with the city sewers shall be made in writing to the city manager. [Ord. 210 N.S. § 5-303(2), 1952].

**9.20.080 Outside city connection – Cost of making.**

All expenses incurred in the making of the connection with the city sewers to property outside the city shall be borne by the applicant. The plumbing upon the property and in all buildings constructed after January 16, 1952, which are to be connected with the city sewers shall comply with the Uniform Plumbing Code adopted by the city. The owner or lessee of such property shall make application to connect as provided herein, obtain a permit from the city's community development department and pay applicable fees. The city's community development director is authorized to inspect such buildings, issue such permits, and collect such fees as are required. [Ord. 210 N.S. § 5-303(3), 1952].

**9.20.081 Outside city connection – Permission of Monterey Regional Water Pollution Control Agency required.**

Any property outside of the city's corporate limits shall require the permission of the Monterey Regional Water Pollution Control Agency in order to connect to the city's sewer collector system, so long as said agency has the responsibility for disposing and/or treating the sewage from that system. [Ord. 1321 N.S. § 2, 1982].

**9.20.085 Sewer connection fees.**

(a) In addition to any sewer connection fee levied and assessed by the Monterey Regional Water Pollution Control Agency, there is levied, charged and assessed upon each premises within and without the city, which shall become connected or make a new connection to the city's sewage collector system, a sewage connection fee equal to 50 percent of the sewer connection fee levied, charged and assessed by the district.

(b) The foregoing rate of sewer connection fee shall be applicable for each premises for connections made after the ordinance codified in this section goes into effect. The fees may be combined and collected with the fees charged by the district.

(c) The city council has enacted the ordinance codified in this section in light of, and with knowledge of, the rates charged by the district on the effective date of the ordinance codified in this section. Subsequent changes in rates by the district shall be reviewed by the council, and each such review shall be evidenced by a resolution stating such, or by an amendment to this section. [Ord. 1012 N.S. § 1, 1978; Ord. 647 N.S. § 3, 1970].

**9.20.086 Sewer connection – Reimbursement agreements.**

(a) In the event a property owner obtains permission to and does construct a sewer main extension in the city right-of-way, the city may enter into a reimbursement agreement with the property owner whereby the city shall endeavor to collect an agreed-upon proportionate share of construction costs from other property owners connecting to the city's sewer system at any location on the sewer main extension so constructed.

(b) Any such agreement shall, at a minimum, provide that:

(1) The city shall incur no liability for failure or inability, for whatever reason or cause, to collect an agreed upon amount from the connecting property owner;

(2) In the event of refusal or failure of a connecting property owner to pay the agreed-upon amount (A) connection will not be refused, and (B) the constructing property owner shall be responsible for collecting the amount on his or her own behalf;

(3) No interest shall be paid or payable on any sum due under such agreement;

(4) The agreement shall be of no further force and effect 50 years following the date of installation of the subject sewer main;

(5) The amounts due from connecting property owners shall be calculated by an engineer or other person approved by the city;

(6) The agreement shall not apply to sewer connections made by the city or other public agencies.

(c) The provisions of this section shall not be construed to require or obligate the city to enter into a reimbursement agreement if, in the sole discretion of the city council, to so enter into the agreement would not be in the best interests of the city or would be detrimental to the health, safety or welfare of the city. [Ord. 09-019 § 2, 2009; Ord. 96-23 § 1, 1996; Ord. 1798 N.S. § 1, 1991].

#### **9.20.090 Operation and maintenance of private sewer systems.**

Any person or entity responsible for the operation and maintenance of a private sewer system that serves more than one building shall:

(a) Ensure that the private sewer system is designed and constructed in accordance with the specifications approved by the director of public works.

(b) Periodically clean the sewer lines in order to prevent overflows due to blockages caused by grease, roots, debris, and other causes. Sewers that have overflows shall be cleaned at the frequency that is necessary to prevent subsequent overflows.

(c) Periodically inspect the interior condition of the sewer lines in order to prevent infiltration, exfiltration, and overflows due to pipe failure. Sewers that are found to be in poor condition shall be repaired or replaced immediately.

(d) Maintain records of sewer cleaning, inspection, repair, and replacement activities and make those records available to the director of public works for inspection upon request.

(e) Respond to sewer overflows that occur in the private sewer system, contain the spilled sewage to the extent feasible, eliminate the cause, and mitigate the public health and environmental impacts of the overflow in a timely manner.

(f) Report all sewer overflows that occur in the private sewer system to the public works director within 24 hours of the occurrence and provide any additional information that may be required by the public works director.

(g) Maintain records of overflows that occur in the private sewer system and make those records available to the public works director for inspection upon request.

(h) Pay any fines or levies imposed on the city or on the person or entity responsible for the operation and maintenance of the private sewer system that may result from regulatory action following an overflow from the private sewer system. [Ord. 04-25 § 4, 2005].

#### **9.20.100 Service charges – Inside city limits.**

(a) In addition to any sewer service charge levied and assessed by the Monterey Regional

Water Pollution Control Agency (the "agency"), there is levied and assessed upon each premises within and without the city, which discharges sewage which passes through the city's sewage collector system, a sewage collector system fee not to exceed 200 percent of the sewer service charge levied and assessed by the agency in the specific amount set by city council resolution.

(b) The foregoing rate of sewage collector system fees shall be applicable for each premises for service on and after July 1, 2005. The fees may be collected in advance and may be combined with the billing by the agency or the entity which provides water service for the premises. Except for references specifically made in this chapter to sewer service charges of the agency, all references in this chapter to sewer service charges mean the fees levied and assessed in this chapter for use of the city's sewage collection system.

(c) Any person responsible for payment of the fee imposed by this section, and who personally pays for those services, and who has qualified for and is receiving benefits under the Social Security Administration's Supplemental Security Income Program for the Aged, Blind and Disabled (Title XVI, Social Security Act, as amended), shall be eligible for an exemption from the fee imposed by this section on service provided to such person's residential living quarters. Provided, however, that if the aggregate gross income of all persons who share such person's residential living quarters exceeds \$12,000 per annum, the exemption shall not apply. Only one such residential exemption shall be allowed to any person. Procedures and regulations applicable to this exemption are as follows:

(1) Applications for exemptions may be filed with the city at any time on forms approved by the city clerk.

(2) The exemption shall not be effective until 75 days following receipt of the application.

(3) Applications shall be verified by declaration under penalty of perjury and shall contain such information as may be required by the city clerk.

(4) The city clerk shall review each application and shall certify eligibility for exemption if the requirements of this subsection (c) of this section are met, except no exemption shall be granted where service is through a master meter, and no exemption shall be granted for a fee which is or has been paid by a public agency or where the applicant received funds from a public agency specifically to pay the fee.

(5) Upon certification of eligibility for exemption, the city clerk shall notify the agency, stating the name of the exempt person, the address to which the service is supplied, the account number, if any, and such other information as may be necessary for the agency to remove the fee from its billing procedure.

(6) Upon receipt of notice the agency shall discontinue billing for the fee imposed by this section. Provided, fees billed by the agency prior to receipt of such notice shall be collected, and fees paid prior to receipt of such notice shall not be refunded.

(7) Exemptions certified by the city clerk shall continue so long as the facts supporting the exemption exist. Provided, the exemption shall automatically terminate with the change in service address or residence of the exempted person. Such person may apply for a new exemption for each change of address.

(8) Any person who has been exempt under this section shall notify the tax administrator within 10 days of any change in fact or circumstance which disqualifies such person from receiving an exemption. It shall be a misdemeanor, and may be enforced pursuant to Chapter [1.16](#) PGMC, for any person knowingly to receive the benefits of the exemption

when such person has knowledge that the basis for such exemption does not or ceases to exist.

(9) The city clerk shall have the authority to demand evidence of continued eligibility for the exemption. Such evidence may include, but need not be limited to, copies of business records, letters or statements from the Social Security System and state, county, city and private pension administrators or unemployment and welfare agencies, and such other evidence concerning the exempted person or other members of his or her household as may tend to prove or disprove such eligibility. Failure to provide such evidence shall be grounds for immediate discontinuance of the exemption. Evidence provided to the city clerk at his request may not be used against the exempted person as evidence of violation of this section, but only as grounds for termination of the exemption.

(d) The city council has enacted this section with knowledge of the rates charged by the agency on the effective date of the fee hereby imposed. Subsequent changes in rates by the agency shall be reviewed by the council, and, if the council deems it appropriate, the fee imposed by this section may be modified.

(e) Nothing in this chapter shall be deemed or construed to apply to sewage discharged from publicly owned urban runoff and storm water management facilities. [Ord. 10-025 § 2, 2010; Ord. 08-027 § 2, 2008; Ord. 08-006 § 19, 2008; Ord. 05-009 § 1, 2005; Ord. 04-07 § 1, 2004; Ord. 01-05 § 1, 2001; Ord. 1842 N.S. § 1, 1992; Ord. 1663 N.S. § 1, 1989; Ord. 1006 N.S. § 1, 1978; Ord. 945 N.S. § 1, 1977; Ord. 647 N.S. § 2, 1970; Ord. 551 N.S. § 8, 1966; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-303, 1952].

#### **9.20.110 Service charges – Billing.**

Effective for the period of service beginning July 1, 1977, all sewer service charges shall be billed by and paid to the Monterey Regional County Sanitation District. Such charges shall be paid in advance to the district upon such payment schedules as the district shall adopt. The final billing of charges by the city shall be in advance for the four-month period beginning March 1, 1977. The charges for either agency shall become delinquent 30 days after presentation of the billing therefor.

All billings for sewer service charges shall be in the name of the owner of the property being served, as reflected on the last equalized assessment roll for the county or as reflected in any deed or other satisfactory evidence of change of ownership, recorded with the county recorder since the date of the last equalized assessment roll, upon presentation of such evidence to the city manager or his or her representatives for such purposes. [Ord. 924 N.S. § 2, 1977; Ord. 789 N.S., 1974; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-304, 1952].

#### **9.20.120 Service charges – Rebates for vacancies.**

The sewer charges provided for in this chapter shall not abate or be refundable on account of vacancy or nonoccupancy of the connected premises. Large users which pay charges according to volume of discharge, shall, for any period of nonuse, pay at the rate experienced for the year immediately preceding such nonuse. The city manager, upon receipt of sworn evidence establishing the facts, shall terminate service charges for vacant premises which have been condemned for use. [Ord. 700 N.S. § 1, 1971; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-305, 1952].

#### **9.20.130 Service charges – Changing.**

The rates or charges for sewer service shall be as hereinabove set forth or as may be established by ordinance passed by the city council. [Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-306(1), 1952].

#### **9.20.140 Service charges – Delinquency – Debt to city.**

All delinquent accounts payable for sewer service shall be paid by the owner of the premises. Such delinquent accounts shall constitute a debt due the city for which the city may sue the owner in any competent civil court. [Ord. 789 N.S., 1974; Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-306(2), 1952].

#### **9.20.160 Service charges – Delinquent – Penalties.**

A collection charge of \$0.50 shall be levied for the collection of each delinquent account and a five percent penalty shall be added for each month the account remains delinquent after 30 days from the date the same is due. [Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-306(4), 1952].

#### **9.20.170 Application of funds.**

The funds received from the collection of the sewer service charges or rentals hereinabove set forth shall be deposited with the city treasurer and shall be accounted for and be known as the “sewer fund,” and, when appropriated by the city council, shall be available for the payment of the interest on any and all bonds issued and outstanding or which may be issued for sanitary and sewerage facilities and to retire such bonds when they mature, and for the payment of the cost and expense of acquisition, construction, operation, maintenance, and repair of the city sewerage system and the sewage pumping, treatment and disposal works and extensions and improvements thereto. [Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-308, 1952].

#### **9.20.180 Screening.**

(a) Domestic Waste. Domestic sewage, consisting essentially of human wastes, may be passed into sewers without screening.

(b) Industrial Waste. Industrial waste must be screened through the equivalent of a screen with 20 meshes to the linear inch in both directions, with the allowance that in the event rotary screens are used, openings in screen plates shall be not over one-twentieth of an inch wide by two inches long. [Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-302, 1952].

#### **9.20.185 Monterey Regional Water Pollution Control Agency provisions incorporated.**

There is incorporated as a part of this chapter, as if the same were set forth herein verbatim, all of the terms, conditions, and requirements of Monterey Regional Water Pollution Control Agency (MRWPCA) Ordinance No. 92-02, passed April 27, 1992, as amended by MRWPCA Ordinance No. 93-03 on October 25, 1993, and as may be further amended by time to time by the Monterey Regional Water Pollution Control Agency in with respect to any discharge of any waste in any part of the city. Any violation of any provision thereof shall constitute a misdemeanor, and may be enforced pursuant to Chapter [1.16](#) PGMC, in addition to any penalty or remedy which may be available to said agency under said ordinance(s). Said agency shall be authorized on behalf of the city to enforce said ordinance(s) in any part of the city. The city reserves unto itself the power to enforce each and every term, condition, and requirement thereof in the event said agency fails or ceases to enforce the same or in the event of an emergency. [Ord. 08-006 § 20, 2008; Ord. 06-017 § 7, 2006; Ord. 1321 N.S. § 1, 1982].

#### **9.20.190 Disconnection for violators.**

Any person who fails to pay the sewer service charges as herein levied and assessed within the time limit prescribed for the payment thereof, or who violates any of the laws of the state of California, the ordinances of the city, or the rules or regulations so established referring to the discharge of sewage, and upon five days’ notice from the manager, shall be subject to having the sewer line of such person disconnected, and thereafter, no such service which has been disconnected for the nonpayment of such sewer service charges or for the violation of any of the above-mentioned state or city laws or regulations, shall be reconnected until the owner, or such person, shall have paid all delinquent sewer service charges owed the city by such person and all expenses incurred by the city in causing such disconnection and reconnection.

[Ord. 230 N.S., 1952; Ord. 210 N.S. § 6-307, 1952].

### **9.20.200 Collection of periodic sewer service charges.**

The periodic charges for sewer service provided for in this chapter may be collected with and not separately from the charges for refuse and garbage disposal upon one bill as one item. [Ord. 697 N.S. § 1, 1971].

### **9.20.210 Delinquent charges to constitute lien – Continuation.**

Delinquent charges for sewer service, overflow-related expenses and administrative penalties, and for refuse and garbage disposal, and accrued penalties thereon, shall, when recorded as provided in PGMC [9.20.220](#), constitute a lien upon the real property served (except publicly owned property) and such lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor. [Ord. 04-25 § 5, 2005; Ord. 697 N.S. § 2, 1971].

### **9.20.220 When lien to attach – Release or foreclosure.**

The lien provided by PGMC [9.20.210](#) shall attach when the city treasurer or other officer whose duty is to collect such charges, records a list of delinquent unpaid charges and penalties thereon with the county recorder, stating the total amount of delinquent charge and penalty combined, a description of the real property upon which such is a lien and a statement that the city of Pacific Grove has a lien for the combined amount so listed. Such lien shall persist until released by the city upon payment of the amount of lien, or upon foreclosure of the lien by judgment or process of law. [Ord. 697 N.S. § 3, 1971].

### **9.20.230 Court action.**

As a separate, distinct and cumulative remedy established for collection of any charges or penalties imposed by this chapter, an action may be brought in the city's name in any court of competent jurisdiction to enforce the lien provided for in PGMC [9.20.210](#). A reasonable attorney's fee shall be awarded plaintiff in such action. [Ord. 04-25 § 6, 2005; Ord. 697 N.S. § 4, 1971].

#### **The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)

City Telephone: (831) 648-3100

Code Publishing Company  
(<http://www.codepublishing.com/>)

eLibrary

(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 15.24 EXCAVATIONS

Sections:

[15.24.010](#) Permit required – Resurfacing.

### 15.24.010 Permit required – Resurfacing.

(a) Permit Required. Before any person, firm or corporation may cut any pavement or sidewalk or make any excavation in any public street for the purpose of installing or repairing any sewer, water, gas, electric or other utility pipes, conduits, wires or other structure, he or she shall secure a written permit therefor from the proper city authority, in accordance with any regulations then in effect and pertaining thereto, and shall pay the required fees and deposits.

(b) Resurfacing. After any such cut is made in any pavement, sidewalk or street, the person or firm doing such work shall immediately upon completion of the work, refill, settle and resurface such cut, to the satisfaction of the city manager. If such work is not done satisfactorily the city may complete the same, and such person or firm will be liable to the city for all costs and expenses in completing such work. [Ord. 210 N.S. § 5-101, 1952].

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)

City Telephone: (831) 648-3100  
Code Publishing Company

(<http://www.codepublishing.com/>)  
eLibrary

(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 18.04 BUILDING CODES<sup>1</sup>

### Sections:

<a href="#">18.04.010</a>	Adoption of building codes.
<a href="#">18.04.030</a>	Building official or administrative authority deemed chief building inspector or his or her assistants.
<a href="#">18.04.040</a>	Board of appeals – Conflicting provisions.
<a href="#">18.04.041</a>	Accessibility board of appeals.
<a href="#">18.04.045</a>	Reference.
<a href="#">18.04.050</a>	Fire and sewer protection.
<a href="#">18.04.055</a>	Driveways, curb, gutter and sidewalk.
<a href="#">18.04.065</a>	Smoke detector installation.
<a href="#">18.04.070</a>	Permit and plan check fees.
<a href="#">18.04.080</a>	Plumbing permit fees.
<a href="#">18.04.095</a>	Business district – Exterior walls.
<a href="#">18.04.100</a>	<i>Repealed.</i>

### **18.04.010 Adoption of building codes.**

Except as otherwise amended by this chapter and this title, the following amended model codes are hereby adopted by reference and are incorporated in this chapter as if fully set forth herein:

(a) General Provisions. Pursuant to Government Code Sections 50020 et seq., and the charter powers of the city of Pacific Grove, the following amended model codes are hereby adopted by reference as if set forth fully herein:

- (1) 2010 California Building Code and Appendices I and J;
- (2) 2010 California Historic Building Code;
- (3) 2010 California Existing Building Code;
- (4) 2010 California Residential Code;
- (5) 2010 California Plumbing Code;
- (6) 2010 California Electric Code;
- (7) 2010 California Mechanical Code;
- (8) 2010 California Fire Code and Appendices A through J;
- (9) 2006 International Property Maintenance Code.

(b) Building Code – Amendments to the 2010 California Building Code.

- (1) Section 105.3.2 is hereby amended to read as follows:

105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review shall thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have

prevented action from being taken, as long as the extension request has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the project has not changed in scope and further provided that the applicant submits this request in writing and pays the approved fee for each requested 90-day extension

Exception: Written extensions shall not be required for any project that has been approved by the City, and the approval contains an express condition stating that approval from an outside agency is pending at time of expiration. This exception shall apply only until such time as the outside agency approval is granted. Thereafter, the expiration limitation shall apply.

(2) Section 105.5 is hereby amended to read as follows:

105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2010 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the project has not changed in scope and further provided that the applicant submits this request in writing and pays the approved fee for each requested 90-day extension

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

(3) Section 1505.1.1 is hereby amended to read as follows:

Real coverings within all fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or Class "A" roof.

(c) Residential Code – Amendments to the California Residential Code.

(1) Section R105.3.2 is hereby amended to read as follows:

R105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing and pays the approved fee for each requested 90-day extension and the project has not changed in scope.

Exception: If a project has been approved by the City on condition where a pending approval from an outside agency exists at time of expiration, written extensions will not be required.

(2) Section R105.5 is hereby amended to read as follows:

R105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2010 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of 90 days each may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval and the applicant pays the approved fee for each 90-day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

(3) Section R313.2 is hereby amended to read as follows:

Section R313.2 One- and two-family dwellings automatic fire systems. New one- and two-family dwellings, an automatic residential fire sprinkler system shall be installed, or to which additions, alterations, or repairs are made that involve the removal or replacement to 50% or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code.

Exception: (1) One- and two-family dwelling buildings with less than 1,500 square feet where an addition will not increase the total square footage to more than 1,500 square feet, unless the increase involves a second story (in this case, the 50% linear wall length rule would apply to determine if the project would need an automatic fire sprinkler system).

(4) Section R403.1.3 is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1, and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings that are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

(5) Section R902.1.1 is hereby amended to read as follows:

Roof coverings within all fire hazard severity zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or Class "A" roof.

(d) Plumbing Code – Amendments to the California Plumbing Code. Section 710.1 is hereby amended to read as follows:

In every case where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer in any new or existing drainage system, approved types of backwater valve, relief vent and cleanout approved shall be installed in the building sewer at the point of lowest elevation of the ground surface of the building site outside of the building or at such

other location as is permitted by the Building Inspector, providing that at any such location, the elevation of the ground surface is not less than two feet below the lowest trap outlet served by the building sewer.

The installation shall consist of an approved fresh air inlet and a Y branch or combination fitting installed in sequence in the line of flow from the building. The vent from this fresh air inlet shall be piped to the ground surface and capped with a vent cap. Provision shall be made by elevation above the ground or by other means for preventing the obstruction of the vent opening or the flow of water therein. The cleanout shall be placed as close to the valve as is practical and shall be piped to within one foot of the ground surface and closed with an approved cleanout plug. Every existing installation which includes a plumbing fixture trap outlet which is less than two feet above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer is hereby declared to be dangerous, unsanitary and a menace to life, health and property. Whenever it shall come to the attention of the Building Inspector that such an installation exists, he or she is hereby empowered to order and require that such plumbing outlet be immediately plugged or capped, or that the equipment described in the preceding paragraph of this section be installed immediately.

[Ord. 10-029 § 2, 2010; Ord. 09-005 § 23, 2009; Ord. 08-007 § 2, 2007; Ord. 05-019 §§ 1 – 4, 2005; Ord. 02-31, 2002].

#### **18.04.030 Building official or administrative authority deemed chief building inspector or his or her assistants.**

Wherein said codes refer to the “building official” or “administrative authority,” the reference means the chief building inspector or his or her assistants acting on his or her behalf. [Ord. 98-34 § 1, 1998; Ord. 1950 N.S. § 1, 1994; Ord. 693 N.S. § 2, 1971].

#### **18.04.040 Board of appeals – Conflicting provisions.**

(a) Wherein there may be conflicting or duplicative provisions in the uniform codes regarding the operating procedures for a board of appeals, Section 105 of the Uniform Building Code, Section 110 of the Uniform Mechanical Code and Sections 501 through 605 of the Uniform Code for the Abatement of Dangerous Buildings, shall be controlling.

(b) The city’s board of appeals shall consist of five members appointed by the city manager and shall be known as the “Housing Advisory Appeals Board – Uniform Building Code Board of Appeals – International Fire Code Board.” Members may be removed at any time in the discretion of the city manager.

(c) An affirmative vote of a majority of the total members of the Housing Advisory Appeals Board – Uniform Building Code Board of Appeals – Uniform Fire Code Board shall be required for any action by the board. [Ord. 10-005 § 9, 2010; Ord. 02-30 § 9, 2002; Ord. 96-28 § 1, 1996; Ord. 1450 N.S. § 3, 1984; Ord. 693 N.S. § 2, 1971].

#### **18.04.041 Accessibility board of appeals.**

(a) An accessibility board of appeals is created.

(b) The purpose of the board is to hear and decide appeals of orders, decisions or determinations made by the building official concerning handicap accessibility, as provided in Title [24](#), California Code of Regulations.

(c) The board shall consist of seven members appointed by the city manager. Five of the members shall be the members of the building board of appeals referenced in PGMC [18.04.040](#), and shall serve so long as they remain members of said board. The other two members, appointed by the city manager, shall have demonstrated experience dealing with accessibility standards and their application. Members may be removed at any time in the discretion of the city manager. An affirmative vote of a majority of the total members of the accessibility board shall be required for any action by the board. [Ord. 10-005 § 10, 2010;

Ord. 02-30 § 10, 2002; Ord. 98-04 § 1, 1998; Ord. 96-28 § 2, 1996].

#### **18.04.045 Reference.**

Any reference to a Housing Advisory Appeals Board, a Uniform Building Code Board of Appeals, or a Uniform Fire Code Board shall be deemed a reference to the board of appeals formed in accord with PGMC [18.04.040](#). [Ord. 10-005 § 11, 2010].

#### **18.04.050 Fire and sewer protection.**

Whenever a new building is constructed on a lot, other than an accessory structure, and irrespective of whether the new building replaces one that has been demolished on the same site, fire hydrants, fire mains and sewer mains suitable for servicing of the building according to the standards set forth in Chapter [24.08](#) PGMC shall be installed unless the building is a single-family dwelling, or unless the fire chief determines that the building is adequately protected by fire hydrants already installed, or the city engineer determines that the sewer mains are adequate for the building. The chief building inspector shall not issue a building permit for such construction until the requirements have been complied with. In the event that these requirements create unnecessary hardship, practical difficulties and results inconsistent with the general purpose of PGMC Title [18](#) or [23](#), a variance may be granted under the procedures set forth in PGMC 23.72.090 through 23.72.160. [Ord. 98-34 § 2, 1998; Ord. 1934 N.S. § 1, 1994; Ord. 1539 N.S. § 2, 1986; Ord. 744 N.S. § 1, 1973].

#### **18.04.055 Driveways, curb, gutter and sidewalk.**

(a) Whenever a new building is constructed on a lot, other than an accessory structure, and irrespective of whether the new building replaces one that has been demolished on the same site, driveways, concrete curb, gutter and sidewalk conforming to the specifications set forth in the city standards shall be provided.

(b) In the event that these requirements create unnecessary hardship, practical difficulties and results inconsistent with the general purpose of PGMC Title [18](#) or [23](#), a variance may be granted under the procedures set forth in PGMC 23.72.160.

(c) The community development director shall allow deferral of curb, gutter and/or sidewalk improvements otherwise required hereunder, where in his or her opinion the building site is located in an area where curb, gutter and/or sidewalk improvements would be incompatible with existing street improvements or under study regarding the desirability of rescinding the requirement to install such curb, gutter and/or sidewalk improvements. Any such deferral shall be the subject of an appropriate recorded document which shall provide, without limitation, that such improvements shall be installed upon written notice from the community development director. [Ord. 1934 N.S. § 2, 1994].

#### **18.04.065 Smoke detector installation.**

Notwithstanding, and additional to, the provisions of the Uniform Building Code, no residential dwelling unit within the city, including single-family residences, condominiums, apartment buildings, mobile homes, motels, or hotels shall be sold or transferred until a smoke detector or detectors shall have been installed therein by the seller, in conformance with the requirements of said section of said Uniform Building Code. [Ord. 1319 N.S. § 1, 1982].

#### **18.04.070 Permit and plan check fees.**

Combination permit fees, building permit fees, other inspection fees and plan check fees shall be as established by resolution of the council. [Ord. 1765 N.S. § 11, 1991; Ord. 1539 N.S. § 5, 1986; Ord. 1450 N.S. § 4, 1984; Ord. 1312 N.S. § 1, 1982; Ord. 1024 N.S. § 1, 1978; Ord. 850 N.S. § 3, 1975].

#### **18.04.080 Plumbing permit fees.**

Fees for permits obtained under the Uniform Plumbing Code shall be as established by

resolution of the council. [Ord. 1765 N.S. § 12, 1991; Ord. 850 N.S. § 4, 1975].

**18.04.095 Business district – Exterior walls.**

Exterior walls of Type V buildings located in the principal business district bounded by Fifteenth Street, Laurel Avenue, Seventeenth Street and Central Avenue, shall be of noncombustible construction, where openings are not permitted.

Note: Approved fire-retardant treated wood framing may be used with the assembly; provided, that the required fire resistance is maintained and that all the exposed outer and inner surfaces of such walls are sheathed with noncombustible materials. [Ord. 97-33 § 2, 1997; Ord. 1245 N.S. § 4, 1981].

**18.04.100 Commercial decks, platforms and fences.**

*Repealed by Ord. 10-029.* [Ord. 02-31, 2002].

---

<sup>1</sup> For authority to regulate construction and removal of buildings, see California Government Code §§ 38601 and 38660. For statutory provisions governing plumbing and electrical regulations, see California Government Code § 38660.

---

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)  
City Telephone: (831) 648-3100  
Code Publishing Company  
(<http://www.codepublishing.com/>)  
eLibrary  
(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 18.08 GREASE TRAPS

### Sections:

- [18.08.010](#) Purpose.
- [18.08.020](#) Conflict between these provisions and Uniform Plumbing Code.
- [18.08.030](#) Definitions.
- [18.08.040](#) Requirement for grease trap, grease interceptor, or other device.
- [18.08.050](#) General regulations and procedures.

#### **18.08.010 Purpose.**

The purpose of this chapter is to set forth policies, procedures, and requirements for food service establishments governing the installation, maintenance, and use of grease traps, grease interceptors or other comparable devices which represent the best practicable control technology for oil/grease removal, and to establish procedures regarding implementation and enforcement of the regulations set forth in this chapter. [Ord. 01-21 § 1, 2001; Ord. 1957 N.S. § 1, 1994].

#### **18.08.020 Conflict between these provisions and Uniform Plumbing Code.**

In the event of any conflict between the provisions of this chapter and the Uniform Plumbing Code, the provisions of this chapter shall prevail. [Ord. 01-21 § 1, 2001; Ord. 1957 N.S. § 1, 1994].

#### **18.08.030 Definitions.**

“Food service establishment” means an establishment that prepares and/or sells food for consumption either on or off the premises, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries, or pizzerias. The term, as used in this chapter, does not refer to food stores or establishments that do not prepare food on premises or process food in a manner so as to contribute grease to the sewer system.

“Grease interceptor” means a device designed and installed to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and to permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

“Grease trap” means a device designed to retain grease from one to a maximum of four fixtures.

“MRWPCA” means the Monterey Regional Water Pollution Control Agency. [Ord. 01-21 § 1, 2001; Ord. 1957 N.S. § 1, 1994].

#### **18.08.040 Requirement for grease trap, grease interceptor, or other device.**

(a) A food service establishment or any other business discharging grease, oil or other similar material shall have an operable grease trap, grease interceptor or other comparable device(s) as determined by MRWPCA and the city’s chief building inspector to be an adequate substitute for a grease trap or grease interceptor. A properly sized interceptor or trap shall be considered first, in conformity with the sizing chart set forth in the MRWPCA Regional Grease Program of MRWPCA. Should space limitations or other exceptional circumstances prevent their installation, MRWPCA may grant exceptions to the requirement of grease traps or grease interceptors in this section.

(b) All drains from food preparation and cleanup areas including, but not limited to, prewash sinks, floor drains, food waste disposal units, pots and pans sinks, scullery sinks, and garbage

can wash areas shall be connected to such trap or interceptor.

(c) Sizing Formula. The size of a grease trap or grease interceptor shall be as determined by the MRWPCA. Notwithstanding the foregoing, grease traps required by this chapter shall be no smaller than an 80-gallon capacity trap with a 75-gallon per minute flow rate.

(d) Existing grease traps, grease interceptors or similar devices.

(1) Any food service establishment or other business that, on or after January 1, 1997, installed grease traps, grease interceptors, or other grease pretreatment equipment to comply with the requirements of the MRWPCA Regional Grease Program, shall not be required to upgrade such equipment until January 1, 2002, so long as such equipment remains in good working order. Should the grease trap, grease interceptor or other grease pretreatment equipment become nonoperational or fail to operate in good working order, a grease trap or grease interceptor meeting the standards set forth in this chapter shall be immediately installed.

(2) Notwithstanding the foregoing subsection (a)(1) of this section, any food service establishment or other business that, on or after, January 1, 1997, installed grease traps, grease interceptors, or other grease pretreatment equipment to comply with the requirements of the MRWPCA Regional Grease Program, shall upgrade such equipment to meet the standards set forth in this chapter upon the change of ownership of the business in which the equipment is located, or upon the remodeling of the business in which the equipment is located. Remodeling of the business not requiring a building permit shall be exempted from the upgrade requirement. The remodeling shall not be separated into phases for the purpose of avoiding the requirement of a building permit. [Ord. 01-21 § 1, 2001; Ord. 98-34 § 3, 1998; Ord. 97-15 § 1, 1997; Ord. 1957 N.S. § 1 1994].

#### **18.08.050 General regulations and procedures.**

(a) When waste treatment is required pursuant to this chapter, an approved grease trap or grease interceptor complying with the provision of this chapter shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment.

(b) A plumbing permit shall be obtained from the chief building inspector prior to the installation of a grease trap or grease interceptor.

(c) Each trap, interceptor, or comparable device required by this chapter shall have an approved volume not less than required by this chapter.

(d) Toilets, lavatories, and other sanitary fixtures shall not be connected to any grease trap, grease interceptor, or comparable device.

(e) Location of Grease Traps, and Grease Interceptors.

(1) They shall be located outside buildings, unless a finding is made by the chief building inspector that the location of the building on the site or some other aspect of the use prevents an outside location and that placement within a building is not hazardous to public health and safety;

(2) They shall be located and maintained at all times so as to prevent the entrance of foreign materials, shall be easily accessible for cleaning inspection and removal of intercepted grease, and shall pose no hazard to public health or safety;

(3) If they are not designed in accordance with Uniform Plumbing Code (UPC) Section 711 and/or Appendix H, they must be designed by a professional engineer, must be

consistent with the standards of this chapter, and must be approved by MRWPCA.

(f) Related Equipment.

- (1) They shall be fitted with a standard service access cover or manhole. If a manhole is required, it shall be brought to grade and finished with standard manhole cover and ring;
- (2) A sampling box shall be located on the discharge side.

(g) All discharging fixtures shall be individually trapped and vented in accordance with the UPC.

(h) They shall be constructed of durable materials and shall have a full-size gas-tight cover which can easily be removed.

(i) They shall not be installed until the type and/or model has been subjected to, and has fully complied with, tests acceptable to the chief building inspector. Where an existing grease trap or grease interceptor is found acceptable by the chief building inspector, such equipment will be allowed to remain in use. Whenever a grease trap or grease interceptor does not comply with the provisions of this chapter, the chief building inspector shall require corrective measures.

(j) Prohibited and/or Restricted Equipment.

- (1) The installation and use of garbage grinders (disposals) in commercial-food establishments is prohibited, except where a 1,000-gallon-plus interceptor is in use;
- (2) The connection of high-temperature/high-flow dishwashers to a grease trap or grease interceptor is prohibited;
- (3) The use of enzymes or bacterial cultures designed to disperse grease is prohibited unless specifically approved in writing by the Monterey County health department and the MRWPCA.

(k) After the effective date of the ordinance codified in this chapter, all establishments covered by this chapter shall install an approved grease trap or grease interceptor of sufficient size to prevent discharges into the sewer system.

(l) Maintenance.

- (1) Traps and interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No collected grease shall be introduced into any public or private drainage piping.
- (2) Any grease trap or grease interceptor required by this chapter shall be readily accessible for inspection and properly maintained to assure that accumulations of grease or oil do not impair its efficiency or transport grease or oil into the sewer system.
- (3) All food service establishments or businesses required under this chapter to install and maintain a grease trap or grease interceptor shall maintain a maintenance record for the grease trap or grease interceptor, which shall be transmitted to city of Pacific Grove on a quarterly basis. This record shall include the date, the name of the person who performed cleaning and the disposal site of the waste. The record shall be posted in a conspicuous location and be available for review by the city's inspector at each routine inspection and at such other time as necessary for the city to determine whether a particular establishment may be performing maintenance contrary to the provisions of

this chapter.

(4) The city or its designee shall perform grease trap and grease interceptor inspections bi-annually, or more often at the discretion of the city should maintenance reports not be received or should a grease trap or grease interceptor fail to operate properly.

(5) In the event the city determines that a food service establishment or business required to install and maintain a grease trap either fails to maintain the maintenance record required by this section, or fails to maintain the grease trap as required by this section, the city may require the immediate installation of a grease interceptor.

(m) Suspension or Termination of Health Permit. The city shall have the discretion to request the Monterey County health department (the city’s health officer) to terminate or cause to be terminated the health permit of any user if a violation of any provision of this chapter is found to cause a condition of contamination, pollution, nuisance, or other threat to public health or safety.

(n) Request for Ruling. If an applicant for a permit or the owner of a grease trap or grease interceptor disputes the interpretation or application of this chapter, he/she may request a written ruling by the chief building inspector. The decision of the chief building inspector shall be final for all purposes. [Ord. 01-21 § 1, 2001; Ord. 98-34 § 4, 1998; Ord. 1957 N.S. § 1 1994].

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)

City Telephone: (831) 648-3100  
Code Publishing Company  
(<http://www.codepublishing.com/>)

eLibrary  
(<http://www.codepublishing.com/elibrary.htm>)

## Chapter 24.08 PARCEL MAP PROCEDURES

### Sections:

- [24.08.010](#) Filing and recording.
- [24.08.020](#) Information to be included.
- [24.08.030](#) Report from community development department – Compliance with regulations.
- [24.08.040](#) Report from city engineer – Grading and erosion control.
- [24.08.050](#) Scheduling of public hearing.
- [24.08.060](#) Compliance with general plan.
- [24.08.070](#) Additional provisions.
- [24.08.080](#) Appeals.
- [24.08.090](#) Waiver – Hearing.

### **24.08.010 Filing and recording.**

A parcel map, upon approval by the zoning administrator, pursuant to Chapter [23.70](#) PGMC, shall be filed and recorded for any subdivision for which a tentative and final map is not required by the Subdivision Map Act except for subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code; provided, however, that upon a showing made to the zoning administrator based upon substantial evidence, that public policy necessitates such a map, this exception shall not apply.

Such maps shall meet all the requirements of the Subdivision Map Act and of this title and shall show all dedications or offers of dedication thereon. The zoning administrator may require that such dedications or offers of dedication be made by deed in lieu of or in addition to appearing on the map. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.010].

### **24.08.020 Information to be included.**

The parcel map shall also include the following:

- (a) Locations, names, and existing width of all adjoining and contiguous roadways;
- (b) Locations and size of all pipelines and structures used in connection therewith;
- (c) Location and outline of all existing structures on the property, with an indication of their uses and whether they are to remain, be relocated, or be removed;
- (d) Location of all trees measuring six inches or more in diameter at a height of two feet above existing grade level;
- (e) A statement as to the existence of public utilities services (including water, electricity, gas, telephone), mail delivery, sewers, garbage collection, streets or rights-of-way, curbs, gutters, or any other improvements on the land, or what provision is made for each;
- (f) Any additional information which may be reasonably required by the community development director to carry out the purposes hereof. [Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.020].

### **24.08.030 Report from community development department – Compliance with**

**regulations.**

Within 10 days of receiving a parcel map, the community development department shall prepare a report to the zoning administrator as to its compliance with the general plan and this title, and such other matters as may be deemed necessary to secure compliance with this code. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.030].

**24.08.040 Report from city engineer – Grading and erosion control.**

The city engineer shall report on grading and erosion control, including the prevention of sedimentation or damage to off-site property which may be required by the proposed development. [Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.040].

**24.08.050 Scheduling of public hearing.**

Upon receiving the community development department's report, the zoning administrator shall schedule a public hearing in accordance with the provisions of the Subdivision Map Act to consider the parcel map. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.050].

**24.08.060 Compliance with general plan.**

Prior to granting approval for a parcel map, the zoning administrator shall find specifically that the proposed subdivision, together with its provisions for design and improvements, is consistent with the general plan. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.060].

**24.08.070 Additional provisions.**

All parcel maps shall provide for the following:

- (a) Curbs and sidewalks shall be installed along all public street frontages, unless waived by the zoning administrator after finding that such requirement unfairly discriminates against the subdivider in relation to other developed properties in the neighborhood;
- (b) Sanitary sewer facilities and connections of each lot;
- (c) Each unit or parcel of land shall contain a minimum frontage of 40 feet along a dedicated street;
- (d) Access to the land shall be by dedicated street of a minimum right-of-way of 50 feet; provided, that the minimum right-of-way in the R-1-B-3 zone district shall be 40 feet;
- (e) Provisions for fire mains including fire hydrants as may be required by the fire chief. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 1705 N.S. § 1, 1990; Ord. 879 N.S. § 4, 1976. Formerly 24.02.070].

**24.08.080 Appeals.**

Any person claiming to be aggrieved by the decision of the zoning administrator may, within 10 days after the rendering of such decision, appeal in writing to the planning commission for review thereof. The planning commission shall fully review the matter and (1) affirm the findings of the zoning administrator; (2) reverse the findings; or (3) refer the matter back to the zoning administrator for further action. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 879 N.S. § 4, 1976. Formerly 24.02.080].

**24.08.090 Waiver – Hearing.**

The zoning administrator shall, after hearing, waive the requirement of a parcel map when it shall specifically find that the proposed division of land complies with all of the requirements of PGMC Titles [23](#) and [24](#) as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability,

environmental protection and all other provisions of this code. The zoning administrator is authorized to require that a tentative map be filed prior to any such hearing. [Ord. 11-001 § 8, 2011; Ord. 09-005 § 37, 2009; Ord. 938 N.S. § 3, 1977. Formerly 24.02.090].

---

**The Pacific Grove Municipal Code is current through Ordinance 12-020, passed November 7, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.pg.ca.us/>  
(<http://www.ci.pg.ca.us/>)

City Telephone: (831) 648-3100

Code Publishing Company  
(<http://www.codepublishing.com/>)

eLibrary  
(<http://www.codepublishing.com/elibrary.htm>)



**MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY**  
**"Turning Wastewater into Safe Water"**

Board of Directors / Public Meetings / Staff / Employment / Contacts & Map

Home

About MRWPCA

Water Recycling

Rates / Payments

Ordinances

Education

News & Media

Forms / Downloads

Links / Resources

Projects / Bids

## ORDINANCE NO. 2008-01

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INTERCEPTION, TREATMENT AND DISPOSAL OF SEWAGE AND WASTEWATER; PROVIDING FOR AND REQUIRING CHARGES AND FEES THEREFORE; AND FIXING PENALTIES FOR THE VIOLATION OF SAID REGULATIONS

o0o

THE BOARD OF DIRECTORS OF THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY DOES ORDAIN AS FOLLOWS:

### ARTICLE 1 – GENERAL PROVISIONS

**§1.01 Short Title.** This Ordinance shall be known as, and may be cited as, the Wastewater Discharge Ordinance of the Monterey Regional Water Pollution Control Agency.

**§1.02 Purpose and Policy.** This Wastewater Discharge Ordinance (sometimes hereinafter "Ordinance" or "this Ordinance") is the legal authority which sets uniform requirements for discharges into the wastewater collection and treatment system of the Agency and all tributary collection systems and enables the Agency to comply with the administrative provisions of the Clean Water Grant Regulations, and specifically incorporates and enforces National Categorical Pretreatment Standards as defined in 40 CFR 403 "General Pretreatment Regulations for Existing and New Sources of Pollution." This Ordinance also enables the Agency to comply with the water quality requirements set by the Regional Water Quality Control Board of the State of California and all 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 the Agency sewer system. This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, and setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the Agency's cost of operating and maintaining adequate wastewater collection and treatment systems, enforcing Categorical Pretreatment Standards, implementation of source control and waste minimization programs and to provide improvements and depreciation.

**§1.03 Definitions.** Unless otherwise defined herein, terms and definitions 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 Environment Federation. Waste constituents and characteristics shall be measured in accordance with said *Standard Methods* unless expressly stated otherwise, or as established by the MRWPCA, Federal or State regulatory agencies. For the purposes of this Ordinance, unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

1. **Agency** – the Monterey Regional Water Pollution Control Agency (MRWPCA).
2. **Building Sewer** – a sewer conveying wastewater from the premises of a user to a community sewer.

**3. Beneficial Uses** – uses of the water of the state that may be protected against quality degradation, including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

**4. Community Sewer** – a sewer owned and operated by the Agency or any public entity member of the Agency which is tributary to the treatment facility operated by the Agency.

**5. Compatible Pollutant** – biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the Agency's National Pollutant Discharge Elimination System (NPDES) permit if the Agency's treatment works was designed to treat such pollutants, and in fact, does remove such pollutants to a substantial degree.

**6. Contamination** – an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

**7. Environmental Protection Agency, or EPA** – the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

**8. 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 such Act.

**9. Holding Tank Waste** – any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

**10. Incompatible Pollutant** – any pollutant which is not a "compatible pollutant" as defined in this Section.

**11. Indirect Discharge** – the discharge or the introduction of non-domestic pollutants into the POTW from any source regulated under section 307(b) or (c) of the Federal Act (33 U.S.C. 1317), including holding tank waste discharge.

**12. Industrial User** – a source of indirect discharge.

**13. Interference** – the term "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a. inhibits or disrupts the Treatment Works, its treatment processes or operations, or its sludge processes, use or disposal; and
- b. therefore is a cause of a violation of any requirement of the Treatment Works' NPDES permit [including an increase in the magnitude or duration of a violation] or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder [or more stringent State or local regulations]: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**14. Manager** – the Manager of the Agency or his designated representative.

**15. Mass Emission Rate** – the weight of material discharged to the community 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.

**16. National Categorical Pretreatment Standards** – any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b), (c), and 402 (b) (8) of the Federal Act (33 U.S.C. 1347) and 40 CFR 403 "*General Pretreatment Regulations for Existing and New Sources of Pollution*" which applies to a specific category of industrial users.

**17. National Pollution Discharge Elimination System or NPDES Permit** – a permit issued pursuant to section 403 of the Federal Act (33 U.S.C. 1342).

**18. National Pretreatment Standard, Pretreatment Standard, or Standard** – any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b), (c) and 402(b)(8) of the Federal Act (33 U.S.C. 1347) incorporated in 40 CFR 403 "*General Pretreatment Regulations for Existing and New Sources of Pollution*" which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

**19. New Source** – any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section. This term includes provisions established pursuant to 40 CFR 403.3.

**20. Pass Through** – the term "Pass Through" means a discharge which exits the Treatment Works into waters of the United States in quantities of concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Treatment Works' NPDES permit, including an increase in the magnitude or duration of a violation.

**21. Person** – any individual, firm, company, partnership, association, the responsible corporate officer of any private, public, or municipal corporation, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

**22. Pollution** – an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

**23. POTW** – Publicly Owned Treatment Works (see Treatment Works).

**24. Premises** – a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Agency to be a single user for purposes of receiving, using, and paying for service.

**25. Pretreatment** – 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 the Treatment Works. The reduction or alteration can be by physical or process changes, except as prohibited by 40 CFR 403.6(d).

**26. Pretreatment Requirements** – any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**27. Reclaimed Water** – water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur.

**28. Shall** is mandatory; **May** is permissive.

**29. Significant Industrial User** – the term Significant Industrial User or Significant

**Industry means:**

- a. all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- b. any other industrial user that: Discharges an average of 25,000 gallons per day or more of *process wastewater* to the Treatment Works (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Treatment Works; or is designated as such by the Agency as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the operation of the Treatment Works or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

**30. Significant Non Compliance** – any user that violates the discharge, administrative, or submittal provisions contained in 40 CFR 403.8(f)(2)(viii) shall be considered in Significant Non Compliance (SNC) and will be subject to the appropriate enforcement action by the Agency.

**31. 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, 1987.

**32. Slug Discharge** – is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Agency's regulations, local limits or Permit Conditions.

**33. Toxic Pollutant** – any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.

**34. Treatment Works** – any devices and systems in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water and sanitary sewer systems.

**35. 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.

**36. User** – any person who discharges, causes or permits the discharge of wastewater into a community sewer.

**37. User Classification** – a classification of user based on the 1987 edition of the Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget.

**38. Waste** – includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operations of whatever nature prior to, and for purposes of, disposal.

**39. Wastewater** – waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

**40. Wastewater Constituents and Characteristics** – 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 contents, quality, quantity and strength of wastewater.

**41. Waters of the State** – any water, surface or underground, including saline waters, within the boundaries of the State of California.

## ARTICLE 2 – REGULATIONS

### §2.01 Prohibitions on Discharges

**§2.01.1 General Prohibitions.** No user shall discharge into the Treatment Works or community sewer any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph §2.01.2 of this section apply to each user introducing pollutants into the Treatment Works, whether or not the user is subject to National Pretreatment Standards or any Federal, State, or local pretreatment requirements.

**§2.01.2 Specific Prohibitions.** The following pollutants shall not be introduced into the Treatment Works or community sewer:

1. pollutants which create a fire or explosion hazard in the Treatment Works, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 50 degrees Centigrade using the test methods specified in 40 CFR 261.21;
2. pollutants which will cause corrosive structural damage to the Treatment Works, but in no case discharges with a pH lower than 6.0;
3. solid or viscous pollutants in amounts which will cause obstruction to the flow in the Treatment Works resulting in interference;
4. any pollutant, including oxygen demanding and compatible pollutants (BOD, Suspended Solids, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the Treatment Works.
5. heat in amounts which will inhibit biological activity in the Treatment Works resulting in Interference, but in no case, heat in such quantities that the temperature at the Treatment Plant exceeds 40°C(104°F);
6. petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
7. pollutants which result in the presence of toxic gases, vapors, or fumes within the Treatment Works in a quantity that may cause acute worker health and safety problems; and
8. any trucked or hauled pollutants (residential septage, chemical toilet wastes, dilute oily wastes and salt brine solutions are accepted at the Treatment Plant and are jointly regulated under MRWPCA Liquid Waste Ordinance 88-3 [as amended by Ordinance 93-1] and this Ordinance).

**§2.02 Prohibitions on Toxic Pollutants** – Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, that injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment works, or exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic pollutant

shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Act.

**§2.03 Prohibitions on Storm Drainage and Ground Water** – Storm water, ground water, rain water, street drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer unless a permit is issued by the Agency. The Agency 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 community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency.

**§2.04 Prohibitions on Unpolluted Water** – Unpolluted water shall not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the Agency. The Agency 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 community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency.

**§2.05 Prohibitions on Dilution as Substitute for Treatment** – Except where expressly authorized to do so by an applicable Categorical Pretreatment Standard, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard.

**§2.06 Limitations of Radioactive Wastes** – No person shall discharge or cause to be discharged any radioactive waste into a community sewer except:

- a. 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
- b. when the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and
- c. when the person is in compliance with all rules and regulations of the other applicable regulatory agencies.

**§2.07 Limitations on the Use of Garbage Grinders** – Waste from garbage grinders shall not be discharged into a community sewer except:

- a. wastes generated in preparation of food normally consumed on the premises, or
- b. where the user has obtained a permit for the specific use from the Agency, and agrees to undertake whatever self-monitoring is required to enable the Agency to equitably determine the charges and fees based on the waste constituents and characteristics.

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

**§2.08 Limitations on Point of Discharge** – No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he has been issued a permit by the Agency. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency.

**§2.09 Holding Tank Waste** – No person shall discharge any holding tank waste into a

community sewer unless he has been issued a permit by the Agency. Unless otherwise allowed by the Agency under their terms and conditions of the permit a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency. An exception to the above is that no permit will be required for discharge of domestic wastes from motor home holding tanks, provided that such discharges are made into an Agency-approved facility designed to receive such wastes.

**§2.10 Limitation on Wastewater Strength**

**§2.10.1** No person shall discharge wastewater containing in excess of:

0.42	mg/l arsenic	0.018	mg/l mercury
3.4	mg/l cadmium	3.5	mg/l nickel
4.3	mg/l copper	2.3	mg/l silver
0.73	mg/l cyanide	2.7	mg/l total chromium
3.0	mg/l lead	2.6	mg/l zinc

**§2.10.2** No person shall discharge any wastewater:

- a. Having a temperature higher than 150°F (65.5°C)
- b. Having a pH lower than 6.0 or higher than 10.5
- c. Containing in excess of 8.1 mg/l phenolic compounds
- d. Containing toxic inorganic pollutants in such quantities to cause or to contribute significantly to: 1) impairment of treatment plant worker safety; 2) disruptions of treatment plant operations; 3) exceedances of plant NPDES discharge limitations, or 4) violations of plant sludge disposal restrictions. Significant dischargers of toxic inorganics shall implement best practicable technologies for reducing the toxic organics content of their discharges.
- e. Containing toxic organic chemicals in such quantities to cause or to contribute significantly to: 1) impairment of treatment plant worker safety; 2) disruptions of treatment plant operations; 3) exceedances of plant NPDES discharge limitations; 4) violations of plant sludge disposal restrictions; or 5) violations or air toxics regulations. Significant dischargers of toxic organics shall implement best practicable technologies for reducing the toxic organics content of their discharges.
- f. Containing oil and grease of animal, vegetable, petroleum or mineral origin in such quantities to cause or to contribute significantly to: 1) disruptions of sewer lines and other collection system components; 2) interference with treatment plant operations; or 3) exceedances for plant NPDES discharge limitations. Significant dischargers of oil and grease shall implement best practicable technologies for reducing the oil and grease content of their discharges.
- g. Containing ammonia in such quantities to cause or to contribute significantly to: 1) impairment of treatment plant worker safety; 2) disruptions of treatment plant operations; 3) exceedances of plant NPDES discharge limitations; or 4) violations of plant sludge disposal restrictions. Significant dischargers of ammonia shall implement best practicable technologies for reducing the ammonia content of their discharges.
- h. Containing BOD and/or TSS in such quantities to cause or to

contribute significantly to: 1) disruptions of treatment plant operations; or 2) exceedances of plant NPDES discharge limitations for BOD/or TSS. Significant dischargers of BOD and TSS shall implement best practicable technologies for reducing the BOD/TSS content of their discharges.

**§2.10.3** All National Categorical Pretreatment Standards upon their promulgation, shall apply in any instance where they are more stringent than those in this Ordinance. Limitations on wastewater strength in Sections 2.10.1 and 2.10.2 of this Ordinance may be supplemented with more stringent limitations pursuant to Section 4.05 Wastewater Discharge Permits herein below:

- a. If the Agency determines that the limitations in Section 2.10.1 and 2.10.2 may not be sufficient to protect the operation of the Agency's Treatment Works; or
- b. If the Agency determines that the limitations in Sections 2.10.1 and 2.10.2 may not be sufficient to enable the Agency's Treatment Works to comply with water quality standards or effluent limitations specified in the Agency's National Pollutant Discharge Elimination System (NPDES) Permit.

**§2.10.4 Disposal of Unacceptable Waste** – Wastes not permitted to be discharged into the community sewer must be transported to a state-approved disposal site. To protect the Treatment Works against illegal discharges, the Agency may require the discharger to submit a copy of the official hauling manifest or "Waste Haulers Report" within 30 days.

**§2.10.5 Denial of New or Increased Pollutant Contributions** - The Agency may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the Treatment Works by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the Treatment Works to violate its NPDES Permit.

**§2.10.6 Slug Discharge Evaluations** - The Agency shall evaluate whether each Significant Industrial User needs a plan or other action to control Slug Discharges to the Treatment Works as per 40 CFR 403.8(2)(vi). The Agency will also include any slug control requirements issued to an Industrial User in that User's Industrial Wastewater Discharge Permit.

**§2.11 Sewerage Design Requirements** – All new sewers and connections to the community sewer shall meet all design requirements of the public entity member of the Agency having area jurisdiction in question, pursuant to the applicable Uniform Plumbing Code adopted by said member, and shall also meet all design requirements as may be established from time to time by the Agency.

## **ARTICLE 3 – WASTEWATER VOLUME DETERMINATION**

**§3.01 Determination of Volume** – The volume of wastewater which a user discharges to a community sewer shall be determined by the Agency by use of one of the alternative methods described in this Article, with the method for each user or group of users to be selected by the Agency. Selection of such method will be based upon the principal activities of the user as they relate to wastewater flows, fluctuation of flows, practicality of obtaining flow measurements and other pertinent factors. The volume of the wastewater being discharged shall be one of the factors used in establishing charges and may require certain users to obtain Wastewater Discharge Permits in conjunction with the determination of their wastewater volume.

**§3.02 Metered Water Supply and Water Diversions** – When charges and fees are to be based upon the water usage, such charges and fees shall be applied against the

total amount of water used from all sources unless in the opinion of the Agency, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Agency. When charges and fees are to be based upon water usage, and where, in the opinion of the Agency, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the Agency, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. If acceptable to the Agency, the user may install a meter of a type and at a location approved by the Agency and at the user's expense. Such meters shall measure the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy when deemed necessary by the Agency, at the expense of the user.

**§3.03 Metered Wastewater Volume** – When charges and fees are to be based upon the metered volume of wastewater being discharged to a community sewer, the user shall install a meter of a type and at a location approved by the Agency, at the user's expense. Such meter shall measure the amount of wastewater being discharged and shall be maintained and tested for accuracy when deemed necessary by the Agency, at the expense of the user.

**§3.04 Estimated Wastewater Volume** – For users where, in the opinion of the Agency, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged as calculated by the Agency. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determination of water use necessary to estimate the wastewater volume discharged.

## **ARTICLE 4 – DISCHARGE REPORTS, WASTEWATER DISCHARGE PERMITS, NOTIFICATION, REPORTING REQUIREMENTS AND ADMINISTRATION**

### **§4.01 Notification of Hazardous Wastes Discharged to the Treatment Works**

**§4.01.1** All industrial users shall notify the Agency, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the Treatment Works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the Treatment Works, the notification shall also contain the following information: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All industrial users shall provide notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.

**§4.01.2** Discharges are exempt from the requirements of paragraph 4.01.1 of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR part 261.30(d) and 261.33(3). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(3), requires notification.

**§4.01.3** In the case of any new regulations under Section 3001 of the Resource Conservation and Recovery Act (RCRA), identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Agency, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

**§4.01.4** In the case of any notification made under Section 4.01, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

**§4.02 Notification of Potential Problems** – All industrial and commercial users shall notify the Agency *immediately* of all discharges that could cause problems at the Treatment Works, including any slug discharges of compatible or incompatible pollutants.

**§4.03 Notification of Changes in Discharge** – All industrial and commercial users shall promptly notify the Agency in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial/commercial user has submitted initial notification under 40 CFR 403.12(p) and paragraph §4.01 of this Ordinance.

#### **§4.04 Discharge Reports**

**§4.04.1 General Discharge Report** – The Agency may require that any person discharging or proposing to discharge wastewater into a community sewer, file a periodic Discharge Report. The Discharge Report, at the discretion of the Agency, may include but not be limited to, nature or process, volume, rates of flow, mass emissions rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the Agency may require information in the form of Wastewater Discharge Permit Applications and Self-Monitoring Reports.

**§4.04.2 Baseline Monitoring Report** - Industrial Users subject to Federal Categorical Pretreatment standards that are currently discharging to or are scheduled to discharge to the Agency's Treatment Works shall submit to the Agency a Baseline Monitoring Report that meets all requirements and time guidelines set forth in 40 CFR 403.12(b) and any other such requirements as deemed appropriate by the Agency.

**§4.04.3 Pretreatment Compliance Report** - Industrial Users subject to Federal Categorical Pretreatment Standards shall submit to the Agency a report on their compliance status with any Categorical Pretreatment Standard deadline. This report must be received within 90 days following the date for final compliance with the applicable Categorical Pretreatment Standards, or in the case of a new source within 90 days following the commencement of introduction of wastewater to the Treatment Works. This report shall contain the information described in 40 CFR 403.12(d).

**§4.04.4 Periodic Compliance Reports** - All Categorical and Significant Non-Categorical dischargers to the Agency's Treatment Works shall submit Compliance Reports on a semi-annual basis (usually by June 30 and December 31 of each calendar year) to the Agency that contain the information described in 40 CFR 403.12(e) and 40 CFR 403.12(h).

**§4.04.5 Report Certification Statement** - All semi-annual Compliance Reports shall contain a Certification Statement signed by a qualified professional indicating whether Pretreatment Standards are being met on a consistent basis,

and, if not, whether additional operation and maintenance and/or additional Pretreatment is required for the Industrial User to meet the applicable Pretreatment Standards and Requirements. This statement shall contain the information described in 40 CFR 403.12(b)(6).

**§4.04.6 Report Accuracy Statement** - All reports and self-monitoring data submissions to the Agency by Industrial Users shall contain the following accuracy statement and must be signed as per the requirements contained in 40 CFR 403.12(l):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

#### **§4.05 Wastewater Discharge Permits**

**§4.05.1 Mandatory Permits** – Each Significant Industry as defined in Section 1.03, *as well as* other users with a discharge equivalent to that of a Significant Industrial User, must obtain a Wastewater Discharge Permit before connecting to or discharging into a community sewer. All existing Significant Industrial Users, as well as existing industries with an equivalent discharge, shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance.

**§4.05.2 Optional Permits** – The Manager may issue a Wastewater Permit to any user, upon application, in accordance with the terms of this section in the following categories:

- a. a user who request charges and fees to be based on metered water supply and water diversions, or metered wastewater volume, or
- b. any user whose wastewater strength is less than the normal range for user classification to which he is assigned because of pretreatment, process changes or other reason, or
- c. any user who wishes to discharge wastewater on a temporary basis, such as ground water clean up or storage tank rinsings.

**§4.05.3 Permit Application** – Users seeking a Wastewater Discharge Permit shall complete and file with the Manager a permit application, 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 Sections 2.10 as determined by a laboratory approved by the Agency;
- d. time and duration of discharge;
- e. average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. site plan, floor plans, mechanical and plumbing plans and details to show all sewer and appurtenances by size, location and elevation;
- g. description of activities, facilities and plant processes on the premises, including all materials, processes and types of materials which are or could be discharged;
- h. each product produced by type, amount and rate of production;
- i. where known, the nature and concentration of any pollutants in the

discharge which are limited by any Agency, State, or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional Operations and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

- j. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

2) No increment referred to in paragraph 1) shall exceed nine (9) months.

3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Manager including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

k. number and type of employees, and hours of work;

- l. any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

**§4.05.4 Permit Conditions** – Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other ordinances, regulations, and charges and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Manager in accordance with this Ordinance and applicable state and federal regulations. Permits may contain the following:

- a. the unit charge or schedule of charges and fees for the wastewater to be discharged to the community sewer;
- b. the average and maximum wastewater constituents and characteristics;
- c. limits on rate and time of discharge or requirements for flow regulations and equalization;
- d. requirements for installation of inspection and sampling facilities;
- e. pretreatment requirements;
- f. requirements for controlling slug discharges of any wastewater or substance that has the potential to cause problems in the wastewater collection system or Interference or Pass Through at the Treatment Works;

- g. specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for test and reporting schedules;
- h. requirements for submission of technical reports or self-monitoring discharge reports (see Section §405.9);
- i. requirements for maintaining plant records relating to wastewater discharge as specified by the Agency and affording Agency access thereto;
- j. mean and maximum mass emissions rates, or other appropriate limits when incompatible pollutants (as defined by Sections 2.10.1 and 2.10.2) are proposed or present in the user's wastewater discharge; and
- k. other conditions as deemed appropriate by the Agency to ensure compliance with this Ordinance or any regulations affecting the operation of the Agency facilities.

**§4.05.5 Duration of Permits** – Wastewater Discharge 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. The terms and conditions of the permit may be subject to modification and change by the Agency during the life of the permit as limitations or requirements are modified and changed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**§4.05.6 Permit Modification** – Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Industrial Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where an industrial user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit they must do so within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the industrial user with an existing Wastewater Discharge Permit shall submit to the Manager within 180 days after the promulgation of an applicable Pretreatment Standard the information required by paragraphs (i) and (j) of Section §4.05.3.

**§4.05.7 Transfer of a Permit** – Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation.

**§4.05.8 Revocation of Permit** – Any user who violates the conditions of the Wastewater Discharge Permit, applicable state and federal regulations, *or any provisions of this Ordinance including the following*, is subject to having this permit revoked:

- a. failure of a user to furnish correct factual data in the permit application;
- b. failure of a user to factually report the wastewater constituents and characteristics of the discharge;
- c. failure of the user to report significant changes in operations, or wastewater constituents and characteristics; or,
- d. refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

#### **§4.05.9 Industrial Self-Monitoring**

- a. **Monitoring and Analysis to Demonstrate Continued Compliance** – The self-monitoring reports required in this section shall contain the results of sampling and analysis of the industrial user's discharge, including the flow and the nature and concentration, or production and mass where requested by the Agency, of pollutants contained therein which are limited by the applicable national, state and local Pretreatment Standards and

Industrial Discharge Permit Requirements and which meet all sampling/monitoring requirements contained in 40 CFR 403.12(g).

- b. **Notification of Industrial Self-Monitoring Violations and Repeat Sampling and Analysis Requirements** – If sampling performed by an industrial user indicates a violation, the user shall notify the Agency within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within 30 days after becoming aware of the violation. In addition, the Agency will conduct a re-sampling within, but not to exceed, 30 days from the date of becoming aware of the violation as per 40 CFR 403.12(g)(2) in order to confirm discharge compliance.
- c. **Industrial Self-Monitoring Reports** – The reports required in this section shall be based upon all data obtained through Agency approved self-monitoring sampling and analysis which is performed by the industry during the period covered by the report (all monitoring results must be reported). The Agency shall specify the frequency and type of monitoring necessary to assess and assure compliance by industrial users with applicable national, state and local Pretreatment Standards and Requirements.
- d. **Industrial Self-Monitoring Sampling and Analysis** – All self-monitoring analyses shall be performed in accordance with procedures established by the Agency pursuant to Section 304(h) of the Act and contained in 40 CFR 136 and amendments thereto, or with any other test procedures approved by the Agency. Sampling shall be performed in accordance with the techniques approved by the Agency. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, or where the Agency determines that Section 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Agency.
- e. **Reporting of Industrial Self-Monitoring Analysis Performed More Frequently Than Required** – If an industrial user is subject to self-monitoring reporting requirement(s), any pollutant monitored more frequently than required by the Agency, shall include the results of this monitoring in the self-monitoring report.

**§4.05.10 Record-Keeping Requirements** – Any industrial user subject to the reporting requirements established in Article 4 of this Ordinance shall maintain records of all information resulting from any monitoring activities required. Such records shall include for all samples:

- a. the date, exact location, method and time of sampling and the name(s) of the person or persons taking the samples;
- b. the dates analyses were performed;
- c. who performed the analyses;
- d. the analytical techniques/methods used; and
- e. the results of such analyses.

Any industrial user subject to reporting requirements shall be required to retain for a minimum of 3 years any records of monitoring activities and results and shall make such records available for inspection and copying by the Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user when requested by the Agency.

**§4.06 Monitoring Facilities** – Users who propose to discharge, or who in the judgment of the Agency could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise (see Section 5.04 herein) may be required to install a monitoring facility.

When more than one user discharges into a common building sewer, the Agency may require installation of a separate monitoring facility for each user. Also when, in the

judgment of the Agency, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Agency may require that separate monitoring facilities be installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of a facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the Agency, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The Agency may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for Agency personnel, such as a gate secured with an Agency lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

When, in the judgment of the Agency, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following written notification unless a time extension is otherwise granted by the Agency.

**§4.07 Inspection and Sampling** – The Agency shall 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 Agency's representative 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 Agency 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, that upon presentation of suitable identification, personnel from the Agency will be permitted to enter without delay for the purpose of performing their specific responsibilities.

**§4.08 Pretreatment** – Users shall make wastewater acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided and maintained at user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Agency for review, and shall be approved by the Agency before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Agency.

**§4.09 Protection from Accidental Discharge** – Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials 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 Agency for review, and shall be approved by the Agency before construction of the facility.

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