

ELEMENT 3 - LEGAL AUTHORITY

The City maintains the legal authority for the sanitary sewer system in the City Municipal Code Chapters and MRWPCA 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

| WDR Requirement | Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section | Specific Language |
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| Public Sanitary Sewer System | | |
| <p>D.13(iii)(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.).</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 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> |



| WDR Requirement | Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section | Specific Language |
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| | 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 (>150 F); low pH (<6.0); high pH (>10.5); phenolics (>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> |

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| <p>D.13(iii)(b) Require that sewers and connections be properly designed and constructed.</p> | <p>City – 9.20.010</p> <p>City – 9.20.030(b)</p> <p>City- 15.24.010(a)</p> | <p><i>9.20.010 Definitions.</i> “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.</p> <p><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.</p> <p><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.</p> |

| WDR Requirement | Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section | Specific Language |
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| | 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) City - 18.08.050(l)(1) MRWPCA – 2.01.2.3 | <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. <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. <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. |

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| | <p>MRWPCA – 2.01.2.8</p> <p>MRWPCA – 2.10.2(f)</p> | <p><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: 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><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> |

| WDR Requirement | Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section | Specific Language |
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| Private Sewer Laterals | | |
| <p>D.13(iii)(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.).</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 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> |

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| | City – 19.20.030(a) | <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> |

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| | 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 (>150 F); low pH (<6.0); high pH (>10.5); phenolics (>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> |

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| D.13(iii)(b) Require that sewers and connections be properly designed and constructed. | City – 19.20.090(a) | <i>9.20.090 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. |
| | City- 19.20.030(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 – 18.04.050 | See Appendix 3F |
| | City – 24.08.020 | <i>24.08.020 Parcel Map Procedures. Information to be included.</i> (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. |
| | City – 24.08.070 | <i>24.08.020 Parcel Map Procedures. Additional provisions.</i> All parcel maps shall provide for the following: (b) Sanitary sewer facilities and connections of each lot. |

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| | 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 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 – 9.20.030 | <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. |

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| | City – 9.20.040(g) | <i>9.20.040 Inspections and repairs of sewer laterals. (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.</i> |
| | City – 9.20.090(b) | <i>9.20.090 Operation and maintenance of private sewer systems. (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 that is necessary to prevent subsequent overflows.</i> |
| | City - 18.08.050(l)(1) | <i>18.08.050 Grease Trap General Regulations and Procedures. Maintenance. (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.</i> |

| WDR Requirement | Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section | Specific Language |
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| | 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. |
| Enforcement: Public and Private Sewer Laterals | | |
| 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 |

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| | City – Chapter 18.08.050(m) – (n) | <p><i>18.80.050 Grease Trap General Regulations and Procedures</i></p> <p>(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.</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> |

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| | City – 9.20.020(a)-(b) | <p>9.20.020 <i>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 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].</p> |
| | City – 9.20.090 | See Appendix 3D |

| WDR Requirement | Pacific Grove City Municipal Code Section or MRWPCA 2008-01 Ordinance Section | Specific Language |
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| | MRWPCA – Article 6, Enforcement and Article 7, Abatement | See Appendix 3I |