

ORDINANCE NO. _____ (2024 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING TITLE 8 (SOLID WASTE), TITLE 12 (STORMWATER), TITLE 13 (WATER AND SEWER), AND TITLE 15 (PLUMBING CODE) OF THE SAN LUIS OBISPO MUNICIPAL CODE

WHEREAS, trash, recycling and organics bins must be maintained to prevent public nuisance and environmental health impacts; and

WHEREAS, California Assembly Bill 1276 requires all food facilities and delivery platforms to provide single-use foodware accessories and condiments upon request; and

WHEREAS, the City's Municipal Separate Sanitary Sewer System permit has specific requirements that must be adopted; and

WHEREAS, the City's General Plan supports development and redevelopment of sites that will accommodate the community's future growth in areas with capacity constraints in the wastewater collection system; and

WHEREAS, the City must provide capacity assurance consistent with its adopted Sewer System Management Plan and Statewide General Waste Discharge Requirements; and

WHEREAS, private sewer laterals contribute significant inflow and infiltration contributing to capacity constraints, surcharging, and overflows in the wastewater collection system during peak wet weather events; and

WHEREAS, fats, oils and grease discharge control from commercial properties is necessary to prevent blockages that may result in sanitary sewer overflows; and

WHEREAS, disconnection of water service is necessary in specific scenarios in order to protect public health and safety; and

WHEREAS, the implementation of cross-connection control program, in alignment with the California State Cross-Connection Control Policy Handbook, is essential to the protection of water quality and public health; and

WHEREAS, California State Executive Order N-7-22 requires the protection of groundwater resources and the regulation of groundwater well installation in basins subject to the Sustainable Groundwater Management Act; and

WHEREAS, effective water waste prohibitions ensure compliance with state law and ensure the conservation of potable water supplies; and

WHEREAS, the California Green Building Code defines low water use fixtures in alignment with California State law; and

WHEREAS, California Assembly Bill 1572 restricts the irrigation of non-functional turf.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo that:

SECTION 1. Environmental Review. The proposed ordinance revisions are exempt from environmental review per California Environmental Quality Act (CEQA) Statute (Public Resources Code Section 21000, et seq.) and State CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because the ordinance revisions are within certain classes of projects that have been determined not to have a significant effect on the environment. The proposed ordinance revisions and additions qualify for exemptions as follows: Section 15301 (Existing Facilities) because the operation, repair, maintenance, and minor alteration of existing water and sewer infrastructure and accessory equipment would involve negligible or no expansion of existing use; Section 15303 (New Construction or Conversion of Small Structures) because the new structures and accessory equipment (such as sewer laterals, manholes, backflow devices, pre-treatment devices, flow monitoring devices, and sub-meters) are small and would only require minor modifications; Sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) because the solid waste, recycled water, irrigation, water conservation, and groundwater management-related ordinance revisions are proposed consistent with State laws to assure the maintenance, restoration, or enhancement of a natural resource (including, but not limited to surface and groundwater resources and land resources related to reductions in landfill waste) and the ordinance revisions are proposed to assure the maintenance, restoration, enhancement, and protection of the environment and include procedures for the protection of the environment, including but not limited to the protection of water quality, the avoidance and minimization of sewage overflows and spills, the avoidance and reduction of litter adversely impacting water quality and surrounding land, and reductions in landfill solid waste; and Section 15309 (Inspections) and 15321 (Enforcement Actions by Regulatory Agencies) because the ordinance revisions include clarified procedures and requirements for inspections and enforcement procedures and actions.

SECTION 2. Chapter 8.04 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 8.04 - SOLID WASTE, RECYCLING, AND ORGANIC WASTE

Sections:

8.04.210 Clearing of waste matter and, debris ~~and vehicles~~ from private property.

8.04.070 Use of disposal service mandatory—Collection of charges.

A. The city has determined that periodic collection and disposal of waste from all developed properties in the city benefits all occupants of developed properties in the city.

B. The city will provide waste collection and disposal service through its franchisee; and all developed properties in the city must use the city's waste collection and disposal service, except that there may be joint or multiple use of waste containers, subject to conditions established by the city.

C. The franchisee shall collect all fees for waste collection and disposal.

D. The owner of developed property shall be responsible and liable for paying the waste collection and disposal fees for that property, although the franchisee will bill a tenant if requested by the owner.

E. The owner of developed property shall be responsible for modifying frequency and volume of waste collection and disposal service to remain compliant with this chapter.

F. Once each year, prior to a date established by the city, the franchisee may take the following actions to collect delinquent waste collection and disposal accounts:

1. Present to the city a list of property owners (with corresponding parcel numbers) within the city whose accounts are more than one hundred twenty days past due;
2. Send a certified letter requesting payment to each property owner with a delinquent account;
3. At least thirty days after receiving delivery certification for payment requests, present to the city a list of property owners (with corresponding parcel numbers) whose accounts are still past due.

G. After the franchisee has completed all of the actions listed in subsection E of this section, the Ccity Council will adopt a resolution in accordance with applicable law authorizingdirecting the San Luis Obispo County assessor-Auditor to assess-place the amounts due on delinquent accounts as liens against the properties. The franchisee shall bear the full cost of any delinquent fees charged by the San Luis Obispo county assessor to lien affected properties. (Ord. 1706 § 9, 2021; Ord. 1176 § 3, 1990: prior code § 5200.6)

8.04.180 Owner's responsibility to maintain premises free of debris and waste matter.

The owner or person in control of any private property shall, at all times, maintain the premises free of waste, debris, or any other waste material, except pursuant to a permit approved by the Ceity Eengineer for fill and compaction work; and provided, that this section and Section 8.04.170 shall not prohibit the temporary storage of such waste materials in private receptacles for collection. (Ord. 1706 § 19, 2021; prior code § 5200.17)

The owner, the customer of the franchisee, or person in control of any private premises shall, at all times, except when accessing the affected container, keep any locking mechanism required pursuant to Section 8.04.210 engaged such that the container is locked and access to the container is restricted. The owner, the customer, or person in control of the premises shall also maintain any locking mechanism required pursuant to Section 8.04.210 in good working order at all times.

8.04.210 Clearing of waste matter and, ~~debris and vehicles~~ from private property.

A. *Notice to Remove.* ~~The city engineer is~~ Those persons so authorized and empowered by Section 8.04.220 to enforce the provisions of this Chapter may ~~to~~ notify the owner, his or her agent, the customer, or person in control of any private premises within the ceity, to dispose of waste matter prohibited by Sections 8.04.170 through 8.04.190- and/or impose preventative measures to stop the continued accumulation of prohibited waste matter on the premises. Such notice shall be given by posting upon the private premises and by certified mail addressed to the owner, his or her agent, the customer or such other person at his or her last known address, or by personal service on the owner, agent, the customer, or person in control or occupant of the property.

B. *Content of Notice:* locking mechanism. ~~–~~ The notice shall describe the work to be done and shall state that if the work is not completed within five days after receipt of notice ~~commenced within five days after receipt of notice and diligently prosecuted to completion without interruption,~~ City staff may the city engineer shall dispose of the prohibited waste matter and may, at the City's discretion, impose preventative measures to stop continued accumulation of prohibited waste matter, including but not limited to, installation of a locking mechanism on any container at the premises. ~~litter–~~ The notice

shall state that any required locking mechanism will be installed by the franchisee and that the customer shall reimburse the franchisee for the ~~and the~~ cost of the locking mechanism and associated installation. The notice shall further state that the cost incurred by the City to remove and dispose of prohibited waste matter and any incidental expenses thereof shall be a lien on the property. The notice shall be substantially in the following form:

NOTICE TO REMOVE WASTE MATTER ~~AND IMPOSITION OF~~ PREVENTATIVE MEASURES

The owner, his or her agent, the customer, or person in control of the property premises described as follows: _____

_____ commonly known as _____

_____ is hereby ordered to properly dispose of the waste matter located on the property premises, to-wit, within five days from the date thereof of this notice. If the disposal of the waste matter herein indicated is not commenced and diligently prosecuted to completion completed within five days, the time fixed herein, the city engineer staff of the City of San Luis Obispo shall cause such disposal to be done, and may impose preventive measures to stop the continued accumulation of prohibited waste matter, including ordering installation of a locking mechanism on any container at the premises. The cost thereof incurred by the City to remove and dispose of prohibited waste matter, including any incidental expenses, will be made a lien upon said property, pursuant to the provisions of Municipal Code Section 8.04.210 Ordinance No. 250 of the City of San Luis Obispo. Any locking mechanisms required by the City as a preventative measure shall be installed by [FRANCHISEE] and the cost of the locking mechanism and associated installation shall be assessed by [FRANCHISEE] directly to the customer for reimbursement to [FRANCHISEE].-

Estimated Cost of Disposal \$ _____

Estimated Cost of Locking Mechanism Installation \$ _____ (to be assessed by [FRANCHISEE] directly to the customer)

The estimates provided above may not be the full or actual costs that will be assessed against the customer upon abatement by the City.

Date _____

City Engineer [CITY ENGINEER] of the City
of San Luis Obispo

~~C.C. City Engineer to Keep Record. The city engineer shall cause to be kept in his or her office a permanent record containing: (1) a description of each parcel of property for which notice to dispose of waste matter has been given; (2) the name of the owner, if known; (3) the date on which such notice was mailed and posted; (4) the charges incurred by the city in disposing of waste matter, and all incidental expenses in connection therewith; and (5) a brief summary of the work performed. Each such entry shall be made as soon as practicable after completion of such act.~~

~~D. Action Upon Noncompliance. Upon the failure, neglect or refusal of any the owner, the customer, or agent or person in control of the premises so notified to fully and properly dispose of the waste matter within five days after notice has been given as provided in this section, or within ten days after the date of mailing such notice in the event the post office department is unable to make delivery thereof, provided the same was properly addressed to the last known address of such owner, the customer, or agent, or person in control of the premises, the City Engineer may order disposal of the waste by city forces and impose preventative measures to stop continued accumulation of prohibited waste matter on the premises, including but not limited to, requiring installation of a locking mechanism on any container at the premises at the customer's expense. In determining whether to impose preventative measures, is authorized and empowered to pay for the disposal of such waste matter out of the city funds or to order its disposal by city forces. The City Engineer shall consider any information and/or evidence obtained from the City Engineer's and his (or her their authorized representative's) own observations, the franchisee, code enforcement officers, police department employees, other City staff, or in substantiated written complaints by any person, that the premises have not been maintained free of waste matter, including any contractor with whom he or she contracts hereunder, and assistants, employees or agents of such contractor, are authorized to enter upon the property for the purpose of disposing of the waste matter described in the notice. Before the City Engineer, or an authorized representative described above,~~

~~arrives to implement a preventative measure, any property owner may dispose of the waste matter at his or her do so at their own expense. If the City or its agents is refused entry for the purposes of disposing waste matter or implementing preventative measures as discussed herein, the City shall seek the assistance of any court of competent jurisdiction to authorize entry by City staff or franchisee acting on behalf of the City. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or its agents to enter upon the premises for the purposes set forth above. The City Engineer, or their authorized representative, may order immediate abatement of any violation of this section that constitutes an immediate and significant threat to the health, safety, or well-being of the public.~~

~~ED. Charge-Statement of Coststo Owner. When the eCity or franchisee has effected theremoved, paid for -removal of such-prohibited waste matter, installed, or has-paid for the installation of any preventative measures, its removal, the actual cost thereof, plus accrued interest at the rate of six percent per year from the date of the completion of the work, shall be charged to the owner of such-the premisesproperty and the owner, or his or her agent, shall be billed therefor by mail, if not paid prior thereto. The bill shall apprise the owner that failure to pay the bill will result in a lien, accrual of interest, and imposition of a delinquent penalty.~~

~~FE. Recorded Statement Constitutes a Lien. Where the full amount due the Ceity is not paid by such owner within thirty days after date of the billing-by the city engineer, the City Engineer, or their authorized representative, -he or she shall cause to be recorded-filed with the city clerk a sworn or certified statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property-premises on which the waste disposal work was done. The City Council shall confirm the costs of abatement under this section at a public hearing prior to recordation of the lien with the appropriate offices of the County of San Luis Obispo. The recordation of such sworn or certified statement shall constitute a lien on the property-premises, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. The costs and expenses shall be subject to a delinquent penalty of ten percent in the event same is not paid in full on or before the date the amount due becomes a lien. Sworn or certified statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the~~

~~statement, plus interest and costs, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. The city clerk shall record the lien.~~ The remedy provided in this section is cumulative to other remedies available to ~~shall not~~ the City and shall not constitute an election of remedies by the Ccity. (Prior code § 5200.20)

SECTION 3. Chapter 8.09 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 8.09 - SINGLE-USE ~~STRAW~~FOODWARE ACCESSORIES AND STANDARD CONDIMENTS

Sections:

8.09.020 ~~Beverage straws upon request~~Single-use foodware accessories and standard condiments.

8.09.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

“Consumer” means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility, and does not offer the food for resale, or as otherwise defined in Section 42270(a) of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time.

~~A. “Dine-in customer” means a customer that consumes a food or beverage order on the same premises it was ordered.~~

“Self-service dispenser” means a container or equipment that is used to hold disposable foodware accessories for consumers to obtain at their discretion.

~~B.~~ “Single-use” means a product that is designed to be only used one time in its same form by the ~~customer~~consumer, food vendor, or entity.

“Single-use foodware accessory” means all the following single-use items provided alongside ready-to-eat food: utensils, which includes forks, knives, spoons, sporks;

chopsticks; standard condiment cups and packets; straws; stirrers; splash sticks; and cocktail sticks, or, as otherwise defined in Section 42270(e) of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time.

“Standard condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes, or, as otherwise defined in Section 42270(f) of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time.

C.—“Take-out food orders” means prepared meals or other food or beverage items that a ~~customer~~ consumer purchases at a Vendor, but not through a third-party food delivery platform, ~~n establishment~~ and are intended for consumption elsewhere.

“Third-party food delivery platform” means a business engaged in the service of online food ordering and delivery from a food facility to a consumer or as otherwise defined in Section 42270(g) of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time. For the purposes of this definition, a food facility includes a restaurant, but not a grocery store or other similar establishment used primarily to sell the customer fresh produce, meat, poultry, fish, deli products, dairy products, perishable beverages, baked foods, and prepared foods.

D.—“Vendor” means any business providing food or beverages within the eCity of San Luis Obispo, including a food facility as defined in Section 42270(b) of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time. (Ord. 1640 § 3 (part), 2017)

8.09.020 ~~Beverage straws upon request.~~ Single-use foodware accessories and standard condiments.

A. ~~On or after March 1, 2018, any vendor shall ask each dine-in customer if the customer wants a single-use beverage straw before providing a single-use beverage straw to the customer. (Ord. 1640 § 3 (part), 2017)~~ Vendors, for on-premises dining or when using a third-party food delivery platform, shall only

distribute single-use foodware accessories and standard condiments upon the request of the consumer or from self-service dispensers for consumers to obtain as needed. This paragraph does not apply to take-out food orders.

1. Vendors using third-party food delivery platforms shall customize its menu with a list of available single-use foodware accessories and standard condiments and shall provide only those single-use foodware accessories or standard condiments selected by the consumer. If a consumer does not select any single-use foodware accessories or standard condiments, the vendor shall not provide any single-use foodware accessories or standard condiments.

2. Third-party food delivery platforms shall provide consumers with the option to request single-use foodware accessories or standard condiments from a food facility.

B. Vendors shall not package or bundle single-use foodware accessories and standard condiments in a manner that prohibits a consumer from taking only the type of single-use foodware accessory or standard condiment desired without also having to take a different type of single-use foodware accessory or standard condiment. This paragraph applies to take-out food orders.

C. Vendors are encouraged, but not required, to use bulk dispensers for condiments rather than condiments packaged for single-use and to take other actions in addition to the requirements of this chapter that support the goal of reducing the use of and waste generated by all single-use food service products.

A.D. It is otherwise unlawful for any food provider to violate California Public Resources Section 42270 through 42273 concerning single-use foodware accessories and standard condiments.

8.09.030 Exceptions.

This section shall not apply to the following institutions or facilities:

A. Correctional institutions, which has the same meaning as in Section 7502 of the Penal Code.

B. Health care facilities licensed pursuant to Article 1 (commencing with Section

1250) of Chapter 2 of Division 2 of the Health and Safety Code or facilities that are owned or operated by a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1240) of Division 2 of the Health and Safety Code.

C. Residential care facilities licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

A. D. Public and private school cafeterias, as referenced in paragraph (1) of subdivision (b) of Section 113789 of the Health and Safety Code. Take-out food orders are exempt from this chapter. (Ord. 1640 § 3 (part), 2017)

8.09.040 Implementation and enforcement.

A. In addition to any other remedy authorized by this code, any violation of the provisions of this chapter by any person or restaurant is subject to administrative fines as provided in Chapter 1.24. (Ord. 1640 § 3 (part), 2017) The City, or its designee, is authorized to enforce the provisions of this chapter, and at its discretion, pursue any of the following legal actions to enforce the provisions of this chapter:

1. Criminal Actions and Penalties. Any person, vendor, or third-party food delivery platform violating or causing a violation of this chapter may be issued a notice of violation for the first and second violation and for each subsequent violation, shall be guilty of an infraction, which upon conviction shall be punishable by a fine of twenty-five dollars (\$25) for each day in violation, but not to exceed three hundred dollars (\$300) annually.

2. Administrative Citation and Penalties. Any person, vendor, or third-party food delivery platform violating or causing a violation of this chapter may be issued an administrative notice of noncompliance and provided a reasonable opportunity to correct, subject to administrative fines as provided in Chapter 1.24.

B. Remedies are Cumulative. All remedies contained in this chapter for violations of this chapter or enforcement of the provisions of this chapter shall be cumulative

and not exclusive of any other applicable provisions of city, county, or State law.

SECTION 4. Chapter 12.08 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 12.08 - URBAN ~~STORM WATER~~STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

Sections:

- 12.08.100** **Exceptions to illegal discharge.**
- 12.08.120** **Waste disposal and drainage prohibitions.**
- 12.08.140** **Compliance with industrial or construction activity NPDES ~~storm water~~stormwater discharge permit.**
- 12.08.150** **Requirement to prevent, control, and reduce ~~storm water~~stormwater and pollutants.**
- 12.08.210** **Reporting and remediating discharges—~~Retention of records.~~**
- ~~**12.08.240** **Appeal.**~~
- 12.08.2450** **Abatement ~~by city~~; City’s remedies.**
- 12.08.2560** **Urgency abatement.**
- 12.08.2670** **~~Charging cost of abatement/liens~~Nuisance abatement lien.**
- 12.08.2780** **Violations - penalties.**
- 12.08.2890** **Acts potentially resulting in a violation of the Clean Water Act and/or the Porter-Cologne Act.**

12.08.010 Title.

This chapter may also be cited as the “~~storm water~~stormwater quality ordinance” of the city of San Luis Obispo. (Ord. 1543 § 2 (part), 2010)

12.08.020 Purpose and intent.

The purpose and intent of this chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the quality of watercourses and water bodies in a manner pursuant to and consistent with the Clean Water Act by reducing pollutants in ~~storm water~~stormwater discharges to the maximum extent practicable, by prohibiting non-

~~storm water~~stormwater discharges to the storm drain system, and improving ~~storm water~~stormwater management. (Ord. 1543 § 2 (part), 2010)

12.08.030 Definitions.

The terms used in this chapter shall have the following meanings:

~~A. “Administrative technical documents” or “ATD” means the following documents adopted by the city. The most current versions of these documents shall be considered in use for purposes of interpreting this chapter.~~

- ~~1. Storm drain map;~~
- ~~2. Waterway management plan;~~
- ~~3. Waterway management plan appendix;~~
- ~~4. Waterway management plan drainage design manual;~~
- ~~5. Waterway management plan stream management and maintenance program;~~
- ~~6. Waterway management plan stream management and maintenance program Appendix A;~~
- ~~7. Waterway management plan environmental impact statement/report for public hearing;~~
- ~~8. Creek and flood protection fee schedule;~~
- ~~9. City engineering standards;~~
- ~~10. City engineering standard specifications;~~
- ~~11. City of San Luis Obispo storm water management plan;~~
- ~~12. Community design guidelines.~~

AB. “Authorized representative” means that person designated in writing to the director by the property owner to act on behalf of the property owner.

BC. “Best management practice” or “BMP” means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the storm drain

system and waters of the United States. BMPs include but are not limited to treatment facilities to remove pollutants from ~~storm water~~stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-~~storm water~~stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the city determines appropriate for the control of pollutants.

CD. “City” shall mean the city of San Luis Obispo.

DE. “Clean Water Act” means the federal Water Pollution Control Act, 33 USC 1251 et seq., and any subsequent amendments thereto.

EF. “Construction activity” means any of the following activities: including but not limited to clearing and grubbing, grading, excavating, demolition and construction.

EG. “Director” means the community development director or public works director or utilities director of the city, acting either directly or through an authorized designee. When this chapter refers to “director,” it shall refer to each, all, or any combination of these persons.

GH. “Groundwater” means any naturally occurring subsurface water, including springs.

HI. “Hazardous material” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, as defined in Section 25501 of the Health and Safety Code.

IJ. “Illegal discharge” means any direct or indirect non-~~storm water~~stormwater discharge to the storm drain system, except as exempted by this chapter.

JK. “Illicit connection” means any of the following:

1. Any conveyance system, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, sewage, process wastewater, wash water, pool or spa water.

2. Any connections to the storm drain system from indoor drains and sinks not currently exempted or permitted, regardless of whether the drain or connection has been previously allowed, permitted, or approved by a government agency.
3. Any drain or conveyance connected from any land use to the storm drain system which has not been documented and approved by the city.
4. Any unpermitted connection of a ~~storm water~~stormwater system to the publicly owned treatment works as defined in this chapter.

K. "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

L. "Industrial activity" means any activity subject to a NPDES industrial permit as defined in [40 CFR Section 122.26\(b\)\(14\)](#).

M. "Municipal separate storm sewer system" or "MS4" means the public portion of the storm drain system.

N. "National Pollutant Discharge Elimination System" or "NPDES" means the general, group, and individual ~~storm water~~stormwater discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

O. "Non-~~storm water~~stormwater discharge" means any discharge to the storm drain system that is not composed entirely of ~~storm water~~stormwater.

P. "Pollutant" means anything which causes or contributes to pollution including, but not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes, either from domestic or wild animals or birds; wastes and residues that result from constructing a building or structure, including but not limited to dirt, sediment, slurry, and concrete residuals; and noxious or offensive matter of any kind.

Q. "Pollution" means the human-made or human-induced alteration of the quality of waters by waste or pollutants, or the presence of a substance in the environment that, because of its chemical composition or quantity, prevents the functioning of natural processes and produces undesirable environmental and health effects or alters the quality of the water to a degree that unreasonably affects the waters for beneficial uses or the facilities which serve these beneficial uses.

R. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act (California Water Code Section [13000](#) et seq.) as amended.

S. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

T. "Property owner(s)", means the person, firm, partnership, association, corporation, company or organization of any kind that has ownership rights to property regulated under this Chapter, including but not limited to, land and any improvements thereon, including structure or portions of a structure. For property owned jointly or in common, including property within a common area of a common interest development (as such terms are respectively defined in Civil Code Sections 4095 and 4100), the "property owner" for the purposes of this Chapter includes the homeowners association, association (as that term is defined in Civil Code Section 4080) or any other similar organization with the obligation to maintain the property on behalf of the common owners.

UF. "Storm drain system" means any public or private facilities by which ~~storm water~~stormwater is collected and/or conveyed, including but not limited to roads, sidewalks, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels and swales, reservoirs, lakes, creeks, waters of the United States and other drainage structures which are within the city and are not part of a publicly owned treatment works as defined at [40](#) CFR Section [122.2](#).

1. Public facilities are those owned, maintained and operated by the city and other public agencies including the enclosed system of pipelines, catch basins, manholes and junction structures.

2. Private facilities are those on private property or under the control of persons other than the city or other public agencies.

VU. “~~Storm water~~Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

WV. “~~Storm water~~Stormwater pollution prevention plan” or “SWPPP” means a plan that identifies sources of pollution and provides direction during construction to the contractor and owner, using BMPs to prevent pollution from occurring.

X. “Watercourse” means any well-defined channel with a distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, sand, gravel, or soil, including but not limited to creeks. Watercourses also includes manmade watercourses.

YW. “Waters of the United States” means surface watercourses and water bodies as defined at 40 CFR Section 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry ~~storm water~~stormwater at and during all times and seasons.

Z. “Uncontaminated ground water infiltration” means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. (Ord. 1543 § 2 (part), 2010)

12.08.040 Applicability.

This chapter shall apply to all ~~water sources and potential sources of discharge~~ entering the storm drain system generated on any developed and undeveloped lands within the city. (Ord. 1543 § 2 (part), 2010)

12.08.090 Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the storm drain system any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than ~~storm water~~stormwater, including water waste runoff as defined in ~~Chapter 13.07~~Section 13.07.020.B.

An illegal discharge is assumed to have occurred if prohibited material is placed, blown, washed, tracked or in any way allowed to accumulate in any part of the MS4 so that it can be conveyed by ~~storm water~~stormwater. (Ord. 1543 § 2 (part), 2010)

12.08.100 Exceptions to illegal discharge.

~~No person shall commence, conduct, or continue any illegal discharge to the storm drain system except as follows. Discharges from the following will not be considered a source of pollutants to the storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this chapter: Discharges through the storm drain system of material other than stormwater to Waters of the U.S. shall be effectively prohibited, except as allowed under this section 12.08.100 or as otherwise authorized by a separate NPDES permit. The following non-stormwater discharges are not prohibited, provided any pollutant discharges are identified and appropriate control measures to minimize the impacts of such discharges, are developed and implemented. This provision does not obviate the need to obtain any other appropriate permits for such discharges.~~

~~B. A. Uncontaminated groundwater, air conditioning condensation, uncontaminated roof, foundation, footing, or French drains (not including active groundwater dewatering systems), flows from riparian habitats and wetlands, residential car washing and fire fighting flows.~~Water line flushing;

B. Individual residential car washing;

C. Diverted stream flows;

D. Rising ground waters;

E. Uncontaminated ground water infiltration to separate storm sewers;

F. Uncontaminated pumped ground water;

G. Discharges from potable water sources;

H. Foundation drains;

I. Air conditioning condensation;

J. Springs;

K. Water from crawl space pumps;

L. Footing drains;

M. Flows from riparian habitats and wetlands;

N. Dechlorinated swimming pool discharges;

O. Incidental runoff from landscaped areas;

BP. ~~Non-storm water~~stormwater discharge permitted under an NPDES permit, waiver, low-threat discharge permit or waste discharge order issued to the discharger and administered by the state of California under the authority of the federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the city Director for any discharge to the storm drain system;

Q. Runoff in excess of incidental runoff from landscaped areas shall be control as outlined in Chapter 13.07;

Q.R. Discharges or flows from firefighting activities are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to water of the U.S.; and

SG. With written concurrence of the Central Coast Regional Water Quality Control Board, the city may exempt in writing other non-~~storm water~~stormwater discharges, which are not a source of pollutants to the storm drain system nor waters of the United States.

If the Utilities director determines that any individual or class of non-stormwater discharge(s) listed above may be a significant source of pollutants to waters of the U.S. or storm drain system, or poses a threat to water quality standards, the director may require the appropriate discharger(s) to monitor and submit a report and to implement best management practices on the discharge. (Ord. 1543 § 2 (part), 2010)

12.08.110 Prohibition of illicit connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system ~~or to a POTW~~ is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A connection shall be considered illicit if it does not comply with the requirements of section 12.08.180. (Ord. 1543 § 2 (part), 2010)

12.08.120 Waste disposal and drainage prohibitions.

A. *Waste*. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the United States, any pollutant, so that the same may cause or contribute to pollution.

B. *Sidewalk Cross Drainage*. No person shall place, erect or maintain any rainwater leader drain, pipe, conduit or swale as to convey, carry or discharge any water on or to any sidewalk in the city, but all leaders, drains, pipes, conduits, and swales conveying, carrying or discharging water exempt under this chapter to or beyond the exterior boundary of the lot or premises on which the same is erected, placed or maintained, must be led under the sidewalk to the gutter. Facilities not in compliance with this section shall be considered a public nuisance and abated in accordance with the provisions in Chapter 8.24.

C. *Drainage to Public Facilities*. No person shall cause water to be deposited to the public street or other public facility which results in an organic growth of any kind in the public facility, particularly that which creates a slick surface. Such growth shall be considered a public nuisance and abated in accordance with the provisions in Chapter 8.24. (Ord. 1543 § 2 (part), 2010)

12.08.130 Animals.

A. *Property Maintenance*. Where it is determined by the city or by the Central Coast Regional Water Quality Control Board that an area used by animals is affecting water quality, the city will require the property owner or authorized representative to implement

measures, which may include installation of preclusionary devices, to eliminate the pollution and prevent the migration of waste components to the storm drain system. Installation of devices or measures may require permits from the city or other regulatory agency. Installation, maintenance and permitting as well as all associated costs are the responsibility of the property owner.

B. *Feeding Near Water Bodies.* No person shall feed feral animals or deposit or leave any foodstuff of any kind or nature, except in a trash receptacle provided for that purpose, within one hundred feet of a lake or creek.

C. *Domesticated Animal Waste.* All persons owning, possessing, in control of, or otherwise responsible for an animal, must promptly collect, pick up and remove all fecal matter left by the animal on public or private lands. Animals in agricultural areas are not covered under this subsection if the area complies with subsection A of this section or is covered under separate regulation. (Ord. 1543 § 2 (part), 2010)

12.08.140 Compliance with industrial or construction activity NPDES ~~storm water~~stormwater discharge permit.

Any person subject to an industrial or construction activity NPDES ~~storm water~~stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance, in a form acceptable to the director, shall be provided:

- A. Prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan;
- B. Upon inspection of the facility;
- C. During any enforcement proceeding or action; or
- D. For any other reasonable cause. (Ord. 1543 § 2 (part), 2010)

12.08.150 Requirement to prevent, control, and reduce ~~storm water~~stormwater and pollutants.

A. *Authorization to Adopt BMPs.* The city recognizes the current requirements of the State Water Resources Control Board for general permits for construction, industrial and

municipal activities. In addition to the requirements of these general permits, the city ~~may~~ adopt is authorized under state and federal law to determine additional requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to degradation, pollution, or contamination of ~~storm water~~ stormwater, the storm drain system, or waters of the United States.

B. *Authorization to Impose BMP.* Where the city or any federal, state of California, or regional agency has adopted BMP requirements for any activity, operation, or facility which may cause or contribute to ~~storm water~~ stormwater pollution or contamination, illicit discharges, and/or discharge of non-~~storm water~~ stormwater or pollutants, or degradation to the storm drain system or waters of the United States, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements within the time limit or under the conditions set forth in the BMP.

C. *Responsibility to Implement BMPs.* Any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater or the storm drain system, is responsible for the implementation and maintenance of BMPs discussed in this Section. The owner or operator of a commercial or industrial establishment shall provide protection from accidental discharge of pollutants into the storm drain system. The owner or operator shall provide and maintain facilities to prevent accidental discharge of prohibited materials or other wastes at the owner's or operator's expense. Operators of construction sites, new or redeveloped land; and industrial and commercial facilities shall minimize the discharge of pollutants to the MS4 through the installation, implementation, and maintenance of BMPs consistent with the California Stormwater Quality Association (CASQA) Best Management Practice Handbooks or equivalent.

D. *Erosion and Sediment Control Plan Submittal.* Prior to issuing a grading or building permit, the operator of the construction activity shall prepare and submit an erosion and sediment control plan to be reviewed by the city. An erosion and sediment control plans shall not be approved unless it contains, to the satisfaction of the City, appropriate site-specific construction site BMPs and includes the rationale used for selecting BMPs including supporting soil loss calculations, if necessary. The erosion and sediment control plan must also list applicable permits directly associated with the grading activity, including, but not limited to the State Water Board's Construction General Permit (CGP), State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Wildlife 1600 Agreement. The operator must submit

evidence to the city that all permits directly associated with the grading activity have been obtained prior to commencing the soil disturbing activities authorized by the grading permit. If the erosion and sediment control plan is revised, the city shall review and approve those revisions. A SWPPP developed pursuant to the CGP may substitute for the erosion and sediment control plan. The City may request all information necessary from the permit applicant and/or operator of the construction activity to assess compliance with this Chapter.

EG. *SWPPP Submittal and Maintenance.* Prior to the city's issuing any permit for activities which may contribute to pollution of the storm drain system, the person seeking the permit mustprojects that disturb one acre or more of soil or disturb less than one acre but are part of a larger common plan or development or sale are subject to the Construction General Permit (CGP) and must obtain a Waste Discharger Identification (WDID) number from the Regional Water Quality Control Board (RTWQCB). The WDID is obtained by submitting a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB. The SWPPP shall include detailed information describing the potential sources of pollution that may be created by the project being permitted and the recommended BMPs that will be applied. The information shall be sufficient to be used to direct a contractor to perform the BMPs and to recognize whether the BMP is achieving the required effectcomply with the requirements of the CGP. The director will approvereview the SWPPP once the director is satisfied that the SWPPP meetsfor compliance with the requirements of this chapter. The SWPPP is a "living" document, meaning it must be adjusted during the course of the construction activity to adapt to new or unforeseen conditions and changing work to maintain compliance with the requirements of this chapterand any implementation guidelines promulgated by the city.

F. *Compliance Assurance Deposit.* A person with a project that includes a grading permit or any other permit that is likely to create a source of pollution shall submit a SWPPP compliance assurance construction security deposit in an amount to be fixed by the director to ensure NPDES compliance in accordance with the approved SWPPP. Should a project have inadequate BMPs, resulting in an illegal discharge, and if the SWPPP holder fails immediately to implement or maintain necessary BMPs to comply with this chapter, upon receiving notice from the city, the city or its agent will install the BMPs and deduct payment for this work from the compliance assurance deposit. If that occurs, the compliance assurance deposit must be replenished to the original amount, or to the amount expended by the city for BMP installation, whichever is higher, and the city will

issue a stop work order on the project until such occurs. When the project has received final clearance, the director will release the compliance assurance deposit. Compliance with this section does not absolve a person from other penalties and fines as provided for in this chapter.

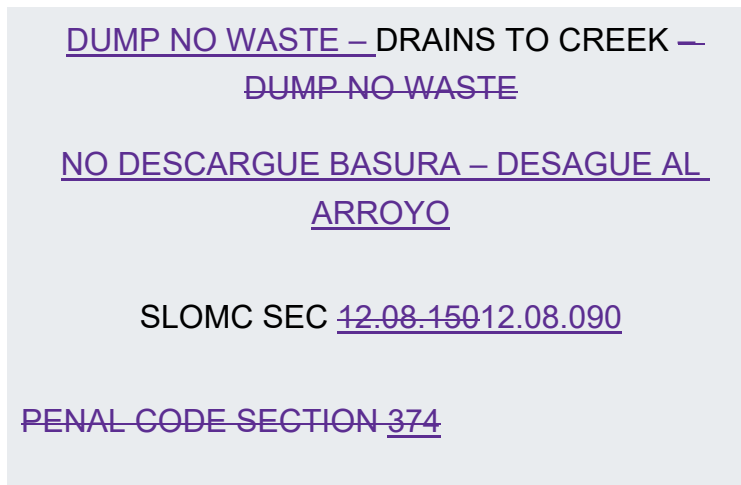
GD. *New Development and Redevelopment Design Standards.* The city will adopt design standards requiring appropriate BMPs to control the volume, rate, and potential pollutant load of ~~storm water~~stormwater runoff from newly developed and redeveloped property. Such requirements are incorporated, unless specifically waived by the director, in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this section.

E. ~~*Compliance Assurance Deposit.* A person with a project that includes a grading permit or any other permit that is likely to create a source of pollution shall submit a SWPPP compliance assurance construction security deposit in an amount to be fixed by the director to ensure NPDES compliance in accordance with the approved SWPPP. Should a project have inadequate BMPs, resulting in an illegal discharge, and if the SWPPP holder fails immediately to implement or maintain necessary BMPs to comply with this chapter, upon receiving notice from the city, the city or its agent will install the BMPs and deduct payment for this work from the compliance assurance deposit. If that occurs, the compliance assurance deposit must be replenished to the original amount, or to the amount expended by the city for BMP installation, whichever is higher, and the city will issue a stop work order on the project until such occurs. When the project has received final clearance, the director will release the compliance assurance deposit. Compliance with this section does not absolve a person from other penalties and fines as provided for in this chapter.~~

F. ~~*Responsibility to Implement BMPs.* Any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water or the storm drain system, shall implement BMPs to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide protection from accidental discharge of prohibited materials or other wastes into the storm drain system. The owner or operator shall provide and maintain facilities to prevent accidental discharge of prohibited materials or other wastes at the owner's or operator's expense.~~

HG. *Responsibility to Identify and Post.* ~~For the purposes of implementing Section 374 of the California Penal Code and the requirements of this chapter, p~~Property owners are required to mark and/or post all drainage inlets that have a connection to the creek system, either directly or through a portion of the storm drain system, as follows:

1. *Signs.* Property owners of ~~an apartment complex consisting of four or more~~multi-family residential units shall be responsible for causing a sign to be posted in a conspicuous location as close as possible to each drainage inlet with the following wording in English and Spanish:



Sign specifications shall be available from the community development department.

2. *Placard.* Property owners shall be responsible for causing a placard, conforming to city engineering standards, to be installed at each drainage inlet.
3. *Maintenance.* Property owners shall be responsible for maintaining signs and placards, ensuring they remain legible. (Ord. 1543 § 2 (part), 2010)

12.08.160 Maintenance.

A. *General.* Property owners are responsible to maintain their premises in such a way as to comply with this chapter and prevent migration of pollutants into the storm drain system.

B. *Construction ~~Storm Water~~Stormwater Devices.* BMPs installed during construction or as measures for postconstruction ~~storm water~~stormwater shall be maintained as required to ensure proper operation. Failure to maintain construction BMPs will result in a stop

work order being issued until the site is in conformance with the requirements of this chapter. Failure to maintain required BMPs may also subject the property owners to administrative fines.

C. *Postconstruction ~~Storm Water~~Stormwater Devices.* Property owners of development or redevelopment projects which require installation of postconstruction ~~storm water~~stormwater devices shall submit a maintenance plan or manufacturer's maintenance guide for those devices as part of the project submittal. The plan or guide provided shall be considered the minimum maintenance required, with additional maintenance performed as needed to comply with this chapter.

All property owners with postconstruction ~~storm water~~stormwater devices on their property shall submit to the director annual inspection/maintenance reports to confirm continued compliance with this chapter. Reports shall be signed and certified by the property owner or the authorized representative and submitted no later than June 15 each year.

All property owners with postconstruction ~~storm water~~stormwater devices on their property shall enter into an agreement with the city, to be recorded, documenting the devices, the required maintenance and the responsibility by the property owners for maintenance and reporting.

All property owners shall adhere to the operation and maintenance plan and maintain, clean, correct, and replace any failing structural stormwater control measures (SCMs) to return to good working order.(Ord. 1543 § 2 (part), 2010)

12.08.170 Watercourse protection.

A. Every person owning, leasing property or otherwise controlling property ("owner") through which a watercourse originates or passes shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. The owner shall not remove healthy bank vegetation beyond ~~that~~what is actually necessary for maintenance, nor perform vegetation management in such a manner as to increase the vulnerability of the watercourse to erosion. The owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within that owner's property, within regulatory frameworks, to a reasonable standard as determined by the

director, in order to protect against erosion and degradation of the watercourse originating or passing through the property.

B. Every owner of property through which a watercourse originates or passes shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

C. Every owner is responsible ~~to~~ for obtaining all permits and complying with all laws, rules, and regulations of state or federal agencies that may have jurisdiction over wetlands and waterways. Maintenance must be done in a manner that does not adversely impact waterway species. (Ord. 1543 § 2 (part), 2010)

12.08.180 Connections to public storm drain system.

A. *Permit Required.* Any person who owns an existing connection or intends to connect directly to a public storm drain system must have a permit issued by the city to do so.

B. *Cost of Inspection.* Each person owning a connection to a public storm drain system shall pay an annual inspection fee, as set forth in the creek and flood protection fee schedule, to cover the cost of routine inspection, reporting review, and sampling. Each owner shall make the connection available for inspection by the City upon reasonable notice on at least an annual basis and when the City has reason to believe the connection is not operating correctly.

C. *Compliance Notice.* The director shall require by written notice that a person with an illicit connection to the public storm drain system comply with the requirements of this chapter to eliminate ~~or secure city approval for~~ the connection by a specified date, regardless of whether or not the connection had been established or approved prior to the effective date of the ordinance codified in this chapter, or through prior permit. ~~If the person with an illicit connection can demonstrate to the director that an illegal discharge will not occur, the person may request the director's approval to maintain the connection and shall obtain the required permit.~~

D. *Sampling and Reporting.* Any connection to the public storm drain system must include a sampling port to allow the city to verify discharge quality. The person owning the connection to the public storm drain system must submit to the director self-monitoring

reports to assess and assure continued compliance with this chapter. Reports shall be signed by the property owner or the authorized representative. Sampling and reporting shall conform to the provisions of the permit.

E. *Agreement Concerning Permit.* Any person to whom the city has issued a permit under this section shall enter into an agreement with the city, which agreement shall be recorded and shall reflect the provisions of this section.

F. *Transfers of Property—New Permit Required.* Whenever a person to whom the city has issued a permit under this section transfers the property to which the permit is attached, the transferee has thirty days in which to obtain a new permit in the transferee's name. If such permit is not obtained, the connection will be deemed illicit. (Ord. 1543 § 2 (part), 2010)

12.08.190 Requirement to eliminate illegal discharges and remediate.

Whenever the director determines that a discharge of pollutants is occurring, or has occurred, and the discharge has caused, or will cause, pollution of ~~storm water~~stormwater or the storm drain system, or determines an illegal discharge is occurring or has occurred, the director will require by written notice to the property owner and/or their authorized representative (A) remediation of the pollution and restoration of the affected property ~~within a specified time/date~~72 hours of notification, or sooner if a high risk spill occurs, and (B) discontinuance of the discharge and, if necessary, implementation of measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. If the city agrees that the necessary clean up activities cannot be completed within 72 hours, the city shall issue a new timeframe for compliance and notify the Central Coast Regional Water Quality Control Board of the new timeframe within five business days of that determination. (Ord. 1543 § 2 (part), 2010)

12.08.200 Requirement to monitor and analyze.

The director may require any person engaged in any activity, and/or owning or operating any facility, which may cause or contribute to ~~storm water~~stormwater pollution, illegal discharges, and/or non-~~storm water~~stormwater discharges to the storm drain system, to undertake, at the person's expense, a monitoring, analysis, and reporting program, as approved by the director, to determine compliance with this chapter.

Should there exist any condition of uncontrolled sources of pollutants that could post an environmental threat, the director will require by written notice to the property owner and/or operator and/or their authorized representative abatement of the condition within 30 days of notification. If the city agrees that the necessary abatement/clean-up activities cannot be completed within 30 days, the city shall issue a new timeframe for compliance and notify the Central Coast Regional Water Quality Control Board of the new timeframe within five business of that determination. (Ord. 1543 § 2 (part), 2010)

12.08.210 Reporting and remediating discharges—~~Retention of records.~~

A. *Notification.* In the event of a release of a hazardous material, any property owner, authorized person or any other person responsible for property, a facility or an operation, shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911).

In the event of a release of any pollutant such that it enters an enclosed system or waterway, any property owner, authorized person or any other person responsible for a property, a facility or an operation shall notify the director in person or, by phone, ~~or by facsimile~~ at the address and phone number listed below no later than five p.m. of the same business day or, if on a weekend or holiday, by ten a.m. of the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the director within two business days of the in-person or phone notice.

879 Morro Street, San Luis Obispo, CA 93401

805-781-7312

B. *Remediation.* Notwithstanding other requirements of law, as soon as any property owner, authorized person, or any other person responsible for property, a facility or an operation, or the person responsible for emergency response for a facility or operation, has information of any known or suspected release of pollutants which may result or have resulted in illegal discharges or pollutants discharging into ~~storm water~~ stormwater or the storm drain system from the property, facility or operation, the person shall take all necessary steps to ensure the containment, and remediation of such release.

C. *Commercial/Industrial Properties.* If the reported discharge emanates from a commercial or industrial property, the owner or operator of the property shall also retain

an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of the occurrence and be available for inspection by the director. (Ord. 1543 § 2 (part), 2010)

12.08.220 Authority to inspect, sample, establish sampling devices, and test.

Whenever the director determines it is necessary to make an inspection to verify compliance with this chapter, investigate potential violations of this chapter, or to make an inspection to enforce any provision of this chapter, or whenever the director has reasonable cause to believe that there exists a condition which constitutes a violation of this chapter, the director may enter the premises during normal business hours to inspect, take water samples, perform any testing deemed necessary to aid in the inspection, record site activities, and inspect and copy records related to ~~storm water~~stormwater compliance. During any inspection, the director may establish on any property such devices as are necessary to conduct sampling or metering operations. If the director is refused entry after a request to enter and inspect has been made, the city may seek assistance from any court of competent jurisdiction in obtaining such entry.

Prior to occupancy of a project subject to the Central Coast Post-Construction Requirements, site access shall be granted to all representatives of the city for the sole purpose of performing operation and maintenance (O&M) inspections of the installed stormwater control measures (SCMs).

If the director has reasonable cause to believe that discharges to the storm drain system are so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard public health or safety or the integrity of the storm drain system, the director shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect such entry and make such inspection. (Ord. 1543 § 2 (part), 2010)

12.08.230 Notice of violation.

A. *Violation Conditions.* Whenever the director finds that a person has violated this chapter, the director may issue to the person a notice of violation and order compliance. Such notice may require without limitation:

1. Monitoring, providing analyses, and reporting;
2. Eliminating illicit connections or discharges;
3. Cease and desist of discharges, practices, or operations;
4. Abating or remediating ~~storm water~~stormwater pollution or contamination hazards, and restoring the affected property;
5. Implementing source control or treatment BMPs; and
6. Paying ~~a fine and administrative and~~ remediation costs.

B. *Abatement.* If abatement of a condition and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed. The notice shall further provide that if there is not compliance with the notice within the established deadline, the city may abate the condition and/or restore the property, and the expenses thereof shall be charged to the property owner and/or the person responsible for the violation. (Ord. 1543 § 2 (part), 2010)

~~**12.08.240 Appeal.**~~

~~Except as provided in Section 12.08.260, Urgency abatement, any person receiving a notice of violation may appeal following the procedures in Chapter 1.20. (Ord. 1543 § 2 (part), 2010)~~

12.08.2450 Abatement by city; City's remedies.

Dischargers of pollutants into the MS4 are required to abate and clean up their discharge, spill, or pollutant within 72 hours of notification; high risk spills should be cleaned up as soon as possible (see Section 12.08.190). A condition of uncontrolled sources of pollutants that could pose an environmental threat must be abated within 30 days of

notification (see Section 12.08.200). If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, and ten days have passed, or if an appeal of the ~~notice of violation~~ administrative citation was filed and ten days have passed from the date of the decision upholding the decision of the director, then the city or its agents may enter upon the property and take any and all measures necessary to abate the violation and/or restore the property. If the city or its agents is refused entry for this purpose, the city shall seek the assistance of any court of competent jurisdiction to authorize entry. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or its agents to enter upon the premises for the purposes set forth above. The remedies set forth in this Chapter are cumulative to all other remedies available to the City, including but not limited to pursuit of criminal prosecution, institution of appropriate civil actions or proceedings in a court of competent jurisdiction and cost recovery, in which case the city's costs of abatement would be a lien on the property. (Ord. 1543 § 2 (part), 2010)

12.08.2560 Urgency abatement.

A. *Immediate Abatement.* The director may require immediate abatement of any violation of this chapter that constitutes an immediate and significant threat to the health, safety or well-being of the public.

B. *Construction Sites.* The director shall give verbal notice and issue a notice of violation to persons owning or controlling construction sites with inadequate erosion and sediment controls that such controls must be put in place immediately, and the city shall not allow any other site work until the controls are in place.

C. *Failure to Abate.* If a violation as described in subsection A of this section is not immediately abated, the city is authorized to enter the premises and take any and all measures required to abate the violation. Any expenses incurred by the city related to such abatement shall be charged to the property owner. Any relief obtained under this section shall not prevent the city from seeking other and further relief authorized under this chapter. (Ord. 1543 § 2 (part), 2010)

12.08.2670 ~~Charging cost of abatement/liens.~~ Nuisance abatement lien.

A. *Notice of Cost.* If the city has incurred costs to abate a violation, the director shall notify the property owner within thirty days of the cost, including administrative costs.

B. ~~*Appeal/Objections.*~~ Within fifteen days of the director's notice, the property owner may file with the city clerk a written appeal objecting to the amount of the costs. The city clerk shall set the matter for hearing by the city council. The decision of the city council shall be final.

C. *Payment Due Date—Failure to Pay.* If no appeal has been filed or if an appeal has been filed and the city council has made a decision on the appeal, any cost due shall be paid in full within ten days. If the costs are not paid in full within ten days, the costs shall become a special assessment against the property and shall constitute a lien on the property. The information shall be provided to the county auditor so that the auditor may enter the amount of the assessment against the property, as it appears on the current assessment roll, and the tax collector include the amount of the assessment on the bill for taxes levied against the property. (Ord. 1543 § 2 (part), 2010)

12.08.2780 Violations – Penalties.

A. *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a code violation and public nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be undertaken by the city.

B. *Penalties and Fines.* A violation of, or failure to comply with, any of the requirements of this chapter shall constitute a misdemeanor and may be punished as set forth in Chapter 1.12. Violators ~~are may~~ also ~~be~~ subject to ~~finer provided for in the administrative code provisions of this code,~~ administrative citations and fines pursuant to Chapter 1.24, revocation of their business license, and/or for persons seeking to work in the right-of-way, a prohibition from working within the right-of-way for a period of two years. All remedies and penalties prescribed by this chapter are cumulative.

C. *Compensatory Action*. In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the director may, at their sole discretion, impose upon a violator alternative compensatory actions, such as storm drain marking, attendance at compliance workshops, creek cleanup, etc. (Ord. 1543 § 2 (part), 2010)

12.08.2890 Acts potentially resulting in a violation of the Clean Water Act and/or the Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the provisions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability. (Ord. 1543 § 2 (part), 2010)

SECTION 5. Chapter 13.04 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 13.04 - WATER SERVICE

13.04.010 Definitions.

As used in this chapter, the following terms shall have the meanings specified:

- A. "Adequate transmission system" means a water transmission system that is capable of supplying simultaneously, at a specific site under consideration, the required fire flow and the maximum daily rate of consumption.
- B. "Applicant" means the person or entity who applies for a new water account with the city of San Luis Obispo.
- C. "Cross-connection" means any physical connection between the piping system from the city service and that of any other water supply that is not, or cannot, be approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the city distribution main.

D. “Curbstop” means the city-owned valve attached to the water meter which can turn water on or off to a parcel.

E. “Customer” means the person or entity under whose name a water account is created and who is ultimately responsible for payment of all charges incurred on the account.

F. “Date of presentation” means the billing date as referenced on the billing statement.

G. “Distribution main” means a water line in a street, alley, or right-of-way used for general distribution of water and from which water service is available to a parcel.

H. “Maximum daily rate of consumption” means the average rate of flow, as estimated by the utilities department from actual city records, which is consumed during a twenty-four-hour period at maximum use.

I. “Parcel” means a tract of land including improvements, to which water service is or will be provided.

J. “Parcel valve” also referred to as a “customer valve”, -means a valve on the parcel side of the water meter which turns water on or off to a parcel. The valve is the parcel owner’s responsibility to maintain in working order.

K. “Private fire protection service” means water service for sprinkler systems, hydrants, hose reels and other facilities used specifically for fire protection on a parcel.

L. “Private pumping equipment” means any equipment attached to a water service and installed on private property for the purpose of increasing water pressure to that parcel.

M. “Private service line” means the water line that connects the city’s water meter to the point of entry to a parcel’s dwelling(s) and/or irrigation system(s).

N. “Regular water service” means water service rendered for normal domestic, commercial, industrial, and irrigation purposes on a permanent basis and for which the city’s general rates and regulations are applicable.

O. “Reliable water distribution system” means a system of public water mains capable of supplying a sufficient quantity of water to satisfy simultaneously the maximum daily rate of consumption and the required fire flow for a given site.

P. “Required fire flow” means the rate of flow required by the fire chief pursuant to the authority of Appendix B of the California Fire Code and determined in conformance with

the latest edition of the Guide for Determination of Required Fire Flow as published by the Insurance Services Offices, or any subsequent recognized standard adopted by resolution of the city council.

Q. "Service connection" means the point of connection where the city's water meter meets the parcel's private service line.

R. "Services" means the service pipeline and appurtenant facilities such as the curbstop, water meter and meter box, all used to extend water service from the distribution main to the curblines. Where services are divided at the curb or parcel line each such branch service shall be termed a separate service.

S. "Utilities" means the utilities department of the city of San Luis Obispo and its duly authorized representatives. (Ord. 1597 § 1, 2014; Ord. 1428 § 2 (part), 2002; prior code § 7410.1. Formerly 13.04.020)

13.04.050 Initiation of water service.

A. Each applicant initiating water service shall be required to provide information according to the procedures established by the director of ~~utilities finance and information technology~~ and to pay a new account setup fee established by resolution of the city council.

B. All applicants for water service may be required to deposit an amount established from time to time by resolution of the city council prior to initiation or restoration of water service.

C. An application for water service may not be honored unless payment in full has been made for water service previously rendered to the applicant by the city.

D. Applications for water service to parcels for which a service connection has already been installed may be made as set forth in this chapter. Such application will signify the applicant's willingness and intention to comply with these regulations and to all modifications thereof, and to new regulations or rates duly adopted, and to make payment for water service rendered.

E. If application is made for service to a parcel where no water service connection has been installed, but a distribution main is adjacent to the parcel, the applicant, in addition

to making application for service, shall comply with the regulations governing the installation of water services and pay all applicable fees. (Ord. 1597 § 5, 2014: Ord. 1428 § 2 (part), 2002: Ord. 1204 §§ 1, 2, 1992: prior code §§ 7410.2 and 7410.4. Formerly 13.04.030)

[F. Customer's Request for Service Initiation. A customer may have his or her water service initiated by notifying the utilities department at least one business day in advance of the desired date of initiation. The customer will be required to pay all water charges from the date of such initiation as well as an account setup fee.](#)

13.04.060 Discontinuation of water service.

Each customer discontinuing water service shall be required to provide information according to the procedures established by the director of utilities.

A. Nonpayment of Bills.

1. A customer's water service may be discontinued if a bill is not paid on or before sixty days from the date the bill becomes delinquent, [in accordance with Health & Safety Code §116900 et seq.](#)

2. A customer's unpaid balance for water service previously rendered by the city may be transferred to that same customer's current water service and water service may be discontinued if water service furnished at a previous location is not paid on or before sixty days from the date the bill becomes delinquent.

~~3. If a customer receives water service at more than one location, and the bill for service at any one location is not paid on or before sixty days from the date the bill becomes delinquent, water services at all locations may be discontinued.~~

B. Unsafe Apparatus. The utilities department may discontinue service to any parcels where apparatus, appliances, or equipment using water is dangerous, unsafe, causing damage or not in conformity with any laws or ordinances.

C. Service Detrimental to Others. The utilities department may discontinue service to any parcels where the demand may be detrimental or injurious to the service furnished to other customers.

D. *Fraud, Theft, and Abuse.* The utilities department shall have the right to refuse or to discontinue water service to any parcels to protect itself against fraud, theft, or abuse.

E. *Noncompliance.* The utilities department may, unless otherwise provided, discontinue water services to a customer for noncompliance with any of these regulations if the customer fails to comply with them within five days after the date of presentation of written notice of the utilities department's intention to discontinue service. If such noncompliance affects matters of health and safety and/or is causing property damage, and conditions warrant, the utilities department may discontinue water service immediately.

F. *Customer's Request for Service Discontinuance.* A customer may have his or her water service discontinued by notifying the utilities department at least one business day reasonably well in advance of the desired date of discontinuance. ~~He or she~~The customer will be required to pay all water charges until the date of such discontinuance.

G. *Restoration—Reconnection Charges.* The utilities department may charge such amount as may be established from time to time by resolution of the city council (as otherwise authorized by state law) for restoring water service which has been discontinued because of noncompliance with these rules. (Ord. 1677 § 2, 2020: Ord. 1597 § 6, 2014: prior code § 7410.17. Formerly 13.04.180)

H. Disconnection from City Infrastructure – In the instance of repeated theft of City water service where an illegal device also known as a “jumper” has been installed to convey water in lieu of a removed City water meter, the Utilities Director may authorize the physical disconnection of the water service lateral from the City water main to prevent continued theft and to protect the distribution system from contamination. All costs associated with the disconnection of the water service, including excavation, physical exclusion, etc., will be the sole responsibility of the parcel owner and will be subject to cost recovery. Once disconnection has occurred, any subsequent reconnection will be at the cost of the parcel owner and will require the parcel owner to follow City policies and procedures required for a new water service line connection to the City's water distribution system, including meeting current construction specifications. Reconnection to the system will be at the discretion of the Utilities Director. Disconnection from the City's water distribution system as a result of an immediate risk to public health will not be subject to 5-day notification requirements outlined in subsection E.

13.04.070 Illegal consumption.

A. When a meter shows consumption of water after service has been officially discontinued, the owner of the parcel served will be held responsible for payment for the water consumption. In addition, the parcel owner will pay the city a new account setup fee for the water illegally consumed after service was previously discontinued. Water shall not be turned on again for a service connection until the illegal consumption has been fully paid for. (Ord. 1597 § 7, 2014)

B. Tampering with any curbstop, meter, backflow device, hydrant, etc. for the purposes of taking water without paying is a violation of the municipal code and is subject to a penalty of up to \$1,000 and cost recovery for any work associated with the theft or repairs to City infrastructure that occurs from the taking of water illegally, including without limitation damage to City valves, hydrants, mains, service laterals, etc.

13.04.130 Water meters.

A. All meters installed shall be located only in and upon streets, easements or rights-of-way that have been formally dedicated and accepted for public use, and shall be owned by the city.

B. *Changes in Size of Water Meter.*

1. The cost to change the size of a meter on existing services will be at the parcel owner's or customer's expense.
2. A request for a change in size of meter will require approval of the utilities director. Upon approval, the parcel owner or customer will be responsible for obtaining all necessary permits (plumbing, encroachment, etc.) and payment of any applicable expenses and fees.
3. Parcels with flow rates having an average rate that exceeds the meter manufacturer's maximum rated operating flow or other reliable benchmark as determined by the utilities department shall be required to upsize the meter at parcel owner or customer's expense, including payment of any applicable expenses and fees.

C. *Change in Location of Meters.* Meters moved for the convenience of the parcel owner or customer shall be approved by the utilities department and will be relocated at the parcel owner or customer's expense.

D. *Meter Errors.*

1. *Meter Test.*

a. On parcel owner or customer request:

i. A parcel owner or customer may, giving not less than one week's notice, request the utilities department to test the meter serving his or her parcel.

ii. To cover the reasonable cost of a meter test, the utilities department will require the parcel owner or customer to deposit such amount as may be established from time to time by resolution of the city council.

iii. This deposit will be returned if the meter is found to register more than two percent fast. The parcel owner or customer will be notified not less than five days in advance of the time and place of the test.

iv. A written report giving the results of the test will be shown to the parcel owner or customer within ten days after completion of the test.

2. *Adjustment of Bills for Meter Error.* When, upon test, a meter is found to be registering more than two percent fast under conditions of normal operations, the utilities department will refund to the customer the full amount of the overcharge, based on corrected meter readings for the period, not exceeding one year that the meter was in use.

3. *Non-registering Meters.* The utilities department may bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

4. *Retirement or Removal of Meter.* The cost of retiring or removing a meter service for the convenience of the parcel owner will be at the parcel owner's expense.

5. Reverse Flow. If a meter has shown reverse flow and there is evidence a meter has been intentionally removed and reinstalled backwards, in an effort to register reverse flow for the purpose of defrauding the City of revenue, the department may estimate the volume of water consumed for the purposes of accurate billing. Billing estimates may be made based on prior water consumption at the property or estimates based on lot size. Cost recovery for water meter removal and reinstallation will be assessed in addition to any water consumption charges.

E. *Size of Water Meter.* Water meters shall not be larger in size than the associated water service size. Sizing calculations shall be provided to justify service and meter sizing.

F. Where a nonresidential, multifamily, or mixed-use project has one thousand square feet of landscaping or greater, the project shall provide a separate city-owned landscape water meter.

G. New residential and nonresidential uses within a mixed-use development shall be separately metered.

H. New caretaker units, duplexes, triplex, and fourplex units shall be separately metered. Dwellings with five or more units shall have privately owned sub-meters.

I. All new residential and commercial condominiums shall be separately metered. Privately owned sub-meters may be provided by the property owner upon approval of the utilities director or her/his designee. The CC&Rs for the property/homeowner association (P/HOA) shall require that the sub-meters be read monthly by the association (or P/HOA contracted service) and each condominium billed according to water use. Records of meter reading and associated billing shall be provided to the city upon request.

J. New attached or detached accessory dwelling unit may connect to the property's primary residential meter if maximum flow velocities through the water meter meet California Plumbing Code requirements. (Ord. 1704 § 3, 2021; Ord. 1597 § 13, 2014: prior code §§ 7410.12 and 7410.16. Formerly 13.04.170)

K. Separate submeters shall be installed in accordance with Division 5.3 of the California Green Building Code.

13.04.140 Installation of control valves required.

A. The parcel owner shall install a suitable valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the meter.

B. The operation by the parcel owner or customer of the [City-owned](#) curbstop in the meter box is not permitted. (Ord. 1597 § 14, 2014: prior code § 7410.19. Formerly 13.04.200)

13.04.150 Responsibility for equipment.

A. *Parcel Equipment.* The parcel owner or customer shall, at his or her own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the city shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the parcel owner or customer or of any of his or her tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The city shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally, or when turned on after a temporary shutdown.

B. *City Property.* The parcel owner or customer shall be liable for any damage to a meter, curbstop, water meter box or other equipment or property owned by the city which is caused by an act of the parcel owner or customer or his or her tenants, agents, employees, contractors, licensees, or permittees, including the breaking or destruction of locks, [seals, controls, devices, radios, or tags](#) by the parcel owner or customer or others on or near a meter. The city shall be reimbursed by the parcel owner or customer for any damage promptly on presentation of a bill.

C. *Private Pumping Equipment.* The utilities department must approve the installation and operation of all private pumping equipment before city water service will be provided. Any pumping facility that does not incorporate an automatic shutoff control that will positively prevent motor burnout during periods of low or negative pressure will not be approved.

This section shall not be construed to excuse the obtaining of appropriate city council, and other, approvals necessary to permit (1) city water service, and (2) installation and operation of private pumping equipment.

D. Parcel owner or customer is responsible for maintaining plumbing connection on the parcel side of the meter. Parcel owner or customer equipment must be able to withstand meter change-outs and shutoffs. Parcel owner or customer shall repair their equipment if determined necessary by the city.

E. Parcel owner or customer is responsible for maintaining acceptable access to the water meter as determined by the city. At a minimum a two-foot clearance must be provided around meter. City staff have a right to make the area accessible without notice to access the meter, which may include trimming or removal of plants or other landscaping materials. All costs associated with gaining access will be charged to the customer. City staff will give at least 48-hours of notice of the need for access, if possible, in non-emergency situations.

F. No additions can be made in the meter box other than primary city water service or an approved remote flow monitoring device. Approval of the addition of flow monitoring devices will be made by the Utilities Director or his/her designee. Replacement or repair of a city owned water meter will not be delayed due to a parcel owner's use of a privately owned flow monitoring device.

G. *Ground Wire Attachments.* All individuals or business organizations are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the city; the utilities department will hold the parcel owner or customer liable for any damage to its property occasioned by such ground wire attachments.

H. The utilities department does not assume liability for inspecting apparatus on the parcel owner or customer's property. The utilities department does reserve the right of inspection, however, if there is reason to believe that unsafe apparatus is in use. (Ord. 1597 § 15, 2014: prior code § 7410.18. Formerly 13.04.190)

13.04.160 Parcel owner's duty to protect against danger of cross-connections.

A. The parcel owner must comply with state, county, and federal laws governing the separation of dual water systems or installation of backflow protection devices to protect the public water supply from the danger of cross-connections. (Ord. 1597 § 16, 2014: prior code § 7410.20. Formerly 13.04.210)

B. Any residential parcel adjacent to a parcel receiving recycled water may be required to install a backflow prevention device on the potable water system. A parcel owner may be eligible for a rebate for device installation if the property is not a direct recipient of recycled water.

C. Parcel owner must maintain backflow prevention devices per applicable state, county, and federal laws and policies.

D. The City has the right and responsibility to discontinue any water service to a parcel with a cross-connection prevention device that has not shown proof of good working order to the authority having jurisdiction on at least an annual basis pursuant to the cross-connection inspection program.

13.04.170 Interruption in service.

A. The city shall not be liable for damage or claims which may result from an interruption in service. Temporary shutdowns may be made by the utilities department to make improvements and repairs. Whenever possible and as time permits, all customers affected will be notified prior to making such shutdowns.

~~B. Master metered properties~~ Residential properties with a single water meter serving more than three residential units, such as mobile home parks and large apartment complexes must notify the utilities department ~~and police department~~ a minimum of twenty-four hours prior to any planned interruptions in water service for repairs, maintenance, or other reason. (Ord. 1597 § 17, 2014: prior code § 7410.21. Formerly 13.04.220)

13.04.180 Main extensions other than subdivisions.

A. Water mains may be extended by developers or other interested parties that would benefit by their extension, at their cost, provided the improvements are designed to

current city standards and policies and are approved by both the public works and utilities directors.

B. The owner or developer who is required to install improvements which abut property other than that being developed or in a greater size or capacity than that required for the development of the property under consideration may be reimbursed as provided in Section 16.20.110.

C. Where an extension of the distribution main is necessary or a substantial investment is required to furnish service, the applicant will be informed by the utilities department as to whether or not the service can be extended under these regulations as set forth in this chapter. (Ord. 1597 § 18, 2014; Ord. 1501 § 4, 2007. Formerly 13.04.100)

13.04.200 Fire hydrants.

A. *Use of and Damage to City-Owned Fire Hydrants*. No person, other than those designated and authorized by the proper authority, or by the utilities department, shall open any fire hydrant, attempt to draw water from it, or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. Operation of a City hydrant without approval of the Utilities Department will result in a \$1,000 penalty. In addition to this penalty, any and all costs associated with the inspection, repair, or replacement of any part or parts of the city water distribution system damaged, or potentially damaged, as a result of the unapproved use will be assessed to the responsible party. This includes but is not limited to damage to water mains, charges for water use, expenses incurred for water quality sampling, or other repair costs to ensure public health and safety. Any devices used to illegally remove water from City distribution systems shall be confiscated. The rights of the City under this section to pursue cost recovery and impose a monetary penalty are cumulative to the City's right to pursue criminal prosecution pursuant to California Penal Code section 148.4 and California Penal Code Section 498. The choice of remedy or remedies is at the sole discretion of the City.

B. *Unapproved Use of Privately-Owned Fire Hydrants*. The use of unmetered privately-owned fire hydrants that are connected to the City's water system, for any purposes other than those that related to fire services, with the intent of defrauding the City of fees or other revenue for water use will result in a mandatory \$1,000 penalty. Any costs associated with the inspection, repair, or replacement of the City water distribution system damaged, or potentially damaged, as a result of the unapproved use will be assessed to the responsible party. This includes but is not limited to damage to water mains, charges for water use, expenses incurred for water quality sampling, and other repair costs to ensure public health and safety. Any devices used to illegally remove water from City distribution systems shall be confiscated. The rights of the City under this section to

[pursue cost recovery and impose a monetary penalty are cumulative to the City's right to pursue criminal prosecution pursuant to California Penal Code section 148.4 and California Penal Code Section 498. The choice of remedy or remedies is at the sole discretion of the City.](#)

CB. *Moving of Fire Hydrants.* When a fire hydrant has been installed in the location specified by the proper authority, the utilities department has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he or she shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority. (Ord. 1597 § 20, 2014: prior code § 7410.25. Formerly 13.04.260)

13.04.220 Private fire protection service connections—Charges—Ownership.

A. *Purpose.* A private fire protection service connection in three- to ten-inch size will be furnished only if adequate provision is made to prevent the use of water from such services for purposes other than fire extinguishing.

B. *Quantitative Charges.*

1. *Water for Fires.* No charge will be made for water used to extinguish accidental fires.

2. *Water for Fire Storage Tanks.* Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the utilities department in advance and an approved means of measurement is available. The rates for general use will be applied.

C. *Violation of Agreement.* If water is used from a fire service in violation of the agreement or of these regulations, the utilities department may, at its option, discontinue and remove the service.

D. *Ownership of the Fire Service.* All appurtenant equipment from the shut-off valve closest to the water main, including [the fire service mainline](#), connections, pumps, tanks, chlorinators installed at any point in the line to the parcel's water outlets shall be the sole responsibility of the parcel owner, both as to the original installation and as to the maintenance and upkeep. Such installations must be approved by the utilities department.

E. *Pressure and Supply.* The utilities department assumes no responsibility for loss or damage because of lack of water or pressure and agrees only to furnish such quantities and pressures as are available in its general water distribution system. (Ord. 1597 § 22, 2014; prior code § 7410.27. Formerly 13.04.280)

13.04.240 Privately owned water wells.

A. Appropriate use of privately owned wells is allowed on individual parcels. The use of the water from a well shall only be utilized within the boundaries of the parcel on which it is situated or at the discretion of the utilities director.

B. *Installation of Water Meters on Private Wells.* Within twelve months of the adoption of the city's groundwater sustainability plan, a well meter shall be installed at the private owner's expense at all properties where private well water is used for any of the following:

1. Nonresidential purposes in any quantity;
2. Irrigation of greater than one-half acre of landscaping;
3. Two acre-feet or greater of usage annually.

The water meter shall be public and property owners shall enter into a private well metering agreement with the city for meter reading.

C. Existing well service that crosses property lines shall be corrected in conformance with this section with any new development or subdivision. (Ord. 1704 § 4, 2021; Ord. 1597 § 24, 2014)

D. Prior to installation of a new groundwater well or the alteration of an existing well, a property owner must first obtain written verification from The City of San Luis Obispo Groundwater Sustainability Agency, ensuring that groundwater extraction by the proposed well would not be inconsistent with the San Luis Obispo Valley Groundwater Sustainability Plan and would not decrease the likelihood of achieving a sustainability goal identified within the Groundwater Sustainability Plan; and that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage basin capacity or nearby infrastructure.

This Paragraph shall not apply to wells (i) that will provide less than two acre-feet per year of groundwater for individual domestic users, (ii) that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code, or (iii) that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced when the existing well is being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation.

13.04.250 Violations deemed misdemeanor.

Other than authorized water distribution staff, any person who operates or attempts to open or close any water system valve, curbstop, hydrant, or other City-owned infrastructure that regulates and controls the flow of water in the City's water distribution system shall be issued a penalty of up to \$1,000, be guilty of a misdemeanor punishable under Chapter 1.12, and shall also be held liable for any damage that may result from such action. An employer may also be held liable for their employee's illegal operation of any City-owned water infrastructure and subject to the punishment(s) state herein. At the City's discretion, the employer and employee may be held jointly and severally liable for any damage and staff costs resulting from the employee's actions. Nothing in this section impairs the City's right to also seek criminal prosecution for any violations of this section which are also violations of the California Penal Code (Ord. 1597 § 25, 2014: Ord. 1484 § 11, 2005: prior code § 7410.29. Formerly 13.04.300)

SECTION 6. Chapter 13.06 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 13.06 - MANDATORY INDOOR PLUMBING RETROFIT STANDARDS

Sections:

13.06.090 EnforcementPenalties—Infraction.

13.06.010 Definitions.

A. “Change of ownership” means a transfer of a present interest in real property. Every transfer of property shall qualify as a “change of ownership,” except transfer of title from one spouse to another, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. “Change of ownership” effected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title. A “change of ownership” resulting from a contract of sale or similar instrument shall be so regarded only if escrow is opened or a contract of sale is executed, whichever occurs last, on or after the effective date of this chapter.

B. “Change of use” means change of the occupancy classification as defined in the Uniform Building Code.

C. “Existing residential building” means any structure built and intended primarily for the shelter or housing of any person.

D. “Low water-use plumbing fixtures” ~~means any toilet using a maximum of one and six-tenths gallons per flush, shower heads designed to emit a maximum of two and one-half gallons per minute (gpm) of water, any interior faucet that uses a maximum of two and two-tenths gpm, and a urinal manufactured to use a maximum of one gallon per flush. are those that comply with Sections 4.303.1.1, 4.303.1.2, 4.303.1.3, 4.303.1.4, 5.303.3.1, 5.303.3.2, 5.303.3.3, and 5.303.4.1 of the 2022 California Green Building Code. Where Sections 1601 et seq. of Title 20 of the California Code of Regulations applying to water-using appliances sold or offered for sale within the state specifies a lower maximum flow rate than specified in the aforementioned sections of the California Green Building Code, the lower maximum flow rate shall be required.~~

E. “Retrofit” means the replacement of a conventional plumbing fixture with low-water-using plumbing fixtures.

F. “Water conservation certificate” means a certificate acknowledging that installation of water-conserving plumbing fixtures has been completed. (Ord. 1704 § 7, 2021; Ord. 1224 § 1, 1992)

13.06.050 Verification.

A. Upon retrofitting with water-conserving plumbing fixtures, the seller, prior to the change of ownership, shall obtain from the utilities department a “water conservation certificate,” in accordance with administrative procedures established by the department, verifying that water-conserving plumbing fixtures have been installed. The seller shall have the plumbing fixtures inspected by a [qualified home inspector](#), California licensed plumber, or licensed general contractor.

B. “Water conservation certificates” shall also be available to those who voluntarily install water-conserving plumbing fixtures or have installed water-conserving plumbing fixtures prior to the effective date of this chapter.

C. The seller may transfer responsibility of retrofit upon sale to the buyer with approval from the utilities director or designee. (Ord. 1704 § 8, 2021; Ord. 1224 § 1, 1992)

13.06.060 Notice of correction.

Whenever the utilities director determines that there is a property where low-water-use plumbing fixtures have not been installed as required by this chapter or where such fixtures have been removed since initial installation and replaced with other than low-water-use fixtures, the utilities director [or authorized designee](#) may serve a notice of correction on the owner(s) of the property on which the violation is situated and any other person responsible for the violation. The owner of record shall have ninety days to take corrective action. Failure to take corrective action within ninety days shall constitute a violation of this chapter. (Ord. 1224 § 1, 1992)

13.06.070 Exemptions.

The utilities director may [at their sole discretion](#), exempt facilities from the provisions of this chapter, and impose reasonable conditions in lieu of full compliance herewith, if the director determines that there are practical difficulties involved in carrying out the provisions of this chapter. The director may exempt facilities from the provisions of this chapter when low-water-using fixtures are not available to match a historic architectural style. The director shall require that sufficient evidence or proof be submitted to substantiate any exemption or acceptance of alternatives. (Ord. 1224 § 1, 1992)

13.06.080 Appeals.

A. *Content of Appeals.* An appeal may be made to an appeals board, consisting of representatives from [the](#) community development department, finance department, and utilities department, by any person aggrieved by a decision of the utilities director pursuant to this chapter. The appellant must specifically state in the notice of appeal:

1. The name and address of the appellant and the appellant's interest in the decision.
2. The nature of the decision appealed from and/or the conditions appealed from.
3. A clear, complete, but brief statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate.
4. The specific facts of the matter in sufficient detail to notify the city. The appeal shall not be stated in generalities.

B. *Acceptance of Appeal.* An appeal shall not be accepted by the board unless it is complete.

[C. *Judicial Review.* The decision of the appeals board shall be considered final administrative action for purposes of judicial review. A party aggrieved by the decision of the appeals board may seek judicial review by filing a complaint with the San Luis Obispo Superior Court within sixty \(60\) calendar days.](#)

(Ord. 1224 § 1, 1992)

13.06.090 ~~Penalties–Infraction~~Enforcement.

It is unlawful to fail to comply with the retrofit requirements of this chapter or to alter or replace low-water-use plumbing fixtures required by this chapter with fixtures other than low-water-use plumbing fixtures. ~~Violation of the provisions of this chapter shall constitute an infraction.~~ Each day any violation of this chapter continues shall be considered a new and separate offense. [Any person who violates any provision of this chapter is guilty of an infraction and is subject to punishment as provided in Chapter 1.12 or may be cited and fined pursuant to the administrative citation provisions of Chapter 1.24.](#) (Ord. 1224 § 1, 1992)

13.06.110 Remedies cumulative.

The decision of the city to pursue ~~either a civil or criminal~~, administrative or abatement action against a person violating any provision of this chapter shall not preclude further relief by use of any other remedy provided herein, or by common law, statute, or ordinance. (Ord. 1224 § 1, 1992)

SECTION 7. Chapter 13.07 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 13.07 - WATER CONSERVATION

Sections:

13.07.050 EnforcementViolations.**13.07.020 Substandard runoff prohibited.**

A. No person shall cause any water delivered by the city water system to flow away from property owned, occupied, or controlled by such person in any gutter, ditch or in any other manner over the surface of the ground, so as to constitute water waste runoff.

B. "Water waste runoff" is water flowing away from property and which is caused by excessive application(s) of water beyond reasonable or practical flow rates, water volumes or duration of application, or due to faulty systems that have not been repaired within ~~ten days~~72-hours of written notice from the city. (Ord. 1704 § 9, 2021; Ord. 1089 § 1 (part), 1987)

13.07.030 Council water conservation powers.

A. When deemed necessary in the judgment of the city council to conserve water during water shortage periods, as defined by the city's water shortage contingency plan, the city council may by resolution declare an emergency condition and enact any or all of the following which in its judgment is deemed advisable after publication of notice thereof in

a newspaper of general circulation distributed in the city or after reasonable notice thereof is otherwise given by the city to users:

- 1. Limit irrigation within the city water service area to specified hours, a parcel-specific allocation, or prohibit irrigation entirely within the service area or any portion or portions thereof;
- 2. Limit all customers inside the city water service area to specified maximum usages of water for each customer classification category.

B. In order to comply with any mandatory actions required by the State Water Board or any other agency having jurisdiction over the waters of the state, the city council may by resolution limit outdoor irrigation of ornamental landscapes or turf with potable water to four, three or two days a week in accordance with the following schedules:

Four-Day a Week Schedule

Even numbered addresses:	Mondays, Tuesdays, Thursdays, and Saturdays
--------------------------	------------------------------------------------------

Odd numbered addresses:	Mondays, Wednesdays, Fridays, and Sundays
-------------------------	----------------------------------------------------

Three-Day a Week Schedule

Even numbered addresses:	Sundays, Tuesdays and Thursdays
--------------------------	------------------------------------

Odd numbered addresses:	Mondays, Wednesdays and Fridays
-------------------------	---------------------------------------

Two-Day a Week Schedule

Even numbered Tuesdays and
addresses: Fridays

Odd numbered Mondays and
addresses: Thursdays

C. In order to comply with any mandatory actions required by the State Water Board or any other agency having jurisdiction over the waters of the state, the city council may by resolution limit outdoor irrigation of ornamental landscapes or turf with potable water between the hours of 7:00 p.m. and 7:00 a.m.

Nothing in this subsection C shall limit the use of non-potable water for outdoor irrigation of ornamental landscape or turf with the exception of a non-potable water shortage due to the use of non-potable water as a supplemental water supply during a water shortage emergency.

D. Public facilities that are used in a manner similar to city parks and recreation areas may be exempt from irrigation restrictions, allowed a modified irrigation schedule, or allowed turf renovation during a water shortage emergency due to community health benefits and long-term environmental impacts. These facilities include, but are not limited to, the following:

1. Emerson Field;
2. Meadow Park Field;
3. Mission Plaza Turf;
4. Santa Rosa Center Field;
5. Santa Rosa Softball Field;
6. Sinsheimer Stadium;
7. Stockton Field;
8. Throop Field;

9. Damon Garcia Sports Fields;
10. French Park;
11. Islay Hill Park;
12. Laguna Lake Park;
13. DeVaul Park;
14. Laguna Lake Golf Course; and
15. Local schools.

E. Annual turf renovation, allowed under subsection D of this section, shall include an initial germination period during which daily watering at these, and similar, facilities is allowed for a period of up to six weeks. Following renovation, these facilities will be allowed to be watered up to three days a week in order to sustain them.

F. The use of a hose equipped with a shutoff nozzle for hand watering of established trees will be exempt from irrigation restrictions.

G. Hospitals, healthcare facilities, and other businesses requiring water for the health and safety of at-risk people may apply for an exemption on a case-by-case basis. This exemption may be granted at the discretion of the utilities director or their designee. (Ord. 1704 § 10, 2021; Ord. 1631 § 2, 2016; Ord. 1619 § 2, 2015; Ord. 1607 § 3, 2014; Ord. 1116 § 2 (part), 1988)

H. Nothing in this Chapter shall be deemed to allow the use of potable water for the irrigation of non-functional turf where prohibited by state law.

13.07.050 Enforcement ~~Violations~~.

~~A violation of this chapter shall constitute an infraction and may be punishable. Any person who violates any provision of this chapter is guilty of an infraction and subject to punishment as provided in Chapter 1.12 or may be cited and fined pursuant to the administrative citation provisions of Chapter 1.24. Violations may also subject the property owner or user to by this code and/or result in~~ discontinuance of water service as provided in Sections 13.04.060 ~~13.04.180~~ (Discontinuance of service) and 13.04.050

[\(Initiation of Water Service\) 4.20.080 \(Restoration-reconnection charge\)](#). (Ord. 1116 § 2 (part), 1988)

13.07.060 Definitions.

The following words or phrases, whenever used in this chapter, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined within individual sections of this chapter:

A. “Base period” means that period of time over which the base water use is computed.

B. “Customer classification” refers to three categories of water users as shown in the water shortage contingency plan: single-family residential or multifamily residential, commercial and institutional, and landscape meters.

C. “Non-potable water” refers to recycled water, groundwater, gray water, or harvested rainwater as used for irrigation or other non-potable approved purposes. (Ord. 1704 § 12, 2021; Ord. 1168 § 2 (part), 1990; Ord. 1143 § 2 (part), 1989)

D. “Functional turf” means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

E. “Non-functional turf” means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots. Non-functional turf is solely ornamental and not regularly used for human recreational purposes or for civic or community events.

13.07.070 Water use reduction.

No customer of the city shall make, cause, use or permit the use of potable water from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this chapter.

A. *Mandatory Water Conservation.* The city will establish by resolution a mandatory water conservation program.

B. *Residential Lifeline Allowance.* No customer shall be surcharged or otherwise be penalized for failure to reduce water consumption below a lifeline rate as established by the city.

C. *Prohibited Water Uses.* In addition to any other requirements of this code, all consumers are deemed to have under their control at all times any and all water distribution lines and facilities serving the property benefited by the water service and to know the manner and extent of their water use and any runoff. The following specific uses of water are prohibited and constitute a violation of this code:

1. Use of water from fire hydrants shall not be used for any purpose other than to fight fires or for other activities where such use is immediately necessary to maintain the health, safety and welfare of the residents of San Luis Obispo.
2. Restaurants may not serve water to their customers except on specific request.
3. Potable city water shall not be used for major construction activities, such as grading and dust control, and shall not be used to wash down sidewalks, driveways, or parking areas except to alleviate immediate fire or sanitation hazards.
4. New landscaping may be restricted or prohibited during mandatory water conservation. The council shall adopt by resolution procedures to implement this section. (Ord. 1395 § 1, 2001: Ord. 1168 § 2 (part), 1990: Ord. 1143 § 2 (part), 1989)

5. Irrigating outdoors during and within 48 hours following measurable rainfall.

6. The use of potable water for the irrigation of non-functional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as of the following dates:

- a. All properties owned by the Department of General Services, beginning January 1, 2027.
- b. All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in paragraph (5), beginning January 1, 2027.
- c. All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.
- d. All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.

e. All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.

Notwithstanding subdivision (a), the use of potable water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need.

SECTION 8. Chapter 13.08 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 13.08 - SEWERS

Sections:

13.08.090 ~~Grease, oil and sand interceptors.~~Fats, oils, and grease discharge control program

13.08.091 Food service establishment requirements

13.08.092 Grease control device requirements

13.08.093 Maintenance and operation of grease control devices

13.08.094 Maintenance reporting requirements for grease control devices

13.08.095 Fats, oils and grease discharge control retrofit requirements

13.08.096 Fats, oils and grease control program violations

13.08.020 **Definitions and abbreviations.**

A. The following abbreviations, when used in this chapter, shall have the designated meanings:

1. BOD—Biochemical oxygen demand.
2. BMP—Best management practice.
3. BMR—Baseline monitoring report.
4. CFR—Code of Federal Regulations.

- 5. CIU—Categorical industrial user.
- 6. COD—Chemical oxygen demand.
- 7. CPC—California Plumbing Code
- 8. DFA—Department of Food and Agriculture
- 9. FOG—Fats, Oils and Grease
- 10. FSE – Food Service Establishment
- ~~7~~11. EPA—U.S. Environmental Protection Agency.
- 12. GCD—Grease Control Device
- 13. GCI—Gravity Grease Interceptor
- ~~8~~14. gpd—gallons per day.
- 15. GRD—Grease Removal Device
- 16. HGI—Hydromechanical Grease Interceptor
- ~~17~~9. IU—Industrial user.
- ~~18~~40. mg/L—milligrams per liter.
- ~~19~~44. NPDES—National Pollutant Discharge Elimination System.
- ~~20~~42. POTW—Publicly owned treatment works.
- ~~21~~43. RCRA—Resource Conservation and Recovery Act.
- ~~22~~44. SIU—Significant industrial user.
- ~~23~~45. SNC—Significant noncompliance.
- 24. SSO – Sanitary Sewer Overflow
- ~~25~~46. TSS—Total suspended solids.
- ~~26~~47. USC—United States Code.

The following terms, when used in this chapter, shall have the following meanings, unless otherwise specified:

B. “Accredited Laboratory” means a laboratory that has been evaluated and accredited by the Environmental Accreditation Program (ELAP). ELAP-accredited laboratories have demonstrated capability to analyze environmental samples using approved methods.

CB. “Act” or “the Act” means the Federal Water Pollution Control Act Amendments of 1972 (33 USC § 1251, et seq.) and any amendments thereto including the Clean Water Act of 1977, as well as any regulations, guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.

~~C. “Approval authority” means State Water Resources Control Board.~~

D. “Authorized or duly authorized representative of the user” means any of the following:

1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including the explicit or implicit duty to make major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; has the ability to ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

4. The individuals described in subsections [\(D\)\(1\)](#) through [\(3\)](#) of this section may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for either the overall operation of the facility from which the discharge originates or the overall environmental matters of the company, and the written authorization is submitted to the city.

E. “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees centigrade and expressed in milligrams per liter (mg/L).

F. “Best management practices” (or “BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this article and [40 CFR 403.5\(a\)\(1\)](#) and [\(b\)](#). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or sewage disposal, or drainage from raw materials storage.

G. “Blockage” means a stoppage, restriction, or reduction in flow capacity of the sewer system caused or exacerbated by pollutants and/or the accumulation of FOG.

H. California Plumbing Code (CPC)” means California Plumbing Code (Cal. Code Regs. Title 24, Part 5) as adopted in SLOMC 15.02.050.

I. “Categorical industrial user” means an industrial user subject to a categorical pretreatment standard or categorical standard.

J. “Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act ([33 USC § 1317](#)) that apply to a specific category of users and that appear in [40 CFR Chapter I, Subchapter N, Part 405s-471](#).

K. “City” means the city of San Luis Obispo.

L. “Class I industrial user” means any industrial user that has materials and/or wastes on site that if discharged to the sewer may impact the POTW in a negative manner. These materials and wastes include, but are not limited to, any and all prohibited discharges described in Section [13.08.040](#).

MK. “Class II industrial user” means any industrial user that may discharge conventional pollutants to the POTW which may cause interference or pass-through. These wastes include but are not limited to laundry discharges, nonhazardous solids and oil and grease of animal or vegetable origin.

NL. “Control authority” means the city of San Luis Obispo.

OM. “Conventional pollutants” means pollutants which are usually found in domestic and/or commercial wastes such as suspended solids, biological oxygen demand, pathogenic organisms, and oil and grease of animal or vegetable origin.

PN. “Daily maximum” means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

QE. “Daily maximum limit” means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

R. “Density” shall be defined pursuant to City of San Luis Obispo Municipal Code Title 17 Zoning Regulations.

SP. “Director” means the utilities director of the city of San Luis Obispo or his or her duly authorized representative. Any notice required to be given to the director shall be delivered to the director at 879 Morro Street, San Luis Obispo, or as otherwise directed.

IQ. “Domestic wastewater” means water bearing only those wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal to, and treatment in, the POTW.

UR. “Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

VS. “Existing source” means any source of discharge that is not a “new source.”

W. “Fats, Oils, or Grease (FOG)” means any substance, such as vegetable or animal product, that is used in, or is a byproduct of, the cooking or food preparation process, and

that turns or may turn viscous or solidifies with a change in temperature or other conditions.

X. “FOG Discharge Control Program” means the Program adopted by the City setting forth, among other things, Best Management Practices for FSEs or Industrial Users and establishing appropriate standards and specifications for Grease Control Devices.

Y. “Food Waste Disposer” or food grinder or garbage grinder shall mean any device installed in the plumbing or sanitary sewer system for the purpose of grinding food waste or food preparation byproducts for the purpose of disposing into the sanitary sewer system. Food Waste Disposers are not allowed.

Z. “Food service establishment (FSE)” includes, but is not limited to, any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafes, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, coffee houses/shops, sandwich shops, mobile food facilities, catering kitchens, bakeries, grocery stores with food preparation, meat cutting and preparation, and other commercial food handling facilities not listed above where fats, oils, and grease may be introduced into the sanitary sewers.

AA. “Grab sample” means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.

BB. “Gravity Grease Interceptor (GGI)” means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and greases (FOG) from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), not less than two compartments, a total volume of not less than 300 gallons, and gravity separation. Approved GGIs shall be certified in accordance with IAPMO/ANSI Z1001.

CCU. “Grease” means all fat, grease, oil, wax or other trichlorotrifluoroethane-soluble matter of animal, vegetable, petroleum or mineral origin.

DD. “Grease Control Device (GCD)” means a device used to remove FOG from kitchen wastes discharged to the sanitary sewer such as a gravity grease interceptor (GGI), hydromechanical grease interceptor (HGI), or grease removal device (GRD).

EE. “Grease Removal Device (GRD)” means a hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils, and greases (FOG) from

the interceptor, the control of which are either automatic or manually initiated. Approved GRDs shall be third-party tested and certified in accordance with ASME A112.14.4 or CSA B481.5.

FF. “Hydromechanical Grease Interceptor (HGI)” means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, or barriers in combination or separately, and one of the following:

Type A: external flow control, with an air intake (vent), directly connected

Type B: external flow control, without an air intake (vent), directly connected

Type C: without external flow control, directly connected

Type D: without external flow control, indirectly connected

Approved HGIs shall be third party tested and certified in accordance with ASME A112.14.3, CSA B481, or PDI G101.

GGV. “Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any ~~non~~non-domestic-non-permitted source.

HHW. “Industrial user” or “user” means a source of indirect discharge.

IIX. “Industrial user’s survey” means a questionnaire (and related process) used by the city to identify and categorize industrial users and the characteristics of their wastewater discharge.

JJY. “Infectious waste” means any waste material or article which harbors or may reasonably be considered to harbor any type of microorganism, helminth or virus which causes or significantly contributes to increased morbidity or mortality in human beings.

KKZ. “Instantaneous limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

LL. “Intensified development” means the development of a property, site or area through development, redevelopment, infill or expansion or conversion of existing buildings resulting in any of the following conditions: development results in a higher residential density than currently exists; development results in an increase in habitable residential or non-residential building area of 450 square feet or greater than currently exists

(excluding garages, gazebos and sheds without plumbing fixtures); or development would increase the plumbing fixture count by ten percent or more.

MMAA. “Interference” means a discharge that, alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance 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, and the Toxic Substances Control Act.

NN. “Kitchen remodel” means an FSE kitchen remodel that involves significant changes to the kitchen, as determined by the city, such as removal or addition of walls or changes to drain lines that involve invasive work to walls or floors, expanding or adding seating to the dining area, expanding or adding fixtures to the kitchen area, or other such changes that have the potential to increase customer volume.

OOBB. “Lateral” or “sewer lateral” means that part of the piping of a drainage system that extends from a public or private building, structure or facility and conveys wastewater to the point at which it enters the public sewer, private sewer, private sewer disposal system, or other point of disposal. This may extend beyond the boundaries of the property being served.

PPGG. “Local limit” means the specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in [40 CFR 403.5\(a\)\(1\)](#) and [\(b\)](#).

QQ. “Major operational change” means a physical change or operational change causing generation of an amount of FOG that exceeds the current amount of FOG discharged to the sewer system by an FSE or User in an amount that alone or collectively causes or creates a potential for SSOs to occur.

RR. “Manifest” means that receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the city.

SSDD. “Medical waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes.

~~EE.~~ “Monthly average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

~~FF.~~ “Monthly average limit” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

TTGG. “Natural outlet” means any outlet into a watercourse, pond, lake or other body of surface water or ground water.

UU. “New food service establishment” means:

1. a new building which will contain a food service establishment (FSE); or
2. the installation of an FSE in an existing building which has not previously contained an FSE requiring a restaurant plan check from the city of San Luis Obispo.

VVHH. “New source” means:

1. 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 Clean Water Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production of wastewater-generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection ~~(TTHH)~~(1)(b) or (c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this subsection has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous on-site construction program;

i. Any placement, assembly, or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

~~WWW~~. *Noncontact Cooling Water*. Water used for cooling that does not come into direct contact with any raw material, immediate product, or finished product.

~~XXJJ~~. "Pass-through" means a discharge which exits the POTW into waters of the United States in quantities or 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 POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

YYKK. “Person” means any individual, firm, company, association, society, corporation, group, governmental agency or educational institution.

ZZLL. “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

AAAMM. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, or certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

BBBNN. “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

CCCQQ. “Pretreatment requirements” means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PP. ~~“Pretreatment standards” or “standards” shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.~~

DDDQQ. “Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section [13.08.040](#).

EEERR. “Publicly owned treatment works (POTW)” means the city-owned treatment works, as defined by Section 212 of the Act. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

FFF. “Sanitary sewer overflow (SSO)” means untreated or partially treated sewage overflows from a sanitary sewer collection system.

GGG. “Septic tank waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, or septic tanks.

HHHTT. “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

IIUU. “Significant industrial user (SIU)” means any industrial discharger subject to federal categorical pretreatment standards or any industrial discharger that:

1. Discharges ten thousand gallons per day or more of process wastewater;
2. Contributes five percent or more of the average dry weather hydraulic capacity of the treatment plant;
3. Discharges either continuously or intermittently to the POTW, process wastewaters containing priority pollutants as determined through analytical procedures or reasonable technical judgment; or
4. Has a reasonable potential, in the opinion of the director, to adversely affect the POTW’s operation or for violating any pretreatment standard or requirement.

JJVVV. “Significant noncompliance” means any one of the following:

1. Chronic violations of wastewater discharge limits, as defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by [40 CFR 403.8\(f\)\(2\)\(vii\)](#);
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by [40 CFR 403.3\(1\)](#) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
3. Any violation of a pretreatment effluent limit (daily maximum or longer term average) that the city determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority as stated in this chapter to halt or prevent such a discharge;
5. Failure to meet, within ninety days after schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

KKKWW. "Slug load" or "slug discharge" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section [13.08.040](#). A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

LLLXX. "Stormdrain" means a sewer which is designed to carry storm and surface waters and drainage rather than sewage or industrial wastes.

MMMYY. "Stormwater" or "storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

NNNZZ. "Total suspended solids" (TSS) or "suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

OOOAAA. "Toxic" or "poisonous" means any solid, liquid or gas in such quantity that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere with sewage treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

PPP. “Used cooking oil” means recyclable fats and oils originating from commercial or industrial food processing operations, including restaurants, that have been used for cooking or frying.

QQQBBB. “Wastewater” means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

RRRCCC. “Wastewater treatment plant (WWTP)” or “treatment plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. 1598 § 1 (part), 2014)

13.08.040 Prohibited discharges.

A. *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. *Specific Prohibitions.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sewers:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-six degrees Celsius), or which will inhibit biological activity in the treatment plant, resulting in interference, but in no case higher than one hundred four degrees Fahrenheit (forty degrees Celsius) at introduction into the wastewater treatment plant.

2. Any waters or wastes containing non-petroleum-based fats, oils, or grease (FOG), and/or petroleum-based oil and grease such that the discharge results in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to or increased maintenance of sewers or sewerage facilities. No person shall discharge oil and grease which results in pass-through and/or interference.

3. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or

explosion or be injurious in any other way to the POTW and/or cause acute worker health and safety problems to its personnel or to the operation of the system.

4. Any waters or wastes that have a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius), using the test methods specified in [40 CFR 261.21](#). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene or xylene.

5. Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewers or other interference with the proper operation of the POTW.

6. Any waters or wastes having pH lower than 5.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

7. Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit.

8. Any waters or wastes including oxygen demanding pollutants (BOD, etc.) at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference or pass-through.

9. Any average daily flow greater than two percent of the WWTP average daily sewage flow.

10. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.

11. Any trucked or hauled pollutants, except at discharge points designated by the director.

12. Any waters or wastes containing any radioactive materials or wastes of such half-life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the California Code of Regulations).

13. Any infectious wastes.

14. Any medical wastes, except as specifically authorized by the director in an individual wastewater discharge permit or a general permit.

15. Any waters or wastes containing color which is not removed in the ordinary WWTP treatment process.

16. Any noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

17. Any stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director.

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. *Local Limits.*

1. The director is authorized to establish local limits pursuant to [40 CFR 403.5\(c\)](#).
2. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following:

CONSTITUENT	UNIFORM LIMIT (mg/L) (daily average)	CONTRIBUTORY LIMIT A (mg/L) (daily average)	CONTRIBUTORY LIMIT B (mg/L) (daily average)
Ammonia	32	50	
Biochemical Oxygen Demand (BOD)	226	400	250

CONSTITUENT	UNIFORM LIMIT (mg/L) (daily average)	CONTRIBUTORY LIMIT A (mg/L) (daily average)	CONTRIBUTORY LIMIT B (mg/L) (daily average)
Chloride	1523		
Sodium	1200		
Total Dissolved Solids (TDS)	2215		
Total Suspended Solids (TSS)	2346		
Copper	0.14	0.20	
Zinc	0.17	1.00	0.50

3. Unless otherwise stated in individual discharge permit, the uniform limits shall apply to all dischargers. Application for contributory Limit A or B may be made to the director. The director’s decision shall be the city’s final decision.

4. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition or alternative to the concentration based limitations above.

F. Limitations on wastewater strength in this chapter may be supplemented with more stringent limitations if:

1. The director determines that the limitations listed in this chapter may not be sufficient to protect the operation of the city’s treatment works; or

2. The director determines that the limitations listed in this chapter may not be sufficient to enable the city's treatment works to comply with water quality standards or effluent limitations specified in the city's NPDES permit.

G. When the director determines that a user is contributing any of the substances mentioned in subsection A of this section in such amounts as to interfere with the operation of the POTW, the director may:

1. Advise the user of the impact of the contribution on the POTW;
2. Develop effluent limitations for the user to correct;
3. Place limits on rate and time of discharge or requirements for flow regulations and equalization;
4. Require pretreatment of discharge prior to discharge to POTW; and/or
5. Take any other action necessary to eliminate the interference.

H. Where an industrial user utilizes all or a portion of their domestic water supply from a source other than city of San Luis Obispo potable water, the city may require additional laboratory testing of any potential constituents of concern which may be discharged to the POTW. This testing will be performed by a state of California certified-accredited laboratory, at a frequency and length of time determined by the city, at solely the industrial user's expense.

I. The director may develop best management practices (BMPs), in individual wastewater discharge permits, to implement local limits and the requirements of this chapter.

J. The contents of swimming pools and/or spas (including filter backwash from swimming pools and/or spas) shall only be discharged into the sanitary sewer in the manner specified herein.

1. The water is discharged by pumping and shall not exceed the capacity of the sewer lateral and/or public main.
2. Each swimming pool discharging to a sewer system shall be equipped with an indirect waste connection to preclude any possibility of a backflow of sewage into the swimming pool or piping system. (Ord. 1598 § 1 (part), 2014)

3. Draining, pools, reservoirs, or tanks with a capacity of 500,00 gallons or greater require an approved drainage schedule. This drainage schedule shall be submitted to and approved by the director or designee at least fourteen days prior to starting drainage, to reduce the likelihood of a sanitary sewer overflow or POTW upset.

13.08.050 Federal categorical pretreatment standards—Applicability.

Industrial Users must comply with the categorical pretreatment standards found at [40](#) CFR Chapter I, Subchapter N, Parts [405](#) through [471](#). (Ord. 1598 § 1 (part), 2014)

13.08.090 Fats, oils and grease discharge control program purpose and policyGrease, oil and sand interceptors.

A. Sanitary sewer overflows (SSOs) are a major concern to wastewater agencies throughout the State of California. The Statewide General Waste Discharge Requirements for Sanitary Sewer Systems requires the city to have a FOG Discharge Control Program. A frequent cause of SSOs is the blockage of sewer lines due to discharge of fats, oils, and grease (FOG) into the sanitary sewer systems from food preparation and clean-up operations. To prevent SSOs in its sanitary sewer system, the City of San Luis Obispo has developed and implemented a program, as set forth herein, to reduce the discharge of FOG from restaurants and other food service establishments (FSEs) to mitigate blockages in sewer lines. This program enables the City of San Luis Obispo to comply with requirements of the California State Water Resources Control Board.

B. This program helps to protect public health and safety through:

1. Reducing the potential for blockages of and sewage releases from the city's sewer systems due to accumulation of fats, oils, or grease;
2. Reducing the city's costs of operating the sewer system;
3. Promoting proper handling and disposal of fats, oils, and grease through educational and regulatory programs.

C. Upon adoption of the ordinance codified in this chapter, all food service establishments (FSEs) shall be subject to this chapter to the extent permitted by law. Any facility with a permanently plumbed connection to the city sewer system that has the potential to generate discharges of fats, oils, or grease (FOG) must comply with these ordinances.

D. Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director may be delegated by the director to a duly authorized City of San Luis Obispo employee.

~~A. Grease, oil and sand interceptors shall be installed for the proper handling of liquid wastes containing grease, flammable wastes, sand or other harmful constituents; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director in accordance with the Uniform Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.~~

~~B. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. Those interceptors found to be inadequately sized or insufficiently removing fats, oils, and grease, for any reason, will be required to be repaired or replaced, at owner's expense. Failure to properly maintain interceptors in continuously efficient operation may be considered sufficient cause for disconnection of premises from the POTW or punitive actions as provided for in this chapter.~~

~~C. Where installed, all grease, oil, and sand interceptors must be serviced on a routine basis, determined by usage patterns, and have the wastes properly disposed of in accordance to all applicable rules and regulations.~~

~~D. Where installed, all grease, oil, and sand interceptors must have all related maintenance documented. All interceptor cleaning and service records for the previous three years must be kept on site and made immediately available during inspection. (Ord. 1598 § 1 (part), 2014)~~

13.08.091 Food service establishment requirements.

A. Permit required

All new FSEs and all existing FSEs shall have a current Class II industrial user permit issued by the director and at least one Grease Control Device (GCD).

B. Permit fees

Section 13.08.140 of the SLOMC specifies that the city shall have the authority to assess and collect fees from users of the sanitary sewer system to recover costs incurred by the city when regulating discharges into the system. The fees specified therein are applicable to all FSEs. For a current cost of the annual permit fee, refer to the current city fee schedule.

C. Re-inspection fee

If an inspection by city staff determines that a permittee is in violation of one or more requirements of this chapter, the permittee shall be charged a re-inspection fee to reimburse the city for the cost of a re-inspection to determine that the violation has been corrected. Additional fees may be assessed if an Administrative Citation is issued to the permittee, as discussed in the SLOMC Chapter 1.24.

D. Used cooking oil container

All FSEs shall have a container or drum for collecting waste kitchen grease and used cooking oil unless deemed unnecessary by the director. FOG removed from GCDs shall not be placed in this container, as it is more difficult to recycle. The container shall be used and maintained appropriately so as to prevent spills or leaking. The container shall be serviced (emptied or exchanged) and recycled by a waste hauler at an appropriate frequency as defined by Section 13.08.093 (Maintenance and Operation of Grease Control Devices). Receipts or other documentation of such service shall be retained at the FSE and presented to the city on request. The FSE shall maintain adequate employee training and/or signage to assure that the container is used and maintained in an appropriate manner, as discussed below in §§13.08.091(G) (Kitchen Best Management Practices.) Any oil on or around collection container or drum shall be cleaned up immediately. Failure to maintain this area may constitute a violation of SLOMC Section 13.08.096.

E. Storm water pollution

All FSEs shall operate in a manner which prevents any discharge of FOG or other wastes to the storm water drain system. Any outdoor spills or washing activities may constitute a violation of SLOMC Chapter 12.08.

F. Inspections

1. To the extent permitted by law, city representatives may enter upon a facility's premises to determine compliance with this chapter. The city shall attempt to perform inspections in a manner so as to minimize the impact on the operation of the food service establishment. However, the FSE shall provide the city, at all times that the FSE is open to the public and/or in operation, with access to the premises, specifically the GCDs, used cooking oil containers and maintenance records. If the GCD or used cooking oil container is inaccessible to city representatives due

to placement of vehicles, mats, utensils, etc., FSE staff shall immediately remove such obstacles upon city entry for inspection.

2. Inspections may occur during normal operating hours without warning to verify appropriate Grease Control Device maintenance and operation as well as during an emergency response or blockage investigation. Inspections will include all parts of the FSE that discharge or have the potential to discharge to the sanitary sewer system. City representatives will comply with all reasonable facility safety requirements as provided by the FSE operator at the time of entry.
3. Below is an outline of the city's routine inspection and enforcement procedures.
 - a) Inspect the GCD by assessing the amount of grease and solids as a percentage of the total volume.
 - b) Inspect the structural integrity of the GCD;
 - c) Assess whether the GCD maintenance frequency is sufficient as defined by Section 13.08.093 (Maintenance and Operation of Grease Control Devices);
 - d) Inspect that all floor drains have strainer baskets not to exceed 3/16-inches in hole diameter;
 - e) Ensure that all kitchen best management practices are being implemented as set fourth in §§13.08.091(G)to minimize FOG from entering the sewer; and
 - f) Inspect recycled oil storage and trash areas for cleanliness and compliance with applicable stormwater codes (SLOMC 12.08)

G. Kitchen best management practices.

The following Best Management Practices (BMPs) must be followed by all FSEs:

- a. Always dry wipe all pots, pans, and cooking equipment to remove leftover fat, oil, grease, and food waste prior to pre-rinsing or washing.
- b. Install and maintain screens in all floor and sink drains. The floor drain screens must be a basket style and have a hole diameter of 3/16-inches or smaller. Dome style strainers are prohibited. The sink drains must be a fine mesh style, where applicable, or a similar type approved by the director.
- c. Maintain Grease Control Device(s) (GCD) to comply with the following:

- i. In accordance with the manufacturer's instructions when the grease storage capacity of the GCD can be validated to exceed 25 percent of the total liquid volume by third-party performance testing; or
 - ii. If the grease storage capacity of the GCD cannot be validated by third-party performance testing, the total depth of the floating FOG layer, plus the settled sludge layer cannot exceed 25% or more of the total liquid depth of the GCD.
- d. Regularly maintain vent hood and filters and dispose of the waste to a drainage fixture connected to a GCD.
- e. Wash all floor mats, grills, and greasy kitchen equipment in a drainage fixture connected to a GCD. Never wash equipment outside.
- f. Place source-separated food and green waste in the organic material container pursuant to SLOMC 08.04.213.
- g. Display the F.O.G. poster for all employees to see, ideally in the kitchen or dishwashing area.
- h. Place "No Grease" stickers in dishwashing areas. Stickers are provided by the city at no charge and are available in English and Spanish.

H. Staff training requirements.

- 1. An annual training on kitchen BMPs as stated in Subsection 13.08.091(G) must be completed and documented for all staff. Records of this training must be kept on site for a minimum of three years and must be made available to city staff upon request during an inspection.
- 2. The training record must include the following:
 - a) What was covered during the training.
 - b) A list of names and signatures of all who attended the training.
- I. Any FSE undergoing a kitchen remodel, as defined in Section 13.08.020, shall be required to submit GCD plans to the city for review.
- J. Any FSE or other facilities identified under subsection 13.08.090(C) must notify the city within 30 days, and may be required to install a Grease Control Device, when any of the following changes occur or are planned:
 - 1. Facility or operational modifications;

- 2. Changes to the type of food service;
- 3. Change of operator of the facility; or
- 4. Installation of a new GCD or transfer of responsibility for a GCD.

13.08.092 Grease control device requirements.

A. GCDs must be sized according to both of the following steps:

1. Calculate Flow Rate

The minimum flow rate for a GCD may be calculated by either fixture volume or pipe diameter, as stated in the CPC, using either a one-minute or two-minute drainage period. Use a one-minute drainage period when the GCD will be installed within 20 feet of directly connected fixtures and/or has indirectly connected fixtures. When the interceptor will be installed beyond 20 feet of the connected fixtures, use a two-minute drainage period.

Note, per §§13.08.092(l) , each GCD shall receive the drainage from all plumbing fixtures, equipment, and drain lines located in the food preparation, food service, alcohol service, and clean-up areas of FSE’s, including but not limited to multi-compartment sinks, utensil sinks, food preparation sinks, pre-rinse sinks, dishwashers, hand washing sinks, floor sinks, floor drains, trench drains, and mop sinks.

2. Calculate Grease Capacity

Once the minimum flow rate has been established in step one, calculate the minimum grease storage capacity for the GCD required for the desired cleaning frequency, noting that required cleaning cannot be more frequent than 90 days. Use the following formula to correctly calculate the grease capacity required.

$$\frac{\text{Grease factor from Table X}}{\text{Grease factor from Table X}} \times \frac{\text{Meals or customers per day}}{\text{Meals or customers per day}} \times \frac{\text{Days between cleaning}}{\text{Days between cleaning}} = \frac{\text{Grease capacity required (lbs)}}{\text{Grease capacity required (lbs)}}$$

To determine the appropriate grease factor, using the table on the following page, select the menu type (1 through 33), then the correct column (A through D) for whether there is a fryer, and whether the establishment uses disposable or washable plates, glasses, knives, forks, and spoons (flatware). The table was produced from guidance in the American Society of Plumbing Engineers (ASPE) Plumbing Engineering Design Handbook 4, Plumbing Components and Equipment, Chapter 8, Grease Interceptors.

Type	Menu	Grease Factor ->	without Fryer	without fryer	with fryer	with fryer
			w/o flatware	with flatware	w/o flatware	with flatware
			A	B	C	D
1	Bakery		0.0250	0.0325	0.0350	0.0455
2	Bar - Drinks Only		0.0050	0.0065	0.0250	0.0325
3	Bar and Grille		0.0250	0.0325	0.0350	0.0455
4	BBQ		0.0250	0.0325	0.0350	0.0455
5	Buffet		0.0250	0.0325	0.0350	0.0455
6	Cafeteria - Full Serve		0.0250	0.0325	0.0350	0.0455
7	Cafeteria - Heat & Serve		0.0050	0.0065	0.0250	0.0325
8	Chinese		0.0350	0.0455	0.0580	0.0750
9	Coffee Shop		0.0050	0.0065	0.0250	0.0325
10	Continental breakfast		0.0050	0.0065	0.0250	0.0325
11	Convenience Store		0.0050	0.0065	0.0250	0.0325
12	Deli		0.0050	0.0065	0.0250	0.0325
13	Donut Shop		0.0250	0.0325	0.0350	0.0455
14	Don't know yet		0.0250	0.0325	0.0350	0.0455
15	Family Restaurant		0.0250	0.0325	0.0350	0.0455
16	Fast Food - Pre-Cook		0.0050	0.0065	0.0250	0.0325
17	Fast Food - Full Prep		0.0250	0.0325	0.0350	0.0455
18	Fried Chicken		0.0250	0.0325	0.0350	0.0455
19	Greek		0.0250	0.0325	0.0350	0.0455
20	Grocery Store		0.0250	0.0325	0.0350	0.0455
21	Ice Cream/Yogurt/Smoothies		0.0050	0.0065	0.0250	0.0325
22	Indian		0.0250	0.0325	0.0350	0.0455
23	Italian		0.0250	0.0325	0.0350	0.0455
24	Mexican		0.0350	0.0455	0.0580	0.0750
25	Pizza Restaurant		0.0250	0.0325	0.0350	0.0455
26	Pizza Carryout		0.0050	0.0065	0.0250	0.0325
27	Multi-unit dwelling		0.0050	0.0065	0.0250	0.0325
28	Salads / Healthy Bowls		0.0050	0.0065	0.0250	0.0325
29	Sandwich Shop		0.0050	0.0065	0.0250	0.0325
30	Seafood		0.0250	0.0325	0.0350	0.0455
31	Snack Bar		0.0050	0.0065	0.0250	0.0325
32	Steak House		0.0250	0.0325	0.0350	0.0455
33	Sushi		0.0050	0.0065	0.0250	0.0325

B. The approved GCD will meet the minimum flow rate from step one and the minimum grease capacity from step two above. In order to meet the minimum grease capacity

in step two, a GCD with a higher flow rate may be required than is determined in step one.

C. Prior to installing or replacing a GCD as may be required by this chapter, FSEs must complete the city's GCD Sizing and Selection Worksheet with all required information and submit to the Community Development Department for review and approval. Incomplete worksheets submitted will not be accepted and could delay project approval.

D. All FSEs installing or replacing a GCD pursuant to this chapter must submit a building permit application and the following documents to the Community Development Department:

1. Map/drawing of all plumbing fixtures that will discharge to the proposed GCD.
2. Calculations for sizing of proposed GCD on the City's GCD Sizing and Selection Worksheet
3. Manufacturer's specification sheet of proposed GCD. (see below for prohibited materials and conditions of approval)

E. The following CGDs are prohibited unless otherwise approved by the director:

1. Gravity grease interceptors.
2. Grease removal devices built from concrete.
3. GCDs built from metal, including metal GCDs with Acid Resistant Enamel or Epoxy Coatings.

F. Any facility identified as needing to install or replace a GCD must do so in accordance with this chapter within 180 days of notification from the city, unless approved otherwise by the director.

Hydromechanical Grease Interceptors (HGIs) shall meet the following minimum requirements:

1. Be constructed of a corrosion resistant polymer
2. No injection ports for chemicals or bacteria.
3. Installed per manufacturer's specifications.

4. Appropriate flow restrictors, whether integral or external to the device, must be installed.
 5. Shall meet the specifications and be constructed in accordance with the applicable provisions of the California Plumbing Code.
 6. Shall be third party tested and rated for efficiency and capacity in accordance with ASME A112.14.3, CSA B481, or PDI G101.
- G. Each GCD shall be installed and connected at an exterior location such that it is at all times easily accessible for visual inspection, sampling, cleaning and removal of grease and other matter from all surfaces. The location of the GCD must be approved by the County, and shall not be located in a food or utensil handling area unless specifically approved by the County. The GCD must be installed prior to final city permit inspections.
- H. A GCD shall be situated outdoors on the FSE's premises, except when such a location would be impractical or cause undue hardship on the FSE. The city may issue an encroachment permit to allow the GCD to be installed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. If the GCD cannot be located outdoors pursuant to the terms of this provision, and the city does not issue an encroachment permit, then the FSE may install a GCD at an approved interior location that meets the requirements of applicable plumbing codes and this chapter at the discretion of the director.
- I. Each GCD shall receive the drainage from all plumbing fixtures, equipment, and drain lines located in the food preparation, food service, alcohol service, and clean-up areas of FSE's, including but not limited to multi-compartment sinks, utensil sinks, food preparation sinks, pre-rinse sinks, dishwashers, hand washing sinks, floor sinks, floor drains, trench drains, and mop sinks.
- J. All FSEs shall ensure that wastes collected by GCDs are disposed of at a facility permitted to receive such wastes. FOG wastes must not be allowed to discharge to any private or public portion of the sanitary or stormwater collection systems.
- K. The of use of additives, emulsifiers, enzymes, or biological agents to break down or digest FOG for discharge to the sewer system is prohibited, unless authorized by the utilities director.
- L. Food Waste Disposers are prohibited.
- M. Any waste material from routine cleaning of exhaust hoods, ducts, floor mats, and mop water shall be plumbed to the GCD prior to discharge to the sanitary sewer.

N. No drains from toilets, showers, or other domestic discharges shall be connected to the GCD.

13.08.093 Maintenance and operation of grease control devices.

A. GCDs shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No accumulated grease shall be introduced into any drainage piping or public or private sewer. The total depth of FOG layer shall not exceed the maximum rated capacity as established by the manufacturer of the GCD. If this information is not available, then the FOG layer plus the settled sludge layer cannot exceed 25% or more of the total liquid depth of the GCD.

B. GCDs shall be cleaned on a sufficient frequency to prevent objectionable odors, surcharge of the GCD, or interference with the operation of the sanitary sewer system. The required minimum frequency for maintaining the GCDs shall be determined during a routine inspection. A re-inspection may be requested to re-evaluate the required cleaning frequency. In the absence of a frequency determined and set by the City, the following is the required minimum frequency of cleaning for each type of GCD, unless otherwise approved by the director:

1. HGIs shall be cleaned at least once every thirty days.

2. Non-conforming existing GGIs shall be cleaned at least once every ninety days.

C. If a GCD is properly sized and installed, yet requires cleaning and maintenance at a greater frequency than the frequency determined in accordance with this section, then the director can require a GCD with a higher flow rate and grease capacity to be installed.

D. GCDs shall be cleaned by being pumped dry and all accumulated sludge on all surfaces shall be removed by washing down the sides, baffles, tees, and any other interior components. No water removed from the device during cleaning shall be returned to the GCD.

E. The director may grant an exception to the requirements of subsections 13.08.093(B)(1) and (2) where the director finds, based on evidence presented by the FSE, that a less frequent cleaning schedule will be sufficient to assure that the GCD will continue to operate efficiently and will not bypass FOG to the sanitary sewer system. The director may require more frequent cleaning if inspections indicate that cleaning at the current frequency is not adequate. Documentation provided by the

FSE shall be based on a minimum of one year of cleaning and shall be verified by city inspections.

Waste hauler requirements - All GCD cleaning shall be performed by waste haulers who are certified by the California Department of Food and Agriculture (DFA) as an "inedible kitchen grease commercial transporter." The pumper shall transport the pumped waste to an "authorized receiving facility," as defined by the DFA.

F. Persons cleaning a GCD shall ensure that all grease and sediment is removed and appropriately disposed. They shall also ensure that all baffles, flow control devices, and other equipment are properly installed subsequent to the cleaning. All wastes removed from the GCD during cleaning shall be placed in a dedicated container and be removed by a "inedible kitchen grease commercial transporter," as described above. The waste may not be placed in the used cooking oil container, unless the grease hauler provides written certification that this is acceptable, and the hauler complies with all DFA regulations for "inedible kitchen grease."

G. FSEs may not clean GCDs themselves, unless specific approval is granted by the director.

H. All FSEs shall implement best management practices (BMPs) in their operations to minimize the discharge of grease to the sanitary sewer system. See subsection 13.08.091(G).

I. Abandoned GCDs shall be pumped empty, thoroughly cleaned, and filled as required by the California Plumbing Code.

13.08.094 Maintenance reporting requirements for grease control devices.

A. Within one week of each cleaning, the FSE shall submit proof of cleaning by utilizing the City's online portal.

B. The following are required when reporting the cleaning of a GCD:

1. Date of cleaning
2. Name of waste hauler that performed the cleaning
3. Copy of invoice or manifest provided by the hauler

C. If the City's online portal is unavailable, one of the following alternative methods is acceptable:

1. Email; (environmentalprograms@slocity.org) or
2. Mail or hand delivery to:

City of San Luis Obispo
Attn: Environmental Programs
879 Morro Street
San Luis Obispo, CA 93401

3. Facility operators will bear the ultimate responsibility for providing maintenance records even if using a waste hauler to conduct maintenance of GCDs.

13.08.095 Fats, oils, and grease discharge control retrofit requirements.

A. Gravity Grease Interceptors (GGIs) have been demonstrated to pose numerous issues including, but not limited to: short-circuiting, production of hydrogen sulfide gas, production of sulfuric acid, and corrosion of the concrete interceptor. Hydromechanical grease interceptors (HGIs) are performance tested and rated by an independent third-party. As such, they are given a grease capacity rating that has been verified. All food service establishments, new construction, tenant improvement, or kitchen remodels, as defined in Section 13.08.020, established, approved, or completed after July 1, 2024 shall be required to install a HGI in accordance with this section.

B. Facilities may be required to plumb all fixtures to and/or install a new GCD per Section 13.08.092 in any of the following situations:

1. FSE has caused or contributed to a FOG-related blockage, build-up, or the need for increased maintenance of a city sewer; or
2. FSE has improperly installed or sized the GCD per Section 13.08.092;
3. Current sizing requires servicing more frequently than 30 days for HGIs or 90 days for GGIs; or
4. As determined by the director.

13.08.096 Fats, oils and grease control discharge program violations.

Violations of this chapter include, but are not limited to, the following and may be enforced administratively pursuant to SLOMC Chapter 1.24, civilly or criminally:

A. Failure to install required GCD;

B. Failure to maintain GCD in accordance with this Chapter;

C. Failure to notify the city of a change of ownership, operation or other use as required by subsection 13.08.091(J);

D. Failure to provide sampling access or entry to the facility for compliance inspections;

E. Use of emulsifiers, additives, enzymes and biological agents designed to breakdown/digest FOG for discharge to the sewer system;

F. Failure to submit maintenance-reporting documents as required by Section 13.08.094;

G. Failure to connect all FOG-producing fixtures to the required interceptor or FOG-removal equipment per city standards;

H. Failure to clean a grease interceptor at the frequency required under Section 13.08.093; or

I. Failure to dispose of FOG waste at an approved facility.

13.08.130 Measurements and tests.

A. All measurements, tests and analyses of the characteristics of water and wastes shall be determined by the testing procedures specified in [40](#) CFR Part [136](#). When required by the director, the industrial user shall provide safe and secure access to the proper sampling point for the determination of compliance with federal categorical standards and/or local discharge limits. This may require the installation of a control manhole as described in Section [13.08.120](#). All testing shall be performed by an accredited approved laboratory and conducted at the expense of the discharger.

B. When requested by the director, a user must submit information on the nature and characteristics of its wastewater within thirty days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ord. 1598 § 1 (part), 2014)

13.08.140 Powers and authority of inspectors.

A. *Inspection of Premises.* The director or other duly authorized employees or representatives of the city bearing proper credentials and identification shall be readily permitted to enter all properties for the purposes of inspection, observation, record examination and copying, measurement, sampling, and testing in accordance with the provisions of this chapter at all reasonable times. If the director, health officer, or other duly authorized employee or representative of the city or the health department has reasonable cause to believe that wastewater discharge conditions on or emanating from a facility are so hazardous, unsafe or dangerous as to require immediate inspection to

safeguard public health or safety or the integrity of the POTW, they shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect such entry and make such inspection.

B. The director shall have the right to set up on the user's property, or require installation of, such devices as necessary to conduct sampling and/or metering of the user's operations. The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing access to the user's premises shall be a violation of this chapter.

C. *Cost of Inspection.* Each discharger shall pay a reasonable inspection fee sufficient to cover the costs of the inspection and regulation of discharge. Such costs may be incorporated in the industrial user wastewater discharge permit fee.

D. *Rights of City Entry.* The director or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW. (Ord. 1598 § 1 (part), 2014)

13.08.150 ~~Permit—Required—Term—Transfer—Revocation—Completion of an industrial user's survey required.~~

A. *Permit Application.*

1. Industrial users required to obtain a wastewater discharge permit shall complete and file an industrial wastewater discharge permit application with the city within thirty days of receiving a notice to apply. Proposed new IUs shall apply ninety days prior to actual connection to the municipal sewer.

2. In support of its application, the applicant must submit the information requested in the application form issued by the city.

3. The director will evaluate the data furnished by the IU and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision. After evaluation and acceptance of the information furnished, the director may issue an industrial wastewater discharge permit subject to the terms and conditions provided herein.

4. All industrial wastewater discharge permit applications, IU reports, and certification statements must be signed by an authorized representative of the IU and contain the certification statement set forth in Section [13.08.300](#).

5. If the designation of an authorized representative is no longer accurate because a different individual or position has assumed responsibility either for the overall operation of the facility or for the overall environmental matters of the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to, or together with, any reports to be signed by an authorized representative.

6. A denial of a permit application may be appealed pursuant to the procedures in Section [13.08.480](#).

B. *Permit Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the director in accordance with this chapter, and applicable state and federal regulations. Permit requirements may include but not be limited to the following:

1. A statement that indicates the industrial wastewater discharge permit issuance date, expiration date, and effective date;
2. A statement that the industrial wastewater discharge permit is nontransferable;
3. Effluent limits, which may include numerical limits or best management practices based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practices to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

5. Requirements to control slug discharges, if determined by the director to be necessary;
6. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
7. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
8. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
9. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
10. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
11. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit;
12. Other conditions as deemed appropriate by the director to ensure compliance with this chapter and state and federal laws, rules, and regulations; and
13. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

C. *Permit Modification.*

1. The director may modify any industrial wastewater discharge permit for good cause, including but not limited to, the following reasons:
 - a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

- b. To address significant alterations or additions to the IU's operation, processes, or wastewater volume or character since the time of the industrial wastewater discharge permit issuance;
- c. To add information indicating that the permitted discharge poses a threat to the city's POTW, personnel, or the receiving waters;
- d. In light of a violation of any terms or conditions of the industrial wastewater discharge permit;
- e. In light of misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;
- f. To correct typographical or other errors in the industrial wastewater discharge permit.

2. An IU shall be informed of any proposed changes in its permit at least thirty calendar days prior to the effective date of the change.

D. *Duration of Permits.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than one 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 director during the life of the permit as limitations or requirements as identified in this chapter are modified and changed. The user shall be informed of any proposed changes in his or her permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

E. *Transfer of a Permit.* Wastewater discharge permits are issued to a specific user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation; provided, that if in the opinion of the director, the sale or transfer of an operation does not result in a change in use, the permit may be reassigned.

F. *Revocation of Permit.* Any user is subject to permit revocation upon ~~who~~ violates violation of any of the conditions of this chapter, or applicable state and federal regulations, or any of the following conditions, is subject to permit revocation any of the following conduct:

1. Failure to notify the director of significant changes to the IU's operations, systems, or wastewater prior to the changed discharge;
2. Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;
3. Falsifying self-monitoring reports and certification statements;
4. Tampering with monitoring equipment;
5. Refusing to allow the director timely access to facility premises and records;
6. Failure to meet effluent limitations;
7. Failure to pay fines;
8. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
9. Failure to meet compliance schedules; or
10. Violation of any pretreatment standard or requirement or of any terms of the industrial wastewater discharge permit or of this chapter.

G. Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to an IU are void upon the issuance of a new industrial wastewater discharge permit to that IU. (Ord. 1598 § 1 (part), 2014)

13.08.160 Reporting requirements for permittees.

A. Any discharger of nondomestic wastewater may be required to submit to the director a report indicating the nature, concentration and daily flows of all limiting pollutants. The report shall also state whether the applicable pretreatment standards and requirements are being consistently met.

B. After meeting the requirements set forth in subsection [A](#) of this section, the user shall submit self-monitoring reports, as required by the director, to assess and assure continued compliance with pretreatment standards and requirements, including, but not

limited to, the reports required in [40 CFR 403.12](#). These reports shall contain the results of sampling and analysis of the discharge, done in accordance with the procedures approved by the POTW.

C. Reports, such as those identified in subsections A and B of this section but not limited to, shall be signed and certified by an authorized representative of the discharging facility.

D. All industrial users shall be required to retain for a minimum of three years any records and/or reports of monitoring activities or results and shall make such records/reports available for inspection and copying by the POTW. This period of retention shall be extended during the course of any ~~unresolved~~ pending litigation regarding the industrial user.

E. *Notification of the Discharge of Hazardous Waste.*

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under [40 CFR Part 261](#). Such notification must include the name of the hazardous waste as set forth in [40 CFR Part 261](#), the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: 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 notifications must take place no later than one hundred eighty days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self monitoring requirements of this article.

2. Dischargers are exempt from the requirements of subsection [A](#) 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 [261.30\(d\)](#) and [261.33\(e\)](#). Discharge of more than fifteen kilograms of nonacute 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\(e\)](#), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.

4. In the case of any notification made under this section, the 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 by the director.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law. (Ord. 1598 § 1 (part), 2014)

13.08.170 Baseline monitoring reports.

A. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under [40 CFR 403.6\(a\)\(4\)](#), whichever is later, existing categorical industrial users currently discharging to, or scheduled to discharge to, the POTW shall submit to the director a report containing the information listed in subsection [C](#) of this section.

B. At least ninety days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report containing the information listed in subsection [C](#) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

C. IUs described above shall submit the information set forth below:

1. *Identifying Information.* The IU shall submit the name and address of the facility including the name of the operator and owners.
2. *Permits.* The IU shall submit a list of any environmental control permits held by or for the facility.
3. *Description of Operations.* The IU shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such IU. This description shall include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
4. *Flow Measurement.* The IU shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined waste stream formula of [40 CFR 403.6\(e\)](#). The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
5. *Measurement of Pollutants.*
 - a. The IU shall identify the pretreatment standards applicable to each regulated process; and
 - b. The IU shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.
 - c. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The city may waive flow-proportional composite sampling for any IU that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples

where the IU demonstrates that this will provide a representative sample of the effluent being discharged.

d. The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.

e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment facility exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the IU shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of [40 CFR 403.6\(e\)](#) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration has been calculated in accordance with [40 CFR 403.6\(e\)](#) this adjusted limit along with supporting data shall be submitted to the city.

f. Sampling and analysis shall be performed in accordance with the techniques prescribed in [40 CFR Part 136](#) and amendments thereto. Where [40 CFR Part 136](#) does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that the [40 CFR Part 136](#) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city or other parties, and approved by the director.

g. The city may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

h. The baseline report shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. *Compliance Certification.* The IU shall submit a statement, reviewed by an authorized representative of the IU (as defined in Section [13.08.160](#) and certified to by a qualified professional) indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O

and M) and/or additional pretreatment is required for the IU to meet the pretreatment standards and requirements.

7. *Compliance Schedule.* If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the IU shall submit the shortest schedule by which the IU will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule shall meet the requirements set forth in Section [13.08.180](#).

8. All baseline monitoring reports must be certified in accordance with this section and be signed by an authorized representative ~~as defined in Section 13.08.160 of the discharging facility~~. (Ord. 1598 § 1 (part), 2014)

13.08.180 Compliance schedule.

A. The schedule shall contain progress increments 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 IU to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). No increment of the schedule shall exceed nine months;

B. No increment referred to above shall exceed nine months;

C. The IU shall submit a progress report to the director no later than fourteen days following each date in the schedule and the final date of compliance, including in such progress report, at a minimum, whether it complied with the increment of progress, the reason for any delay, and if appropriate, the steps taken by the IU to return to the established schedule. In no event shall more than nine months elapse between submissions of such progress reports to the Director. (Ord. 1598 § 1 (part), 2014); and

~~D. In no event shall more than nine months elapse between submissions of such progress reports to the director. (Ord. 1598 § 1 (part), 2014)~~

13.08.200 Periodic compliance reports.

A. All SIUs must, at a frequency determined by the director, submit no less than twice per year, in June and December or on other dates specified, reports indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the SIU must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the SIU. The director may modify the months during which the above reports are to be submitted.

B. All periodic compliance reports must be signed and certified by an authorized representative of the discharging facility. ~~in accordance with Section 13.08.160. (Ord. 1598 § 1 (part), 2014)~~

13.08.340 Computation of fee.

The sum of the fee described in Section 13.08.330 shall be the equivalent of the cost to similar properties then within the city which have paid for the facilities so to be used. (Ord. 1598 § 1 (part), 2014)

13.08.350 Exemption of outstanding bonds from fee determination.

The sum of the fee described in Section 13.08.330 shall not include any amounts from which bonds of the city are then outstanding and to which the property shall become subject upon annexation. (Ord. 1598 § 1 (part), 2014)

13.08.360 Main extensions to customers other than subdivisions—Terms and conditions.

A. Sewer mains may be extended by developers or other interested parties that would benefit by their extension, at their cost, providing—provided the improvements are designed to current city standards and policy and are approved by the director of public works and director of utilities.

B. The owner or developer who installs improvements which abut property other than that being developed, or in a greater size or capacity than that required for the development of the property under consideration, may be eligible for reimbursement as provided in Section 16.20.110. (Ord. 1598 § 1 (part), 2014)

13.08.390 Drainage below curb and below main sewer level.

A. *Drainage Piping Serving Fixtures.* Drainage piping serving fixtures, the flood level rims of which are located below the elevation of the curb or property line, at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved type a backwater valve that is compliant with the CPC, and each such backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line. If the drainage piping is lower than the next upstream manhole, the property owner must install a backwater valve. It is the property owner's responsibility to determine whether a backwater valve is required.

B. *Director Empowered to Stop Overflow.* The City is not liable for damage caused by or resulting from a property owner's failure to install and maintain a CPC-compliant backwater valve. If the property owner fails to install and maintain a backwater trap or backwater valve in good working condition, to be free of obstruction and function as designed, when required under this section, the director may order and require the plumbing fixture to be disconnected and removed and the outlet plugged or capped. In the event that the property owner fails to disconnect and plug or cap the sewer connection within ten days after written notice by the director, then the director shall arrange for such disconnection and capping, the cost of which may be collected by court action or may be declared to be a lien by action of the council after public hearing and notice of the property owner and shall be added to and collected as part of the tax roll.

C. *Alternate Right to Terminate Water Service.* Failure to comply with this section shall be considered an unauthorized action by the property owner. As an alternate to the procedure set forth in subsection B of this section, if the property owner fails to install and maintain a backwater trap-valve in good working condition when requested under this chapter, the director may order and require termination of water service to the parcel and all structures connected to the sewer outlet subject to overflow. The water service shall

not be reinstated until the maintenance or installation of the backwater trap or backwater valve has been approved by the director.

D. *Maintenance of House Sewer Connections.* Maintenance of house sewer connections shall comply with subSection [13.08.395\(B\)](#). (Ord. 1704 § 15, 2021; Ord. 1665 § 2, 2019; Ord. 1598 § 1 (part), 2014)

13.08.395 Private sewer laterals/systems.

A. *Purpose.* Inflow and infiltration (I/I) is a serious problem for the city in that during wet weather events, a significant amount of water is introduced into the city's wastewater collection system from breaches in the public and private sewer pipeline system. Studies have shown that private sewer laterals are a significant source of I/I for the city. The city has determined that it is in the interest of the public's health, safety, and welfare to address I/I contributed by private sewer laterals and, as such, it is a city priority to require the inspection of private sewer laterals.

B. *Ownership, Maintenance, and Repair.*

1. The entire lateral, from the building connection up to and including the "wye" connection or other tie-in to the city-owned sewer main, shall fall within the owner's responsibility for installation, maintenance, repair, and replacement.
2. Each property owner shall be responsible for maintenance and repair of their private sewer lateral in compliance with this section in a safe and sanitary condition, including:
 - a. Private sewer laterals shall be free of displaced joints, breaks, offsets, structural defects, damage, open joints, missing portions of pipe, root intrusion, cracks, leaks, sediment deposits, bellies in the pipe or any other similar conditions, defects or obstructions likely to cause or contribute to blockage of the private sewer lateral or the public sewer.
 - b. Private sewer laterals shall be equipped with cleanouts.
 - c. Private sewer laterals shall not be constructed, either in whole or in part, of "Orangeburg pipe."

d. As described in Section [13.08.030\(A\)](#), it is unlawful for any individual to connect the following to a private sewer lateral: storm drains, roof drains, yard drains, surface or subsurface drainage, groundwater, or other non-sewage pipes or drains.

3. If a property owner fails to maintain the abovementioned wastewater facilities in a safe and sanitary condition, the director may order and require termination of water service to the parcel and all structures connected to the sewer outlet subject to these conditions. The water service shall not be reinstated until the maintenance or installation of appropriate wastewater disposal facilities has been approved by the director.

4. Before granting any permit authorizing construction of a private sewer lateral or private sewer main serving multiple properties, the city shall require a private easement setting forth responsibilities for each parcel served (including responsibility for maintenance, inspection, and improvement of the shared sewer lateral).

C. Inspection of Existing Private Sewer Laterals.

1. Except as set forth in subsection [\(C\)\(2\)](#) of this section, after January 1, 2020, all private sewer laterals connected to the city's sewer system shall be inspected per subsection [E](#) of this section at the property owner's sole expense, when any of the following events occur:

a. Whenever the city has issued a notice of violation following a sanitary sewer overflow event from a property's private sewer lateral.

b. Upon submittal of a building permit for the addition of a bedroom, bathroom, or kitchen in a residential structure or the addition of nonresidential space or an additional plumbing fixture unit in nonresidential structures.

c. A change of the use of the structure from: (i) residential to nonresidential use; (ii) to a nonresidential use that will result in a higher flow than the previous nonresidential use; or (iii) to a nonresidential use where the structure served has been vacant or unoccupied for more than three years.

d. Increase in size of the domestic water meter serving the property or adding a new domestic water meter.

e. Whenever property located in the city and containing one or more structures which are served by a private sewer lateral or laterals is subdivided. The inspection shall occur prior to recordation of the final map.

f. Within thirty days of notification by the city that “smoke testing” or closed-circuit television (CCTV) sewer main inspection indicates the presence of inflow or infiltration from private property that impacts the operation of the public wastewater collection system.

g. Upon any change in ownership of real property within the city, which shall be implemented as follows:

i. “Change in ownership” shall have the meaning set forth in Revenue and Taxation Code Sections [60](#) and [61](#). A change in ownership shall not include those transactions as set forth in Revenue and Taxation Code Section [62](#).

ii. Before close of escrow for any change in ownership of real property within the city, the seller(s) of such property shall disclose to the buyer(s) the results of the private sewer lateral inspection as set forth in subsection [E](#) of this section.

h. For events identified in subsections [\(C\)\(1\)\(a\)](#) through [\(C\)\(1\)\(f\)](#) of this section, repair or replacement shall be made pursuant to subsection [G](#) of this section.

2. *Exceptions.* An inspection required pursuant to subsection [\(C\)\(1\)](#) of this section shall not be required in the following circumstances:

a. *New Construction or Prior Replacement of Lateral.* If the owner(s) (or the owner’s predecessor-in-interest) has originally installed or has replaced the private sewer lateral within the twenty years prior to the date the inspection would otherwise be required.

b. *Prior Inspection of a Lateral.* If the owner(s) (or the owner’s predecessor-in-interest) has completed an inspection of the sewer lateral in accordance with the inspection requirements of subsection [E](#) of this section within the past five years.

c. The private sewer lateral is located within a common interest development system that is not owned and operated by the city, which is regulated under

subsection D of this section and serves more than two separate units or properties within the common interest development.

The owner shall bear the burden of proving that the inspection requirements of subsection (C)(1) of this section do not apply. The owner shall provide proof of any prior replacement, inspection or repair of a private sewer lateral in the form of a validly issued permit or other documentation that ensures such prior replacement, repair or inspection of a private sewer lateral occurred pursuant to the exceptions above. The form and content of the document or proof must be deemed sufficient by the city's utilities director.

D. Private Sewer Laterals within Common Interest Developments.

1. For purposes of this section, the term "common interest development" shall include any community apartment project, condominium project, planned development, or stock cooperative.

2. Private sewer laterals located within a common interest development shall be inspected pursuant to the requirements of subsection E of this section as follows:

~~a. By January 1, 2030, and once every twenty years thereafter.~~

ba. Whenever the city has issued a notice of violation following a sanitary sewer overflow event from a common interest development's private sewer lateral.

eb. Increase in size of the water meter serving the common interest development.

3. *Exceptions.* An inspection required pursuant to subsection (D)(1) of this section shall not be required in the following circumstances:

a. *Prior Replacement of Lateral.* If the private sewer lateral serving the common interest development in its entirety was installed or replaced within the twenty years prior to the date the inspection would otherwise be required.

b. *Prior Inspection or Repair of a Lateral.* If the private sewer lateral serving the common interest development in its entirety was inspected in accordance with the inspection requirements of subsection E of this section within the five years prior to the date the inspection would otherwise be required.

E. *Inspection of Shared Private Sewer Laterals.* Each property owner served by a shared private sewer lateral shall be responsible for compliance with subsection B of this section and shall be subject to the inspection requirements identified in subsection C of this section. For purposes of this subsection E, a “shared private sewer lateral” shall mean laterals serving more than one property that are not part of a common interest development.

F. *Inspection Requirements.*

1. Property owners must submit documentation of the sewer lateral inspection to the city prior to the close of escrow. Testing may be accomplished by either a water ex-filtration test, an air test, or closed-circuit video recording observation. Installation of cleanouts and removal of existing P-traps may be necessary to accomplish the video inspection. If a closed-circuit video recording observation is selected as the method of inspection, then the video shall meet the following requirements:

- a. Shall be in digital format.
- b. Shall be in color (black and white or otherwise unclear video will not be accepted).
- c. Shall show the address of the lateral.
- d. Shall show the date the video was taken.
- e. Shall inspect the entire lateral from the house connection to the city-owned sewer main.
- f. Shall have a running foot or time marker clearly visible on the screen.
- g. Where joints are present, shall briefly stop the camera at each to clearly indicate their integrity.
- h. Shall have the telephone number for the point of contact for the company providing the inspection.
- i. A map shall be provided with the video inspection to clearly show the lateral location including the cleanout or access point at the house connection used to insert the camera into the lateral and the wye connection to the city-owned sewer main.

2. The lateral inspection and lateral inspection report shall be prepared and signed by a contractor, plumber, or a person experienced in lateral inspections who shall declare that the report is true and correct. At a minimum, the inspection report shall include the information in Exhibit A:

EXHIBIT A: PRIVATE SEWER LATERAL INSPECTION REPORT	
Property Address (or Addresses): _____ _____	
Inspection Date: _____	Inspection Method: _____ _____
Company Name/Point of Contact: _____ _____	
Phone Number/Email Address: _____ _____	
Lateral Length (in feet): _____	Lateral Material: _____ _____
Installation date (if known): _____	Lateral Age: _____ _____
Describe deficiencies (if any): _____ _____	

EXHIBIT A: PRIVATE SEWER LATERAL INSPECTION REPORT	
Plumber/Contractor Signature: _____	
License # of Plumber/Contractor: _____	
Property Owner Signature: <u> (Digital ID or wet) </u> _____	
Property Owner interest in participating in city Wastewater Flow Offset Program: *	YES NO
<i>* If Property Owner indicates "Yes", city would include address on <u>an</u> eligibility list for Wastewater Flow Offset Mitigation requirement.</i>	

3. A contractor, plumber, or a person experienced in lateral inspections who prepares a false lateral inspection report shall be subject to punishment under Article [XII](#) of this chapter in addition to any other legal remedies or punishment provided by law.

4. *Verification.* The city reserves the right to verify the sewer lateral inspection results prior to being accepted.

G. *Sewer Lateral Repair or Replacement Requirements.* Upon receipt of the private sewer lateral inspection report pursuant to this chapter, ~~within seven business days~~, the city shall review the private sewer lateral inspection and lateral inspection report to verify the plumber/contractor findings and provide the owner with a determination on whether the lateral meets the criteria described in subsection [B](#) of this section. If the private sewer lateral is not in compliance with subsection [B](#) of this section, then it shall be repaired or replaced to conform to such standards within 180 days. If an inspection of a noncompliant lateral was conditioned due to a sanitary sewer overflow or from findings of infiltration and intrusion, or a lateral with defects having not met the required pipe material requirements, it must be completely replaced rather than repaired. No person shall repair or replace a sewer lateral without first obtaining a permit from the city.

~~H. *Punishment for Violation of this Chapter.* Failure to comply with the requirements of this article shall be punishable pursuant to the remedies identified in Article XII of this chapter. No building permits or other discretionary approvals shall be issued for a property with a private sewer lateral that is determined to be not in compliance with subsection B of this section until the private sewer lateral is brought into compliance with city standards. Violations of this article shall be punishable pursuant to the remedies identified in Article XII of this chapter. It is considered a violation for any property owner to have a sewer lateral system that does not comply with subsection B, unless the repair or replacement of such system is being pursued in good faith. The city may withhold building permits or other discretionary approvals for a property with a private sewer lateral that is determined to be not in compliance with subsection B of this section until the private sewer lateral is brought into compliance with city standards. Final building approval will be conditioned upon repair or replacement of any noncompliant lateral systems to the satisfaction of the director.~~

I. *Rebate Programs.* The city may establish by resolution one or more programs to assist owners with the replacement of private sewer laterals.

J. *Fees.* The city council may from time to time establish, by resolution, fees for issuing permits, reviewing inspection reports and other activities of the city performed pursuant to this chapter. (Ord. 1704 §§ 16—18, 2021; Ord. 1665 § 3 (part), 2019)

13.08.396 Wastewater flow offset.

A. *Purpose.* The city experiences surcharging in the wastewater collection system and sanitary sewer overflows during wet weather events due to inflow and infiltration. The purpose of these regulations is to establish a methodology whereby new or intensified development in capacity constrained areas as established by the city council could offset new wastewater flow to mitigate capacity constraints in the existing wastewater collection system to accommodate the project's additional demand. Without a reduction in inflow and infiltration in these areas, the city will not be able to serve new or intensified development until a significant number of private sewer laterals are replaced or public sewer mains are upsized. Wastewater flow offset through private lateral replacement provides a benefit to the wastewater collection system and the community by reducing public and environmental health concerns by reducing potential SSOs.

B. *Application.* The provisions of this article shall apply to new or intensified development in capacity constrained areas of the wastewater collection system as established by the city council.

C. *Calculating the Wastewater Flow Offset.* An applicant shall calculate a development’s wastewater flow offset (Exhibit B) using the domestic sewage generation factors and peaking factor identified in the uniform design criteria, found in the city’s adopted engineering standards.

D. *Wastewater Flow Offset through Private Lateral Replacement.* The city determined that replacement of a private sewer lateral serving an existing single-family residence (one equivalent dwelling unit) would create a wastewater flow offset of three hundred ninety gallons per day. This is equal to the wastewater generation rate of one single-family residence (one hundred fifty gpd/gallons per day), at a peaking factor of 2.6.

EXHIBIT B: Wastewater Flow Offset Calculation Worksheet	
Residential Development:	
Studio Units:	_____
Multi-Family Units:	_____
Single-Family Units:	_____
Residential Wastewater Flow:	
Studio Units:	_____
Multi-Family Units:	_____
Single-Family Units:	_____

EXHIBIT B: Wastewater Flow Offset Calculation Worksheet	
RESIDENTIAL FLOW TOTAL (gallons per day): _____	
Non-Residential Development:	
Commercial Square Footage:	_____
Industrial Square Footage:	_____
Manufacturing Square Footage:	_____
Business Park Square Footage:	_____
Hotel/Motel Rooms:	_____
Non-Residential Wastewater Flow:	
Commercial:	_____
Industrial:	_____
Manufacturing:	_____
Business Park:	_____
Hotel/Motel:	_____

EXHIBIT B: Wastewater Flow Offset Calculation Worksheet	
NON-RESIDENTIAL FLOW TOTAL	
(gallons per day):	
(Proposed Residential Flow + Proposed Non-Residential Flow) x Peaking Factor =	
Total Wastewater Flow Offset	
TOTAL WASTEWATER FLOW OFFSET	
(gallons per day):	
* Replacement of a private sewer lateral serving an existing single-family residence (one equivalent dwelling unit) would offset 390 gallons per day of additional wastewater flow).	

E. Wastewater flow offset must occur off-site, within the same capacity constrained wastewater flow basin as the proposed new or intensified development. Developers required to complete an offset must complete a Wastewater Flow Offset Program Application to obtain a building permit for the offset. Underlying building permits for the project triggering the offset may be withheld until completion of the wastewater offset.

F. Construction of off-site public sewer main improvements, including replacement or rehabilitation of sewer manholes, providing the equivalent or greater reduction in inflow and infiltration within the same capacity constrained wastewater flow basin may be allowed as an alternative to wastewater flow offsets (replacement of private sewer laterals) at the discretion of the utilities director. (Ord. 1704 § 19, 2021; Ord. 1665 § 3 (part), 2019)

G. Single family residences applying for an ADU building permit may be allowed to submit for an offset in a different capacity constrained basin, provided there is an equivalent or greater reduction in inflow and infiltration, at the discretion of the utilities director.

H. Sewer capacity offsets within the same parcel boundary (on-site) may be considered as an offset credit for a residential intensification project, at the discretion of the utilities director.

13.08.400 Determination—User classification.

A. A schedule of charges and fees shall be adopted by the city by resolution and may be amended from time to time which will enable the city to comply with the revenue requirements of the State Clean Water Grant Program. Charges and fees shall be determined in a manner consistent with regulations of the grant program.

B. All users shall be classified ~~by assigning each one to a user classification (significant industrial user, Class I user or Class II user) category~~ as either a significant industrial user, Class I user, or a Class II user, according to the principal activity conducted on the user's premises and appropriate nonindustrial classifications as determined by the city. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of user charges and industrial user wastewater discharge permit fees which will ensure an equitable recovery of the city's cost for operation of the pretreatment program.

C. The charges for each wastewater constituent and characteristic shall be established by the city and set forth in the city's schedule of charges and fees, which may include, but shall not be limited to:

1. User classification charges.
2. Fees for monitoring and inspections.
3. Charges and fees based on wastewater constituents and characteristics to include industrial cost recovery provisions of the Federal Act (i.e., PL 92-500).
4. In case a residence or place of business becomes vacant, the minimum sewer charge shall be collected until the city is requested to shut off the water.
5. All charges for such sewage service shall be paid at the same time as water charges are paid to the city and shall be billed upon the same water bill sent to the user; and both amounts must be paid or the city may, in addition to other remedies, shut off the water service.
6. Any person failing to pay the sewer service charge when due, and if the water service has been disconnected, shall pay the water restoration-reconnection charge provided for in Section [13.04.060](#).

D. When user classification charges are established, they shall be based upon a minimum basic charge for each premises, computed on the basis of wastewater from a domestic premises. (Ord. 1598 § 1 (part), 2014)

13.08.460 Unlawful discharges.

A. Notification of Discharge.

1. Users shall notify the director immediately upon discharging wastes in violation of this chapter to enable countermeasures to be taken by the city to minimize damage to the community sewer, treatment facility, treatment process, treatment personnel and the receiving waters.

2. This notification shall be followed within fifteen days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

3. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or other public or private property, or for any fines imposed on the city by any public entity on account thereof.

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

C. *Preventive Measures.* Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this chapter. (Ord. 1598 § 1 (part), 2014)

13.08.480 Appeals.

A. Within five days of issuance of a notice to correct/notice of violation of this chapter, a person receiving such notice(s) and citation may request in writing that the director review a contested notice to correct and/or notice of violation. Director review will proceed under the terms of Section 1.24.090. There is no separate right to appeal from the director's review or determination on a notice of correction or violation, but any assertions of error or challenges to the director's review or determination may be raised as part of any appeal from an administrative citation pursuant to Section 1.24.100.

BA. Any user, permit applicant, or permit holder affected by any decision, action or determination, ~~including cease and desist orders,~~ made by the director in issuing an administrative citation, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the city clerk a written appeal within ten days of such decision, action or determination, setting forth in detail the facts supporting the appeal, in accordance with Section 1.24.100. The appeal shall include a statement whether the appellant elects either to proceed with a hearing officer (if no writ will be sought) or to the administrative review board (if the appellant intends to challenge city action by writ), pursuant to Section 1.24.100(B)(2). The request for appeal shall be deemed filed on the date received by the city clerk. If no appeal is filed within ten days of the effective date of the administrative citation, the administrative citation shall be deemed final.

BC. The written appeal shall be heard by the council within thirty days from the date of filing. The council shall make a final ruling on the appeal within ten days of the close of the meeting. Pending final determination on the appeal by the council, the decision appealed from shall remain in full force and effect. (Ord. 1598 § 1 (part), 2014) The appeal will be heard either by a hearing officer or the administrative review board, by appellant's election, by the procedure set forth in Sections 1.24.110-1.24.130.

D. The notice of the decision by either the hearing officer or administrative review board or construction board of appeals is final and is not subject to appeal to the City Council. The appellant may seek judicial review pursuant to Section 1.24.140.

13.08.510 Assessment of cost.

Any person who discharges or causes to be discharged any water or wastewater in violation of this chapter and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, city property, city storm drain system or waters of the state shall be liable to the city for expenses necessary to correct that damage, detriment or adverse effect. The expenses may include, but are not limited to, costs for labor, material, inspection and overhead. Any expenses resulting from the investigation of unlawful discharges shall be collected from the responsible party. In addition, any monetary penalties imposed against the city shall also be costs for which the violator is liable to the city. (Ord. 1598 § 1 (part), 2014)

13.08.550 Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in sub§section [13.08.040\(A\)](#) or the specific prohibitions in sub§Sections [13.08.040\(B\)](#) through (J) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 1598 § 1 (part), 2014)

SECTION 9. Chapter 13.24 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

Chapter 13.24 - RECYCLED WATER SERVICE**13.24.020 Use and distribution of recycled water.**

- A. The use and distribution of recycled water shall be in accordance with the city's Procedures for Recycled Water Use and all applicable federal, state and local laws, permits and regulations, including Titles 17 and 22 of the California Code of Regulations, as may be amended from time to time. (Ord. 1526 § 1, 2009)
- B. Recycled water use for construction purposes shall follow the current Construction Water Permit Program, as may be amended from time to time. Failure to comply with program requirements will result in administrative action.
- C. Each recycled water site shall have one designated Site Supervisor unless approved by the utilities Director. Site supervisors are required to undergo certification per the City's Recycled Water Procedures for Use.
- D. A parcel owner utilizing recycled water must maintain adequate site signage and utilize appropriate materials designating recycled water use (purple pipe). Appropriate signage and material use may be determined by the Utilities Director or Recycled Water Specialist.
- E. A parcel not receiving recycled water shall not utilize piping, drip tubing, or other materials commonly associated with recycled water (purple pipe). Sites utilizing potable water and materials designed for use with recycled water may be required to replace the material at the property owner's expense.
- F. Noncompliance with Recycled Water Use and Procedures or any requirements may result in administrative action and temporary suspension of water service.
- G. Before receiving recycled water, a parcel owner must enter into and adhere to a Recycled water user agreement with the Utilities Department.

SECTION 10. Section 15.02.050 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

15.02.050 Plumbing standards.

The city of San Luis Obispo hereby adopts the 2022 California Plumbing Code as Part 5 of the San Luis Obispo Building Construction and Fire Prevention Code, 2023. Except as

otherwise provided herein, or as later amended in Section [15.04.050](#), or affected by San Luis Obispo's Public Services Code Section 13.08, Part 5 of the San Luis Obispo Building Construction and Fire Prevention Code, 2023, shall be as published in the California Plumbing Code, 2022 Edition, and as copyrighted in 2021 by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission, California Code of Regulations, Title [24](#), Part 5, including all of its tables, indices, addenda, footnotes, and the following appendices:

- A. Appendix A—Recommended Rules for Sizing the Water Supply System.
- B. Appendix B—Explanatory Notes on Combination Waste and Vent Systems.
- C. Appendix C—Alternate Plumbing Systems.
- D. Appendix D—Sizing Storm Water Drainage Systems.
- E. Appendix E—Manufactured/Mobile Home Parks and Recreational Vehicle Parks.
- F. Appendix G—Sizing of Venting Systems.
- G. Appendix H—Private Sewage Disposal Systems.
- H. Appendix I—Installation Standards.
- I. Appendix J—Combination of Indoor and Outdoor Combustion and Ventilation Opening Design.
- J. Appendix K—Potable Rainwater Catchment Systems.
- K. Appendix M—Peak Water Demand Calculator.
- L. Appendix N—Impact of Water Temperature on The Potential for Scalding and Legionella Growth.

Said California Plumbing Code is hereby referred to and by such reference is incorporated herein as if fully set forth. (Ord. 1723 § 5, 2022)

SECTION 11. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the ____ day of ____, 2024, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of ____, 2024, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk