

**CUPERTINO SANITARY DISTRICT  
SANTA CLARA COUNTY  
CALIFORNIA**

**DISTRICT OFFICE  
ARBOR PROFESSIONAL CENTER  
~~20065~~ **20833** STEVENS CREEK BOULEVARD, ~~BUILDING C~~ **SUITE 104**  
CUPERTINO, CALIFORNIA 95014**

**OPERATIONS CODE**

SANITARY BOARD

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Operations Code adopted April 17, 1996, by Ordinance No. 84.

**CUPERTINO SANITARY DISTRICT  
OPERATIONS CODE**

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## CHAPTER I

### GENERAL PROVISIONS

- 1000. TITLE:**  
This Code shall be cited and referred to as the CUPERTINO SANITARY DISTRICT OPERATIONS CODE.
- 1001. CONTINUATION OF EXISTING LAW:**  
The provisions of this Code insofar as they are substantially the same as existing regulations relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.
- 1002. PENDING PROCEEDINGS:**  
Any action or proceeding commenced before this Code takes effect and any right accrued is not affected by this Code, but all procedure thereafter taken therein shall conform to the provisions of this Code.
- 1003. ACTS BY DEPUTY:**  
Whenever a power is granted to or a duty is imposed upon a public officer, the power may be exercised, or the duty may be performed by a deputy of such officer or by a person otherwise duly authorized pursuant to law or ordinance unless this Code expressly provides otherwise.
- 1004. TENSE:**  
The present tense includes the past and future tenses; and the future, the present.
- 1005. GENDER:**  
The masculine gender includes the feminine and neuter.
- 1006. GIVING NOTICE:**  
Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made in said Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail, in a sealed envelope postage prepaid, addressed to such person to be notified, at his last known business or residence address as the name appears in the public records of the District or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

**1007. CONSTITUTIONALITY:**

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**1008. REFERENCE APPLIES TO AMENDMENTS:**

Whenever a reference is made to any portion of this Code, to any ordinances of this District or to any state Code or statute, said reference shall be to such Code, ordinance or statute as now or hereafter amended, unless herein otherwise provided.

**CHAPTER II**  
**DEFINITIONS**

- 2000. DEFINITIONS:**  
For the purpose of this Code, certain words, phrases, or terms are defined and shall be construed as defined in this Chapter unless from the context of the Code a different meaning is specifically defined.
- 2001. ACREAGE:**  
"Acreage" means the gross acres of a parcel of land after the acreage of existing improved streets has been deducted.
- 2002. AMMONIA:**  
"Ammonia" means that form of nitrogen which is chemically definable as NH<sub>3</sub>.
- 2003. ASSESSOR:**  
"Assessor" means the assessor of Santa Clara County, California.
- 2004. AUDIT PROTOCOLS:**  
"Audit Protocols" means the procedures to be followed in performing a Mass Audit Study.
- 2005. AVERAGE CONCENTRATION:**  
"Average Concentration" means the concentration of a pollutant in an Industrial User's discharge that is calculated by adding the concentrations of the particular pollutant in all Composite Samples taken during a given time period, including but not limited to self monitoring samples, and dividing the total by the number of samples taken.
- 2006. BEST MANAGEMENT PRACTICES:**  
"Best Management Practices" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of pollutants to the Sanitary Sewer System which have been determined by the District Manager to be Cost Effective for particular industry groups, business types, or specific industrial processes.
- 2007. BIOCHEMICAL OXYGEN DEMAND (BOD):**  
"Biochemical Oxygen Demand" means the quantity of oxygen, expressed in parts per million (ppm) by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20°C.

- 2008. BIDDERS LIST:**  
"Bidders List" means a list of qualified vendors or contractors maintained by and on file in the office of the District Manager.
- 2009. BOARD, DISTRICT BOARD OR SANITARY BOARD:**  
"Board", "District Board", or "Sanitary Board" means the governing body of the Cupertino Sanitary District.
- 2010. BOARD MEMBER:**  
"Board Member" means any member of the governing body of the Cupertino Sanitary District.
- 2011. CLERK:**  
"Clerk" means the Clerk of said District.
- 2012. CODE OF FEDERAL REGULATIONS:**  
"Code of Federal Regulations" or "CFR" refers to the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration. Whenever a reference is made to any portion of said Code, or to any other federal regulation such reference shall apply to all amendments and additions to such portion of said Code now or hereinafter enacted.
- 2013. COMPOSITE SAMPLE:**  
"Composite Sample" means a flow-proportional or time proportional sample, which accurately represents the average pollutant concentration discharged during a continuous time period. A Composite Sample may be obtained manually or automatically, and discretely or continuously. For manual compositing, at least six (6) individual samples from each sample point shall be combined and mixed to obtain one Composite Sample; flow-proportion may be obtained either by varying the time interval between each discrete sample or the volume of each discrete sample.
- 2014. CONNECTOR:**  
"Connector" means any owner or renter of any premise connected to the sewer system.
- 2015. CONTRACTOR:**  
"Contractor" means any person who performs the work of installing and connecting main, sub-main, lateral sewers or house sewers to the District sewerage system.
- 2016. COST EFFECTIVE:**  
"Cost Effective" means that total project costs, if financed over a five (5) year period at the prime interest rate published in the Wall Street Journal plus two percent (2%) at the time the project costs are being determined, do not exceed the total savings that would be generated by the project during the same five (5) year period. Project costs shall also be considered Cost Effective, if financing assistance is available to the Discharger, from the District or any other source, at a lower rate and the project costs, if financed over a five (5) year period at that rate do not exceed the total savings that would be generated by the project during the same five (5) year period.

- 2017. COUNTY:**  
"County" means the County of Santa Clara, California.
- 2018. CRITICAL USER:**  
"Critical User" means a discharger whose wastewater contains priority pollutants or who discharges waste, which has the potential to cause interference, excluding domestic waste.
- 2019. DILUTING WATERS:**  
"Diluting Waters" means noncontact cooling water, boiler blowdown, domestic sewage, groundwater, stormwater, surface drainage, or potable waters which are not part of an industrial process and which do not contain Priority Pollutants but which are combined with industrial wastewater prior to the monitoring point for Industrial Wastewater discharge.
- 2020. DISTRICT:**  
"District" means the Cupertino Sanitary District, Santa Clara County, California.
- 2021. DISTRICT COUNSEL:**  
"District Counsel" means the Counsel of said District.
- 2022. DISTRICT ENGINEER:**  
"District Engineer" means the Engineer of said District.
- 2023. DISTRICT MANAGER:**  
"District Manager" means the Manager of said District.
- 2024. FRONTAGE:**  
"Frontage" means the distance in feet that a parcel of land runs along an existing street.
- 2025. GARBAGE:**  
"Garbage" means solid wastes from the preparation, cooking and dispensing of foods, and from the handling, storage, and sale of produce.
- 2026. GRAB SAMPLE:**  
"Grab Sample" means a single discrete sample collected at a particular time and place which represents the composition of the wastestream only at that time and place.

- 2027. GREASE:**  
"Grease" means grease, oil, fat or other ether-soluble matter, and shall include each of the following two types:
- (a) Dispersed grease, which means grease which is not floatable grease; and
  - (b) Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats upon dilution of the liquid with water.
- 2028. GROUP 1 DISCHARGER:**
- A. "Group 1 Discharger" means an Industrial User which typically uses copper or nickel as part of its operational process and which discharges Industrial Wastes into the Sanitary Sewer System containing nickel in excess of .005 mg/l or copper in excess of .05 mg/l, and whose discharge contains in excess of .04 pounds per day (ppd) nickel or .09 ppd copper.
  - B. For the purpose of subsection A above, the pounds of nickel and copper contained in an Industrial User's discharge shall be determined by multiplying the Industrial User's average Process Flow times the Average Concentration of nickel or copper measured in the Industrial User's discharge as shown by composite Sampling, including but not limited to self monitoring sampling.
  - C. For the purpose of subsections A and B above, average Process Flow and Average Concentration for any Industrial Discharger discharging into the Sanitary Sewer System prior to April 1, 1993, shall be calculated on the basis of sampling for the twelve (12) month period April 1, 1992 through March 31, 1993, and for any other Industrial Discharger for the twelve (12) month time period preceding the date of application for issue of a discharge permit, or, in the case of an application for a new permit, on the basis of the projected Process Flow shown in the Industrial User's Wastewater Discharge Permit application and the projected Average Concentrations shown in the Industrial User's Wastewater Discharge Permit application.
- 2029. GROUP 2 DISCHARGER:**  
"Group 2 Discharger" means all Industrial Users, other than Group 1 and Group 3 Dischargers.
- 2030. GROUP 3 DISCHARGER:**  
"Group 3 Discharger" means an Industrial User, other than a Group 1 Discharger, which does not typically use copper or nickel as part of its operational process, and whose average Process Flow is less than one thousand (1,000) gallons per day.
- 2031. HEALTH DEPARTMENT:**  
"Health Department" means State, County or City Health Department.
- 2032. INDUSTRIAL USER:**

"Industrial User" means any non-residential user that discharges industrial wastes to the Sanitary Sewer System.

**2033. INDUSTRIAL WASTES:**

"Industrial Wastes" means the wastes from producing, manufacturing and processing operations of every kind and nature.

**2034. INDUSTRIAL WASTES OF EXCESSIVE STRENGTH:**

"Industrial Wastes of Excessive Strength" means industrial wastes discharged from any premises into the sanitary sewer system in any one operating day:

- (a) Which have an average daily suspended solids content in excess of 300 parts per million; or
- (b) Which have an average daily biochemical oxygen demand in excess of 300 parts per million; or
- (c) Which contain in excess of 2,500 pounds of suspended solids; or
- (d) Which contain in excess of 2,500 pounds of biochemical oxygen demand.

**2035. INSTALLER:**

"Installer" means any person who installs main or branch sewers within the District for connection to the District sewer system.

**2036. INTERFERENCE:**

- A. "Interference" means a discharge which alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the processes or operation of the Sanitary Sewer System, including the Plant, or causes or significantly contributes to a violation of any requirement of the National Pollutant Discharge Elimination System (NPDES) Permit, which is a permit issued pursuant to Section 402 of the Clean Water Act.
- B. "Interference" also includes prevention of bio-solids use or disposal by the Plant in accordance with published regulations providing guidelines under Section 405 of the Clean Water Act or in regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state regulations (including those contained in any state bio-solids management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Plant.

**2037. LOCAL AGENCY:**

"Local Agency" means City, County or other public entity that has jurisdiction over a street or private property.

**2038. MASS AUDIT STUDY:**

"Mass Audit Study" means an investigation of pollution prevention and source reduction measures performed by or for an Industrial user, pursuant to Audit Protocols acceptable to the District, to analyze the volume and concentration of nickel, copper, and/or any other Priority Pollutant identified in regulations adopted by the

District in an Industrial User's process streams and discharge, and to identify the Maximum Feasible Reduction Measures available to the Industrial User.

**2039. MAXIMUM ALLOWABLE CONCENTRATION:**

"Mass Allowable Concentration" means the highest permissible concentration or other measure of pollutant magnitude taken at a specific point in time.

**2040. MAXIMUM FEASIBLE REDUCTION MEASURES:**

A. "Maximum Feasible Reduction Measures" means all individual measures, and all functionally interdependent measures, of reducing the mass of specified pollutant(s) in an Industrial User's discharge, which the District Manager finds would be Cost Effective if installed by the Industrial User.

B. For the purpose of this Section 2040, individual measures which are not Cost Effective shall nonetheless be considered part of a functionally interdependent group of Cost Effective measures if they substantially reduce the mass of pollutant(s) discharged, and the other measures with which they are grouped are their functional prerequisite.

**2041. OPERATING DAY:**

"Operating Day" means the period or periods of time during each 24-hour day during which industrial wastes are being discharged from premise into the sanitary sewer.

**2042. pH:**

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**2043. PERSON:**

"Person" means any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, unless this Code expressly provides otherwise.

**2044. PLANT:**

"Plant" means the San Jose/Santa Clara Water Pollution Control Plant.

- 2045. PRIORITY POLLUTANTS:**  
"Priority Pollutants" means all pollutants as defined by the "General Pretreatment Regulations" of the Environmental Protection Agency, found at 40 CFR 401 and 403, as now or hereafter amended.
- 2046. PREMISE:**  
"Premise" means any lot, parcel of land, building or establishment, including a condominium as defined in Section 783 of the Civil Code of the State of California as an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store and which may also include in addition a separate interest in other portions of such real property.
- 2047. PRESIDENT:**  
"President" means the President of the District.
- 2048. PROCESS FLOW:**  
"Process Flow" means the daily, twenty four (24) hour, flow of wastewater from any kind or nature of production, manufacturing or processing operation, including industrial and commercial operations where water is used for the removal of any type of waste other than Sanitary Sewage. Process Flow does not include Diluting Waters.
- 2049. PURCHASING OFFICER:**  
"Purchasing Officer" means the person responsible for purchasing supplies and equipment for the District.
- 2050. REASONABLE CONTROL MEASURES:**  
"Reasonable Control Measures" means control technologies, Best Management Practices, source control practices and waste minimization procedures which prevent or reduce the introduction of pollutants to the Sanitary Sewer System and are determined by the District Manager to be Cost Effective for particular industry groups, business types, or specific industrial processes.
- 2051. SANITARY SEWAGE:**  
"Sanitary Sewage" means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding ground, surface and storm waters, and also excluding industrial wastes as defined in Section 2033 hereof.
- 2052. SANITARY SEWER SYSTEM:**  
"Sanitary Sewer System" means all Sewers, treatment plants, and other facilities owned or operated by the District for carrying, collecting, pumping, treating, and disposing of Sanitary Sewage and Industrial Wastes.

- 2053. SECRETARY:**  
"Secretary" means the Secretary of the District.
- 2054. SEWAGE TREATMENT PLANT:**  
"Sewage Treatment Plant" means the San Jose/Santa Clara Water Pollution Control Plant.
- 2055. SEWERS:**  
"Sewers" are defined as follows:
- (a) "House Sewer" means that portion of the side sewer within private property.
  - (b) "Lateral Sewer" means that portion of the side sewer within a public street, District easement or public service easement.
  - (c) "Main Sewer" means a sewer into which the sewage from two or more sub-main sewers is discharged. Main sewers also receive sewage from side sewers.
  - (d) "Outfall Sewer" means a sewer extending from the lower end of the collecting system to a point of final disposal.
  - (e) "Sewer" means a conduit for carrying off sewage.
  - (f) "Side Sewer" means the sewer between sub-main or main sewer and the foundation of the building.
  - (g) "Sub-main Sewer" means a sewer into which the sewage from side sewers is discharged.
- 2056. SHALL AND MAY:**  
"Shall" is mandatory, and "May" is permissive.
- 2057. SIGNIFICANT CHANGE:**  
"Significant Change" is any change in an Industrial User's operation that results in either of the following:
- A. A flow which exceeds the expected 5-day average allocation as shown in the Sewage Treatment Plant Connection allocation for the property on which the Industrial User is located.

- B. For a Group 2 or 3 Discharger, an increase in average Process Flow for the Dischargers most recent compliance period of twenty-five percent (25%) over the Industrial User's average Process Flow for the Discharger's most immediate preceding compliance period.

**2058. STANDARD METHODS:**

- A. "Standard Methods" means the procedures set forth in the Code of Federal Regulations unless another method for the analysis of industrial wastewater has been approved in writing in advance of use of the procedure by the District Manager.
- B. All analyses shall be performed by a laboratory certified by the State for the specific pollutants and matrix to be analyzed, unless otherwise approved in writing, by the District, prior to performance of a sample analysis.

**2059. STORM WATERS:**

"Storm Waters" means rain water, surface water, ground water, roof runoff or sub-surface drainage.

**2060. STREET:**

"Street" means any public highway, road, street, drive, avenue, alley, way, court, easement or right-of-way.

**2061. SUSPENDED SOLIDS (SS):**

"Suspended Solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

**2062. TAX COLLECTOR:**

"Tax Collector" means the tax collector of Santa Clara County, California.

**2063. TOTAL TOXIC ORGANICS:**

"Total Toxic Organics" ("TTOs") are the sum of the concentrations for each of the regulated toxic organic compounds listed at 40 CFR 401.15 and which are found in the discharge at a concentration greater than ten (10) micrograms per liter.

**2064. TREASURER:**

"Treasurer" means the treasurer of Santa Clara County, California.

**2065. TRUCKED OR HAULED WASTE:**

Trucked or Hauled Waste" means any waste discharged into the sanitary sewer system after being transported by motorized vehicle from the location where the waste was generated or produced.

**2066. UNIT OR DWELLING UNIT:**

"Unit or Dwelling Unit" means and shall include each of the following:

(a) A unit or dwelling unit for single family residential use is separate living quarters having separate kitchen facilities or toilet facilities for one (1) or more persons, and being a single family dwelling, or quarters situated in a duplex, apartment, including community apartments, multiple dwelling, auto court, mobile home park, trailer court, court, motel, hotel, townhouse, condominium or any other residential building.

(b) A unit or dwelling unit for multiple residential uses which has separate living quarters not having separate kitchen facilities or toilet facilities, including boarding houses, rest homes, dormitories, and similar types of residential occupancy, shall be computed on the basis of one dwelling unit for each three and one-half (3-1/2) persons or fraction thereof capable of being accommodated therein.

(c) A unit for commercial or industrial uses is each individual occupancy.

**2067. WRITING:**

"Writing" means any form of recorded message capable of comprehension by ordinary visual means.

**CHAPTER III**  
**ORGANIZATION**

**3000. BOARD MEETINGS:**

(a) **Regular Meetings.** The regular meetings of the Board shall be held on the first and third Wednesdays of each and every calendar month at the hour of 8:00 o'clock P.M.

(b) **Meeting Place.** All meetings of the Board shall be held at the Office of the District unless they shall adjourn to or fix another place of meeting in a notice to be given thereof, or unless prevented by flood, fire or other disaster. Said District Office is hereby fixed and established at the Arbor Professional Center, Building C, 20065 Stevens Creek Boulevard, Cupertino, California, in said District.

**3001. APPOINTED POSITIONS:**

The following positions have been established and are to be filled by appointment by the District Board. Appointees shall hold office at the pleasure of said Board and shall receive compensation for his services in accordance with the schedule approved by said Board. The Board may appoint any one person to one or more of the appointive positions.

(a) **District-Counsel** - Whose duties shall be as prescribed by said Board and this Code.

(b) **District-Manager** - Whose duties shall be as prescribed by said Board and by this Code. Said duties shall include, without being limited to, the supervision of all administrative matters relative to operation, maintenance and repairs of the sewerage works of District. The District Manager shall furnish (at District's expense) a surety bond in the amount of \$50,000.

(c) **District Engineer** - Whose duties shall be as prescribed by said Board and by this Code. Said duties shall include, without being limited to, the preparation of all plans and specifications for District projects, and the checking of all plans and specifications prepared by an Installer's engineer. The District Engineer shall be a Civil Engineer, registered in accordance with the laws of the State of California.

(d) **Clerk of the Board** - Whose duties shall be as prescribed by said Board and this Code.

(e) **Purchasing Officer** - Whose duties shall be as prescribed by said Board and this Code.

**3002. DISTRICT ZONES:**

The area of the Cupertino Sanitary District, including its future service area as defined by the District contract with the City of San Jose and the City of Santa Clara relating to the sewage treatment plant, is hereby divided into Zones 1, 2, 3 and 4 as delineated on the District Zone Map dated March, 1986, on file in the office of the District and a copy of which is made a part hereof.

## CHAPTER IV

### GENERAL REGULATIONS

#### ARTICLE 1: GENERAL REQUIREMENTS & PROCEDURES

**4100. CONNECTION TO SEWER:**

All new buildings within the District shall connect to the District sewer system and all land development projects shall include provisions for future buildings to connect to the District's sewer system. An individual side sewer shall be provided for each building, except that when a building is located in the rear of another building on an interior lot, permission may be granted by the District to connect both buildings to the same side sewer, provided the buildings are under the same ownership and it would not be possible for the buildings to become vested under separate ownership.

Notwithstanding the provisions hereof, single family residential units with common walls, condominium, stock cooperative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the District Engineer, be permitted to maintain a common side sewer or sewers only in the case of multi-story structures.

**4101. CLEANOUTS:**

All side sewers shall be provided by the connector, with a cleanout raised to grade at the point where the building sewer joins the lateral sewer. All cleanouts shall meet the Standard Specifications of the District and shall be watertight and maintained by the connector.

**4102. PLUMBING TOO LOW:**

In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from said fixtures to the public sewers, the sewage from said fixtures shall be lifted by artificial means and discharged to the public sewer at the owner's expense. In all buildings where the floor elevation is below the rim elevation of the nearest upstream manhole, provisions for a backflow protective device shall be made in accordance with Section 4105. A backflow protective device shall also be installed in side sewers wherever and whenever the District may deem advisable.

**4103. MAINTENANCE OF SIDE SEWERS:**

It shall be the responsibility of the connector to maintain the side sewer, except that if a cleanout is provided pursuant to Section 4101 hereof, the District will maintain the lateral sewer portion of the side sewer. In the event of a stoppage in the lateral sewer

which is caused by the connector, said connector shall reimburse the District for expenses incurred in clearing the stoppage.

Where a side sewer provides service to more than one unit or dwelling unit in a development with common walls, condominium, stock cooperative, community apartment or other similar improvements, the obligation to maintain the side sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

**4104. WORK ABOUT EXISTING SEWERS:**

Any person who undertakes to pave, resurface, grade or do any work on any street that contains District sewers shall not cover up or conceal any manhole, or structure or their covers, and every care must be used to protect them. In the event said work results in damage to, or a change of grade in the area of the manhole or structure, the person performing the work shall be responsible, at his own expense, for repairing or modifying the manhole or structure to meet the new grade. Before any work is performed upon District manholes or structures, the District Manager shall be contacted and all work shall be done under the direction of the District Engineer, and in accordance with District standards.

**4105. SEWAGE BACKFLOW PROTECTIVE DEVICES:**

To assist in the protection of health and property, the District shall require a backflow valve or overflow device to be installed in the house sewer serving any building where the lowest floor elevation (containing plumbing fixtures) will be less than one (1) foot above the rim of the nearest upstream manhole or flushing inlet.

When an overflow device is installed, the elevation of discharge of said installation shall be at least one (1) foot below the lowest floor elevation containing a plumbing fixture.

## **ARTICLE 2: PURCHASING OF SUPPLIES AND EQUIPMENT**

### **4200. POLICIES AND PROCEDURES:**

The District shall adopt policies and procedures for the purchase of supplies and equipment in accordance with the requirements of Article 7, of Chapter 5, of Part 1, of Division 2, of Title 5 of the Government Code of the State of California, and all such purchases shall be in accordance with such adopted policies.

### **4201. AVAILABILITY OF POLICIES AND PROCEDURES:**

The policies and procedures to be adopted by District hereunder shall be by means of a written rule or regulation, copies of which shall be available for public distribution.

### **4202. PURCHASES BY DEPARTMENT OF GENERAL SERVICES:**

Notwithstanding the adoption of such policies and procedures by District, the District may request the State Department of General Services to make purchases of materials, equipment or supplies on its behalf in accordance with the provisions of Section 14814 of the Government Code of the State of California.

### **ARTICLE 3: ANNEXATION AND/OR REORGANIZATION REQUIREMENTS**

#### **4300. CONDITIONS:**

The owners of property to be annexed to the District shall, as a condition precedent thereto, pay to the District the following sums:

(a) **Processing Costs** - The actual cost, where applicable, of preparation of maps, legal descriptions, publication charges, and any and all other direct or indirect charges applicable to the annexation and/or reorganization.

(b) **Acreage Fee** - \$630.00 Per Acre.

PROVIDED that in the event that not more than one single family residential structure is to be constructed and connected to District's sanitary sewage system on any lot or property having an area in excess of one acre, such acreage fee shall not exceed the fee for one acre.

#### **4301. PAYMENT OF PROCESSING COSTS AND FEES:**

An amount equal to the estimated processing costs (4300a) shall be paid to the District at the time a request for annexation is filed with the District Manager. The acreage fee (4300b) shall be paid prior to the time the certificate of completion is recorded by the Local Agency Formation Commission.

#### **4302. ADJUSTMENT OF COSTS AND FEES:**

The District Board reserves the right to adjust the above costs and fees or provide for additional terms and conditions at or before any meeting or public hearing on any annexation and/or reorganization.

**CHAPTER V**

**CONSTRUCTION OF SEWERS**

**ARTICLE 1: GENERAL REGULATIONS**

**5100. CONTRACTOR'S REGISTRATION:**

It shall be unlawful for any person to install or construct any sewer for connection to, or make connection to, the District sewer system in a street within the District, who is not a master plumber or contractor, whichever is applicable, licensed under the State Contractor's License Law. All such contractors must register with the District Manager prior to commencing or carrying out any such work within the District.

**5101. CONTRACTOR'S INSURANCE:**

All such Contractors shall maintain such insurance as will protect them from claims under the Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from their operations in the District, whether such operations be by themselves or any subcontractor or anyone directly or indirectly employed by either of them. Certification of such insurance shall be filed with the Manager and shall be subject to his approval.

The certificate of such insurance provided for shall show extension of coverage to the Cupertino Sanitary District, its officers, agents, and employees and to all other local agencies and others as determined by the Manager.

The Contractor shall take out and maintain during the life of the contract Worker's Compensation Insurance for all persons whom he may employ directly or through subcontractors in carrying out the work.

The Contractor shall procure and maintain Insurance for Public Liability, including accidental death, and Property Damage in amounts not less than \$1,000,000 and shall require all Subcontractors, whether primary or secondary, if any, to procure and maintain Public Liability, including accidental death, and Property Damage Insurance in amounts not less than \$500,000.

Each and every policy of insurance shall be noncancellable for a period of not less than thirty five (35) days after written notice has been received by the Insured.

Such insurance is to be maintained in effect for a minimum of one (1) year after the acceptance of the work.

**5102. FAITHFUL PERFORMANCE & LABOR AND MATERIAL BONDS:**

All contractors or installers shall file with the District Manager a Faithful Performance Bond and a Labor and Material Bond, each in the amount of 100% of the contract for

District let jobs and 100% of the District Engineer's estimate for installer let contracts. Said Bonds are to be on forms provided or approved by District, and to remain in effect for a minimum of one year after acceptance of work and are not to be cancelled until released by the District.

**5103. EXCAVATION PERMITS AND BONDS THEREFOR:**

No excavation for sewers shall be made in any street within the District until an excavation permit has been issued therefor by the agency or governmental department having jurisdiction thereover and evidence of the issuance thereof submitted to the District Manager. Application for said permit shall be made at the office of the District Manager, and shall be accompanied by a bond in an amount and in the form approved by the District Manager.

**5104. INSPECTIONS:**

No sanitary sewer construction work shall be conducted within the Sanitary District without the presence of the District Engineer or his representative, unless permission has been granted to proceed in his absence.

No construction shall be covered until it has been inspected and approved by the District Engineer. After approval, the contractor shall backfill any trench without delay and restore the surface to its original condition. Construction that has been covered without approval of the District shall, at the District's request, be uncovered for inspection. In all cases where inspection is required the contractor shall give at least two (2) working days advance notice to the District Engineer stating the time when work will start.

**5105. RESPONSIBILITY FOR DEFECTS:**

All persons performing work connected with this District shall be held strictly responsible for any and all acts of agents, subcontractors, and employees in connection with said work.

Said person, upon being notified in writing by the District Manager of any defects arising from construction or of any violation of the provisions of this Code, shall take immediate steps to correct such defect or violation.

**5106. CONDEMNED WORK:**

In the event any construction, when inspected by the District, is found to be unsatisfactory, the Contractor shall make necessary repairs to place the construction in acceptable condition.

**5107. LIABILITY:**

The District, its officers, agents and employees shall not be liable for personal injury or loss of life or damage to any property consequent to the performance of any of the herein described work by any such contractor or installer. The contractor or installer shall save the District, its officers, agents and employees free and harmless from any such liability imposed by law upon the District, its officers, agents and employees, including all costs, expenses, fees and interest incurred in legal defense of any action to enforce such liability or in the enforcement of this provision. Contractor or installer shall be solely liable for any defects in the performance of his work, or any failure which may develop therein.

**5108. STANDARD SPECIFICATIONS:**

Minimum standards for the construction of sewers within the District shall be in accordance with the Standard Specifications heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings in the number required by the District Manager and showing the actual location of all mains, structures, Y's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

**5109. MASTER PLAN:**

The District has adopted an official Master Plan for trunk systems within the District, which is on file in the office of the District Engineer. Said Master Plan is hereby referred to and made a part of this Code by reference.

**5110. COMPLIANCE WITH REGULATIONS:**

Any person constructing a sewer within a street shall comply with all state, county or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District. Any person requesting a permit shall also comply with all applicable guidelines, including the Local Guidelines of District, adopted pursuant to the Environmental Quality Act of 1970, and shall make all deposits required and pay all fees which may be established by the District to process applications to comply with said Act.

**ARTICLE 2: CONSTRUCTION OF SEWERS BY OTHERS  
LATERAL, SUB-MAIN OR MAIN SEWERS**

**5200. AUTHORIZATION:**

Authorization to construct sewers and connect to the sewer system must be obtained from the District.

**5201. REQUEST FOR AUTHORIZATION:**

Request for authorization is to be made in the office of the District Manager. All construction shall be in accord with the Standard Specifications and Master Plan of the District.

**5202. PLANS, PROFILES AND SPECIFICATIONS:**

Plans, profiles and specifications for main or sub-main sewers shall be prepared at the expense of the installer, by a civil engineer licensed in the State of California and said plans,

**5203. PAYMENT OF FEES:**

An installer shall pay in advance all necessary plan checking and inspection fees. The District shall have the right to charge, and the installer shall pay, the necessary administrative and engineering fees incurred by the District for work performed.

**5204. CONTRACT FOR CONSTRUCTION:**

The installer shall call for his own bids, and let his own contracts, but he shall not let any such contracts until after receiving written approval of the plans and specifications from the District.

**5205. AGREEMENT:**

An installer shall, prior to construction, enter into an agreement with the District covering, but not limited to, the following:

- (a) Construction of sewers in accordance with approved Plans, Profiles and Specifications.
- (b) Obtaining of necessary rights-of-way and easements, and granting same to District.
- (c) Payment for all costs involved, including any and all incidental costs in connection therewith, due to said construction.
- (d) Transfer of Title to all sewers and appurtenances to District.
- (e) Indemnification of the District per Section 5107.
- (f) The furnishing of required Bonds in accordance with Section 5102.

(g) Payment of all fees, including plan checking and inspection.

(h) Such other matters that the District may require.

**5206. LATERAL SEWERS:**

Lateral sewers must be constructed to serve each parcel of land or building in the development. House sewers shall not be connected to these lateral sewers until permits for connection have been issued by the District Manager.

**5207. OVERSIZE AND OFF-TRACT SEWERS:**

Oversize and off-tract sewers may be required by the District to comply with the Master Plan. In this event, consideration will be given to a reimbursement agreement for excess costs. (See Chapter IX)

## CHAPTER VI

### USE OF SEWERS

#### ARTICLE 1: PURPOSE

**6100. PURPOSE:**

The purpose of the Provisions of this Chapter is to:

(a) Provide for and regulate the disposal of sanitary sewage into the sanitary sewer system of the District in such manner and to such extent as is reasonably necessary to maintain and increase the ability of such system to handle and dispose of sanitary sewage;

(b) Provide for and regulate the disposal of industrial wastes into the sanitary sewer system of the District in such manner and to such extent as may be reasonably necessary to maintain and increase the ability of such system to handle and dispose of industrial waste without decreasing the ability of said system to handle and dispose of all sanitary sewage;

(c) Prevent the introduction of pollutants into the sanitary sewer system which will pass through the treatment works of the San Jose/Santa Clara Water Pollution Control Plant or otherwise be incompatible with such works or interfere with the ability of the Plant to treat, discharge and recycle wastewater, or to use or dispose of Plant bio-solids;

(d) Improve opportunities to recycle and reclaim treated effluent and wastewater sludge;

(e) Protect the physical structures of said sewerage system and the efficient functioning of its component parts;

(f) Protect the District and its personnel, and preserve and protect the health, safety and comfort of the public;

(g) To enable the District to comply with all applicable and compatible laws, rules, regulations and orders of the State of California and of the United States;

(h) Provide for the charging and collection of various fees and other charges reasonably necessary for the acquisition, construction, reconstruction, maintenance and operation of the sanitary sewer system.

(i) Protect the environmental health of San Francisco Bay.

**ARTICLE 2: SEWER USE REGULATIONS**

- 6200. LIMITATIONS ON POINT OF DISCHARGE:**  
No person shall discharge any substances directly into a manhole or other opening in a District sewer other than through a District-approved sewer connection.
- 6201. DISCHARGE INTO STORM DRAIN PROHIBITED:**  
It shall be unlawful to discharge any sewage, industrial waste or other polluted waters into any storm drain or natural outlet or channel without a valid NPDES permit.
- 6201.1 REGULATION OF TRUCKED OR HAULED WASTE:**  
No person shall cause, allow, or permit to be discharged into the sanitary sewer system any trucked or hauled waste, except at a site specifically designated in a wastewater discharge permit or a receiving station permit.
- 6202. PUBLIC NUISANCE:**  
The discharge of unscreened garbage, fruit, vegetable, animal or other solid industrial wastes into any part of the sanitary sewer system, in violation of any provision of this Operations Code, is hereby declared to be a public nuisance.
- 6203. PROTECTION FROM ACCIDENTAL DISCHARGE:**
- A. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter into either the storm sewer or Sanitary Sewer Systems.
  - B. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial user's expense.
  - C. All Industrial Users shall notify the District by telephone immediately upon accidentally discharging wastes of reportable quantities as determined in 40 CFR 117 to enable countermeasures to be taken by the District to minimize damage to the Sanitary Sewer System, Plant, treatment processes, and the receiving waters.
  - D. Telephone notification shall be followed, within five (5) 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 occurrences.

- E. Notification to the District will not relieve Users of notification requirements under any other federal, state or local law, nor of liability for any expense, loss, or damage to the Sanitary Sewer System, Plant, or treatment process, or receiving waters or for any fines or penalties imposed on the District on account thereof under applicable provisions of state or federal law.

**6204. PRETREATMENT BY OWNER:**

Whenever deemed necessary by the District Manager, the owner of any private premises shall, at his own expense, provide such treatment or take such other measures as shall be required in order to reduce objectionable characteristics contents or rate of discharge of waters or wastes being deposited in the sanitary sewer system so that the same may be received therein without any damage to the sanitary sewer system or any undue interference with its operation and without any hazard of any kind to humans or animals.

**6205. MONITORING FACILITIES:**

- A. The District Manager may require any Industrial User of the Sanitary Sewer System to construct, at the Industrial User's own expense and at an approved location, monitoring facilities to allow inspection, sampling, and flow measurement of the building Sewer or internal drainage systems.
- B. The monitoring facilities, sampling, and measurement equipment and access thereto shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.
- C. Any required monitoring facilities shall be specified in the Wastewater Discharge Permit issued pursuant to this Chapter.

**6206. STORM AND OTHER WATERS:**

- A. No person shall discharge, cause, allow or permit any storm water, surface water or roof runoff, to be discharged into the Sanitary Sewer System or any part thereof.
- B. No person shall discharge, cause, allow or permit any ground water or subsurface drainage, to be discharged into the Sanitary Sewer System or any part thereof, without a Wastewater Discharge Permit issued by the District Manager specifically for such discharge.
- C. A Wastewater Discharge Permit for the discharge of, ground water or subsurface drainage shall only be issued if there is no reasonable alternative method for disposal of such water.
- D. If permitted, discharge of ground water or subsurface drainage shall be subject to all applicable requirements of this Operations Code, including but not limited to the payment of applicable permit fees and such terms and conditions as the District Manager may impose in the Wastewater Discharge Permit.

**6207. COOLING AND UNPOLLUTED WATER:**

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof any unpolluted cooling water or unpolluted industrial process water.

**6208. OBSTRUCTING OR INJURIOUS SUBSTANCES:**

No person shall discharge, or cause, allow, or permit to be discharged, thrown, or deposited into the sanitary sewer system or any part thereof, or into any plumbing fixture or private sewer or drain connected either directly or indirectly to the sanitary sewer system, any substance of any kind whatsoever tending to obstruct or injure the sanitary sewer system, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the sanitary sewer system.

**6208.1 COPPER-BASED CHEMICAL COMPOUNDS:**

(a) No person shall discharge, or cause, allow or suffer to be discharged, any chemical compound containing greater than five percent (5%) copper by weight, to control roots or for any other purpose into the sanitary sewer system or any part thereof, or into any plumbing fixture or sewer which discharges, either directly or indirectly, into the sanitary sewer system.

(b) No person shall display in any public place any chemical compound containing greater than five percent (5%) copper by weight, to control roots or for any other purpose, without first providing clear and reasonable written warning that discharge of said compound into the sanitary sewer system or any part thereof, or into any plumbing fixture or sewer or drain which discharges, either directly or indirectly, into the sanitary sewer system is prohibited by ordinance of the Cupertino Sanitary District.

(c) For the purposes of this Section, warning may be provided by posting a decal, placard or sign at the point of display of the compound. Any warning given under this Section shall be reviewed and must be approved by the District Manager.

(d) For purposes of this Section only, public place shall be defined as any building or area (including, without limiting the generality of the foregoing, any store or business establishment) where copper based chemical compounds may be viewed and obtained by members of the general public."

**6209. FLAMMABLE OR EXPLOSIVE SUBSTANCES:**

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system any gasoline, benzene, naphtha, fuel oil, or any flammable liquid, solid, vapor, or gas or other substance, including but not limited to any substance having a closed cup flash point of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C), using the test methods specified in Section 261.21 of Title 40 of the Code of Federal Regulations.

**6210. HOT SUBSTANCES:**

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing having or developing a temperature of 150°F or more, or which may cause the temperature at the sewage treatment plant to exceed 104°F.

**6210.1 TOXIC GASES, VAPORS OR FUMES:**

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system any substance of any kind whatsoever which results in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause acute health and/or safety problems for workers in the sanitary sewer system.

**6211. GREASE, OILS, FATS:**

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system any liquid or other waste containing floatable and/or dispersed grease, vegetable oil, petroleum oil, non-biodegradable cutting oil, or fat, oil, or grease or products of animal, vegetable or mineral origin, in excess of 150 parts per million by weight.

(Amended by Ordinance No. 80, adopted January 6, 1993.)

**6212. SOLID OR VISCOUS MATTER:**

No person shall discharge, deposit or throw, or cause to be discharged, deposited, or thrown into the sanitary sewer system or any part thereof, any ashes, cinders, pulp, paper, sand, cement, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, resins, plastics, wood, animal hair, paunch manure, or any heavy solid or viscous substance capable of causing obstruction to the flow in the sanitary sewer system or any part thereof, or which would interfere with the proper operation of the sewage treatment plant or the treatment of sewage or industrial wastes.

**6213. CORROSIVE MATTER:**

No person shall discharge, or cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing having a pH lower than 6.0 or more than 12.5 having any other corrosive property capable of causing damage or hazard to the sanitary sewer system or any part thereof, or to any personnel operating, maintaining, repairing, or constructing said sanitary sewer system or any part thereof, or working in or about said system.

**6214. INTERFERING SUBSTANCES:**

A. No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any thereof, any Industrial Waste containing any of the following toxic substances exceeding the concentrations set forth below:

<u>Toxic Substance</u>	<u>Maximum Allowable Concentration</u>
Antimony	5.000 mg/l
Arsenic	1.000 mg/l
Beryllium	.750 mg/l
Cadmium	0.700 mg/l

Chromium, total	1.000	mg/l
Copper	2.700	mg/l
Cyanides	0.500	mg/l
Lead	0.400	mg/l
Manganese	35.000	mg/l
Mercury	0.010	mg/l
Nickel	2.600	mg/l
Phenol & Derivatives	30.000	mg/l
Selenium	2.000	mg/l
Silver	0.700	mg/l
TTO	2.130	mg/l
Xylene	1.500	mg/l
Zinc	2.600	mg/l

- B. No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System or any part thereof, any toxic or poisonous substances or any other pollutant, including Biochemical Oxygen Demand, in sufficient quantity to injure or cause an interference with the sewage treatment process, or in sufficient quantity to constitute a hazard to humans or animals, or in sufficient quantity to create a hazard for humans, or aquatic life in any waters receiving effluent from the Sanitary Sewer System, or which may create a hazard in the use or disposal of sewage sludge.
- C. Compliance with the above limits may be based on a Grab Sample or a Composite Sample.

**6215. PROHIBITION ON USE OF DILUTING WATERS:**

The use of Diluting Waters as a partial or complete substitute for adequate treatment, to achieve compliance, or to meet local limitations for wastewater, or to avoid or minimize any requirements imposed in a Wastewater Discharge Permit is prohibited.

**6216. SUSPENDED SOLIDS; DISSOLVED MATTER:**

No person shall discharge, or cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any liquid containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle, process or treat such matter at the sewage treatment plant.

**6217. NOXIOUS OR MALODOROUS MATTER:**

No person shall discharge, or cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any solid, liquid, vapor, gas, or thing which is so malodorous or noxious that their discharge into the sanitary sewer system would cause a public nuisance.

**6218. RADIOACTIVE MATTER:**

No person shall discharge, cause, allow, or permit to be discharged, any radioactive waste into the sewer system, except, that:

- A. Persons authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials may discharge, cause to be discharged, or permit to be discharged such wastes, provided that such wastes are discharged in strict conformance with the California radiation control regulations (California Code of Regulations, Title 17, Chapter 5, Subchapter 4), and federal regulations and recommendations for safe disposal of such wastes; and
- B. The persons acting does so in compliance with all applicable rules and regulations of all other regulatory agencies having jurisdiction over such discharges.

**6219. COLORED MATTER:**

No person shall discharge, or cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

**6220. GARBAGE:**

No person shall discharge, deposit, or throw, or cause, allow or permit to be discharged, deposited, or thrown into the sanitary sewer system of the District, or any part thereof, any garbage, or any fruit, vegetable, animal or other solid material from any food-processing plant or other industrial plant or retail grocery store, irrespective of whether or not the same shall have been first passed through a mechanical grinder, and no person shall install, operate, use or maintain upon the premises of any food processing plant, or any other industrial plant or retail grocery store, any mechanical grinder or waste grinder that is connected directly or indirectly to the sanitary sewer system of the District, or any part thereof.

No person shall discharge, deposit, or throw, or cause, allow or permit to be discharged, deposited; or thrown into the sanitary sewer system or any part thereof, any garbage or fruit, vegetable, animal or other solid kitchen waste material resulting from the preparation of any food or drinks, in any dwelling, restaurant, or eating establishment, unless the same shall have first been passed through a mechanical garbage or waste grinder in conformance with the applicable provisions of the Plumbing and Electrical Codes of the entity having jurisdiction thereover.

**6221. OIL AND GREASE REMOVAL DEVICES:**

- A. Any type of business or establishment where grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease removal device of a size and design approved by the District Manager.

- B. Each grease removal device shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of grease.
- C. The grease removal device should be situated on the Discharger's premises but when such a location would be impractical or cause undue hardship on the Discharger, the District may, subject to the issuance of an encroachment permit by the entity having jurisdiction thereover, allow the device to be installed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- D. Waste discharge from fixtures and equipment in establishments which may contain grease or other objectionable materials including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease removal device when approved by the District Manager provided, however, that toilets, urinals, wash basins, and other fixtures containing fecal material shall not flow through the grease removal device.
- E. Grease removal devices shall be maintained in efficient operating condition by periodic removal of the accumulated grease. The use of chemicals to dissolve grease is specifically prohibited. No accumulated grease shall be introduced into any drainage piping or public or private sewer. Users with oil and grease removal devices must maintain them in good operating condition at all times.
- F. The Discharger must develop and maintain a record of periodic maintenance and pumping of the removal device records are to be retained for a period of not less than three years.
- G. Pumping must be sufficiently frequent to prevent objectionable odors, surcharge of the removal device, or interference with the operation of the Sanitary Sewer System.
- H. Abandoned grease removal devices shall be emptied and filled as required for abandoned septic tanks.

**6222. SCREENED INDUSTRIAL WASTES:**

- (a) No person shall discharge, or cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any garbage, or any fruit, vegetable, animal, or other solid industrial wastes resulting from the processing, packaging, or canning of fruits, vegetables, or other foods or products, unless such wastes have first been passed through screens having openings not exceeding 1/32 of an inch in dimension, provided that the District Manager, by written permission, may authorize the discharge into the sanitary sewer system of such wastes if they are first passed through screens having larger openings if the District Manager is satisfied that such larger openings will

provide screening efficiency and effectiveness equal or better than that provided by the above-specification openings of 1/32 of an inch in dimension.

(b) Each person who discharges, or causes, allows, or permits to be discharged into the sanitary sewer system or any part thereof, any such wastes resulting from the processing, packaging, or canning of fruits, vegetables, or other foods or products, shall install within or upon his premises from which such wastes are discharged, before such discharge of such wastes is made into said sanitary sewer system or any part of such system, and thereafter maintains in good operating order, screens as hereinabove specified and appurtenances thereto, including but not limited to all necessary conveyors and elevators, all in sufficient quantity and of sufficient size and quality to continuously and effectively screen not less than 100% of the peak hydraulic and solids loading imposed on such screens and appurtenances during any processing period.

(c) No person shall discharge any such screened wastes into said sanitary sewer system, or any part of said system, unless and until he shall obtain from the District a Wastewater Discharge Permit granting approval to do so. The District Manager may require such a person to provide to the District Manager a report prepared by a registered professional engineer which shows, to the satisfaction of the District Manager, that the provisions of this chapter have been complied with by such person before the Wastewater Discharge Permit is granted, and in no event shall the District Manager issue such Permit until he is satisfied that the provisions of this Section have been complied with by such person. The District Manager shall not issue such Permit if any such wastes cannot be processed successfully by the physical and biological processing units of the Water Pollution Control Plant.

(d) Any and all equipment, sewers, pipelines, or other facilities capable of discharging any garbage, fruit, vegetables, animal, or other solid industrial wastes resulting from the processing, packing, or canning of fruits, vegetables, or other foods or products, into said sanitary sewer system or any part thereof, before such wastes have been screened as required by paragraph (a) above, shall be locked, closed and sealed by the District Manager or his authorized representative. Each person operating such equipment, sewers, pipelines, or other facilities shall install therein, at his own expense and cost, such valves or other devices or modifications thereto, as may be necessary to enable the District Manager to carry out the provisions of this paragraph (d). No person shall break any such lock or seal, and no person shall discharge, or cause, allow or permit to be discharged into any such equipment, sewers, pipelines, or other facilities capable of discharging such industrial wastes into said sanitary sewer system or any part thereof, any unscreened industrial wastes without first having been issued a Wastewater Discharge Permit.

**6223. GROUP 1 DISCHARGERS - APPROVED MASS AUDIT STUDY REQUIRED:**  
No Group 1 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing copper

or nickel unless the District Manager has approved a Mass Audit Study for that Discharger.

**6224. GROUP 1 DISCHARGERS - MASS EQUIVALENT CONCENTRATION LIMIT:**

- A. The discharge permit for each Group 1 Discharger shall contain a mass equivalent concentration limit (MECL") for nickel and/or copper, established by the District Manager on the basis of the District Manager's project of the annual mass of copper and/or nickel that would remain in the Group 1 Discharger's discharge, divided by the District Manager's projection of the Group 1 Discharger's annual Process Flow, after the installation of Maximum Feasible Reduction Measures for copper and nickel by the Group 1 Discharger.
  
- B. No Group 1 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any Industrial Waste containing nickel or copper in excess of the MECL established in that Discharger's permit, unless the District Manager can establish that the Average Concentration of the pollutant exceeding the MECL, for the one year period immediately preceding the date on which exceedance occurs, is not greater than 110% of the MECL for that pollutant.

**6225. GROUP 1 DISCHARGERS - PROCESS FLOW EXCEEDING MECL FLOW:**  
Any Group 1 Discharger, whose average Process Flow for the preceding consecutive six (6) months exceeds 125% of the average Process Flow used in calculating the MECL contained in that Discharger's permit, shall submit, within thirty (30) days, an addendum to the Discharger's Mass Audit Study demonstrating that the increased flow is solely due to increased production by the Discharger and that no further Maximum Feasible Reduction Measures are available to reduce either Process Flow or Average Concentration from the increased flow, or shall submit within ninety (90) days, a revised Mass Audit Study, based on the increased flow.

**6226. GROUP 1 DISCHARGERS - REVISION OF MECL:**

A. Any Group 1 Discharger may file an application for revision of the Discharger's MECL, where:

(1) production increases or process changes are projected to cause the Discharger to exceed the Discharger's MECL; or

(2) the Discharger is proposing to implement a water conservation project that will result in exceedance of the Discharger's MECL, and the mass discharge does not exceed the mass that was used in calculating the Discharger's MECL.

B. An application for revision of the Discharger's MECL shall be accompanied by the applicable fee as established by resolution of the Sanitary Board and either;

(1) an addendum to the Discharger's Mass Audit Study demonstrating that the exceedance of the MECL will be solely due to increased production, process change, or implementation of a water conservation project by the Discharger and that no further Maximum Feasible Reduction Measures are available to reduce either Process Flow or Average Concentration; or

(2) a revised Mass Audit Study, based on the projected Process Flow and Average Concentration that will result from the production increase, process change, or implementation of a water conservation project.

C. The District Manager may recalculate the MECL for a Group 1 Discharger and revise the Discharger's compliance schedule, based on the projected Process Flow and Average Concentration, that would exist after implementation of both the proposed production increase, process change, or water conservation project, and implementation of any further Maximum Feasible Reduction Measures.

**6227. GROUP 1 DISCHARGER - APPLICATION FOR RECLASSIFICATION:**

Any Group 1 Discharger may apply for reclassification as either a Group 2 or Group 3 Discharger, upon payment of the applicable fee as established by resolution of the Sanitary Board, if the Discharger can establish all of the following:

- A. During the twelve (12) month period immediately preceding the date of the application for reclassification, the Average Concentration in the Industrial User's Process Flow did not exceed .005 mg/l nickel or .05 mg/l copper and the discharger did not contain excess of .04 ppd nickel or in excess of .09 ppd copper.
- B. The Discharger has implemented all Maximum Feasible Reduction Measures, as specified by the District Manager.
- C. The Discharger has been in compliance with Section 6227 for the immediately preceding twelve (12) consecutive months.

**6228. GROUP 2 DISCHARGERS - DAILY MAXIMUM AVERAGE CONCENTRATION LIMIT:**

- A. No Group 2 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing nickel in excess of .005 mg/l unless:
  - (1) The average annual concentration of nickel in the Discharger's discharge, for the one year period immediately preceding the date on which nickel exceeds .005 mg/l, is less than .5 mg/l; or
  - (2) The Discharger has installed all Reasonable Control Measures as specified by the District Manager, and the average daily concentration of nickel in the Discharger's discharge has not exceeded 1.1 mg/l since the date Discharger's permit was issued.
- B. No Group 2 Discharger shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing copper in excess of .05 mg/l unless:
  - (1) The average annual concentration of copper in the Discharger's discharge, for the one year period immediately preceding the date on which copper exceeds .05 mg/l, is less than .4 mg/l; or

(2) The Discharger has installed all Reasonable Control Measures as specified by the District Manager, and the average daily concentration of copper in the Discharger's discharge has not exceeded 1.0 mg/l since the date the Discharger's permit was issued.

C. As an alternative to meeting the requirements of subsections A and B above, any Group 2 Discharger may elect to be treated as a Group 1 Discharger. Such election may only be made after performance of a Mass Audit Study by the Group 2 Discharger.

**6229. GROUP 3 DISCHARGERS - BEST MANAGEMENT PRACTICES:**

No Group 3 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing nickel in excess of .005 mg/l, or copper in excess of .05 mg/l, unless the Discharger has implemented all applicable Best Management Practices adopted by the District Manager.

**6230. COMPLIANCE:**

A. Group 1 Dischargers lawfully discharging industrial wastewater to the Sanitary Sewer System on January 1, 1995 shall cause their facilities to be in full compliance with Section 6227 not later than April 1, 1997. The District Manager shall include as a condition of the Wastewater Discharge Permit for any Group 1 Discharger a compliance schedule for the installation of Maximum Feasible Reduction Measures by the Discharger.

B. Group 2 Dischargers lawfully discharging Industrial Waste to the Sanitary Sewer System on January 1, 1995 shall cause their facilities to be in full compliance with Section 6231 not later than July 31, 1997. The District Manager shall include as a condition of the Wastewater Discharge Permit for any such Group 2 Discharger a compliance schedule for installation of Reasonable Control Measures by the Discharger.

C. Industrial Users lawfully discharging Industrial Waste containing cyanide in excess of the Maximum Allowable Concentration limit for cyanide set forth in Section 6215 shall cause their facilities to be in full compliance with said limit not later than December 31, 1996. The District Manager shall include in the Wastewater Discharge Permit for any Discharger not immediately in compliance with the cyanide limit an interim cyanide limit of one (1.0) mg/l and a requirement that an action plan be developed by the Discharger to achieve compliance.

D. For the purposes of this Section 6232, the term "lawfully discharging" includes, but is not limited to facilities under construction, for which a Wastewater Discharge Permit has been issued.

E. The District Manager may extend the time period set forth in subsections A and B above at the request of a Discharger for a maximum of one (1) year, provided that:

(1) Such extension would not cause interference with operation of the Sanitary Sewer System or the Plant; and

(2) The District Manager makes a written determination that the Discharger has installed all Maximum Feasible Reduction Measures, or Reasonable Control Measures, but still cannot achieve full compliance; and

(3) The Discharger has implemented an action plan to achieve compliance.

F. In the event that the District Manager extends the time period set forth in subsection A above, the Director shall recalculate the Mass Equivalent Concentration Limit for the Discharger, based on the mass of copper and nickel discharges by the Discharger, divided by the Average Process Flow measured after the installation of maximum Feasible Reduction measures by the Discharger.

**6231. FEDERAL PRETREATMENT REGULATIONS:**

No Industrial User shall discharge, cause, allow or permit a discharge, into the Sanitary Sewer System in violation of any federal or state regulation regulating discharges by such Users, including but not limited to the Federal Pretreatment Regulations found in Title 40 of the Code of Federal Regulations.

**6232. DISPOSAL OF UNACCEPTABLE WASTE:**

A "California Hazardous Waste Manifest" form must be completed for material disposed of at a Class 1 dump site and a copy furnished to the District Manager upon request.

**6233. RESPONSIBILITY:**

The primary responsibility for enforcement of the provisions of this Code shall be vested in the District Manager or agents of the District as he shall designate and, provided further, that field inspectors or other employees of the District and the San Jose/Santa Clara Water Pollution Control Plant are hereby authorized to act as agents of the District for and on behalf of the District Manager, with the power to inspect and issue notices for violations of this Code.

**6234. FALSIFICATION OF INFORMATION:**

No connector shall knowingly make any false statement, representation, record, report, plan or other document or knowingly tamper with or render inaccurate any monitoring device or equipment installed or operated pursuant to this Ordinance or of any permit issued under this Title. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any permit issued under this Code.

**6235. POWER TO INSPECT:**

The District Manager and other duly authorized employees and agents of the District bearing credentials and identification shall, in all cases affected by this Code be permitted to enter upon all properties for the purpose of (1) determining the size, depth, location, and condition of any sewer or storm drain connection, (2) determining

the location or discharge connections of roof and surface drains and plumbing fixtures, (3) inspecting, observing, measuring, sampling, and testing the quality, consistency, and characteristics of sewage being discharged into any public sewer or natural outlet, and (4) inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to (a) water usage and effluent discharged, (b) chemical usage, and (c) hazardous waste records.

6236. CONNECTION OF SWIMMING POOLS AND EQUIPMENT:

Connection of swimming pools and swimming pool equipment to sanitary sewers shall not be permitted unless and until a permit from the District is obtained therefor. A permit giving permission for connection of the pool or equipment shall require that they be separated from the sewer by an air gap and a sump. The maximum size discharge out of the sump is to be 2-1/2 inch I.D. pipe.

The District Manager may, as a condition of such permit, include therein any requirements which in his opinion are necessary for the protection of the District or its inhabitants.

### **ARTICLE 3: WASTEWATER DISCHARGE PERMITS**

**6300. WASTEWATER DISCHARGE PERMITS; MANDATORY PERMITS:**

All Critical Users proposing to connect or to discharge into a District sewer must obtain a Wastewater Discharge Permit before connecting to or discharging into a District sewer. All existing Critical Users connected to or discharging into a District sewer must obtain a Wastewater Discharge Permit within 180 days of promulgation of administrative regulations for their issuance and use by the District Manager.

**6301. TERMINATION OF SERVICE AND PERMIT REVOCATION:**

A. The District Manager may revoke any Wastewater Discharge Permit, and/or terminate, or cause to be terminated wastewater service to any premises;

1. If a discharge of wastewater from the premises cause or threatens to cause a violation of any provision of the Chapter or any Ordinance, rule or regulation of the District or applicable local, State or Federal regulations: or
2. If a discharge of wastewater from the premises causes or threatens to cause a condition of contamination, pollution, or nuisance.

B. Written notice of the permit revocation or service termination, and a statement of the grounds therefor, shall be delivered to the Discharger. The notice shall be effective ten (10) calendar days after it is served on the Discharger, unless the District Manager determines that immediate permit revocation or suspension of service is necessary for the preservation of public health or safety or for the protection of public or private property. If the District Manager determines that immediate permit revocation or suspension of service is necessary, the District Manager may act to revoke the permit or suspend service immediately after written notice is delivered to the Discharger.

C. It shall be unlawful for any person to discharge any material into the Sanitary Sewer System from any premises for which the permit has been revoked or wastewater service has been suspended or terminated.

**6302. CORRECTION OF VIOLATIONS; COLLECTION OF COSTS; INJUNCTION:**

A. The District may abate any violation of this Chapter.

B. The cost of such abatement may be added to the Sewer service charge of the owner or tenant of the property upon which the violation occurred, and the District shall have all available remedies for the collection of such costs as it has for the collection of Sewer service charges.

**6303. CIVIL PENALTIES:**

Any person who intentionally or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the District in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.

**6304. MANDATORY WASTEWATER DISCHARGE PERMITS:**

No Critical User shall connect, discharge, cause, allow, or permit any discharge, into the Sanitary Sewer System except in accordance with a Wastewater Discharge Permit issued by the District Manager.

**6305. PERMIT DURATION AND AMENDMENT:**

- A. Wastewater Discharge Permits shall be issued for a specific duration, not to exceed five (5) years.
- B. Permits shall be subject to amendment by the District as limitations or requirements for wastewater discharge are modified and changed.
- C. The holder of a Wastewater Discharge permit shall be informed of any proposed amendment to its permit at least thirty (30) days prior to the effective date of the amendment.
- D. The District Manager may include a compliance schedule in an amended permit.

**6306. DELINQUENT FEES:**

- A. Any person who fails to file an application for a wastewater discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows:
  - (1) Up to and including thirty (30) days delinquency, the penalty shall be fifty percent (50%) of the permit fee.
  - (2) More than thirty (30) days but less than one year delinquency, the penalty shall be one hundred percent (100%) of the permit fee.
  - (3) More than one (1) year delinquency, the penalty shall be one thousand percent (1,000%) of the Permit fee.
- B. Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the District may have with respect to the discharge.

**6307. SIGNATURE REQUIREMENTS:**

- A. Permit applications, discharge reports and any other reports required by the District Manager shall be signed by an Executive Officer of the business filing the application.
- B. Such Executive Officer shall be at least of the level of Vice President, General Partner, President, or an individual responsible for the overall operation of the facility applying for said Permit, or meet Federal requirements for NPDES applications as contained in Title 40 of the Code of Federal Regulations.

**6308. ADDITIONAL INFORMATION:**

- A. If the District Manager is not satisfied that the permit application has sufficient information to determine whether the permit should be issued, the District Manager may refuse to issue the permit or request that the applicant submit further information.
- B. The applicant shall have thirty (30) working days or such longer period of time as allowed by the District Manager, after reviewing the information, to complete the application.
- C. If the returned application is not resubmitted within the specified time period, then a new application for Wastewater Discharge permit must be submitted along with the application fees for a new permit.

**6309. NO TRANSFER OF PERMIT:**

Wastewater Discharge Permits are issued to a specific user for a specific operation. No user shall assign, transfer or sell a Wastewater Discharge Permit, or use the permit for on premises or for facilities or operations not covered by the permit.

**6310. DENIAL OF PERMIT:**

The District Manager may deny a Wastewater Discharge Permit if any one or more of the following conditions exist:

- A. The application is not accompanied by the required fee(s).
- B. The application contains false or misleading information.
- C. The issuance of the permit would result in the discharge of Industrial Wastes of such quantity or strength that the public health or safety, or public or private property are endangered.
- D. The issuance of the permit would cause the Plant to violate any permit conditions, laws, or regulations of the State and/or Federal government.
- E. The applicant has not provided adequate information to establish that its discharge will comply with all requirements of this Chapter and with such other terms and

conditions as the District Manager may deem necessary to include in the Discharger's permit.

- F. The applicant has not provided plans for sufficient protection from accidental discharges to the land, storm Sewer system, and Sanitary Sewer System.

**6311. PERMIT APPEALS:**

- A. Any permittee or permit applicant may appeal a notice of revocation of a Wastewater Discharge Permit, notice of denial of a permit, any term or condition of a permit, amendment of a permit, or notice of termination of service to the District Manager.
- B. A request for hearing on a decision to revoke a permit or terminate service shall be filed, in writing, with the District Manager, within ten (10) days after the date the notice of revocation or termination of service is served on the permittee. A request for hearing on a decision to revoke a permit or terminate service shall, except in the case of immediate permit revocation or suspension of service for the preservation of public health or safety or for the protection of public or private property, stay the effect of the notice of revocation or termination of service, during the pendency of the appeal.
- C. A request for hearing on a decision to deny a permit, on the terms or conditions in a permit, on an amendment to a permit, shall be filed, in writing, with the District Manager, within thirty (30) days after the date the notice of decision is served on the applicant.
- D. Failure of a permittee or applicant to timely request a hearing shall be deemed acceptance of the District Manager's decision, and the District Manager's decision shall be deemed final and effective.
- E. At the hearing before the District Manager, the applicant shall be given an opportunity to present witnesses and documentary and other evidence.
- F. The hearing will be conducted informally and technical rules of evidence shall not apply. Any and all evidence which the District Manager deems reliable, relevant and not unduly repetitious may be considered.
- G. The applicant may be represented at the hearing by any other person.
- H. The District Manager shall provide written notice of decision on the appeal to the permittee or applicant. The decision of the District Manager on the appeal shall be deemed final and effective three (3) days after notice of the decision on appeal is served on the permittee or applicant.

- I. Filing of a request for hearing shall not entitle any person to discharge in violation of any of the provisions of this Code.

**6312. DISCHARGE REPORTS:**

- A. The District Manager may require that any person discharging wastewater into the Sanitary Sewer System file periodic discharge reports or a zero discharge report.
- B. The periodic discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the Discharger to meet applicable discharge limits.
- C. The zero discharge report shall certify that the Discharger does not discharge Industrial Waste to the Sanitary Sewer System.
- D. The District Manager may also require such periodic discharge reports and zero discharge reports to include information concerning the chemical constituents and quantity of chemicals stored on-site, even though they may not normally be discharged.
- E. In addition to discharge reports, the District Manager may require Industrial Users to submit such additional reports as may be necessary to allow the District to evaluate the Industrial User's discharge, including but not limited to self-monitoring reports.
- F. It shall be unlawful for any person who has discharged wastewater to the Sanitary Sewer System to refuse to file any report requested by the District Manager.

**6313. PERMIT APPLICATIONS:**

Users seeking a Wastewater Discharge Permit shall complete and file with the District an application in the form prescribed by the District Manager and accompanied by the applicable fees.

**6314. PERMIT CONDITIONS:**

- A. Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges, discharge limitations, and fees established by the District and all applicable local, State and Federal law and regulations.
- B. The permit may include such terms and conditions as the District Manager may deem necessary to implement this Chapter, the regulations issued by the District Manager under this Chapter, or any other applicable local, State or Federal law and regulations, including but not limited to:
  - (1) Limits on the average and maximum wastewater constituents and characteristics;
  - (2) Requirements for installation and maintenance of flow monitoring, inspection, and sampling facilities;
  - (3) Specifications and pretreatment requirements for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - (4) Compliance schedules;
  - (5) Requirements for submission of technical reports or discharge reports;
  - (6) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District and affording the District access thereto;
  - (7) Requirements for notification to the District of any new introduction of wastewater constituents or any Significant Change in the volume or character of the wastewater constituents being introduced into the wastewater stream;

(8) Requirements and plans for protection against accidental discharges, including but not limited to berming of chemicals and waste materials. The review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Code or other state or federal regulations;

(9) Requirements for notification of accidental discharges.

## CHAPTER VII

### SEWER SERVICE CHARGES

**7000. GENERAL:**

There is hereby levied and assessed upon each premise which is discharging sewage that ultimately passes through the sewerage system of said Cupertino Sanitary District, a service charge payable as hereinafter provided.

**7001. RESIDENTIAL:**

For each single family dwelling, duplex, apartment, multiple dwelling, court, boarding house, rest home, or dormitory, but excluding hotel and motel, a charge of Two Hundred Sixteen Dollars (\$216.00) per year for each unit. (See definitions of unit.)

**7002. COMMERCIAL OR INDUSTRIAL:**

For each unit of separate occupancy of a hotel, motel, commercial premise or industrial premise, a charge of Three Dollars and Twenty-Seven Cents (\$3.27) per year plus a service charge to be determined by the District Manager in accordance with the annual use of water by each unit times the applicable rate to be determined by the District Manager as follows:

A. Service Charge:

2.584	per hundred cubic feet for Machinery Manufacturers
1.474	per hundred cubic feet for Car Washes
3.040	per hundred cubic feet for Printing Plants
3.685	per hundred cubic feet for Restaurants
1.799	per hundred cubic feet for Hotels/Motels
1.706	per hundred cubic feet for Convalescent Homes
2.300	per hundred cubic feet for Schools, Colleges
1.765	per hundred cubic feet for Repair Shops and Service Stations
1.590	per hundred cubic feet for Domestic Laundries
1.619	per hundred cubic feet for Commercial, Industrial or Miscellaneous premises not otherwise mentioned in the schedule of charges in this Section, or the alternate charge provided for in Section 7003.

In no event shall an annual service charge of less than seventy-five percent (75%) of the service charge for a residential unit as set forth in Section 7001 hereof be levied for each separate commercial or industrial premise.

**7003. COMMERCIAL OR INDUSTRIAL - ALTERNATE CHARGE:**

For each commercial premise or industrial premise discharging more than 50,000 gallons of sewage per day or discharging sewage with variable strength or irregular flows through the sewerage system annual Capital Cost Recovery Charge and Maintenance and Operation Cost Recovery Charge to be determined by the District Manager as follows:

A. Capital Cost Recovery Charge:

- \$ 3.27 - per year for each premise; plus
- 141,022.63 - per year for each million gallons per day of sewage treatment plant capacity required to treat the sewage discharged from said premises into the sanitary sewer system; plus
- 20,592.88 - per year for each thousand pounds per day of sewage treatment plant capacity required to remove the biochemical oxygen demand contained in sewage discharged from said premises into the sanitary sewer system; plus
- 19,037.08 - per year for each thousand pounds per day of sewage treatment plant capacity required to remove the suspended solids contained in the sewage discharged by said premises into the sanitary sewer system; plus
- 62,489.74 - per year for each thousand pounds per day of sewage treatment plant capacity required to remove ammonia contained in the sewage discharge by said premises into the sanitary sewer system.

B. Maintenance and Operation Cost Recovery Charge:

- \$1,227.79 - for each million gallons per year of sewage discharged from said premises into the sanitary sewer system; plus
- 139.77 - for each thousand pounds per year of biochemical oxygen demand discharged from said premises into the sanitary sewer system; plus
- 182.53 - for each thousand pounds per year of suspended solids discharged from said premises into the sanitary sewer system; plus
- 1,507.04 - for each thousand pounds per year of ammonia discharge from said premises into the sanitary sewer system.

**7004. UNMETERED AND METERED WASTES:**

When rates are herein specified to be in accordance with the use of water, all such premises shall be separately metered. Where such metering is not provided, or for newly constructed units, the District Manager shall make a reasonable estimate of the volume of water consumed to be used as a basis for sewer service charges.

The District Manager may meter the sewer line, and if the results differ from that used as a basis for sewer service charges for the previous billing, the user will be charged for any excess usage or credited for any overpayments. The new billing will be adjusted to conform to the actual metering.

**7005. WHEN SERVICE CHARGES ARE DUE:**

All accounts are due and payable in advance at the office of the District Manager on the first day of July of each year. Billings will be sent by the District Manager. Bills are sent as a courtesy and failure to receive a bill does not relieve owner of responsibility to pay or of penalties levied for non-payment.

**7006. ALTERNATE METHOD OF BILLING AND COLLECTING RATES AND CHARGES:**

The District may elect to use the tax roll on which general District taxes are collected for the collection of current or delinquent rates and charges, including fees, tolls, rates, rentals or other charges for services and facilities furnished by it. In such case, proceedings therefor shall be had as now or hereafter provided in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code of the State of California.

This method shall not apply to public property or other property which, in the opinion of the District Manager, cannot be conveniently handled by this method.

**7007. PAYMENT OF SERVICE CHARGES, NEW CONNECTIONS:**

(a) Existing Buildings - The amount of service charges due between the date of application and the next billing in which the account can be included on the tax roll, shall be paid at the time the connection permit is issued.

(b) New Construction - A construction time credit of four (4) months shall be allowed when computing amount of sewer service charges due between the date of application and next billing in which the account can be included on the tax roll. This amount shall be paid at the time the connection permit is issued.

**7008. DELINQUENT SERVICE CHARGES:**

(a) Accounts Billed By District Manager - Shall become delinquent two calendar months from and after the date that they have become due and payable. A penalty equal to 100% of the monthly service charge may be charged for each calendar month, or portion thereof, that the account remains delinquent. If an account is delinquent more than 120 days, service may be disconnected. The District may collect unpaid sewer service charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorneys' fees.

(b) Accounts Billed by Tax Roll - Are Subject to the same penalty as prescribed by law for General Taxes.

## CHAPTER VIII

### PERMITS AND FEES

#### ARTICLE 1: CONNECTION PERMIT

**8100. CONNECTION PERMIT:**

No one shall connect a house sewer to the District sewer system without obtaining a sewer connection permit from the District Manager.

**8101. CONNECTION PERMIT FEES:**

Each connector, other than those connectors covered under Section 8102, shall pay a fee of Seventy-Five Dollars (\$75.00) to District for issuing each connection permit, which fee shall include the inspection of the connection of the house sewer to the lateral sewer.

**8102. CONNECTION PERMIT FEE - CITY OF CUPERTINO:**

Each connector within the City of Cupertino shall pay fees to District as follows:

(a) Permit Fee - Seventy-Six Dollars (\$76.00) for the issuing of each connection permit, which shall include the inspection of the connection of the house sewer to the lateral sewer.

(b) Backflow Protective Device Inspection Fee - One Dollar and Fifty Cents (\$1.50) providing a backflow protective device is required to be installed in accordance with Section 4105, said fee shall be for the inspection of the backflow protective device.

**8103. TIME LIMITATION ON CONNECTION PERMIT:**

In the event connection to the sewer is not made within six (6) months for an existing building and one (1) year for new construction from the date the connection permit is issued, said permit may become void and, if voided, the total amount paid for said permit and any sewer service charges collected will be forfeited to the District, and a new permit will be required before connection is made.

**8104. PERMIT ISSUANCE:**

The District Manager and Engineer shall issue all permits under this Chapter. However, the District Manager and engineer shall not issue any permit which, in his opinion, will cause the District to exceed its ability to treat adequately the wastewater that would result from the issuance of such a permit. Any refusal to issue any permit under this Chapter is subject to the Appeals Procedure provided for in Chapter XI of this Code.

**8105. SUSPENSION OR REVOCATION OF PERMITS:**

If the permit holder fails or refuses to comply with any provision or condition of the permit, this Code, the rules and regulations of the District and orders of the District Manager and Engineer, or the rules and regulations of a municipal, county, state or federal agency, the District Manager and Engineer shall have the authority to suspend the permit by giving written notice of the suspension to the permit holder, stating that the permit is suspended, the reasons for the suspension, and the effective date of suspension. The suspension continues until the permit holder removes the grounds for suspension, but in no event shall the suspension be in effect for longer than 6 months from its effective date. All orders of suspension are subject to the appeals procedures provided for in Chapter XI of this Code.

If any of the grounds for a suspension continue during the period of the suspension, and, in the opinion of the District Manager and Engineer, are likely to continue past the termination date of the suspension; he may give written notice to the permit holder specifying the time and place of a hearing before the Sanitary Board to consider revocation of the permit. Said notice shall be given at least ten (10) days prior to said hearing, served in the manner prescribed in Section 1006 of the Operations Code and shall include the grounds for the proposed revocation.

Upon a finding that any of the grounds specified in the notice are true, the Sanitary Board may revoke the permit.

## ARTICLE 2: CONNECTION FEES

### 8200. FRONT-FOOTAGE AND ACREAGE FEES:

For all residential, commercial, industrial, schools and other like structures, or developments shall be paid by connectors and installers in each Zone of this District as defined in Section 3002 of this Code as follows:

Zone 1 - \$16.50 per front foot and \$910.00 per acre.

Zone 2 - \$19.80 per front foot and \$1,040.00 per acre, except that where a sewer is installed to serve only one side of the street, such charge shall be \$39.60 per front foot and \$1,040.00 per acre.

Zone 3 - \$19.80 per front foot and \$1,170.00 per acre, except that where a sewer is installed to serve only one side of the street, such charge shall be \$39.60 per front foot and \$1,170.00 per acre.

Zone 4 - \$23.10 per front foot and \$1,300.00 per acre, except that where a sewer is installed to serve only one side of the street, such charge shall be \$46.20 per front foot and \$1,300.00 per acre.

Provided that in the event that not more than one single family residential structure is to be constructed and connected to District's sanitary sewage system on any lot or parcel of property having an area in excess of one acre, such acreage fee to be collected in each Zone, as hereinabove provided shall not exceed the fee for one acre.

### 8201. ADJUSTMENTS IN FRONT FOOTAGE:

Will be as follows:

(a) Corner Lots - Will be given up to 125 foot corner credit along the long side when computing front footage fees.

(b) Irregular Shaped Lots - Will be given special consideration when computing front footage fees.

### 8202. ADDITIONAL RESIDENTIAL UNIT OR DWELLING UNIT FEES:

Additional residential unit or dwelling unit fees shall be paid by all persons connecting to the District sewer, in addition to fees to be paid pursuant to Section 8200 of this Code, for each residential unit or dwelling unit as defined in Section 2045(a) and 2045(b) of this Code in each Zone of this District as defined in Section 3002 of this Code as follows:

(a) For any and all residential uses including multiple unit residential buildings, townhouse, condominium, planned unit development, cluster development or similar

type residential development, motel, hotel, court, auto court, trailer court, mobile home park, cabana, boarding houses, rest homes, dormitories, and similar type residential developments having a density in excess of three and one-half (3-1/2) units or dwelling units per acre:

Zone 1 - \$325.00 for each unit or dwelling unit exceeding 3-1/2 units per acre.

Zone 2 - \$355.00 for each unit or dwelling unit exceeding 3-1/2 units per acre.

Zone 3 - \$390.00 for each unit or dwelling unit exceeding 3-1/2 units per acre.

Zone 4 - \$420.00 for each unit or dwelling unit exceeding 3-1/2 units per acre.

For hotels and motels, additional unit or dwelling unit fees in an amount equal to two-thirds (2/3) of those hereinabove set forth shall be paid for each unit or dwelling unit exceeding 3-1/2 units per acre.

(b) In any case, where the unit or additional unit fees to be paid is not hereinabove established, such fees shall be determined by the District Board.

**8203. ADDITIONAL COMMERCIAL/INDUSTRIAL DENSITY FEE:**

Additional density fees shall be paid by all persons connecting to the District sewer system, in addition to fees to be paid pursuant to Section 8200 of this Code, for each commercial or industrial building, in each zone of this District as defined in Section 3002 of this Code, as follows:

(a) For the initial connection to the sanitary sewer system of any and all commercial or industrial uses:

Zone 1 - \$1.44 per gallon per day for each gallon of sewage discharge exceeding 1,120 gallons per day per acre.

Zone 2 - \$1.58 per gallon per day for each gallon of sewage discharge exceeding 1,120 gallons per day per acre.

Zone 3 - \$1.73 per gallon per day for each gallon of sewage discharge exceeding 1,120 gallons per day per acre.

Zone 4 - \$1.87 per gallon per day for each gallon of sewage discharge exceeding 1,120 gallons per day per acre.

(b) For any change in use of any and all commercial or industrial connections that result in an increase of sewage discharge:

Zone 1 - \$1.44 per gallon per day for all or any portion of the increased sewage discharge which shall exceed a total sewage discharge of 1,120 gallons per day per acre.

Zone 2 - \$1.58 per gallon per day for all or any portion of the increased sewage discharge which shall exceed a total sewage discharge of 1,120 gallons per day per acre.

Zone 3 - \$1.73 per gallon per day for all or any portion of the increased sewage discharge which shall exceed a total sewage discharge of 1,120 gallons per day per acre.

Zone 4 - \$1.87 per gallon per day for all or any portion of the increase sewage discharge which shall exceed a total sewage discharge of 1,120 gallons per day per acre.

(c) The District Manager and Engineer shall determine the per day estimated gallons of sewage to be discharged to the District sewer system for computing the fees under this Section.

**8204. HOMESTEAD AGREEMENT:**

Fees for property included in the Homestead 1956-1 Agreement shall be the same as provided for in this Article, except where conflicting provisions are contained in said Agreement, as amended, in which case the terms of said Agreement shall prevail.

**8204.1 SPECIAL EQUALIZATION CHARGES:**

Except as otherwise provided for the reimbursement of excess costs in Chapter IX hereof, in addition to any other rates or charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to the issuance of a permit for connection to the sanitary sewerage system of the District, such Special Equalization Charges as may be specified by resolution of the District Board in order to establish conditions of equality between the installers of sewerage facilities and those benefiting from but not participating in the cost of such facilities. When Special Equalization Charges are deemed necessary and appropriate by the District Board, a Special Benefit Zone shall be established which shall define the area of properties that may reasonably be expected to benefit from the construction of specific sewerage facilities which have been or are to be constructed. The boundaries of each Special Benefit Zone and the amount of Special Equalization Charges to be levied therein shall be established by resolution of the District Board.

**8205. PAYMENT OF CONNECTION FEES:**

(a) Connector - Fees due and payable by a connector shall be paid prior to the issuance of a connection permit.

(b) Installer - Fees dues and payable by an installer shall be paid prior to execution of the Installer's Agreement by the District.

**8206. CREDIT FOR CONNECTION FEES PAID UNDER AN ASSESSMENT DISTRICT:**

(a) Partial Payment - Any property located within an assessment district which has been assessed for indirect or future benefits shall be given credit for said assessment on the fees provided for in Section 8200 above.

(b) Full Payment - Any property located within an assessment district which was assessed a sum equal to the full. and complete benefit to said property shall be given full credit for fees provided for in Section 8200 above.

### ARTICLE 3: LATERAL SEWER PERMIT AND FEES

**8300. LATERAL SEWER PERMIT:**

Each connector shall obtain a lateral sewer permit from the District Manager before a sewer connection permit can be issued, except when there is an existing lateral sewer that was assessed against the property under a local improvement district, or installed by an installer as part of the development of that parcel of land.

**8301. LATERAL SEWER PERMIT FEES:**

For each lateral sewer permit issued there will be a charge of Three Hundred Dollars (\$300.00) for issuing the permit and inspection of the construction.

**8302. LATERAL SEWER FEES (EXISTING DISTRICT-OWNED LATERAL SEWER):**

When the connector's property has a lateral sewer that was constructed to serve said property, but paid for by the District, the connector shall reimburse the District for said lateral sewer as follows:

(a) Permit Fee - Per Section 8301.

(b) Construction Charge - Equal to the per-foot charge paid by the District for said lateral times one-half the width of the street (60 foot maximum street) in which the lateral sewer is constructed.

(c) "Y" Connection - The cost of the "Y" connection to the branch or main sewer.

(d) Encroachment Permit - As charged by Local Agency.

## **ARTICLE 4: ENVIRONMENTAL QUALITY ACT - FEES**

### **8400. FEES AND DEPOSITS - ENVIRONMENTAL QUALITY ACT:**

Where District is the Lead Agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the Environmental Quality Act of 1970, the person or persons beneficially interested shall deposit with District the estimated cost of District preparation of materials, reports and the making of evaluations of the proposed project as estimated by the District Engineer. Should the amount of deposit be inadequate to meet the District's costs as Lead Agency or as a responsible agency involved in providing consultation to the Lead Agency as required by law, District shall, prior to completion of the District's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with District. Should there be a surplus remaining in the deposit following completion of the District's evaluation of the project, the surplus shall be returned to the person or persons making such deposit.

## CHAPTER IX

### REIMBURSEMENT OF EXCESS COSTS

**9000. EXCESS COSTS:**

Excess costs equal the sum of the following:

(a) Oversizing - The difference between the estimated cost of installing the size of line required to serve the installer's needs (8-inch minimum) and the actual cost of installing a larger line, where a line of greater than the size line required to serve the installer's needs, was installed by installer at the direction of the District.

(b) In Tract - One-half the cost of installing an 8-inch line or 6-inch line and appurtenances depending upon which size is installed by installer along the boundary line of property of installer where a sewer line has been installed by installer along said boundary, and is subject to probable future use by connectors other than installer.

(c) Off Tract - One hundred percent (100%) of the costs of installing all sewer lines and appurtenances beyond the property line of installer where sewer lines have been extended wholly outside the property of installer and are subject to probable future use by connectors other than installer.

**9001. APPROVAL OF EXCESS COSTS - CREDIT THEREOF TO REIMBURSEMENT ACCOUNT:**

District shall have the right to audit the excess costs submitted by installer, and to approve for reimbursement only so much thereof as it determines to be just and reasonable. District's determination of such excess cost as herein provided shall be final and conclusive. Such excess cost, if any, shall be computed when said line is completed by installer and accepted by District, and said amount shall be credited in the name of the installer to the installer's Reimbursement Account for the segment or segments of the sewerage system constructed by installer.

**9002. SOURCE OF REIMBURSEMENT FUNDS:**

(a) Oversizing (In-Tract and Off Tract) - Upon acceptance of the oversize lines by the District, the District will deposit in the Installer's Reimbursement Account the excess costs involved in installing oversize lines as described in Section 9000(a).

(b) In-Tract and Off Tract Sewers - Funds for reimbursement of in-tract and off-tract sewers as described in Sections 9000 (b) and 9000(c) shall be obtained from future connections to said sewers (front-foot charges collected in accordance with Section 8200) and from no other source.

**9003. DISBURSEMENT FROM REIMBURSEMENT ACCOUNT:**

Semi-annually all fees credited to each installer's reimbursement account shall be disbursed to installers.

**9004. TERMINATION OF RIGHT TO REIMBURSEMENT:**

The installer shall be carried on said Reimbursement Account until one of the following shall first occur:

(a) Total Reimbursement - Disbursement to Installer of an amount equal to total excess costs approved by District.

(b) Expiration of Agreement - The lapse of ten (10) years from date of acceptance of Transfer of Title by District and District shall not be responsible for advising installer of the expiration date.

(c) Withdrawal - The withdrawal of said sewer lines, or of the property sewered thereby from said Sanitary District. District shall be under no obligation to inform installer of such withdrawal.

Upon occurrence of (b) or (c) above, District shall succeed to the reimbursement credit to the installer, and shall be entitled to all payment due thereon.

**CHAPTER X**  
**ENFORCEMENT**

**10000. VIOLATION:**

Any person found to be violating any provision of this Code or any other ordinance, rule or regulation of the District shall be served by the Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall not be less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this Code or any other ordinance, rule or regulation of the District. Upon being notified by the Manager of any defect arising in any sewer or of any violation of this Code, the person or persons having charge of said work shall immediately correct the same.

**10001. PUBLIC NUISANCE:**

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this Code or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

**10002. DISCONNECTION:**

As an alternative method of enforcing the provisions of this Code or any other ordinance, rule or regulation of the District, the Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the Manager shall estimate the Cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

**10003. PUBLIC NUISANCE, ABATEMENT:**

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

**10004. CORRECTION OF VIOLATION:**

In order to enforce the provisions of this Code or any other ordinance, rule or regulation of the District, the District may correct any violation. The cost of such correction may be added to any sewer service charge payable by the person violating this Code or any other ordinance, rule or regulation, or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of any ordinance of the District.

**10005. SUSPENSION OF SERVICES:**

When deemed necessary by the District Manager for the preservation of public health or safety or for the protection of public or private property, he may suspend sewer service to any person or persons using the sanitary sewer system in a manner or way as to endanger the public health or safety or public or private property, and in this regard sever from the public sewer all pertinent connections thereto. If such endangerment shall be imminent, then the District Manager may act immediately to suspend sewer service after notice to said person or persons."

**10006. MEANS OF ENFORCEMENT ONLY:**

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of this Code or any other ordinances, rules and regulations, and not as a penalty.

**10007. MISDEMEANOR:**

Section 6523 of the Health and Safety Code of the State of California provides that a violation of a regulation or ordinance of a district is a misdemeanor punishable by imprisonment in the county jail not to exceed 30 days, or by a fine not to exceed One Thousand Dollars (\$1,000), or by both. Each and every connection or occupancy in violation of the ordinances and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

**10008. PRETREATMENT OF INDUSTRIAL WASTE:**

Section 54739 of the Government code of the State of California provides that the District may require any of the following:

1. Pretreatment of any industrial waste which the District determines is necessary in order to meet standards established by the federal or California state government or other regulatory agencies or which the District determines is necessary in order to protect the treatment works or the property and efficient operation thereof or the health or safety of its employees or the environment.
2. The prevention of the entry of such industrial waste into the collection system and treatment works.
3. The payment of excess costs to the system for supplementary treatment plants, facilities, or operations needed as a result of allowing the entry into the collection system and treatment works of such industrial waste.

The provisions of Section 54739 shall be in addition to other requirements provided for in the rules, regulations and ordinances of the District.

**10009. CIVIL LIABILITY:**

Section 54740 of the Government Code of the State of California provides:

- (a) Any person who violates any requirement adopted or ordered by the District pursuant to paragraph (1) or (2) of subdivision (a) of Section 54739 of said Government Code may be civilly liable in a sum not to exceed Twenty-Five Thousand Dollars (\$25,000.00) a day for each violation.
- (b) The District may petition the superior court to impose, assess and recover such sums. In determining the amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.
- (c) Remedies hereunder are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable hereunder for any violation for which liability is recovered under Section 54740.5 of said Government Code.

**10010. LIABILITY FOR VIOLATION:**

Any person violating any of the provisions of this Code or any other ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

## CHAPTER XI

### MISCELLANEOUS PROVISIONS

**11000. PROTECTION FROM DAMAGE:**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewage works. Any person violating this provision shall be subject to the penalties provided by law.

**11001. POWERS AND AUTHORITIES OF INSPECTORS:**

The officers, inspectors, manager and any duly authorized representative of the District shall wear or carry an official badge of office or other evidence establishing his position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purpose of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of this Code and any other ordinances, rules and regulations of the District.

**11002. RELIEF ON APPLICATION:**

When any person, by reason of special circumstances, is of the opinion that any provision of this Code is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provisions complained of, and requesting suspension or modification of that provision as applied to his premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

**11003. RELIEF ON OWN MOTION:**

The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Code should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof; provided that no relief as to provisions imposed upon the District by higher authority may be granted by the Board hereunder without the consent of the higher authority having jurisdiction thereover.