

CHAPTER 7. USE OF PUBLIC SEWERS

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7.010 Purpose. The purpose of this chapter is to:

(1) 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.

(2) 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 wastes without decreasing the ability of said system to handle and dispose of all sanitary sewage.

(3) 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 biosolids.

(4) Improve opportunities to recycle and reclaim treated effluent and wastewater sludge.

(5) Protect the physical structure of the sanitary sewer system and the efficient functions of its component parts.

(6) Protect the district and its personnel and preserve and protect the health, safety and comfort of the public.

(7) 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.

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

(Adopted by Ord. 123, April 26, 1995)

7.020 Annexation Required For Connection of Property Outside District. Property outside the district may not be connected to a district sewer unless the property served is annexed to the district.

(Adopted by Ord. 123, April 26, 1995)

7.021 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 an approved building sewer.

(Adopted by Ord. 123, April 26, 1995)

7.022 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 and the Environmental Services Department of the City of San Jose by telephone or in person within one hour of becoming aware of accidentally discharging wastes of reportable quantities as determined in 40 CFR 117 or discharge of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, to enable countermeasures to be taken by the District and the Plant to minimize damage to the sanitary sewer system, Plant, treatment processes, and the receiving waters. If hazardous waste is discharged the Industrial User shall be subject to all requirements in 40 CFR 403.12 (p).

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 and the Plant will not relieve Industrial 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 or the Plant on account thereof under applicable provisions of state or federal law.

F. All permitted facilities must maintain a spill control plan for protection against accidental discharges, including but not limited to, berming of chemicals and waste materials. The review of such plans and procedures shall not relieve the Industrial User from the responsibility of modifying the facility as necessary to meet the requirements of this Code or other state or federal regulations.

G. This plan must be reviewed and revised as needed within 30 days after an accidental discharge has occurred or as required by the District Manager and Engineer. (Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.023 Pretreatment by Owner. Each Owner of private premises shall, at the Owner's own expense, provide such treatment or take such other measures, as the District Manager and Engineer may require to prevent accidental discharge, reduce objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited in the sanitary sewer system, to prevent damage to or interference with the sanitary sewer system. (Adopted by Ord.123, April 26, 1995; Amended by Ord. 135, May 8, 2008)

7.024 Discharge Into Sanitary Sewer System Prohibited. It shall be unlawful to discharge any sewage, industrial waste, or other polluted waters into any sanitary sewer system without a valid permit issued by the District pursuant to this Ordinance Code. (Adopted by Ord. 123, April 26, 1995)

7.025 Regulation of Trucked or Hauled Waste. No person shall discharge or 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 issued pursuant to this Chapter or a receiving station permit issued pursuant to Chapter 9 of this Code. (Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.030 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 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 chapter, including but not limited to the payment of applicable permit fees and such terms and conditions as the district may impose in the wastewater discharge permit.

(Adopted by Ord. 123, April 26, 1995)

7.035 Monitoring Facilities.

A. The District Manager and Engineer may require any Discharger to the sanitary sewer system to construct, at the Discharger'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 Discharger.

C. Any required monitoring facilities shall be specified in the wastewater discharge permit issued pursuant to this chapter.

D. Dischargers shall retain sufficient wastewater in their sample box at all times to allow sample collection representative of the last wastewater discharge.
(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.040 Cooling Water, Etc. 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.

(Adopted by Ord. 123, April 26, 1995)

7.050 Obstructing or Injurious Substances. No person shall discharge, 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.

(Adopted by Ord. 123, April 26, 1995)

7.060 Flammable or Explosive Substances. No person shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system any wastewater containing any flammable, liquid, solid, vapor, or gas or other substance, including, but not limited to any substance having a closed cap flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C) using test methods specified in 40 CFR 261.21.

(Adopted by Ord. 123, April 26, 1995)

7.070 Hot Substances. No person shall discharge, 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 one hundred fifty degrees Fahrenheit (150° F) or more, or which may cause the temperature at the Plant to exceed one hundred and four degrees Fahrenheit (104° F).

(Adopted by Ord. 123, April 26, 1995)

7.080 Grease, Oil and 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 one hundred fifty (150) parts per million by weight.

(Adopted by Ord. 123, April 26, 1995)

7.090 Solid or Viscous Matter. No person shall discharge, deposit, 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, plastic, 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 sanitary sewage or industrial wastes.

(Adopted by Ord. 123, April 26, 1995)

7.100 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 six (6.0) or more than twelve and one-half (12.5) or 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.

(Adopted by Ord. 123, April 26, 1995)

7.105 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 sanitary sewer system in a quantity that may cause acute health and/or safety problems for workers in the sanitary sewer system.

(Adopted by Ord. 123, April 26, 1995)

7.110 Interfering Substances.

A. No person shall discharge, or cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any industrial waste containing any of the following toxic substances exceeding the concentrations set forth below.

<u>Toxic Substances</u>	<u>Standard Discharger</u>		<u>Low Flow Discharger</u>	
	<u>Maximum Allowable</u>		<u>Maximum Allowable</u>	
	<u>Concentrations</u>		<u>Concentrations</u>	
Antimony	5.0	mg/l	5.0	mg/l
Arsenic	1.0	mg/l	1.0	mg/l
Beryllium	.75	mg/l	0.75	mg/l
Cadmium	0.7	mg/l	0.7	mg/l
Chromium, Total	1.0	mg/l	1.0	mg/l
Copper	2.3	mg/l	2.7	mg/l
Cyanides	0.5	mg/l	0.5	mg/l
Lead	0.4	mg/l	0.4	mg/l
Mercury	0.010	mg/l	0.010	mg/l

Nickel	0.5	mg/l	2.6 mg/l
Phenol and derivates	30.0	mg/l	30.0 mg/l
Selenium	1.0	mg/l	1.0 mg/l
Silver	0.7	mg/l	0.7 mg/l
Zinc	2.6	mg/l	2.6 mg/l

B. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any toxic or poisonous substances or any other pollutants, including Biochemical Oxygen Demand, in sufficient quantity to injure or cause an Interference with the sewage treatment process or Pass-Through the Plant, 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. All samples, both grab and composite, shall demonstrate compliance with the above limits.

D. Any Industrial User that violates any of the Interfering Substances limits must resample and submit sample reports for all pollutants in violation of any applicable permit limits or other pollutants as required by the District Manager and Engineer within 30 days of becoming aware of the violation.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.111 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 as set forth in section 7.110, or to avoid or minimize any requirements imposed in a wastewater discharge permit is prohibited.

(Adopted by Ord. 123, April 26, 1995)

7.112 Copper-Based Chemical Compounds. 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 any sanitary sewer system or any part thereof. (Adopted by Ord. 123, April 26, 1995)

7.120 Suspended Solids; Dissolved Matter. No person shall discharge, 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 plant.

(Adopted by Ord. 123, April 26, 1995)

7.130 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.

(Adopted by Ord. 123, April 26, 1995)

7.140 Radioactive Matter. No person shall discharge, cause, allow, or permit to be discharged, any radioactive waste into the sewerage 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 person so acting does so in compliance with all applicable rules and regulations of all other regulatory agencies having jurisdiction over such discharges.

(Adopted by Ord. 123, April 26, 1995)

7.150 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.

(Adopted by Ord. 123, April 26, 1995)

Section 7.152 Grease and Grease Control Devices.

A. Prohibition of Grease Discharges

1. No person shall discharge, cause, allow or permit to be discharged into the sanitary sewer system any liquid or other waste containing Grease in excess of one hundred fifty (150) parts per million by weight.
2. No person shall discharge, cause, allow, or permit any Grease discharge from a Food Service Establishment into the sanitary sewer system, unless such discharge has first been processed through an approved Grease Control Device.
3. No person shall discharge, cause, allow, or permit to be discharged any Yellow Grease, or any waste or material mixed with Yellow Grease, into the sanitary sewer system from a Food Service Establishment. No Yellow Grease from a Food Service Establishment shall be mixed with Grease Trap or Grease Interceptor waste.

B. Grease Control Devices

1. Installation of Grease Control Devices

a. Any Food Service Establishment or other type of business or establishment where Grease or other viscous, obstructing materials may be discharged into a sanitary sewer shall have a Grease Control Device and related plumbing of a size and design approved by the District Manager.

b. Grease Interceptors shall meet the following minimum requirements:

- i) Designed retention time of no less than thirty minutes.
- ii) The effluent from the device must flow through an approved sample box.
- iii) Installed per manufacturer's specifications.
- iv) At least two (2) manholes, situated so all standpipes can be fully observed, and all internal surfaces can be reached, without confined space entry.
- v) Double-sweep clean-outs, on the interceptor inlet, and sample box outlet.

- vi) Shall meet the specification and be constructed in accordance with the applicable provisions of Chapter 24.06 of the San Jose Municipal Code.
- c. Grease Traps shall meet the following minimum requirements:
 - i) No injection ports for chemicals or bacteria.
 - ii) Installed per manufacturer's specifications.
 - iii) Appropriate flow restrictors, whether integral or external to the device, must be installed.
 - iv) Shall meet the specifications and be constructed in accordance with the applicable provisions of Chapter 24.04.
- d. Mechanical Grease Removal Devices shall be installed in accordance with manufacturer's specifications.
- e. Each Grease Control Device shall be so installed and connected so that it shall be at all times easily accessible for visual inspection, sampling, cleaning and removal of Grease, and other matter from all surfaces.
- f. A Grease Control Device shall be situated on the discharger's premises, except when such a location would be impractical or cause undue hardship on the discharger. A public agency of competent jurisdiction may issue an encroachment permit to allow the Grease Control Device to be installed in a public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- g. Waste discharged from fixtures and equipment in establishments which may contain Grease, including but not limited to, scullery sinks, dishwashers, food waste disposables, soup kettles, and floor drains located in areas where such Grease may exist, may be drained into the sanitary sewer system through the Grease Control Device if approved by the District Manager, provided, however, that toilets, urinals, wash basins, and other fixtures containing fecal material shall not flow through the Grease Control Device.

2. Maintenance and Operation of Grease Control Devices

A. Grease Control Devices shall be maintained in efficient operating condition by periodic removal of accumulated Grease. The use of chemicals, bacteria, enzymes, or other additives that have the effect of emulsifying or dissolving Grease is prohibited unless specifically authorized by the District Manager in writing. No accumulated Grease shall be introduced into any drainage piping or public or private sewer.

B. Grease Control Devices shall be cleaned on a sufficient frequency to prevent objectionable odors, surcharge of the Grease Control Device, or interference with the operation of the sanitary sewer system.

1. Grease Traps shall be cleaned at least once every thirty (30) days.
2. Grease Interceptors shall be cleaned once every ninety (90) days.
3. Mechanical Grease Removal Devices must be maintained in a manner and frequency consistent with manufacturer specifications and guidance.
4. Grease Control Devices shall be cleaned when their last chamber is filled to twenty-five (25%) percent or more of capacity with Grease or settled solids. Grease Interceptors with a sample box shall be cleaned immediately when Grease is evident in the sample box.
5. Grease Control Devices shall be cleaned by being pumped dry and all accumulated sludge on all surfaces shall be removed by washing down the sides, baffles and tees. No water removed from the device during cleaning shall be returned to the Grease Control Device.

C. The District Manager may grant an exception to the requirements of subsections 2 B (i) and (ii) above where he/she finds, based on evidence presented by the discharger, that a less frequent cleaning schedule will be sufficient to assure that not more than twenty-five (25%) percent of the capacity of the Grease Control Device will be filled with Grease or settled solids.

D. All dischargers shall implement Best Management Practices in their operations to minimize the discharge of Grease to the Sanitary Sewer System.

E. Dischargers shall maintain records on site for a period of at least three (3) years. These records shall include documentation showing that the Grease Control Device operated by the discharger has been properly maintained and cleaned as required by this section. Food Service Establishments shall maintain records showing the following documentation regarding all Grease hauled off site: date and time material removed off site; volume removed; hauler name; truck license number; type of Grease removed; and final destination of material collected.

F. Abandoned Grease Control Devices shall be emptied and filled as required for abandoned septic tanks.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 139, October 28, 2009)

7.160 Garbage.

A. 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 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 it shall have been first passed through a mechanical grinder.

B. No person shall install, operate, use or maintain upon the premises of any 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, or any part thereof.

C. No person shall discharge, deposit, 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 provisions of the Plumbing and Electrical Code of the general jurisdiction within the district.

(Adopted by Ord. 123, April 26, 1995)

Section 7.165 Fixer Solution Prohibition. No person shall discharge, cause, allow or permit Fixer Solution [as defined in Section 1.050 (29) of the District's Ordinance Code] into the sanitary sewer system without prior pretreatment to meet all applicable limits.

(Adopted by Ord. 138, October 28, 2009)

Section 7.166 Prohibition of Discharge from Dental Vacuum System; Installation and Maintenance of Amalgam Separators.

- A. Except as provided in subsections B and C below, no person shall discharge, cause, allow, or permit any discharge to the sanitary sewer system from a dental vacuum system, unless such discharge has first been processed through an Amalgam Separator [as defined by Section 1.050 (3) of the District's Ordinance Code.]
- B. For each dental vacuum system installed prior to January 1, 2009, an Amalgam Separator shall be installed on or before December 31, 2010. No dental vacuum system shall be installed on or after July 1, 2009 without an Amalgam Separator. Proof of certification and installation records shall be submitted to the District Manager or his/her authorized representative within thirty (30) days of installation.
- C. A dental vacuum system may be operated without an Amalgam Separator provided that the system is not used in connection with the removal or placement of fillings that contain Dental Amalgam more than three (3) days per calendar year and the system is used exclusively by the following types of dental practices: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.
- D. Amalgam Separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained for minimum of five (5) years and available for immediate inspection upon request therefore by the District Manager or designee during normal business hours.

(Adopted by Ord. 138, October 28, 2009)

7.170 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 been first passed through screens having openings not exceeding 1/32 of an inch in dimension.

B. The District Manager and Engineer may authorize, in writing, the discharge into the sanitary sewer system of such wastes if they are first passed through screens having larger openings, if the Manager is satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by the above-specified openings of 1/32 of an inch in dimension.

C. Each person who discharges, causes, allows, or permits to be discharged into the sanitary sewer system or any part thereof, any such wastes shall install and maintain 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 one hundred percent (100%) of the peak hydraulic and solids loading imposed on such screens and appurtenances during any processing period.

D. No person shall discharge any such screened wastes into the sanitary sewer system, or any part of the system, unless and until he or she has obtained a wastewater discharge permit pursuant to this chapter granting approval to do so. The Manager may require such person to provide to the Manager a report prepared by a registered professional engineer which shows, to the satisfaction of the Manager, that the provisions of this section have been complied with, before the wastewater discharge permit is granted.

(Adopted by Ord. 123, April 26, 1995)

7.171 Repealed by Ord. 135, May 28, 2008.

7.172 Repealed by Ord. 135, May 28, 2008.

7.173 Repealed by Ord. 135, May 28, 2008.

7.174 Repealed by Ord. 135, May 28, 2008.

7.175 Repealed by Ord. 135, May 28, 2008.

7.176 Repealed by Ord. 135, May 28, 2008

7.177 Repealed by Ord. 135, May 28, 2008

7.180 Suspension of Service. When deemed necessary by the District Manager and Engineer 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 and Engineer may act immediately to suspend sewer service without giving advance notice or warning whatsoever to said person or persons.

(Adopted by Ord. 123, April 26, 1995)

7.195 Repealed by Ord. 135, May 28, 2008

7.200 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.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.205 Falsification of Information.

A. It shall be unlawful to make any false statement, representation, record, report, plan or other document or to tamper with or render inaccurate or divert flow from any monitoring device or equipment installed or operated pursuant to this chapter or of any permit issued under this chapter.

B. In addition to any other punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any permit issued under this chapter.

(Adopted by Ord. 123, April 26, 1995)

7.210 Record Keeping. All Industrial Users subject to the reporting requirements of this Chapter shall retain and make available for inspection and copying, all records of information obtained pursuant to monitoring activities required by this Chapter, and any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements. These records shall remain available for the duration of any

enforcement action concerning the Industrial User, or where the Industrial User has been specifically notified of a longer retention period by the District Manager and Engineer.
(Adopted by Ord. 135, May 28, 2008)

7.230 Power to Inspect.

A. The District Manager and Engineer and other duly authorized employees and agents of the District bearing credentials and identification shall have the right to access upon all properties for the purpose of inspecting any sewer or storm drain connection, including all discharge connections of roof and surface drains and plumbing fixtures; inspecting, observing, measuring, photographing, sampling, and testing the quality, consistency, and characteristics of sewage and industrial wastewaters being discharged into any public sewer or natural outlet; and inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to water usage and effluent discharged, chemical usage, and hazardous waste records.

B. The manager may terminate service or revoke the permit of any person who has discharged wastewater to the sanitary sewer system and has unreasonably refused access to the District or its agents.

(Adopted by Ord. 123, April 26, 1995)

7.240 Public Nuisance. The discharge of unscreened garbage, fruit, vegetable, animal or other solid or liquid industrial wastes into any part of the sanitary sewer system in violation of any provision of this chapter, is hereby declared to be a public nuisance.

(Adopted by Ord. 123, April 26, 1995)

7.250 Discharge Reports.

A. The District Manager and Engineer may require that any person connected to or discharging wastewater into the sanitary sewer system file periodic discharge reports or a zero discharge report.

B. The periodic discharge report may be required to include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, hauling records, potential for Slug Discharge 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 Zero Discharger does not discharge industrial waste to the sanitary sewer system. This report may be required to include, but need not be limited to, nature of process, hours of operation, number of employees, hauling records, or other information that relates to generation of wastes.

D. The District Manager and Engineer 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, including waste hauling records or other information which relates to the generation of wastes, even though they may not normally be discharged.

E. In addition to discharge reports, the District Manager and Engineer may require Dischargers to submit such additional reports as may be necessary to allow the District to evaluate the Discharger's ability to comply with this Chapter, 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 manager.

G. Sampling and analysis shall be performed in accordance with 40CFR 136 and amendments thereto. Where 40CFR 136 does not contain sampling or analytical methods for the pollutant in question, or where the Manager determines that 40CFR 136 is inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods validated by the District Manager and Engineer.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.260 Enforcement. The primary responsibility for enforcement of the provisions of this chapter shall be vested in the District Manager and Engineer, or agents of the district as he/she shall designate, provided that field inspectors or other employees of the district or the Source Control Section of 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 and Engineer, with the power to inspect and issue notices for violations of this Chapter.

Nothing in this chapter limits the authority of the District Manager and Engineer to request that a civil or criminal action be brought by the District's counsel, a city attorney, a district attorney or the Attorney General pursuant to this chapter or under any law or regulation.

(Adopted by Ord. 123, April 26, 1995)

7.270 Termination of Service and Permit Revocation.

A. The District Manager and Engineer 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 this chapter 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 therefore, 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 and Engineer 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 and Engineer determines that immediate permit revocation or suspension of service is necessary, the 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.

(Adopted by Ord. 123, April 26, 1995)

7.280 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.

(Adopted by Ord. 123, April 26, 1995)

7.300 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.

(Adopted by Ord. 123, April 26, 1995)

7.310 Mandatory Wastewater Discharge Permits. No Critical User or Significant Industrial 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 and Engineer.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.320 Permit Duration and Amendment.

A. 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 discharge are modified and changed.

C. The holder of a 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 and Engineer may include a compliance schedule in an amended permit.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.330 Permit Application.

A. All persons requiring a discharge permit shall file a complete application, in the form prescribed by the District Manager and Engineer and accompanied by payment of all fees established by this ordinance code and further accompanied by payment of all fees established by the City of San Jose, in connection with its industrial waste discharge permit program.

B. For new construction, permit applications shall be filed with the Manager at the time that an application for a building permit for a new building or structure is made.

C. All persons discharging wastewaters into the sanitary sewer system for which a discharge permit has been issued must apply for a new permit prior to making a significant change in the operations affecting their discharge.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 124, September 25, 1996; Amended by Ord. 135, May 28, 2008)

7.340 Delinquent Fees

A. Permit applications are due ninety (90) days prior to commencing discharge to the sanitary sewer system or expiration of existing discharge permits. Any person who fails to file an application for a 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.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.350 Signature Requirements.

A. Permit applications, discharge reports and any other reports required by the 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.

(Adopted by Ord. 123, April 26, 1995)

7.360 Additional Information.

A. If the District Manager and Engineer is not satisfied that the permit application has sufficient information to determine whether the permit should be issued, the 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 and Engineer, after reviewing a request for information, to complete the application.

C. If the returned application is not resubmitted within the specified time period, then a new application for discharge permit must be submitted along with the application fees and any delinquent fees for a new permit.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.370 No Transfer of Permit. Discharge permits are issued to a specific User for a specific operation. No User shall assign, transfer or sell a discharge permit, or use the permit for on premises or for facilities or operations not covered by the permit. (Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.380 Denial of Permit.

The District Manager and Engineer may deny a 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 Manager may deem necessary to include in the applicant's permit.

F. The applicant has not provided plans for sufficient protection from accidental discharges to the sanitary sewer system.

G. If the Manager refuses to issue a Permit, the application fees shall not be returned to the applicant unless the Manager has ascertained that a permit is not required to discharge the wastewater for which the permit application is made.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.390 Permit Conditions.

A. 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 Manager may deem necessary to implement 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 volume, 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 or its agent access thereto;

7. Requirements for notification to the District or its agents 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.
(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.400 Permit Appeals.

A. Any permittee or permit applicant may appeal a notice of revocation of a 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 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 and Engineer 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 and Engineer 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 Manager's decision, and the Manager's decision shall be deemed final and effective.

E. At the hearing before the 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 Manager deems reliable, relevant and not unduly repetitious may be considered.

G. The applicant may be represented at the hearing by another person.

H. The Manager shall provide written notice of decision on the appeal to the permittee or applicant. The decision of the Manager on the appeal shall be deemed final and effective three (3) days after the 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.

(Adopted by Ord.123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.410 Additional Relief. The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy provided by law for the benefit of the District.

(Adopted by Ord. 123, April 26, 1995; Amended by Ord. 135, May 28, 2008)

7.415 Applicability of Regulations Issued by the Director of Environmental Services of the City of San Jose. In addition to the provisions contained in the District's ordinance code, industrial dischargers discharging industrial waste into the District's sewer system, shall be subject to all wastewater discharge permit regulations promulgated by the Director of Environmental Services of the City of San Jose authorized by this Chapter and Chapter 15.14.790 of the San Jose Municipal Code which are not inconsistent with the District's ordinance code.

(Adopted by Ord. 124, September 15, 1996; Amended by Ord. 135, May 28, 2008)

7.420 Publication of Users in Significant Noncompliance. The Manager is authorized to publish annually, a list of Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

(Adopted by Ord. 135, May 28, 2008)