

ORDINANCE NO. 333

AN ORDINANCE OF THE CENTRAL CONTRA COSTA SANITARY DISTRICT
REVISING DISTRICT CODE
CHAPTERS 6.12.040, 10.04.020, 10.04.030, and 10.32.035

WHEREAS, the Central Contra Costa Sanitary District (Central San) has determined that there is a need to update certain provisions within Chapters 6 and 10 of the District Code; and

WHEREAS, a public hearing was noticed pursuant to Government Code Sections 50022.3 and 6066 for June 6, 2024 at 2:30 p.m. at the District Board of Directors Regular Meeting scheduled for that date; and

WHEREAS, a properly noticed public hearing was held on June 6, 2024 at 2:30 p.m. where all interested parties were given an opportunity to be heard, and thereupon the public hearing was closed; and

WHEREAS, the District Counsel has reviewed these proposed Code revisions and concluded that adoption of these Code modifications does not constitute a California Environmental Quality Act (CEQA) Project as defined under Title 14 of California Code of Regulations; specifically it does not constitute a Project pursuant to §§ 15378(b)(2), (4) and (5) because:

- i) this action is continuing administrative in nature, and deals with general policy and procedure making; and
- ii) it does not create any governmental funding mechanism or fiscal activity involving a commitment to any specific project; and
- iii) it is an organizational and administrative activity that will not result in any direct or indirect changes to the environment; and

WHEREAS, the Board of Directors duly considered all oral and documented evidence.

NOW, THEREFORE, the Board of Directors of the Central Contra Costa Sanitary District does ordain as follows:

1. Amendment of Section 6.12.040 C

The following section of the District Code shall be amended to read as follows:

- C. Capacity Fees for Accessory Dwelling Units (ADUs), as defined in Title 7, Division 1, Chapter 13 of the California Government Code [Section 66313 et seq.], which includes efficiency units as defined in 17958.1 of the Health

and Safety Code, shall conform to the requirements therein. "Existing Space" is defined as space for which a building permit has been issued, all conditions of the building permit have been satisfied, and the building permit has been closed for at least three years.

2. Amendment of Section 10.04.020

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings hereinafter designated:

- A. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq.
- B. "Authorized representative of industrial user" may be:
 - 1. By a responsible corporate officer if the industrial user is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. By a general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.
 - 3. By a duly authorized representative of the individual designated in paragraph 1 or 2 of this section if:
 - i. The authorization is made in writing by the individual described in paragraph 1 or 2;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

- iii. The written authorization is submitted to the District.
- C. "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance or operating procedures, and other management practices to implement that which is listed in 40 CFR 403.5(a)(1) and to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Best management practices may be proposed by an individual user and accepted by the District or, as set forth in this title, mandated and set by the District.
- D. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration (milligrams per liter, mg/l).
- E. "Carbonaceous biochemical oxygen demand (CBOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, excluding oxidation due to nitrogenous bacteria, under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration (milligrams per liter, mg/l).
- F. "Categorical standards" means national pretreatment standards which specify quantities or concentrations of pollutants or pollutant properties that may be discharged by industrial users in specified industrial subcategories.
- G. "Class I industrial user" means any nondomestic user who requires a significantly greater level of administrative services and/or oversight by the District Environmental Compliance Program than a Class II user, based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste.
- H. "Class II industrial user" means any nondomestic user of the District's facilities who:
1. Has a discharge flow of twenty-five thousand gallons or more per average work day; or
 2. Contributes process wastewater which makes up five percent or more of the District treatment plant's average dry weather hydraulic or organic capacity; or
 3. Has in its wastes hazardous pollutants; or
 4. Is subject to national pretreatment standards; or
 5. Has in its untreated wastewater pollutants which are in excess of any pretreatment standard or requirement, including any standard identified in this title or local limits set by resolution of the District Board; or
 6. May, in the opinion of the District, have a reasonable potential for adversely impacting, either singularly or in combination with other contributing industries, the District's treatment plant or the ability of the

District to meet the objectives of this title or for violating any pretreatment standard or requirement.

- I. "Class III industrial user" means any nondomestic user who may, in the opinion of the District, have an impact on the District's ability to meet the objectives of this title. This impact may be of a lesser degree than for a Class II industrial user due to the volume, characteristics, or the nature of the process producing the waste. Any non-domestic user who generates hazardous waste, whether or not said waste is, in the normal course of the industrial process, discharged into the sanitary sewer system, may be considered a Class III industrial user. A nondomestic user may be classified as a Class III Industrial user if any of the hazardous waste is being discharged into the sewer, or if, in the opinion of the District, there is a potential for this waste to be discharged into the sewer, even through accident in non-process or process of handling of the waste. This classification applies to, but is not limited to, those industrial users who are not designated as Class I or Class II users and who are required to have a county hazardous waste facility license. This Class III industrial user category shall also include industrial users who store or use hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the determination of the District, a potential exists for a significant impact upon the District facilities due to a release of these materials into the environment. This classification also applies to those industrial users not designated as Class I or Class II industrial users who are required by statute or county regulations to have a hazardous materials response plan and inventory. A Class III industrial user shall also include all varieties of nondomestic users for which the general pretreatment regulations promulgated by the EPA under a 40 CFR 403.8(f)(2)(iii) may require the District to provide an industrial user (IU) notification regarding the applicability of RCRA requirements. Class III industrial users may be individually designated by the District based on the criteria set forth above or on categorization of the user as a member of a particular business category.
- J. "Class IV industrial user" means any non-domestic user who is not included within the definitions and parameters of Class I, Class II, or Class III industrial users.
- K. "Collection system" means the District pipelines, pump stations, manholes, and other similar facilities which accept, collect, and convey sanitary sewage to the treatment plant.
- L. "Constituent" means a pollutant parameter that may be subject to monitoring or other control measures by a user.
- M. "Cooling water" means the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- N. "Cross-Media Electronic Reporting Rule (CROMERR) means the rule providing legal framework for electronic reporting under EPA's regulatory programs. The CROMERR program ensures the enforceability of regulatory information collected electronically by EPA and EPA's state and local government partners.
- O. "Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in

- units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- P. "Discharge" or "indirect discharge" means the introduction of pollutants into a publicly-owned treatment works from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- Q. "Discharge prohibition" means regulatory strategy to control pollutant sources by prohibiting the discharge to the sanitary sewer system rather than establishing numeric discharge limits.
- R. "District" means Central Contra Costa Sanitary District.
- S. "District Board" means the Board of Directors for Central Contra Costa Sanitary District.
- T. "District facilities" means all of the District's system of collecting, conveying, and treatment including, but not limited to, the collection system and treatment plant. This includes any publicly-owned facility connected to the District's collection system which generates wastewater treated at the District treatment plant.
- U. "Domestic wastewater" means the liquid, solid and water-carried waste derived from ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer by means of a private conveyance system. The strength shall be considered to have no more than three hundred milligrams per liter (mg/l) BOD and suspended solids.
- V. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- W. "General Manager" means the General Manager of the District or his duly authorized representative.
- X. "Hazardous pollutants" means any constituent or combination of constituents that is classified as hazardous under state or federal regulations or is included on the federal list of toxic pollutants as specified in CFR Title 40 Part 403.
- Y. "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, and vacuum-pump tank trucks.
- Z. "Industrial user" means any contributor of industrial waste or wastewater.
- AA. "Industrial waste or wastewater" means all water-carried wastes and wastewater of the community, excluding domestic wastewater derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation. Industrial wastewater may also include wastes of human origin similar to domestic wastewater which have been mixed with industrial wastes or wastewater prior to discharge to the District's facilities.
- BB. "Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

- CC. "Interceptor" means a containment device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other potentially harmful substances from entering the District facilities.
- DD. "Interference" means an act that harms or disrupts the facilities, processes, or operations of the District; or has an adverse effect on the quality of the effluent, sludge, air emissions, or other residuals generated by the District's facilities; or has an adverse effect on the receiving waters; or is likely to endanger life, health, or property or otherwise cause a nuisance; or results in violation of the District's NPDES permit or other permits; or, in the opinion of the District, otherwise adversely affects the District's ability to meet the objectives of Section 10.04.010 of this title. Interference can include, but not be limited to, a discharge that causes or contributes to a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- EE. "Mobile service provider" means a person or business that provides mobile or nonstationary services to commercial or industrial activities within the District's service area that generate wastewater needing to be discharged into a sanitary sewer system. The person or business providing the service may or may not have a base of operation in the District's service area.
- FF. "National pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to industrial users.
- GG. "National Pollution Discharge Elimination System or NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- HH. "New industrial user" means a person who has not contributed or caused to be contributed industrial waste or wastewater into District facilities from a given building, structure, facility, or installation. A "new source," as defined below, is included within the meaning of "new industrial user."
- II. "New source" means a building, structure, facility, or installation from which there is, or may be a discharge of pollutants, construction of which began after the publication of the proposed pretreatment standards pursuant to Section 307(c) of the Clean Water Act, which will apply to the source if the standards are promulgated, in accordance with that section provided that:
1. The source is constructed at a site at which no other source is located;
 2. The source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater-generating process of the source are substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. The standards contained in 40 CFR 403.3(m)(2) and (3) are incorporated by reference. See also "new industrial user" and "new user," *supra*.

- JJ. "New user" means a person who has not contributed or caused to be contributed waste or wastewater into District facilities from a given building, structure, facility, or installation. A "new source," as defined above, is included within the meaning of "new user."
- KK. "Notice of violation" means a document informing the user that it has violated the District Source Control Ordinance and appropriate corrective action must be taken.
- LL. "Ordinance," "this ordinance," and/or "Source Control Ordinance" and similar uses of the term "ordinance" shall refer to the entirety of Title 10 of the Central Contra Costa Sanitary District Code, including any and all amendments thereto.
- MM. "Pass through" or "passes through" means a discharge that exits the District wastewater system in quantities or concentrations that, alone or with discharges from other sources, have the reasonable potential to cause a violation of the District's NPDES permit.
- NN. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- OO. "pH" means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- PP. "Pollutant" means sewage or any characteristic of sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any commercial producing, manufacturing, or processing operation of whatever nature.
- QQ. "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects:
1. Such waters for beneficial use; or
 2. Facilities which serve such beneficial uses or which create a hazard to the public health.
- RR. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into District facilities. The reduction of alteration can be obtained by physical,

- chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).
- SS. "Pretreatment requirement" means any substantive or procedural pretreatment requirement, other than a national pretreatment standard, applicable to industrial users.
- TT. "Pretreatment standard" means any regulation of the District, state, or EPA containing pollutant discharge limits or other procedural or substantive requirements of the user.
- UU. "Process wastes" or "wastewater (discharges)." See "industrial waste" or "wastewater" defined above in part "Z" of this chapter.
- VV. "Publicly-owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- WW. "Slug discharge" means a discharge capable of causing adverse impacts to the District, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the District's facilities. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains
- XX. "Significant industrial user (SIU)" means any industrial user classified as a Class I or Class II industrial user shall be a significant industrial user under the federal pretreatment standards.
- YY. "Significant noncompliance (SNC)" means any violation of pretreatment standards or requirements that, in the opinion of the District, constitutes significant noncompliance. This shall include, but not be limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to accurately report noncompliance, and any other violation or group of violations as more particularly set forth in Section 10.16.110 of this title.
- ZZ. "Special discharge permit" means a permit that authorizes temporary discharges to the District's sanitary sewer system from sources that are not able to be discharged to a municipality's storm drain system, including, but not limited to: Groundwater remediation system, groundwater monitoring well purge water, construction dewatering, pool discharges, tank test water, temporary discharges of foundation drains or area drains while permanent solutions for pollutants are

- developed, and water from reservoirs to enable cleaning. The special discharge permit will specify the conditions for acceptance of the wastewater.
- AAA. "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
- BBB. "State" means the State of California.
- CCC. "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- DDD. "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- EEE. "Trap" means a containment device used for trapping substances and to prevent grease, sand, or flammable liquids from entering the District facilities.
- FFF. "Treatment plant" means any facility owned by the District that is designed to provide treatment to wastewater.
- GGG. "User" means any person who contributes or causes the contribution of wastewater into District facilities.
- HHH. "Warning notice" means a document informing a user of a condition that is either a minor violation, or if left unabated would become a violation that identifies corrective actions. Failure to correct the conditions identified in a warning notice can result in issuance of a notice of violation.
- III. "Waste hauler" means a transporter of wastes that transports the wastes to an authorized disposal/recycling facility provided that appropriate permits/licenses are obtained by the accepting facility or agency.
- JJJ. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District's facilities.
- KKK. "Wastewater discharge permit" means as set forth in Section 10.12.040 of this title.
- LLL. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- MMM. "Zero discharge" means a practice of excluding the discharge from entering the District facilities. Zero discharge can be applied to all process discharges from a user or for specific process discharges.

3. Amendment of Section 10.04.030

The following abbreviations shall have the designated meanings:

BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CBOD	Carbonaceous Biochemical Oxygen Demand
CCR	California Code of Regulations
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CROMERR	Cross-Media Electronic Reporting Rule
EPA	Environmental Protection Agency
L	Liter
IU	Industrial User
mg	Milligrams
mg/L	Milligrams per Liter
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SDP	Special Discharge Permit
SIC	Standard Industrial Classification
SIU	Significant Industrial User
USC	United States Code
TSS	Total Suspended Solids
TTO	Total Toxic Organic
ug/L	Micrograms per Liter

4. Amendment of Sections 10.32.035 B & C

- B. Interceptors and traps shall be operated so that the accumulated grease and solid waste does not meet or exceed twenty-five percent of the unit's capacity. Determinations shall normally be made by measuring the depth of the layers within a unit.
- C. Interceptors shall be cleaned at least once every ninety days. Interceptor cleaning shall be conducted to pump all the liquid and solid contents of the unit, and the sides will be cleaned of any substantial build-up of grease and solid wastes.
 - 1. Incidental use separators (e.g. sand/oil interceptors serving parking garages, grease traps serving only a trash enclosure without a wash station) shall be cleaned at least once every year). Less frequent cleaning shall be subject to District approval through the interceptor/trap maintenance variance.

5. Finding of No "Project"

The District Board's action in adopting the proposed Code revisions does not constitute a Project as envisioned by CEQA, as this action is consistent with defined circumstances which do not constitute a Project pursuant to the provisions of Title 14

§§ 15378(b)(2), (4) and (5).

6. Effective Date

This Ordinance shall be a general regulation of Central San and shall be published once in the *Contra Costa Times* and *San Ramon Valley Times*, newspapers of general circulation within the District Boundary, and shall be effective on July 1, 2024. This Ordinance shall be kept on file with the Secretary of the District.

PASSED AND ADOPTED by the Board of Directors of the Central Contra Costa Sanitary District on the 6th day of June 2024, by the following vote:

AYES: Members: Hockett, McGill, Pilecki, Wedington, Lauritzen
NOES: Members: None
ABSTAIN: Members: None

/s/ Mariah N Lauritzen
Mariah N. Lauritzen
President of the Board of Directors
Central Contra Costa Sanitary
District
County of Contra Costa, State of California

/s/ Katie Young
Katie Young, CPMC, CMC
Secretary of the District
Central Contra Costa Sanitary District
County of Contra Costa, State of California

Approved as to form: /s/ J. Leah Castella
J. Leah Castella, Esq.
District Counsel