

## ORDINANCE NO. 179

### AN ORDINANCE AMENDING SECTIONS 4100, 4113, AND 6101; AND ADDING SECTIONS 6421, 6422, 6423, 6424, 6425, 6426, AND 6427 OF THE CASTRO VALLEY SANITARY DISTRICT CODE.

The Sanitary Board of the Castro Valley Sanitary District does hereby ordain the following:

#### **Section 1:**

Effective July 01, 2019, the following Sections of the Castro Valley Sanitary District Code are hereby amended to read as follows:

### ARTICLE IV

#### REGULATION OF SEWER SERVICES

#### CHAPTER 1

#### USE OF PUBLIC AND PRIVATE SEWERS

##### **Section 4100. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used or referenced to herein in this chapter shall be as follows:

- (a) "Wastewater works" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater.
- (b) "Inspector" shall mean the "Sewer Inspector" of the Castro Valley Sanitary District, or his authorized deputy agent, or representative.
- (c) "Wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, exclusive of ground, surface, and storm waters.
- (d) "Sewer" shall mean a pipe or conduit for carrying wastewater.
- (e) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (f) "Combined sewer" shall mean a sewer receiving both surface runoff and wastewater.
- (g) "Sanitary sewer" shall mean a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

- (h) "Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.
- (i) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater.
- (j) "Industrial wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary wastewater.
- (k) "FOG" shall mean fats, oil and grease from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce.
- (l) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (m) "Building drain" shall mean that part of the lowest piping of a drainage system that receives discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet (610 mm) outside the building wall and 18 inches below ground surface.
- (n) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (o) "B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in parts per million by weight.
- (p) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (q) "Suspended solids" shall mean solids that either float on the surface of or are in suspension in water, wastewater, or other liquids; and which are removable by filtering.
- (r) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (s) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (t) "Capacity fee" shall mean the cost for new connections to the main sewer and for discharge of each new plumbing fixture, fixture unit as defined by the latest edition of the California Plumbing Code, increasing the wastewater capacity of the public sanitary sewer system.
- (u) "Accessory dwelling unit (ADU)" shall be defined as a residential unit that is no larger than the maximum size authorized for use as a second dwelling unit or as an accessory dwelling unit as defined and permitted by Alameda County.

(v) "Accessory structure" shall be defined as a nonhabitable structure on a property which may have plumbing fixtures installed in it and those may be connected to the lateral servicing the main housing unit.

(w) "CCTV" shall be defined as closed-circuit television.

(x) "CCTV Inspection" shall mean the process whereby a video camera is placed into and run through the inside of a building sewer for the purpose of detecting defects, including but not limited to cracks, breaks, offset joints, roots, sags, leaks, and illegal cross-connections. The inspection is witnessed and reviewed by an authorized District Inspector to verify the building sewer complies with the requirements.

(§101-119, Ord. 12, 03-20-50)

(Amended, §1, Ord. 162, 07-01-14)

(Amended, §1, Ord. 169, 05-03-16)

(Amended, §1, Ord. 174, 11-07-17)

(Amended, §1, Ord. 179, 07-03-18)

### **Section 4113. Permits – Types and Fees.**

Pursuant to the requirement of Section 4112 of this Code for written permits, the Castro Valley Sanitary District shall issue the following types of permits:

(a) Permits for New Connections.

(1) A written permit shall be issued for every new connection to the sanitary sewer system of the District, with the exception of new connections within subdivisions, that involve an extension to the public sewer main and are defined in Section 4500 of this Code. Subdivisions shall be subject to the same fees for new connections as set forth in subsection (a)(4) of this section; however, a written permit form shall not be issued for each individual connection therein. Authorization to perform sanitary sewer work within subdivisions shall be granted by resolution of the District Board approving the improvement plans for the subdivision, rather than by a written permit.

(2) The permit request shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District. In cases where connection to the public sewer requires access across property not belonging to the applicant or owner, the District shall require evidence of a valid easement for such purposes.

(3) (A) Permits issued for a new connection shall expire by limitation if the work, which includes connection from a structure to the public sewer, for which the permit is issued is not completed and accepted by the District within one calendar year from the date of issuance of the permit. One-year extensions of time may be granted upon payment of any difference between those fees originally paid and those fees in effect at the time the extension of time for completion is requested. Also, an administration fee of \$25.00 must be paid at the time of the request for extension of the permit. Such requests for extensions of time must be made prior to

the expiration of the permit. No extension of time shall be granted for permits which have already expired.

(B) Notwithstanding the above, individual written permits issued for new connections for building sewers which will be served by a proposed extension of the public sewer shall be valid for a period of one calendar year from the date of issuance of the permits, since payment and issuance of these permits is required prior to approval of the improvement plans for the extension of the public sewer. Extensions of time for completion of the work in these cases shall be granted under the same conditions as set forth above.

(C) In the case of subdivisions where written permits are not issued for each individual lot therein, connection of said lots must be completed and field accepted by the District's Inspector within three years from the date of Board approval of the improvement plans for the subdivision. If such work has not been completed and field accepted by the District's Inspector within the three-year period, one-year extensions of time may be granted, on an individual-lot basis, upon payment of any difference between those fees originally paid and those fees in effect at the time the extension is requested. Also, an administration fee of \$25.00 must be paid at the time of the request for extension of the permit. The first such requests for extension of time must be made prior to the expiration of the three-year period; thereafter, such requests must be made prior to the expiration of the one-year period.

(D) Once the period of validity, including extensions, has expired for a written permit or an authorization to perform work granted by approval of subdivision improvement plans, there shall be no refund made or credit given for any portion of the inspection fees paid and not used. Any capacity fees paid and not used shall be retained by the District and shall be applied as a credit against any capacity fees which may be due for future construction on the same parcel/lot. Capacity fees are not transferable to other parcels/lots. If, however, the period of validity for such work has not expired, the District may refund the capacity fee and any unused portion of the inspection fee to the person or persons who paid such fees originally, upon written request from such payor or his agent. Such original payor or his agent may also consent, in writing, to having such fees credited to a subsequent owner or developer, who then assumes all the rights and responsibilities incumbent upon the original payor. Any transaction shall result in an administration fee of \$25.00 per lot and must be paid at the time of the request for extension of the permit.

(E) Once the private building sewer and construction project has been completed and the permit closed by signature of District personnel, the capacity fees shall be considered used. A credit may only be issued against a new connection permit for single-family dwelling(s) under the following conditions:

- The Castro Valley Sanitary District has a record of the original connection.
- The credit will be equivalent to the amount originally paid at the time of connection.

- The new capacity fee shall pay the difference between the original paid amount and the current capacity fee set forth in subsection (a)(4) of this section.
- The existing private building sewer, if to be reused, shall be tested per Section 3411 of this Code.
- Any abandonment of an existing building sewer.

Exception. Exceptions to the above section shall be made and full capacity fee credit will be given to single-family dwellings which have been destroyed by fire, flood or earthquake. The single-family dwelling is to be reconstructed “in-kind” (i.e., one single-family dwelling replacing a destroyed single-family dwelling). This exception is valid for a two-year period from the date the damage (loss) occurred. The owner of the property at the time who suffered the loss shall make a written request to the District with documentation substantiating the claim of loss to be considered for the exception. The exception is not transferable to subsequent owners of the property.

(4) The fees for a permit for a new connection shall be paid at the time application is made by the owner or his agent for such permit and shall be comprised of an inspection fee of \$265.00 for each connection to the public sewer and a capacity fee to be determined by the District based upon the existing or proposed use of the property to be served and the number of existing or proposed uses thereon as follows:

USE	CHARGE PER USE	
	FY 2015/16	FY 2016/2017
Single-family dwelling unit including but not limited to condominiums, townhouses, multifamily units and other dwelling units.	\$15,676/unit	\$15,026/unit

Other dwelling units shall include mobile home park spaces, hospital per bed, nursing and convalescent homes per bed, motel and hotel rooms. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. For a new build other dwelling unit the respective capacity fee shall be based upon the number of plumbing fixtures installed in the structure or associated with the other dwelling unit. Each plumbing fixture unit shall be charged one-twenty-first of the single-family dwelling unit rate.

“Accessory dwelling unit” is defined as a residential unit that is no larger than the maximum size authorized for use as an accessory dwelling unit as defined and permitted by Alameda County. For a new build accessory dwelling unit, the respective capacity fee shall be based upon the number of plumbing fixtures installed in the accessory dwelling unit. They shall be subject to the additional permit requirements and shall be inspected per the District’s requirements. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. Each plumbing fixtures unit shall be charged one-twenty-first of the single-family dwelling unit rate. For a proposed accessory dwelling unit conversion of an existing accessory structure, the structure shall be considered existing if it was constructed prior to January 1, 2017.

Accessory structures shall include, but are not limited to, garages, greenhouses, workshops, and other uninhabitable structures and shall not be charged any capacity fees.

Other. Capacity fees for all other uses, including commercial uses, shall be calculated on the following unit costs for wastewater discharge, or by determination of additional plumbing fixture units added to the structure as defined in the latest edition of the California Plumbing Code. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. Each plumbing fixture unit shall be charged one-twenty-first of the single-family dwelling unit rate.

Flow shall be determined by water meter readings or other method acceptable to the District. BOD and SS shall be from data published by the California Water Resources Control Board or Regional Board as representative of the amount of BOD and SS for the class of user. With the approval of the District the user may install a monitoring manhole with measuring equipment approved by the District to establish actual flows, BOD and SS amounts.

The District reserves the right to make an additional capacity fee charge for an existing sewer connection of the peak month flow, or the strength of discharge is increased above that flow or strength upon which the original capacity fee was based.

Subject to restrictions by applicable federal and state regulations, the capacity fees shall be deposited into accounts established for wastewater collection, treatment and disposal facilities for repair, replacement or expansion.

Capacity fees for any uses not listed in the above table shall be determined by the District Board. Any changes in use of the property as listed above which results in a higher capacity charge will require a supplemental payment to the District upon billing therefor.

(5) A permit issued for a new connection shall be for the inspection and connection of the building and/or sewer, as defined in Section 4100(n) of this Code.

(b) Permits for Additions or Relocations.

(1) An addition permit shall be issued any time an addition is made to the completed existing building sewer.

(2) A relocation permit shall be issued whenever a building sewer serving an existing structure is relocated.

(3) An "accessory dwelling unit" is defined as a residential unit that is no larger than the maximum size authorized for use as an accessory dwelling unit as defined by Alameda County. Both an attached accessory dwelling that is contained within the existing space of a single-family residence or a detached accessory dwelling unit which is located on the same individual parcel of land as the single-family dwelling unit, but which is smaller (or otherwise subservient to) the single-family dwelling unit, shall utilize the same sewer lateral as the principal residence unless the applicant requests installation of a separate sewer lateral for the accessory dwelling unit. The applicant will not be assessed a capacity fee if the accessory dwelling unit (attached or detached) utilizes the same sewer lateral as the principal

residence unless the applicant requests installation of a separate sewer lateral for the accessory dwelling unit.

(4) Addition and relocation permits shall be valid for a period of one calendar year from the date of issuance.

(5) The fees for addition/relocation permits shall be paid at the time application is made by the owner or his agent and shall be comprised of an inspection fee and, under certain circumstances, a capacity fee. The inspection fee shall be \$265.00.

In addition, a capacity charge as listed in subsection (a)(4) of this section shall be charged if there is no record of a previous connection permit or if there is a change in the use for which the previous connection permit was issued.

(c) Permits for Repairs.

(1) A repair permit shall be obtained any time the owner or his agent makes an opening into, breaks, or otherwise damages a building sewer.

(2) Repair permits shall be valid for a period of 90 days from the date of issuance.

(3) The fee for a permit for repair of the building sewer shall be \$160.00 for each such repair permit issued. Each repair permit issued allows for up to two site visits. If the inspection fails a second time, that permit is considered expired and a new permit must be issued for that repair.

(4) Permits are nonrefundable and nontransferable.

(d) Permits for Abandonment.

(1) Pursuant to the requirements of Section 4119 of this Code, an abandonment permit shall be obtained whenever a building sewer is to be abandoned, even temporarily.

(2) The fee for a permit for abandonment of the building sewer shall be \$160.00 for each such abandonment permit issued. Each abandonment permit issued allows for up to two site visits. If the inspection fails a second time, that permit is considered expired and a new permit must be issued for that abandonment.

(3) Should an owner or his agent wish to make use of a sealed building sewer at some future time for the connection of a new or relocated building, the sealed building sewer shall first be inspected by performing a closed circuit TV inspection, to be witnessed by District personnel. Testing will be required to determine the physical condition. Only those abandoned sewers meeting all requirements for new sewer construction shall be used for a reconnection. At the time owner or his agent makes application for a permit to reconnect to an abandoned building sewer, a permit for a new connection shall be issued and owner or his agent shall pay to the District the fees stated in subsections (a)(3) and (4) of this section.

(e) Permits for Subsurface Operators and Contractors.

(1) Permits shall be obtained by subsurface operators, contractors or their agents when improvements to subsurface installations are within the Castro Valley Sanitary District service area and encroach within four feet in any direction of the sanitary sewer, or appurtenances thereto.

(2) Two sets of final plans, profiles, and specifications shall be filed with the District no later than 30 days prior to publicly bidding such work.

(3) Once plans are approved a permit fee will be assessed and paid by the operator or his agent prior to commencement of work. Fees will be based on the size of the project, number of crossings and relative proximity to existing public and private sanitary sewer facilities. The permit fee will cover the cost of administrative expense, pre- and post-inspection of affected sanitary sewer facilities and coordination and inspection of such repairs, if required. Fees may be a negotiated sum or actual costs of the District to render the above services.

(f) Permits for CCTV Inspection.

(1) A CCTV inspection permit shall be obtained any time the owner or his agent meets the triggering events pursuant to the requirements set forth in Section 6419 of this Code.

(2) CCTV inspection permits shall be valid for a period of 90 days from the date of issuance.

(3) The fee for a permit for CCTV inspection of the building sewer shall be \$230.00 for each such CCTV inspection permit issued. Each CCTV inspection permit issued allows for up to one site visit and for one building sewer located on the property.

(4) Permits are nonrefundable and nontransferable.

(g) Failure to Obtain Required Permit. Failure to obtain the required permit as set forth in these provisions shall result in an additional charge being payable to the District in the amount of 50 percent of inspection fee.

(§402, Ord. 12, 03-20-50)

(Amended, §1, Ord. 22, 08-19-52)

(Amended, §1, Ord. 26, 11-18-52)

(Amended, §7, Ord. 34, 04-06-59)

(Amended, §1, Ord. 40, 03-05-63)

(Amended, §1, Ord. 49, 08-21-73)

(Amended, §1, Ord. 53, 09-02-75)

(Amended, §7, Ord. 56, 04-05-77)



(Amended, §15, Ord. 60, 11-06-78)  
(Amended, §1, Ord. 65, 06-09-81)  
(Amended, §3, Ord. 68, 06-09-82)  
(Amended, §1, Ord. 71, 06-14-83)  
(Amended, §1, Ord. 73, 06-12-84)  
(Amended, §1, Ord. 77, 07-09-85)  
(Amended, §1, Ord. 78, 12-10-85)  
(Amended, §1, Ord. 79, 06-10-86)  
(Amended, §1, Ord. 81, 06-02-87)  
(Amended, §1, Ord. 83, 06-07-88)  
(Amended, §1, Ord. 84, 06-06-89)  
(Amended, §1, Ord. 87, 06-05-90)  
(Amended, §1, Ord. 93, 06-18-91)  
(Amended, §1, Ord. 96, 06-17-92)  
(Amended, §1, Ord. 102, 06-22-93)  
(Amended, §1, Ord. 104, 12-07-93)  
(Amended, §1, Ord. 106, 06-21-94)  
(Amended, §1, Ord. 112, 06-18-96)  
(Amended, §1, Ord. 120, 07-07-98)  
(Amended, §1, Ord. 123, 12-10-98)  
(Amended, §3, Ord. 128, 04-01-01)  
(Amended, §1, Ord. 129, 11-13-01)  
(Amended, §1, Ord. 138, 07-01-05)  
(Amended, §1, Ord. 141, 06-06-06)  
(Amended, §1, Ord. 146, 06-03-08)  
(Amended, §1, Ord. 150, 07-01-09)  
(Amended, §1, Ord. 155, 07-01-11)  
(Amended, §1, Ord. 164, 05-06-14)

(Amended, §1, Ord. 166, 06-16-15)

(Amended, §1, Ord. 169, 05-03-16)

(Amended, §1, Ord. 171, 03-07-17)

(Amended, §1, Ord. 174, 11-07-17)

*[See Ord. 114, Section 2, dated 12/10/96, RE: Expiration Provisions for Subdivision Fees]*

(Amended, §1, Ord. 120, 07-07-98)

(Amended, §1, Ord. 141, 06-06-06)

(Amended, §1, Ord. 179, 07-03-18)

## ARTICLE VI

### REGULATION OF DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM

#### CHAPTER 1

#### GENERAL PROVISIONS

##### **Section 6101. Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these regulations, shall have the meanings hereinafter designated and not transferable to other sections.

(a) Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

(b) Amalgam Separator. A device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(c) Amalgam Process Wastewater. Any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

(d) Authorized or Duly Authorized Representative of the User:

(1) If the User is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.
- (e) Authorized District Representative. Anyone engaged in District business that is or has been authorized by the General Manager or other designated supervisor to make decisions or determinations regarding official District business on behalf of the District.
- (f) Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in Section 2.1 (40 CFR 403.5(a)(1) and (b)). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (g) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).
- (h) Building Sewer. A sewer conveying wastewater from the premises of a User to the District wastewater system.
- (i) CCTV. Closed-circuit television.
- (j) CCTV Inspection. A process whereby a video camera is placed into and run through the inside of a building sewer for the purpose of detecting defects including but not limited to cracks, breaks, offset joints, roots, sags, leaks, and illegal cross-connections. or other obvious defects. The inspection is witnessed and reviewed by an authorized District Inspector to verify the building sewer complies with the requirements.

- (k) Collection System. The District pipelines, pump stations, manholes, and other similar facilities which accept, collect and convey sanitary wastewater to the treatment plant.
- (l) Compliance Certificate. A certificate issued by the District indicating that the building sewer associated with the property demonstrated compliance through either a CCTV inspection or a test applicable to partial or full building sewer replacement. The compliance certificate shall also be issued if the building sewer is eligible for exemption as determined by the District.
- (m) Contractor. Any individual, partnership, firm, operator, corporation, or other persons licensed by the State of California to enter into an agreement with the District, or other person to perform or execute the contemplated work.
- (n) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (o) Dental amalgam. An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.
- (p) Discharge or Indirect Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- (q) District. The Castro Valley Sanitary District; its governing body is the Sanitary Board (the "Board").
- (r) District Wastewater System. All of the District's system for the collection, conveying and treatment of wastewater including, but not limited to, the collection system and the treatment plant jointly owned by the District and the Oro Loma Sanitary District.
- (s) Domestic Wastewater. Domestic wastewater shall mean 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 300 milligrams per liter (mg/l) BOD and suspended solids.
- (t) Environmental Protection Agency or EPA. 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.
- (u) Existing Source. Any source of discharge that is not a "New Source."
- (v) Flashpoint. The minimum temperature at which vapor combustion will propagate away from its source of ignition.
- (w) General Manager. The General Manager of the District or his duly authorized District representative.
- (x) Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

(y) Hazardous Pollutants. 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.

(z) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, and vacuum-pump tank trucks.

(aa) Industrial Waste or Wastewater. 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 wastewater system.

(ab) Inspector. The inspector is the District's personnel and/or representative duly authorized by the District and responsible for inspections and enforcement of the District's regulations relating to construction of private and public sewers, including private pipelines, structure, materials, instruments, and appurtenances.

(ac) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(ad) Interceptor. A precast or cast-in-place concrete containment device designed to intercept, trap or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the District's wastewater system from entering said system.

(ae) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(af) Intermediate User. An Industrial User or nonresidential User of the District's wastewater disposal system whose wastewater discharge does not fall within the requirements for a significant industrial User, yet requires sampling and monitoring to verify compliance with these regulations and permit conditions.

(ag) Local Limit. Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

(ah) Lower Explosive Limit (LEL). The point where the concentration of a gas-in-air is sufficiently large to result in an explosion if an ignition source is present.

(ai) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(aj) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(ak) Minor User. An industrial or nonresidential User of the District’s wastewater disposal system requiring wastewater discharge monitoring in order to verify compliance with these regulations and permit conditions.

(al) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(am) National Categorical Pretreatment Standard or Federal Categorical Pretreatment Standard, or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 40 CFR Subchapter N, Parts 401-471 and Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial User.

(an) New Source.

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation 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.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

(i) Begun, or caused to begin as part of a continuous on-site construction program:

(A) Any placement, assembly or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

(ao) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product

(ap) Pass Through. A discharge which exits the District wastewater system into the water of the State in quantities or in concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the District's NPDES permit including an increase in the magnitude or duration of a violation.

(aq) Person. 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. This definition includes all Federal, State, and local governmental entities. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(ar) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(as) Phenolic Compounds. (Also referred to as Phenols.) Phenols are defined as hydroxy derivatives of benzene and its condensed nuclei.

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

(au) Pollution. 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 use or which creates a hazard to the public health.

(av) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination 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 the District wastewater system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

(aw) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

(ax) Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

(ay) Property Owner. A person that owns a parcel or real property, or that person's authorized representative including a tenant or contractor. As used in this paragraph, "person" means an individual, trust, corporation, nonprofit organization, Homeowners' Association, partnership, firm, joint venture, limited liability company, or association. A public entity is not a property owner.

(az) Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Castro Valley Sanitary District and Oro Loma Sanitary District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(ba) Significant Industrial User. Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
  - (i) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the District's wastewater system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - (ii) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (iii) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the District's wastewater system operation or for violating any Pretreatment Standard or Requirement

(3) The District may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:



- (i) The Industrial User, prior to the District finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (ii) The Industrial User annually submits the certification statement required in Section 6409(b), together with any additional information necessary to support the certification statement; and
- (iii) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

(bb) Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 6200 of the Code. A Slug Discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or pass through, or in any other way violate the District's wastewater system regulations, Local Limits or Permit conditions.

(bc) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

(bd) State. State of California.

(be) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(bf) Suspended Solids. 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.

(bg) Time-Extension Certificate. A certificate issued by the District in connection with a title transfer transaction to a property owner, or to a transferee, that extends the deadline to obtain a compliance certificate for 180 days from the date the time-extension certificate is issued.

(bh) Title Transfer. The sale or transfer of an entire real property estate, or the fee interest in that real property estate, excluding the sale or transfer of partial interest such as a leasehold. The following are not considered title transfers.

- (1) A transfer to an heir by a fiduciary during the administration of a decedent's estates, guardianship, conservatorship, or trust.
- (2) A transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors.

- (3) A transfer made by a trustor to fund an inter-vivos trust.
- (4) A transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in a lineal consanguinity relationship with one or more of the transferors.
- (5) A transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, resulting from a decree of legal separation, or from a property settlement agreement incidental to a decree.
- (6) A transfer from a property owner to a financial institution as a result of a foreclosure or similar process. A transfer from a financial institution to a new property owner is a title transfer.

(bi) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act, or other State or federal law.

(bj) Trap. A cast iron or stainless steel containment device used for trapping substances and to prevent grease, sand or flammable liquids from entering the District wastewater system.

(bk) Treatment Plant. The facility jointly owned by the District and the Oro Loma Sanitary District that is designed to provide treatment to wastewater.

(bl) Truck Hauled Wastewater. Any wastewater removed from a cesspool, septic tank system, chemical toilet, portable toilet, sump, collection tank, or wastewater holding tank, and transported to another location for disposal.

(bm) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with discharge permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(bn) User or Industrial User. A source of indirect discharge.

(bo) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District wastewater system.

(bp) Wastewater Discharge Permit. An individual or general permit issued under Section 6401 of this Code.

(Added, §1, Ord. 88, 07-03-90)

(Amended, §2, Ord. 100, 05-04-93)

(Amended, §2, Ord. 140, 03-07-06)

(Amended, §1, Ord. 151, 02-02-10)

(Amended, §1, Ord. 162, 07-01-14)

(Amended, §1, Ord. 169, 05-03-16)

(Amended, §1, Ord. 169, 06-05-18)

(Amended, §1, Ord. 179, 07-03-18)

**Section 6421. Building Sewer CCTV Inspection Triggers.**

(a) Except as provided in subsection (b) of this Section, all building sewers for existing buildings including but not limited to those serving residential, multiple residential, commercial, and industrial properties that are connected to the public sewer, shall be cleaned and pass a CCTV inspection as reviewed by an authorized District inspector, and at the property owner's expense when any of the following events occur:

(1) To properties prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or the document transferring the title.

(2) When CVSan finds that unpermitted building sewer work exists at the building or property.

(3) When CVSan finds that the building sewer is a public nuisance.

(b) Exceptions. This section shall not apply:

(1) To properties that have a valid Compliance Certificate.

(2) To properties with a connection or capacity permit approved by District staff showing that the building was originally constructed 30 years or less before the anticipated date of sale.

(3) To properties with a sewer repair permit approved by the District documenting that the building sewer was replaced in full within 30 years of the triggering event provided in subsection (a) of this Section before the anticipated date of sale.

(4) To properties with a sewer repair permit approved by the District documenting that the permitted work replaced at least 50 percent of the building sewer within 10 years of the triggering event provided in subsection (a) of this Section before the anticipated date of sale.

(5) To properties undergoing transfer to a bank due to foreclosure.

(6) To properties undergoing inter-family transfer.

(Added, §1, Ord. 179, 07-03-18)

**Section 6422. CCTV Inspection Procedures and Requirements.**

- (a) All building sewers shall be inspected by the District unless the property owner presents satisfactory proof to the District that the property has a valid compliance certificate or is eligible for a compliance certificate for that building sewer.
- (b) The current property owner must obtain an inspection permit from the District prior to the CCTV inspection of the building sewer.
- (c) The inspection permit is valid for one site visit and for one building sewer located on the property. Any additional building sewers located on the property will require an additional inspection permit.
- (d) Prior to testing, the building sewer shall be thoroughly cleaned.
- (e) An authorized District inspector must be present and witness the CCTV inspection.
- (f) The property owner shall submit a video recording of the building sewer inspection to the District for review along with the designated inspection permit fee. At the beginning of such video, the qualified contractor shall state the address of the property and take a photograph of the home that the property owner shall submit to the District with the video.
- (g) An inspection shall be valid for a period of 180 days from the date of the inspection. If a property owner fails to obtain a compliance certificate within 180 days after obtaining an inspection, the District may, in its discretion, require the property owner to obtain another inspection before issuing a compliance certificate.
- (h) The District will maintain written procedures for CCTV inspections. The procedures shall be made available upon request.

(Added, §1, Ord. 179, 07-03-18)

**Section 6423. Inspection Criteria.**

A property complies with the provisions of this Section and qualifies for a compliance certificate if the inspection verifies all the following conditions as approved by authorized District staff:

- (a) The building sewer is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage.
- (b) There are no improper or illegal connections to the building sewer such as sump pumps, down spouts, or area drainage facilities.
- (c) All joints in the building sewer are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, storm water, and/or rain water.

(d) The building sewer is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

(e) The building sewer is equipped with a backflow prevention system installed as described in Section 3807 and Standard Drawing No. 24.

Upon completion of repairs to the building sewer, the current property owner shall have another CCTV inspection conducted to verify the conditions set forth in this Section or other test parameters may be conducted for partial or full building sewer replacement as required by Section 3411.

All costs for inspections, tests, and repair or replacement of the building sewer shall be the responsibility of the building or property owner, including all additional permits prior to commencement of construction.

All work shall be done to the satisfaction of authorized District staff, in accordance with all state laws and all District ordinances, standard drawings, standard specifications, and regulations.

(Added, §1, Ord. 179, 07-03-18)

**Section 6424. Building Sewer Compliance and Issuance of Compliance Certificate.**

The District shall review the final submitted inspection for compliance with this Chapter. When all conditions are met to the satisfaction of the District, the building sewer shall be certified as complying with the provisions of the District Code. The District shall thereupon issue a compliance certificate to the current property owner, noting that the building sewer serving the property has satisfied all requirements as provided in Section 6421. Once a compliance certificate is issued, the building sewer for which the compliance certificate is issued shall not require testing for a period as specified on the compliance certificate unless the District has reason to believe the building sewer is in a defective condition.

The compliance certificate shall not imply a warranty or guarantee of any kind.

(Added, §1, Ord. 179, 07-03-18)

**Section 6425. Compliance Certificate Term Limits.**

(a) A compliance certificate obtained as a result of a full building sewer replacement shall be valid for 30 years from the approval date indicated on the sewer repair permit.

(b) A compliance certificate obtained as a result of a building sewer repair and successfully passing a CCTV inspection shall be valid for 10 years from the approval date indicated on the CCTV inspection permit.

(c) A compliance certificate obtained as a result of successfully passing the CCTV inspection without any repairs or work done on the building sewer shall be valid for 10 years from the close out date indicated on the CCTV inspection permit.

(d) A compliance certificate obtained as a result of past work for full building sewer replacement shall be valid for 30 years from the approval date indicated on the sewer repair permit.

(e) A compliance certificate obtained as a result of past work for replacing at least 50 percent of the building sewer shall be valid for 10 years from the approval date indicated on the sewer repair permit.

(Added, §1, Ord. 179, 07-03-18)

**Section 6426. Time-Extension Certificate.**

(a) If a compliance certificate cannot be obtained before title transfer, the buyer or seller may obtain a time-extension certificate from the District. The buyer or seller may make request to the District, in writing, for a time-extension certificate of up to 180 days in which to perform the inspection and/or repairs or replacement required by this Chapter.

(b) Time-extension certificates are issued in connection with title-transfer transactions only.

(c) As a condition of issuance of a time-extension certificate, a refundable deposit in the amount of \$4,500 shall be made payable to the District.

(d) The owner of the time-extension certificate shall bear the full cost of bringing the building sewer into compliance with District regulations, which cost may exceed the \$4,500 deposit.

(e) Upon issuance of the compliance certificate, the District will refund the deposit to the payee designated on the time-extension certificate.

(f) A time-extension certificate expires 180 days after it is issued.

(g) If a compliance certificate is not obtained before a time-extension certificate expires, the deposit may be forfeited, and the current property owner is subject to enforcement action as provided by this Chapter. The property owner may apply to the District for release of forfeited funds, less the District's costs. The District will not release forfeited funds unless the property owner first demonstrates full compliance with the District Code.

(h) A time-extension certificate is not renewable.

(Added, §1, Ord. 179, 07-03-18)

**Section 6427. Notice of Violation.**

(a) If the current property owner does not obtain a compliance certificate or a time-extension certificate prior to title transfer, the District shall issue a notice of violation detailing that the current property owner has 30 days to comply and obtain a compliance certificate in accordance with this Chapter. A second notice of violation may be issued if the current property owner fails to take action or notify the District.

(b) Each notice of violation states that the current property owner has 30 days to bring the building sewer into compliance.

(c) If the current property owner fails to take action or notify the District after the second notice of violation, the District will issue the current property owner an initial non-compliance offense in the amount of \$350.00.

(d) Subsequent non-compliance offenses will be sent monthly in the amount of \$100.00 per offense.

(e) Enforcement pursuant to this section shall be undertaken by the District through its General Manager and Board of Directors.

(Added, §1, Ord. 179, 07-03-18)

This Ordinance shall be entered in the minutes of this Board and posted in three (3) public places in the Castro Valley Sanitary District, there being no legal newspaper published in said District, and this Ordinance shall become effective July 01, 2019.

.... ooo O ooo ....

Adopted by the Sanitary Board of the Castro Valley Sanitary District on the 4<sup>th</sup> day of September 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Dave Sadoff,  
Secretary of the Sanitary Board

---

Timothy McGowan,  
President of the Sanitary Board