

## Chapter 16.09

### SEWER USE ORDINANCE

(Excerpt of regulations most applicable to Food Service Establishments)

#### Section 16.09.075 Food Service Establishments.

(a) Definitions

"Black Grease" means any contents within or removed from a grease control device, generally consisting of brown grease combined with wastewater from toilet plumbing associated with the sanitary sewer.

"Brown Grease" means any contents within or removed from a grease control device, generally FOG combined with non-restroom FSE wastewater.

"Fats, Oils and Grease (FOG)" means any substance such as a vegetable or animal product that is used in, or is a by product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"Food Service Establishment (FSE)" means a facility defined in California Uniform Retail Food Service Establishments Law (CURFFL) Section 113785, and any commercial entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785.

"Grease Control Device (GCD)" means a grease interceptor, grease trap or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of FOG to the sanitary sewer.

"Grease Waste Hauler Service Contract" means a contractual agreement between the City and a City selected and managed GCD service provider to be used by FSEs.

"Lateral" means the drainage piping and appurtenances that constitute the building's connection to the City's sanitary sewer system.

"Tallow Receptacle" means a tallow bin or equivalent waste oil/grease receptacle.

"Twenty-five Percent (25%) Rule" means the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in any location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG.

"Waste Hauler" means any person permitted with the County of Santa Clara and meeting County of Santa Clara Code, Title B Regulations and carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

"Yellow Grease or Tallow" means any waste FOG material generally generated as a byproduct from cooking.

(b) Prohibitions. The following prohibitions shall apply to all FSEs:

(1) No person shall dispose of any FOG, or cause any FOG to be disposed, by discharge into any drainage piping, public or private sanitary sewer, storm drain system, or onto any land, street, public way, river, stream or other waterway.

(A) Discharge of any GCD contents or materials released during sewer pipe or lateral cleaning is prohibited.

(B) Disposal of waste cooking oil into drainage pipes is prohibited.

(c) FSE staff shall not remove the contents of GCDs. The contents of GCDs shall only be removed by permitted waste haulers.

(d) No FSE shall install, have installed, or use a food waste disposer (grinder).

(e) No FSE shall connect any high temperature discharge lines or drainage fixtures that are not a source of FOG to a GCD. Such shall include, but not be limited to, the following:

- (1) Dishwashers;
- (2) Steamers;
- (3) Pasta cookers;
- (4) Hot discharge lines from buffet counters and kitchens;
- (5) Hand washing sinks;
- (6) Ice machine drip lines;
- (7) Soda machine drip lines;
- (8) Discharge lines in bar areas.

(f) No FSE shall operate a GCD where FOG and solids accumulation exceed 25% of the design hydraulic depth of the GCD (25% rule).

(g) No FSE shall introduce any additives into GCDs and/or FSE wastewater systems to biologically/chemically treat FOG, for FOG remediation, to emulsify FOG, or as a supplement to GCD maintenance, unless the Superintendent grants prior written consent. Biological or chemical treatment of FOG includes, but is not limited to, systems or additives, such as solvents or enzymes that dissolve or mobilize FOG.

(h) No FSE shall discharge wastes from toilets, urinals, ash basins, and other fixtures containing sanitary sewage materials to sewer lines draining to a GCD.

- (i) No FSE shall allow soap or soapy water to flow to the storm drain system.
- (j) No FSE shall allow wastewater generated from cleaning of equipment or outside surfaces containing FOG or food residue to flow to the storm drain system.
- (k) Best Management Practices (BMPs). FSEs shall implement BMPs to prevent

FOG discharge to the sanitary sewer and to prevent non-storm water discharges to the storm drain system. All FSEs shall implement and incorporate BMPs into their operations in accordance with the Superintendent's guidelines, requirements and directives. The Superintendent may require submission of information to evaluate the implementation of BMPs. At a minimum the following BMPs shall be implemented by FSE's:

- (1) Dishwashing. FSE's shall remove food from preparation and service items prior to washing. Food waste shall not be disposed in sinks or drains. The FSE shall dispose of all food waste directly into the trash or food scrap container by physically removing the food waste with scrapers, towels, paper towels, rubber spatulas, or other effective methods prior to using water to rinse off plates, dishes, pots, pans, containers, utensils, etc.

- (2) Equipment Cleaning.

- (A) Drain Screens. Screens shall be installed in all sinks, drains, floor drains, floor sinks, dishwashers, etc. The screens shall be frequently inspected and cleaned by disposing waste into the trash or food scrap container to prevent FOG and food buildup.

- (B) Cleaning Wastewater. Wastewater generated from cleaning FOG contaminated items such as large kitchen equipment, floor mats, floors, exhaust hoods and filters, grills, trash, recycling, and food scrap containers, and tallow receptacles; or from any washing of items such as plates, dishes, pots, pans, containers or utensils that occurs other than in an automatic dishwasher shall not be discharged to the sanitary sewer unless it flows through a GCD.

- (C) Exhaust hood and vent grease collection devices. All such collection devices, including but not limited to grease cups on roofs, in hoods and removable filters, shall be properly maintained at a frequency sufficient to prevent spills and overflows. Collected waste oil/grease shall be disposed of in a tallow receptacle.

- (3) Storm water pollution prevention.

- (A) Routinely inspect and dry sweep as necessary outside areas such as walkways, dining areas and waste storage areas to prevent storm water pollution.

- (B) Routinely inspect waste collection containers to verify that covers are in place and that container and surrounding areas are clean and free of FOG and food residue, debris and leaks. Such containers include, but are not limited to, trash, recycle, food scrap and tallow receptacles. If FOG or food residue, debris, or leaks are found the FSE shall immediately take action to correct the noncompliance. This may include, placing cover(s) on containers and receptacles, cleaning up FOG or food residues or spills in the surrounding areas or contacting the appropriate vendor for container or receptacle repair/replacement.

(C) If any outdoor surfaces with FOG or food residue require cleaning, first sweep or physically remove excess residue, next use a mop and bucket, then discharge waste mop water through a GCD.

(D) Any wastewater generated from outdoor cleaning of equipment and outdoor surfaces with FOG or food residue shall be captured and disposed of into the sanitary sewer. If the wastewater contains FOG, it shall be disposed through a GCD prior to release to the sanitary sewer system.

(4) FOG Transporting. FSEs shall properly dispose of waste oil and grease into a tallow receptacle. Waste FOG shall be transported in a covered container. Appropriate measures shall be taken to prevent spills. Any spills shall be immediately cleaned using methods described in this Section.

(5) Cleaning with Dry Methods. Dry cleaning methods shall be used inside and outside to clean up FOG spills. Pick up liquids or FOG with rags or absorbent material. Sweep up absorbent material and dispose of it in the trash. Regularly use dry methods to clean near fryers and other locations where FOG may spill or drip. Clean up all FOG spills prior to mopping.

(6) Drain Fixture Identification. All non-restroom drainage fixtures shall be labeled with their discharge location. Fixtures draining to GCDs shall be clearly labeled “drains to grease control device” or equivalent. Fixtures draining to the sanitary sewer that do not drain through a GCD shall be labeled “drains to sanitary sewer” or equivalent. A list of all non-restroom drainage fixtures and their discharge locations shall be maintained onsite.

(1) Training.

(1) All FSEs shall take necessary steps to inform appropriate personnel employed by such FSEs of the provisions of this Section.

(2) Such personnel shall include workers and supervisors whose duties pertain in any manner to the production, treatment or disposal of waste discharges regulated by this Section.

(3) Steps to inform such personnel shall include but not be limited to:

(A) Orientation of newly employed or assigned personnel;

(B) Quarterly training of all appropriate personnel;

(C) Posting of signs or posters in work areas indicating BMPs.

(4) All training/orientation shall be documented and employee signatures retained indicating each employee's attendance and understanding of the regulations reviewed. These records shall be maintained and made available for inspection as described in Section 16.09.160.

(m) FOG Pretreatment Required. FSEs shall install, operate and maintain an approved type and adequately sized GCD sufficient to maintain compliance with the objectives of this Section. The GCD shall be adequate to separate and remove FOG contained in wastewater from the FSE prior to discharge into the sanitary sewer system. Fixtures, equipment, and drain lines located in food preparation and cleanup areas of FSEs that are sources of FOG shall be connected to GCDs. Compliance shall be established as follows:

(1) GCD Requirements.

(A) GCD shall be sized equal to or greater than the minimum size set forth in the following table based on the number of Drain Fixture Units (DFU) draining to the GCD.

**Sizing Criteria:**

**Grease Control Device (GCD) Sizing**

<u>DFUs</u>	<u>GCD Volume (gallons)</u>
8	500
21	750
35	1,000
90	1,250
172	1,500
216	2,000

<u>Drain Fixture</u>	<u>DFU Number</u>
Pre-Rinse Sink	4
3 Compartment Sink	3
2 Compartment Sink	3
Mop Basin	3
Prep Sink	3
Floor Drain	2
Floor Sink	2

(B) GCDs smaller than 500 gallons may be allowed with written approval by the Superintendent, provided that the proposed design satisfactorily complies with the intent of this Chapter.

(C) All in-ground GCDs greater than 750 gallons shall have a minimum of three manholes to allow visibility over inlet piping, baffle (divider) piping and outlet piping, and to ensure accessibility for inspection, cleaning and removal of all contents. The Superintendent may permit deviance from this requirement in writing prior to GCD installation, provided that the proposed design satisfactorily complies with the intent of this Chapter.

(D) FSEs shall install GCDs in a suitable location to allow easy access for inspection, cleaning and maintenance.

(E) Sample boxes shall be installed downstream of all gravity grease interceptors as defined in the 2007 California Plumbing Code.

(F) Laterals installed between a FSE and GCD, and GCD and the sanitary sewer system sewer main shall include installation of two way (double) clean outs to allow access points for sewer line maintenance and inspection.

(2) GCD Connections

(A) All drainage fixtures where FOG may be discharged shall drain to a GCD. Such fixtures include, but are not limited to:

- (i) Pre-rinse (scullery) sinks;
- (ii) Three compartment sinks (pot sinks);
- (iii) Drainage fixtures in dishwashing room except for dishwashers;
- (iv) Trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks;
- (v) Floor drains in dishwashing area and kitchens;
- (vi) Prep sinks;
- (vii) Mop (janitor) sinks;
- (viii) Drains in outside areas designated for equipment washing. These drains must be covered;
- (ix) Drains in trash/recycling enclosures;
- (x) Wok stoves, rotisserie ovens/broilers or other FOG generating cooking equipment with drip lines;
- (xi) Kettles and tilt/braising pans and associated floor drains/sinks;

(B) FSEs shall have a sink or other area connected to a GCD for cleaning floor mats, containers, exhaust hood filters and equipment. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment.

(n) Grease control device maintenance requirements.

(1) GCD and sewer line maintenance requirements.

(A) GCDs shall be maintained in efficient operating condition by periodic removal of the full contents of the GCD which includes wastewater, accumulated FOG, floating materials, sludge and solids.

(B) All GCDs shall be kept in good repair, functioning properly and maintained in continuous operation according to manufacturer's guidelines and the Superintendent's requirements and directives.

(C) If a FSE utilizes automatic or mechanically cleaned GCDs its staff shall perform daily cleaning and maintenance.

(D) All existing and newly installed GCDs shall be maintained in a manner consistent with a maintenance frequency approved by the Superintendent pursuant to this Section.

(E) Sewer lines to and from GCDs shall be kept in good repair and clear of any FOG accumulation.

(F) No FOG that has accumulated in a GCD shall be allowed to pass into any sewer lateral, the sanitary sewer system, storm drain system, or public right of way during maintenance activities.

(G) All FOG discharged during GCD or FSE sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, GCD exit lines and or laterals cleaned by jetting or hydro-flushing shall capture the contents prior to discharge. Such contents shall be contained, removed and disposed of by a waste hauler.

(H) All GCDs shall be completely cleaned out and left empty by a City permitted waste hauler prior to the closure of a FSE, the associated building or a change in ownership. In the event the tenant cannot be located the building owner shall assume responsibility for cleaning the GCDs.

(I) Logs shall be kept for all GCD cleaning and maintenance activities. The required records shall be maintained and made available for inspection as described in 16.09.160.

(2) GCD Maintenance Frequency.

(A) The GCD maintenance frequency shall be set so as to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer system. All GCDs shall be maintained to achieve compliance with this Section. When the cleaning frequency to comply with the 25% rule has not yet been established, unless otherwise directed by the Superintendent, the following minimum cleaning frequencies shall be implemented:

(i) Grease interceptors (gravity grease interceptors) greater than 100 gallons shall have all their contents removed at a minimum once every three months;

(ii) Grease traps (hydro-mechanical grease interceptors) shall have their contents removed at a minimum once every month;

(iii) Automatic or mechanical self cleaning GCDs shall have their contents completely removed at a minimum once every six months.

(B) The Superintendent may modify GCD maintenance frequencies at any time to reflect changes in operating conditions.

(i) The owner/operator of a FSE may at any time submit a request to the Superintendent requesting a change in the maintenance frequency. The FSE has the burden of demonstrating that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements of this Section. Upon determination by the Superintendent that the requested revision is justified, the FSE shall adjust its GCD maintenance frequency accordingly.

(C) If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements described in this Section, the FSE shall have the GCD serviced immediately such that all wastewater, FOG, solids, and other materials are completely removed from the GCD.

(3) Grease waste hauler.

(A) All grease waste haulers servicing GCDs in the City shall comply with the requirements set forth in the Palo Alto Municipal Code Section 16.09.070, Trucker's discharge permit.

(B) If the Grease Waste Hauler Service Contract program has been implemented, FSEs shall use the Grease Waste Hauler Service Contract service provider for routine cleaning and maintenance of their onsite GCDs. Grease waste haulers not selected as service providers for the contract may not provide routine cleaning and maintenance of GCDs.

(C) If the Grease Waste Hauler Service Contract program has not been implemented, the FSE shall retain the services of a permitted grease waste hauler.

(D) Waste haulers disposing at the RWQCP shall not mix brown grease loads with different types of wastes such as septic, yellow grease, black grease, or any other waste. Each waste hauler vehicle shall be dedicated to each type of liquid waste. If a GCD is found to contain black grease, the waste hauler shall immediately notify the Superintendent. Its entire contents shall be collected and disposed of at the RWQCP, exact disposal location shall be determined by the Superintendent.

(E) Waste haulers servicing GCDs shall remove the entire contents of the GCD including all FOG, water, and solids. The sides and structures shall be scrapped or otherwise cleaned sufficiently to restore capacity and allow inspection of the device.

(F) Waste haulers servicing GCDs within the RWQCP service area shall not reinsert or discharge into a GCD, manhole, cleanout, or other sanitary sewer appurtenance any materials that the waste hauler has removed from a GCD or cause those materials to be so handled. The waste hauler shall obtain prior written approval from the Superintendent to decant when using appropriate equipment for the separation of water from the FOG waste.

(G) Waste hauler manifest shall contain at a minimum the following:

- (i) Name and address of site serviced;
- (ii) Service date and time;
- (ii) Hauler name and truck ID;
- (iv) Volume collected;
- (v) GCD observations and comments;
- (vi) Disposal site and date;
- (vii) Driver signature.

(o) Tallow Receptacles.

(1) Collection of waste cooking oil and grease.

(A) Tallow receptacles shall be in place at the location of any FSE that generates waste oil or grease. Waste oil or grease generation includes, but is not limited to, the following equipment or activities:

- (i) Fryers
- (ii) Rotisserie ovens not connected or draining to a GCD;
- (iii) Any other type of oil and grease waste created by cooking;
- (iv) Cleaning of FOG contaminated equipment;
- (v) Waste FOG from automatically or mechanically cleaned

GCDs which require FSE staff maintenance.

(B) At the Superintendents request, the FSE shall relocate tallow receptacles to an indoor or covered location to mitigate storm water pollution.

(2) Tallow hauler.

(A) Tallow haulers servicing FSEs shall immediately clean up any spills occurring during service.

(B) Tallow receptacles delivered for service shall be free of exterior FOG.

(p) Requirements for Recordkeeping.



Records shall be maintained and made available for inspection as described in Section 16.09.160. Such records shall include, but not be limited to, the following:

- (1) GCDs:
  - (A) Waste hauler manifests
  - (B) Logbook documenting all GCD maintenance and monitoring activities including FOG and solids accumulation measurements.
  
- (2) Tallow Receptacles:
  - (A) Maintenance records indicating service, cleaning, repair, and/or replacement.
  - (B) Spill log indicating date and time of any spills and cleanups.
  
- (3) Plumbing:
  - (A) Any sewer line maintenance and monitoring records including cleaning and videos of facility sewer pipes or laterals.
  - (B) Records of any sanitary sewer overflows, backups or spills.
  
- (4) All training/orientation records.
- (5) Any other information deemed appropriate by the Superintendent to ensure and document compliance with this Section
  
- (q) Requirements for remodeled and newly constructed FSEs.
  - (1) Dischargers of FSE wastewater from newly constructed or converted commercial and industrial facilities shall be in full compliance with the provisions of this Section at the time of commencement of discharge.
  - (2) Buildings that house FSEs shall include a covered area for all receptacles, dumpsters, bins, barrels, carts or containers used for the collection of trash, recycling, food scraps and waste cooking FOG or tallow. The areas shall be designed to prevent water runoff to the area and runoff from the area. Drains that are installed within waste storage areas are optional. Any drain installed shall be connected to a GCD. If tallow receptacle(s) are to be stored outside then an adequately sized, segregated space for tallow receptacle(s) shall be included in the covered waste storage area. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled or converted is related to the subject of the requirement.
  
- (r) Accidental or threatened storm drain system discharges. For all unauthorized or prohibited releases to the storm drain systems including sanitary sewer overflows and threatened discharges to the storm drain system, the responsible party shall comply with Section 16.09.165.
  
- (s) FSE Inspection and Monitoring. All FSEs shall be subject to the regulations contained in Palo Alto Municipal Code Section 16.09.110.

**16.09.110 Discharger monitoring.**

(a) The Superintendent may conduct all inspection, surveillance, and monitoring procedures necessary to assure compliance with applicable sections of this Chapter or with federal or state requirements.

(b) The Superintendent shall be authorized to enter, without unreasonable delay, any premises of any discharger to carry out inspections, surveillance and monitoring to assure compliance with this Chapter and applicable federal, state and local requirements. Records shall be maintained and made available for inspection as described in Section 16.09.160.

(c) In addition to any other remedy available to the City, the Superintendent may issue a Notice of Non-Compliance at the time of the inspection to require the discharger to implement actions that will correct violations of this Chapter or the permit. Such directive shall be considered as an additional condition on the dischargers' permit and may be reviewed as provided in Section 16.09.100.

(d) Prior to final closure of any industrial or commercial facility, the Superintendent may require cleaning, inspection and/or testing of the facility's sanitary sewer lines, appurtenances and/or devices to ensure that the integrity of the sewer lines has not been compromised and to determine the quantity and pollutant content of sediments. Inspection and/or testing to ensure the integrity of sewer lines may be required when the facility's discharge history includes pH fluctuations, or when past discharges may have compromised or call into question the integrity of the sewer lines. Inspection and/or testing to determine the quantity and pollutant content of sediments may be required when the facility's type of operations and pollutant content of discharges make the presence of contaminated sediments likely. Inspection and testing may include, but not be limited to, pressurized testing, smoke testing, video camera inspection, and/or analytical testing of sediments for pollutants regulated by the facility's discharge permit. Where contaminated sediments or compromised sewer lines are identified, responses may include, but not be limited to, requiring replacement of compromised sewer lines and requiring removal of contaminated sediments from sewer lines. In lieu of analytical testing, facilities may elect to remove sediments from sewer lines in a manner approved by the Superintendent. For the purposes of this section, "final closure" means closure of an industrial or commercial facility when an entire building is being vacated by the current operator, or when the uses of an entire building will no longer include use of hazardous materials.

**16.09.240 Enforcement: Warning.**

The Superintendent may issue verbal or written warnings in response to minor violations or the potential for a discharger to cause violations of this Chapter. Compliance with warnings does not limit further enforcement action by the City.

**16.09.245 Enforcement: Notice of non-compliance.**

(a) Unless the Superintendent finds that the severity of the violation warrants immediate action under Sections 16.09.255, 16.09.265 or 16.09.270 or permit revocation or suspension, he or she shall issue a notice of noncompliance which:

- (1) Enumerates the violations found; and

- (2) Orders compliance by a certain date.

If the violations are not abated in the time period identified further action may be taken by the Superintendent, including, but not limited to, suspension, revocation or modification of the discharger's permit pursuant to Section 16.09.095.

(b) Subject to the following limitations, and in addition to the provisions of subsection (a), the Superintendent may require a discharger that has violated any discharge limits contained in this Chapter to install a temporary system for the capture, testing and release of wastewater:

(1) The requirement will apply to facilities that have produced multiple violations for the same parameter at the same sampling point, when the Superintendent determines that appropriate corrective measures have proved difficult to identify or implement.

(2) The requirement will apply only to those specific areas of a facility from which the Superintendent determines that the discharge may be originating, rather than to the entire flow from the facility, unless there is no reasonable way to determine where the discharge may be originating.

(3) The requirement will not be applied when the Superintendent determines that a capture system is impractical. If the Superintendent determines that a capture system is impractical, the Superintendent may require an alternative compliance measure of equivalent effectiveness.

(4) The requirement will be terminated following a demonstration of compliance as determined by the Superintendent. The sampling required to demonstrate compliance for violations of discharge limits shall be set by the Superintendent and may be up to twenty-one consecutive, violation-free calendar days of sampling by the discharger followed by up to four days of violation-free sampling by the Superintendent.

**16.09.250 Enforcement: Administrative compliance order.**

Any person who violates any provision of this Chapter or any provision of any permit issued pursuant to this Chapter shall be subject to the administrative compliance order provisions contained in Chapter 1.16 of this code.

**16.09.255 Enforcement: Criminal penalties.**

As provided in 1.08 of Title 1 of this code, violations of the provisions of this title shall be subject to criminal penalties. The following designated employee positions may enforce the provisions of this Chapter by the issuance of citations. Persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this Chapter. The designated employee positions are: industrial waste inspector; industrial waste investigator; associate engineer; manager, environmental control programs; supervisor, industrial waste; and manager, environmental compliance division.

**16.09.260 Enforcement: Administrative citation.**

Any person who violates any provision of this Chapter or any provision of any permit issued pursuant to this Chapter shall be subject to the administrative citation provisions contained in Chapter 1.12 of this code.

**16.09.265 Enforcement: Administrative civil penalties.**

(a) Complaint. The Superintendent may serve an administrative complaint on any person who has violated any provision of this Chapter. The complaint shall state:

- (1) The act or failure that constitutes the violation;
- (2) The provisions of law authorizing the civil liability to be imposed; and
- (3) The proposed civil penalty.

The complaint shall be served by personal delivery or certified mail on the person subject to requirements that the Superintendent alleges were violated, and shall inform the person served that a hearing on the complaint shall be conducted within sixty days after service, unless the person charged with the violation waives his or her right to a hearing.

(b) Hearing. Unless the person charged with the violation(s) waives his or her right to a hearing, the city manager or designee of the city manager shall conduct a hearing within sixty days. If the hearing officer finds that the person has caused a violation, he or she may assess administrative penalties against the person. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger. Civil penalties that may be imposed are as follows:

- (1) An amount not to exceed two thousand dollars per day for failing or refusing to furnish technical or monitoring reports;
- (2) An amount not to exceed three thousand dollars per day for failing or refusing to comply in a timely fashion with any compliance schedule established by the City;
- (3) An amount not to exceed five thousand dollars per day of violation for discharges in violation of any waste discharge limitation, permit condition or requirement issued by the City; and
- (4) An amount not to exceed ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued or adopted by the City.

(c) Appeal. Any person against whom penalties are assessed by the hearing officer may appeal the decision of the hearing officer within thirty days of notice of the decision. The city council may hear the appeal or deny review of the case. If the city council decides to hear the appeal, it shall conduct the appeal in accordance with procedures established by the council. The decision of the city council shall be in writing and shall be final. All civil penalties imposed in accordance with this section shall be payable within thirty days of the decision of the hearing officer; provided, that if the decision is appealed, all penalties shall be payable within thirty days after the city council decision on the appeal.

(d) Lien. The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the violation occurred resulting in imposition of the penalty. The Superintendent shall cause the amount of uncollected penalty to be recorded with the county recorder, in accordance with Section 54740.5 of the California Government Code, as the same from time to time may be amended.

**16.09.270 Enforcement: Judicial civil penalties.**

Any person who intentionally or negligently violates any provision of this Chapter or any provision of any permit issued pursuant to this Chapter shall be civilly liable to the City in a sum of not to exceed twenty-five thousand dollars per day for each day in which such violation occurs. The City may petition the Superior Court pursuant to Government Code Section 54740 to impose, assess, and recover such sums. The remedy provided in this section is cumulative and not exclusive, and shall be in addition to the penalty provisions of Chapter 1.08 of this code and all other remedies available to the City under state and federal law.

**16.09.275 Damage to facilities.**

When a discharge causes an obstruction, damage, or any other impairment to City facilities, the City may assess a charge against the discharger to reimburse the City for costs incurred to clean or repair said facility.

**16.09.280 City right to terminate discharge.**

The City reserves the right to terminate sewer service for noncompliance with the provisions of this Chapter which reasonably appear to present an imminent endangerment to the health, safety, and welfare of persons. The discharger shall immediately cease discharge of any waste presenting such a hazard, upon verbal and/or written notice of the Superintendent. Such termination shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Section 16.09.100.

**16.09.285 Enforcement: Remedies Nonexclusive.**

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant discharger. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any discharger when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant discharger.