

## ORDINANCE NO. 3335

### ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR SEWER SERVICE AREA IN LOS OSOS

**WHEREAS**, the Los Osos Sewer Project serves those properties within the San Luis Obispo County Wastewater Assessment District No. 1 as recorded in the official records of the San Luis Obispo County Clerk-Recorder's Office, on February 27, 2008, ("the Service Area"), which area is a portion of, and entirely within, the County of San Luis Obispo and is within the territory in which the County is authorized to exercise the powers conferred on it by Government Code section 25825.5; and

**WHEREAS**, properties within the Service Area have been notified that the County's sewer system is operational and available for connection in three phases. The phases are segregated by geographical area which are tributary to the wastewater pump stations located within the Service Area. Phase 1 includes Lots tributary to the Mid-Town, Solano, Lupine, and Sunny Oaks pump stations. Phase 2 includes Lots tributary to Mountain View, West Paso, 5A, 9B, 9C, and 15B pump stations. Phase 3 includes Lots tributary to East Paso, East Ysabel, Baywood, 4A, 7A, 8A, 9A, 10A, 11A, 12A, and 13A pump stations. Notices have been delivered by U.S. Mail to the current property Owner listed in the County Assessor's property tax ownership records and indicate that each said Owner must connect its property to the County's sewer system within 180 days.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Title 8, Chapter 8.93 "RULES AND REGULATIONS FOR SEWER SERVICE AREA IN LOS OSOS" of the San Luis Obispo County Code is hereby added as a new chapter of Title 8 of the County Code as follows:

#### Chapter 8.93

#### RULES AND REGULATIONS FOR SEWER SERVICE AREA IN LOS OSOS

##### 8.93.010 – Definitions.

For the purpose of this chapter, the following words and phrases are defined, and shall be construed as set out in this chapter:

- (a) "Board of Supervisors" shall mean the Board of Supervisors of the County of San Luis Obispo.
- (b) "Building" shall mean any structure within the Service Area which generates Wastewater.
- (c) "Building Sewer" shall mean that portion of a Sewer that adjoins a Building and extends to the edge of the adjacent public right-of-way or public sewer easement where the Lateral Sewer is located. The purpose of the Building Sewer is to connect a Building to a Lateral Sewer, so that Wastewater can be conveyed from the Building to the Lateral Sewer.
- (d) "California Plumbing Code" shall mean the California Plumbing Code as adopted, modified, amended and/or supplemented in Title 19 of the County Code.
- (e) "County" shall mean the County of San Luis Obispo.

- (f) "Director of Public Works" shall mean the Director of the San Luis Obispo County Department of Public Works and Transportation, or his/her designee.
- (g) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, disposing or releasing of any Wastewater on or in the Building Sewer, Lateral Sewer, or Main Sewer. (Variations of the word Discharge, including Discharges and Discharged, shall derive from this definition.)
- (h) "Fats, Oils, and Greases" shall mean the organic polar compounds derived from animal and/ or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases".
- (i) "Food Service Establishments" shall mean any Building used for processing, preparing, or serving food or beverages for consumption by the public, including, but not limited to, restaurants, commercial kitchens, cafeterias, hotels, school kitchens, hospitals, prisons, correctional facilities and care institutions. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
- (j) "Food Garbage" shall mean the solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products.
- (k) "Garbage Grinder" shall mean a device designed and installed on private property to grind or otherwise treat Food Garbage so that it can be disposed of through the Building Sewer, Lateral Sewer, and Main Sewer.
- (l) "Grease, Oil, or Sand Interceptor" shall mean a device designed and installed on private property to accumulate Grease and volatile liquids, or sand and grit, so as to prevent them from entering into the Building Sewer, Lateral Sewer, or Main Sewer.
- (m) "Grease Trap" shall mean a grease control device designed and installed on private property to separate and retain most Fats, Oils, and Greases, and solids, excluding sanitary wastes, so as to prevent them from entering into the Building Sewer, Lateral Sewer, or Main Sewer.
- (n) "Lateral Sewer" shall mean that portion of a Sewer lying within a public right of way or public sewer easement that connects to the Main Sewer. The purpose of the Lateral Sewer is to connect a Building Sewer to a Main Sewer, so that Wastewater can be conveyed from the Building Sewer to the Main Sewer.
- (o) "Lot" shall mean the same thing as a "Parcel".
- (p) "Main Sewer" shall mean that portion of the Sewer that accepts Wastewater from Lateral Sewer(s) for the purpose of conveying it to the Water Recycling Facility. The Main Sewer does not include any portion of any Lateral Sewer or Building Sewer.

- (q) "Onsite Wastewater Treatment System" shall mean any septic system and any other private disposal system, community collection and disposal systems, or alternative collection and disposal systems that use subsurface disposal.
- (r) "Owner" shall mean the person or persons, firm, corporation or partnership that is the owner of record of a premises identified on the last equalized assessment roll or holds a possessory or fee interest in real property within the Service Area that has a Building on it. In the context of a leased Building, both the lessor and the lessee shall be deemed an Owner, and both shall be responsible for any violations of this Chapter
- (s) "Parcel" shall mean:
- (1) A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act (or local ordinance adopted pursuant thereto) to be recorded before sale of parcels shown on the map or plat, at the time the map was recorded;
  - (2) A parcel of real property that has been issued a certificate of compliance pursuant to Government Code section 66499.35; or
  - (3) A parcel of real property not described in (1) or (2) above, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was recorded before the requirement of the filing of the subdivision map by the Subdivision Map Act or local ordinance adopted pursuant thereto.
- (t) "Person" shall mean any human being, individual, firm, company, partnership, associated, corporation, government agency or other entity. (For ease of reference, the generic pronoun "it" is also used herein to refer to "Person".)
- (u) "pH" shall refer to a numeric scale used to specify the acidity or basicity of aqueous solution.
- (v) "Public Works Department" shall mean the County Department of Public Works and Transportation.
- (w) "Service Area" shall mean the area shown in the San Luis Obispo County Wastewater Assessment District No. 1 as recorded in the official records of the San Luis Obispo County Clerk-Recorder's Office, on February 27, 2008, which area is a portion of, and entirely within, the County of San Luis Obispo.
- (x) "Sewer" shall mean a pipe or conduit for carrying Wastewater.
- (y) "Wastewater" shall mean any water, water-carried wastes, and the water carrying such wastes, that is Discharged to, or passes through any Sewer.
- (z) "Water Recycling Facility" shall mean the treatment facilities and support structures used for treatment of Wastewater generated within the Service Area, and including the Lot upon which such facilities are located.

#### **8.93.020 – Use of Public Sewers Required.**

- (a) Within 180 days of being notified that the County's Wastewater system is operational and available for connection to its Lot, each Owner within the Service Area must connect any Building(s) on its Lot to the County's Wastewater system.

- (b) The connection must be accomplished by the Owner in accordance with this ordinance, the California Plumbing Code, any and all requirements and limitations of the Regional Water Quality Control Board, California Coastal Commission, and other regulatory agencies, and any other applicable laws or regulations.

### **8.93.030 – Connection Requirements.**

- (a) Each Owner shall be responsible for making sure that the Building(s) on its Lot are properly connected to the Lateral Sewer. Each Owner shall be responsible for obtaining all permits required for such work, and for making all the necessary arrangements for the proper completion of said work.
- (b) No Person (other than the County) shall make any connection with a Main Sewer, or otherwise alter, modify, penetrate or construct any Main Sewer, Lateral Sewer, or Building Sewer within the County, without first obtaining a permit from the County for such work. Any such work shall be completed in accordance with the permit conditions.
- (c) No portion of a Building Sewer, or its connection to the Lateral Sewer, will be covered or concealed in any manner until it has been inspected and approved in accordance with the permit issued by the County. When any Building with a preexisting Onsite Wastewater Treatment System is connected to the Public Sewer, the Owner of said Building shall decommission said Onsite Wastewater Treatment System in the manner and time prescribed in the permit issued by the County.
- (d) Before any Building Sewer is connected to the Lateral Sewer, the Owner shall provide verification to the County that all Fixtures within the Building are in compliance with the following water efficiency flow rates. All Fixtures shall continue to comply with these water efficiency flow rates at any time the Building is connected to the Main Sewer.
  - (1) Toilets, Residential – Not more than 1.6 gallons of water per flush
  - (2) Toilets, Commercial – Not more than 1.6 gallons of water per flush
  - (3) Urinals, Commercial – Not more than 1.0 gallons of water per flush
  - (4) Showerheads, Residential – Not more than 2.0 gallons of water per minute
  - (5) Showerheads, Commercial – Not more than 2.0 gallons of water per minute
  - (6) Faucet Aerators, Residential – Not more than 1.5 gallons of water per minute
  - (7) Faucet Aerators, Commercial – Not more than 0.5 gallons of water per minute
  - (8) Pre-rinse Spray Valves, Commercial – Not more than 1.15 gallons of water per minute

### **8.93.040 - Public Sewer Extensions.**

Any Person seeking to have a Main Sewer physically extended, or to have a new Lateral Sewer installed, shall comply with the following requirements prior to obtaining the Public Works Department's authorization to connect to the County's Sewer System:

- (a) Compliance with all applicable land use and land division requirements of the County relating to any property or Building(s) sought to be connected to the County's Sewer System; and
- (b) Written verification from both the County Planning and Building Department and the County Environmental Health Department indicating that applicant has satisfied all the applicable terms and conditions relating to any property or Building(s) sought to be connected to the County's Sewer System.

### **8.93.050 - Building Sewer and Lateral Sewers.**

- (a) The requirements for Building Sewers as set forth in the latest adopted version of the California Plumbing Code shall apply in the County and are incorporated herein by reference. However, where the requirements of this chapter are more restrictive than said California Plumbing Code, this chapter shall apply.
- (b) The Building or Lot Owner will be responsible for all construction, maintenance, improvements and repairs of the Building Sewer, including all Building connections, and appurtenances thereto, now existing or hereafter constructed. Each Building Sewer shall be maintained by the Lot Owner in a safe and sanitary condition; and all devices or safeguards which are required for its proper operation thereof shall be maintained in a good working order.
- (c) Prior to December 31, 2021 the County will be responsible for all construction, maintenance, improvements and repairs of all Lateral Sewers. Provided, however, that whenever such maintenance, improvements or repairs are necessary due to any of the Prohibited Discharges described in Paragraph 8.93.060, the Owner of the Building or Building Sewer that Discharged the prohibited Discharge shall be responsible for any and all such maintenance, improvement, and repairs costs.
- (d) After December 31, 2021 each Owner will be responsible for all maintenance, improvements and repairs of the Lateral Sewer(s) that conveys Wastewater from its Building Sewer(s) to a Main Sewer.
- (e) If an Owner fails to properly maintain a Building Sewer or Lateral Sewer in a safe, sanitary and operable condition, the Director of Public Works may order and require termination of Sewer service to the Building, or Lot in question.

### **8.93.060 - Prohibited Discharges.**

- (a) No Person shall Discharge or cause to be Discharged any rainwater, stormwater, surface water, groundwater, roof runoff, swimming pool water, sub-surface draining, cooling water or industrial process waters into any Sewer.
- (b) Any Person Discharging anything into the Sewer must comply with all applicable federal, state and local laws and regulations relating to such Discharges, including but not limited to any Discharge limits promulgated by (i) the Environmental Protection Agency pursuant to section 307(b) of the Clean Water Act (33 U.S.C. §1317) that apply to categorical pretreatments standards that appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471; (ii) the California State Water Resource Control Board; and (iii) the California Regional Water Quality Control Board, Central Coast Region.
- (c) No Person shall Discharge or cause to be Discharged any of the following described Wastewaters, wastes or substances to any Sewer:
  - (1) Any gasoline, benzene, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (2) Any Wastewater, wastes or substances containing iron, manganese, boron, chromium, sodium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, silver, arsenic, or any other Wastewaters, wastes or substances containing toxic or

poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Wastewater treatment process, operations, sludge processes, disposal or constitute a hazard to humans, animals, the environment or create any hazard in the receiving waters of the Water Recycling Facility.

- (3) Any Wastewater, wastes or substances having a pH lower than 6.0, or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and/or personnel of the County.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Water Recycling Facility or collection facilities, such as, but not limited to, ashes, cinders, sand, polishing compounds, resin beads, mud, straw, shavings, manure, metal, glass, rags, feathers, tar, plastics, wood, Food Garbage, spent grains or hops, paper materials such as newspapers, dishes, cups, milk containers, and meat processing wastes such as animal skins, intestines, fleshings, and paunch materials retained on a screen having at least eight (8) meshes per inch each way.
- (5) Any Wastewater or vapor having a temperature higher than one hundred forty (140°) degrees Fahrenheit or which may cause the Wastewater influent to the Water Recycling Facility to exceed one hundred (100°) degrees.
- (6) Any Wastewaters, wastes or substances which may contain more than one hundred (100) parts per million, by weight, of Fats, Oils, and Greases, or wax.
- (7) Any Wastewaters, wastes or substances containing suspended solids of such character and quantity that special handling of such materials is required at the Water Recycling Facility.
- (8) Any noxious or malodorous gas or other substance capable of creating a public nuisance either by itself or by interaction with other substances.
- (9) Any domestic or other Wastewaters, wastes or substances obtained from a Onsite Wastewater Treatment System or septic system.
- (10) Any trucked or hauled Wastewaters, wastes or substances from any source, except at Discharge points designated by the County.
- (11) Any Wastewaters, waste or substances which causes discoloration differing from that caused by domestic sewage.
- (12) Any radioactive Wastewaters, wastes or substances.
- (13) Any unused, expired, or unwanted pharmaceuticals including prescription, non-prescription or over-the-counter substances, and hormonal substances.
- (14) Any Wastewaters, wastes or substances containing constituents which are not amenable to treatment or which cause the effluent to fail to meet the discharge requirements established by the State Water Resources Control Board or any other Local, State or Federal regulatory agency.

- (d) Grease, Oil or Sand Interceptors shall be provided on any and each Food Service Establishment and when, in the opinion of the Director of Public Works, they are necessary for the proper handling of Wastewaters, wastes or substances containing Grease in excessive amounts, or containing any sand, grit, or other harmful ingredients; except that such interceptors shall not be required for a single family residence. All interceptors shall be in accordance with the California Plumbing Code, shall be approved by County Public Works Department, and shall be located so as to be readily and easily accessible for cleaning and inspection.
- (e) Grease, Oil or Sand Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with an easily removable cover which, when bolted in place, shall be gas-tight and water-tight. They shall be installed in compliance with the California Plumbing Code.
- (f) Where installed, all Grease, Oil or Sand Interceptors shall be maintained by the Owner, at Owner's expense, in continuously efficient operation at all times and in accordance with the interceptor manufacturer's recommendations.
  - (1) The use of chemicals as a method to remove grease from a Grease Trap or a Grease Interceptor is prohibited.
  - (2) Whether produced synthetically or from animals, enzymes cannot be used to dissolve Grease from a Grease Trap or Grease Interceptor.
  - (3) The use of bacteria to clean a Grease Trap or Grease Interceptor is prohibited.
- (g) Waste from Garbage Grinders shall not be Discharged into any Sewer except:
  - (1) Wastes generated in preparation of food normally consumed on the premises, such as in a home or restaurant, including Food Service Establishments;
  - (2) In other cases where the user has obtained a special permit for that specific use from the County which specifies any additional monitoring, fees, and charges required.
  - (3) Such Garbage Grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Sewer system.
  - (4) Garbage Grinders shall not be used for refuse, or other waste products resulting from the handling, storage and sale of fruits and vegetables in wholesale and retail produce establishments, or wastes from plants engaged in the preparation, processing or preserving of foods not intended primarily for immediate consumption.
  - (5) Such Discharge shall not cause the County to violate water quality requirements imposed on it by state or federal regulatory agencies.

**SECTION 2.** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this ordinance, a summary of the ordinance shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 20<sup>th</sup> day of September, 2016 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 18<sup>th</sup> day of October, 2016 the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Frank R. Mecham, Adam Hill, Debbie Arnold, and Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING: None

Lynn Compton  
Chairperson of the Board of Supervisors  
of the County of San Luis Obispo State of California

ATTEST:

TOMMY GONG  
County Clerk and Ex-Officio Clerk of  
the Board of Supervisors, County of  
San Luis Obispo State of California

By: Annette Ramirez  
Deputy Clerk