

The logo features a stylized, light brown swirl that starts from the left and curves upwards and then downwards, creating a sense of motion or a path. The text is overlaid on this swirl.

**SACRAMENTO AREA  
SEWER DISTRICT**

**Treatment and Resource Recovery Ordinance**

**Ordinance # SDI-0083**

**Adoption Date: July 9, 2025**

**Effective Date: August 8, 2025**

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## CHAPTER 1: GENERAL PROVISIONS

### 1.1 Treatment and Resource Recovery Ordinance Effective Date

This Treatment and Resource Recovery Ordinance is the official document containing current ordinances of SacSewer related to Treatment and Resource Recovery, and is current through amendments effective effective as of the date shown on the first page of this Ordinance.

This Treatment and Resource Recovery Ordinance may be amended in the future as necessary. Amendments will be effective based on approval by the Board of Directors and in accordance with California Government Code §25124.

#### 1.1.1 LIST OF REPEALED ORDINANCES AND RESOLUTIONS

The following Sacramento Area Sewer District (SacSewer) Ordinances and Resolutions are hereby repealed as of the effective date of this Ordinance:

There are no ordinances or resolutions being repealed at this time.

### 1.2 Title, Citation, Reference

This ordinance is known as the Treatment and Resource Recovery Ordinance of the Sacramento Area Sewer District. It is sufficient to refer to this document as the Treatment and Resource Recovery Ordinance in any prosecution for violation of any provision of this Ordinance in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of this Treatment and Resource Recovery Ordinance as an addition to, amendment to, correction of, or repeal of the Ordinance of the Sacramento Area Sewer District. References to this Treatment and Resource Recovery Ordinance may be to the titles, chapters, sections, and subsections and such references apply to that numbered title, chapter, section or subsection as it appears in this Treatment and Resource Recovery Ordinance.

### 1.3 Definitions and Construction

Unless the provision or the context otherwise requires the following words and phrases where used in this Treatment and Resource Recovery Ordinance have the meaning and construction given in this Chapter:

1. ACCESSORY DWELLING UNIT: An attached or detached residential dwelling unit that is co-located on a parcel with a proposed or existing primary residence and meets the definition and requirements for Accessory Dwelling Unit in California Government Code §65852.2.
2. ACRE: An area of 43,560 sq ft. The acreage of a parcel includes the entire area of the parcel less any public rights-of-way (streets, flood control channels, etc).
3. ACTION LEVEL: A pretreatment requirement established by the District Engineer and made part of the Wastewater Discharge Permit which requires action on the part of the User if the level is exceeded.
4. ADMINISTRATOR: means the District Engineer or his designee.
5. ADMINISTRATIVE CIVIL LIABILITY: The process of assessing and collecting an administrative penalty. The administrative civil liability process is administered directly by SacSewer and does not require processing in a court of law.
6. ADMINISTRATIVE COMPLAINT: A formal complaint issued by SacSewer under the administrative civil liability process, to any person found in violation of any provisions of this Ordinance. The complaint must (1) allege the act or failure to act that constitutes the violation of SacSewer's requirements, (2) cite the provisions of law authorizing civil liability, and (3) set forth the proposed civil penalty.
7. ADMINISTRATIVE ORDER: An enforcement document which directs Users to implement corrective or remedial measures. Such order may incorporate compliance schedules, time frames and specify noncompliance costs to be paid by the User.
8. ADMINISTRATIVE PENALTY: A civil penalty assessed in conjunction with an administrative complaint; issued pursuant to California Government Code, Section 54740.5.
9. AFFORDABLE HOUSING COST: Refers to the definition contained in California Health and Safety Code, Section 50052.5, including but not limited to cost limits for low and very low households in owner-occupied housing, as further defined in Title 25 California Code of Regulations.
10. AFFORDABLE RENT: Refers to the definition contained in California Health and Safety Code, Section 50053, including but not limited to cost limits for low and very low households in rental housing, as further defined in Title 25 California Code of Regulations.
11. AGE-RESTRICTED DWELLING: A Single-Family Dwelling or Multiple-Family Dwelling that is located in an Age-Restricted Residential Development.
12. AGE-RESTRICTED RESIDENTIAL DEVELOPMENT: A residential development that (1) has more than 20 dwelling units with an age-restriction of 55 years or older and (2) has the age restriction in its governing documents.

13. AND/OR: And, or, or both.
14. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER: The person signatory to documents required to be submitted to SacSewer as defined in Title 40 Code of Federal Regulations (CFR) Part 403.12 (l)(1–4).
15. BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures and management practices which can include wastewater treatment and operating procedures and practices that reduce the generation of pollutants or prevent them from being released to the sewer system. BMPs may be used, or may be required, as alternative means of complying with, or in place of certain established Categorical Pretreatment Standards and/or administered as Pretreatment Requirements and shall be subject to all requirements and enforcement actions contained in this Ordinance.
16. BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade usually expressed as a concentration (e.g. mg/L).
17. BOARD OF DIRECTORS: The governing body of the Sacramento Area Sewer District, as set by the California State Code. Also referred to as the “Board”.
18. CATEGORICAL STANDARDS OR CATEGORICAL PRETREATMENT STANDARDS: Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405–471.
19. CATEGORICAL USER: Any User subject to a Categorical Pretreatment Standard or Categorical Standard.
20. CEASE AND DESIST ORDER: An administrative order issued by SacSewer requiring a discharger to halt the discharge of wastewater that is in violation of the provisions of this Ordinance.
21. CERTIFICATION LETTER: Written certification from the Sacramento Housing and Redevelopment Agency (SHRA) or the Housing Authority, Redevelopment Agency or other appropriate entity of the City of West Sacramento as so designated by the City of West Sacramento (West Sacramento Agency) that a project is a Qualified Residential Project.
22. CIVIL ACTION: Civil litigation against a User seeking equitable relief, which may include monetary penalties and actual damages.
23. CLASS I USER: A User requiring a Wastewater Discharge Permit that is classified as a Significant User or Non-Significant Categorical User.

24. CLASS II USER: A User requiring a Wastewater Discharge Permit or required to follow BMPs, and who is not included within the definitions and parameters of Class I.
25. COLLECTION SYSTEM: The pipelines, pump stations, manholes and other similar facilities which are owned, and operated by any of the contributing agencies discharging to SacSewer's interceptor sewers and/or treatment plant.
26. COMBINED SEWER: A sewer which serves the purpose of both a sanitary sewer and a stormwater conveyance system.
27. COMMERCIAL USER: A nonresidential and nonindustrial User meeting one of the enterprise categories detailed in Table 3.1 typically providing a service or engaging in the purchase or sale of commodities.
28. COMPLIANCE ORDER: An administrative order directing the user to achieve or restore compliance by a specific date. Such an order may include a compliance schedule with specific milestones for achieving steps towards compliance, tracking progress, and record progress. SacSewer issues the compliance order unilaterally when noncompliance cannot be resolved without construction, repair, or process changes and when the user is not making a good faith effort to achieve compliance.
29. CONSENT ORDER: An administrative order establishing an agreement with any User responsible for noncompliance, and specifying action to be taken by the User to correct the noncompliance within a time period also specified by the order.
30. CONTAMINATION: An impairment of the quality of the environment, including waters of the State, by waste to a degree which creates a hazard to public health through the spread of disease or the creation of toxic conditions.
31. CONTRACTING AGENCY: Any public agency (including an agency of the state or federal government) that is not a party to the Master Interagency Agreement and has a separate agreement that allows the contribution of wastewater from its system to SacSewer sewer system for conveyance, treatment and discharge. Contracting agencies need not be annexed to SacSewer as a contributing agency.
32. CONDOMINIUM: Any individually owned family dwelling unit co-located with one or more such units in the same structure.
33. CONTRIBUTING AGENCY: Signatories to the Master Interagency Agreement (MIA).
34. CRIMINAL ACTION: The pursuit of punitive measures against a User through a court of law.
35. DENTAL DISCHARGER: A facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities

owned and operated by Federal, state, or local governments, that discharges wastewater to a publicly owned treatment works.

36. DISCHARGER: Any person who discharges, causes or allows the discharge of waste directly or indirectly to the sewer system. This term includes any User who is a potential source of discharge. Discharger shall mean the same as User.
37. DISTRICT ENGINEER: District Engineer is appointed by the SacSewer Board of Directors to oversee the operations of the Sacramento Area Sewer District treatment and resource recovery system and collection system.
38. DOMESTIC WASTEWATER: Liquid, solid, and water-carried waste originating from residential sources. Any wastewater produced by ordinary living uses, including liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of toilets, showers, washing machines, sinks, dishwashers, or other source of water-carried wastes of human origin. This definition includes wastewater from commercial and industrial sources which is of a similar source and quality to that produced by these same ordinary living uses.
39. EASEMENT: An acquired legal right to the exclusive or joint use of a defined portion of land.
40. ENGINEERING NEWS RECORD-CONSTRUCTION COST INDEX: An index used to determine construction costs, which is derived by using a formula that includes 200 hours of common labor, multiplied by a 20-city (plus San Francisco) average rate for wages and fringe benefits.
41. EQUIVALENT SINGLE FAMILY DWELLING (ESD): A parameter used to identify sewage discharge on the basis of a single family detached residential dwelling.
42. EXISTING SOURCE: Any source of discharge that is not a New Source.
43. EXPANSION COMMUNITIES: Are one of the following:
  1. Communities or portions of communities within the 1975 SacSewer Treatment and Resource Recovery Service Area service boundary will be considered “new growth” if either the percentage of connected ESD’s or percentage of connected acreage does not achieve a 70% development level. These percentages will be reviewed periodically.
  2. Communities or portions of communities that are outside the 1975 SacSewer Treatment and Resource Recovery Service Area service boundary will be considered “new growth” if the percentage of connected ESD’s is below 70%.
  3. For purposes of calculating Sewer Impact Fees for development within the City of West Sacramento, the area south of the Barge Canal is defined as “expansion communities” development.

44. FATS, OILS, AND GREASE (FOG): FOG is used in this Ordinance to describe inedible kitchen grease collected from grease intercepting devices and traps. This waste is also known as “brown grease.”
45. FEDERAL ACT (“ACT”): The Federal Water Pollution Control Act, also known as the Clean Water Act as amended in 33 U.S.C. Part 1251.
46. FEDERAL PRETREATMENT REGULATIONS: Any regulations promulgated by EPA in accordance with Sections 307(b) and (c) and 402(b) (8) of the Act (33 U.S.C. Part 1317) for the implementation, administration, and enforcement of Pretreatment Standards.
47. FISCAL YEAR: The year beginning July 1 of a given year and ending June 30 of the following year.
48. FIXTURE UNIT: The unit equivalent of plumbing fixtures as defined in the most recent edition of the Uniform Plumbing Code under the public use category. For purposes of determining Sewer Rates and Sewer Impact Fees, there are 23 fixture units/ESD, which is rounded to 0.04 ESD/fixture unit.
49. FOOD SERVICE ESTABLISHMENT: A facility that prepares and/or packages food or beverages for sale or consumption, on or off-site, with the exception of private residences.
50. GARBAGE: Solid wastes from preparing, cooking, and dispensing food, and from handling, storing and selling food products.
51. GENERAL PERMIT: A Wastewater Discharge Permit issued to a class or category of User(s) in lieu of individual permits.
52. GROUNDWATER REMEDIATION DISCHARGER: A User issued a Wastewater Discharge Permit by SacSewer to discharge polluted groundwater to the sewer system and not classified as an Industrial or Temporary Discharge Permit User.
53. HALFPLEX: One-half of an attached structure designed for occupancy by a singlefamily. There are two halfplexes per structure, with property lines separating each unit. Each halfplex is deeded separately and has its own parcel number.
54. HAZARDOUS MATERIALS: Any substance, or combination of substances that is classified as hazardous under State (California Health and Safety Code, Section 25501 (o)) or federal regulations, is included on the federal list of toxic Pollutants as specified in 40 CFR Part 403, or is included in the list of hazardous substances as specified in 40 CFR Part 116. As used herein, hazardous material shall also include any substance, waste or material which meets any of the following criteria: (1) Toxic—capable of producing injury, illness or damage to humans, livestock or wildlife through ingestion, inhalation or absorption through any body surface; (2)

Corrosive—capable of destroying by chemical action living tissue through contact; (3) Irritants—capable of causing a local inflammatory reaction; (4) Strong sensitizers—capable of causing allergic or hypersensitive reactions or (5) Flammable—capable of burning during normal handling and which may produce harmful gas or particles.

55. HAZARDOUS WASTE: Any waste classified as hazardous waste under 40 CFR Part 261 or as otherwise defined by State statute or regulation.
56. INCREMENTAL SEWER IMPACT FEE: A fee to recover the proportionate share of sewer capacity and associated costs including financing for the planning, design, construction, inspection, administrative, debt service, debt covenant, and other related costs for SacSewer’s wastewater conveyance, treatment, and disposal facilities required for a change in or expansion of use.
57. INDUSTRIAL USER: Any User that is issued a Wastewater Discharge Permit and meets one or more of the following criteria:
1. Discharges 25,000 gallons or more of process wastewater per day (excluding the domestic, non-contact cooling, and boiler blowdown wastewater portion of the discharge), or
  2. Discharges more than 37.5 pounds of biochemical oxygen demand (BOD), 37.5 pounds of total suspended solids (TSS), or 8.3 pounds of total kjeldahl nitrogen (TKN) per day of process wastewater (excluding the domestic, non-contact cooling, and boiler blowdown wastewater portion of the discharge), or
  3. Discharges wastewater to the SacSewer sewer system that contains materials in sufficient quantity either singly or by interaction with other wastes, to constitute a potential hazard to humans or animals, to potentially cause interference or create a public nuisance, or create any hazard in or to have an adverse effect on the waters receiving any discharge from the SacSewer wastewater treatment plant, or
  4. Is subject to Environmental Protection Agency Categorical Pretreatment Standards or any Pretreatment Standards set by the State of California.
58. INFILL COMMUNITIES: Are one of the following:
1. Communities or portions of communities within the 1975 SacSewer Treatment and Resource Recovery Service Area service boundary will be considered “infill” if the percentage of connected ESD’s or percentage of connected acreage is 70% or above. These percentages will be reviewed periodically.

2. Communities or portions of communities that are outside the 1975 SacSewer Treatment and Resource Recovery Service Area service boundary will be considered “infill” if the percentage of connected ESD’s is 70% or above.

For purposes of calculating Sewer Impact Fees for development within the City of West Sacramento, the area north of the Barge Canal is defined as Infill Communities development.

59. **INFLOW & INFILTRATION:** Any water entering and/or discharging into collector sewers, trunk sewers or service connections from such sources as, but not limited to roof leaders, cellars, yard and area drains, fountain drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, stormwater, surface runoff, street wash waters, street wash drainage and any water entering a collector sewer, trunk sewer or service connections from the ground through means including but not limited to, defective pipes, pipe joints, connections, or manhole walls.
60. **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 flow rate and the duration of the sampling event.
61. **INTERCEPTOR SEWER:** An existing sewer (including pumping facilities and in-line treatment facilities belonging to that sewer) described in the Master Interagency Agreement (MIA) and any future sanitary sewers that meet either of the following criteria: a) Any sanitary sewer designed to carry a peak wet weather flow of 10 million gallons per day or greater, or b) Any sanitary sewer that has its upstream and downstream end adjacent and connected to an existing interceptor sewer described in the MIA.
62. **INTERFERENCE:** Any discharge which, alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts SacSewer’s treatment processes or operations, or its biosolids processes, use or disposal; and 2) is a cause of a violation of SacSewer’s National Pollutant Discharge Elimination System (NPDES) permit or of the prevention of biosolids use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.
63. **JUNIOR ACCESSORY DWELLING UNIT:** A residential dwelling unit that is no more than 500 square feet in size, is contained entirely within a single-family residence or a co-located existing

- single-family residence accessory structure, and meets the definition and requirements for Junior Accessory Dwelling Unit in CGC §65852.22.
64. LIQUID WASTE HAULER: Any User engaging in vehicular transport of waste as part of, or incidental to, any business for discharge into the SacSewer sewer system. This includes haulers of Septage, Portable Toilet Waste, FOG, and other waste types.
  65. LOCAL LIMITS: Specific discharge limits developed and enforced by SacSewer upon Users to implement the general and specific discharge prohibitions listed in 40 CFR Part 403.5(a)(I) and (b).
  66. LONG-TERM USE RECREATIONAL VEHICLE PARK: Any parcel, area, or tract of land where two or more lots are rented, leased, or held out for rent or lease to accommodate an extended stay or long-term use of recreational vehicles for human habitation.
  67. LOW INCOME HOUSEHOLDS: Refers to the definition contained in California Health and Safety Code, Section 50079.5, including but not limited to an income limit of 80% of area median income, adjusted for family size and revised annually.
  68. MAJOR TRANSPORTATION RELATED FACILITIES: Those properties used as freeways, railroad alignments and yards (excluding private spurs), and airport runways, taxiways and aprons within the air operations area (Primary Surface, Clear Zone, portions of the Transition Zone, etc.). These areas are not considered a part of the acreage of parcels for Sewer Impact Fee calculations.
  69. MASTER INTERAGENCY AGREEMENT: The agreement between the County of Sacramento, the Sacramento Area Sewer District (SacSewer), and the cities of Folsom, Sacramento, and West Sacramento. The agreement, executed on November 15, 2021, defines the interrelationship and responsibilities of the signatories.
  70. MEDICAL WASTE: Solid wastes from hospitals, clinics, medical offices, convalescent homes, medical laboratories or other medical facilities including, but not limited to, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature.
  71. MIDDLE TIER CATEGORICAL INDUSTRIAL USER: A User subject to a Categorical Pretreatment Standard or Categorical Standards that SacSewer has determined never discharges more than 5,000 gallons per day (gpd) of total categorical wastewater (excluding domestic, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User's total categorical wastewater flow does not exceed any of the following:
    - 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
    - 0.01 percent of the design dry weather organic treatment capacity of the POTW; and
    - 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with §403.5(c) and pursuant to Section 2.7.2 of this Ordinance;
  2. The Industrial User has not been in significant noncompliance, as defined by this Ordinance, for any time in the past two years;
  3. The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period required by their Wastewater Discharge Permit;
  4. The Industrial User must notify SacSewer immediately of any changes at its facility causing it to no longer meet conditions 1 through 3 of this definition.
72. MILLIGRAMS PER LITER (mg/L): One milligram in each liter of liquid, which is equal to one part per million.
73. MOBILE HOME: A structure, transportable in one or more sections, that is either 8 feet or more wide; 40 feet or more long while in travel mode, or at least 320 square feet when erected onsite; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, which includes the plumbing, heating, air conditioning, and electrical systems.
74. MOBILE HOME PARK: Any parcel, area, or tract of land where two or more lots are rented, leased, or held out for rent or lease to accommodate mobile homes for human habitation.
75. MULTIPLE-FAMILY DWELLING: Dwellings for more than one family, inclusive of any accessory dwelling units or ancillary units legally permitted to be associated with multiple-family dwellings in accordance with either this Ordinance, or CGC §65852.2, or CGC §65852.22. Multiple-family dwellings often have shared walls and/or shared community spaces and include duplexes, triplexes, quadplexes, halfplexes, apartments, mobile homes (term includes long-term use of recreational vehicles), condominiums, townhouses, and rowhouses. In cases

where dwelling units which would normally be defined as Multiple-Family Dwellings contain the characteristics of Single-Family Dwellings, the District Engineer may define the units as Single-Family Dwellings for purposes of this Treatment and Resource Recovery Ordinance.

76. NEW SOURCE: Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commences 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. Specific location and construction criteria for determining a new source are as defined in 40 CFR Part 403.3(m), as revised.
77. NONCOMPLIANCE: Any violation of any part of this Ordinance, a Wastewater Discharge Permit, or EPA Pretreatment Standards.
78. NONCOMPLIANCE COST: A cost issued to the noncompliant User to recover any costs incurred by SacSewer as a result of noncompliance by the User.
79. NON-SIGNIFICANT CATEGORICAL USERS: A User subject to a Categorical Pretreatment Standards or Categorical Standard that SacSewer has determined never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding domestic, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met: a) the User, prior to SacSewer's finding has consistently complied with all applicable Categorical Pretreatment Standards and Requirements; b) the User annually submits the certification statement required in 40 CFR Part 403.12 (q), together with any additional information necessary to support the certification statement; and c) the User never discharges any untreated concentrated wastewater.
80. NONDOMESTIC WASTEWATER: Any wastewater that does not originate solely from humans and domestic activities and is not produced as wastewater from restroom facilities, showers, or kitchens. Included in this definition are groundwater, stormwater, urban runoff and cooling water that are discharged to the sewer. Any water-carried wastes and wastewaters, excluding domestic wastewater, derived from any producing, manufacturing, processing, institutional, agricultural, or other operation.
81. NOTICE OF VIOLATION: An official communication from SacSewer to a noncompliant User informing the User that a violation has occurred. The notice of violation can specify corrective measure to be implemented by the User.
82. NPDES PERMIT (National Pollutant Discharge Elimination System Permit): The written requirements established by the State of California Central Valley Regional Water Quality Control Board (CVRWQCB) which govern the quality and quantity of wastewater discharged

from SacSewer's treatment plant to Receiving Waters. Requirements for screenings and biosolids disposal are established in the associated Waste Discharge Requirements Order issued by the CVRWQCB.

83. NUISANCE: That which is injurious to health, or offensive to the senses, or an obstruction to the free use of property so as to interfere with comfortable enjoyment of life or property.
84. PASS THROUGH: A discharge that exits SacSewer's sewer system into the waters of the State in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of SacSewer's NPDES Permit, including an increase in the magnitude or duration of a violation, and which causes water quality standards established by the State or EPA to be exceeded. Pass Through shall also include any discharge which exits SacSewer's sewer system into SacSewer's land disposal system in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, causes SacSewer to violate the requirements of SacSewer's CVRWQCB Waste Discharge Requirements for land disposal including an increase in the magnitude of the violation.
85. PATHOGEN: A microscopic organism that can produce infection or infectious disease in humans through ingestion or exposure. Pathogens may be measured directly or indirectly through indicator organisms, typically in domestic wastewater flows. For the purpose of calculating Treatment and Resource Recovery Sewer Impact Fees and monthly Sewer Rates, domestic wastewater flow is used for determining the User's proportionate share of pathogen treatment cost.
86. PERMITTEE: The person to whom a wastewater discharge or temporary discharge permit has been issued under this Ordinance.
87. PERSON: Any individual, firm, company, association society, partnership, corporation, organization, group, contributing agency or public agency, including the State of California and the United States of America. The singular shall include the plural.
88. pH: An expression of the intensity of the alkaline or acidic strength of a liquid.
89. PIPE-BLOCKING SUBSTANCES: Materials and substances that obstruct or impede the flow within sewer systems which may include, but are not limited to, the following: fats, oils, grease, rags, wipes, cloth, plastic items, sediment, grit, debris, and roots. The accumulation or intrusion of these materials potentially cause blockages, spills, or other operational failures.
90. POLLUTANT: Any constituent or characteristic of wastewaters which is prohibited or limited within this Ordinance and where a discharge limit may be imposed either by SacSewer or the regulatory bodies empowered to regulate SacSewer. Pollutants may include, but are not

limited to, solid waste, garbage, medical waste, chemical waste, biological waste, radioactive materials, municipal, agricultural and industrial wastes, and characteristics of wastewater (for example, pH, salinity, temperature, Total Kjeldahl Nitrogen, Total Suspended Solids, turbidity, color, Biological Oxygen Demand, toxicity, or odor).

91. POLLUTION: A condition in which elements or compounds are present at concentrations high enough above their normal ambient levels to produce a measurable effect on humans, animals, vegetation, materials or environment.
92. PORTABLE TOILET WASTE: Domestic waste from portable toilets or toilet/sink holding tanks.
93. PROJECT PROPONENT: Typically a developer or the developer's representative.
94. PREMISES: A parcel of real property, or portion thereof, including any improvement thereon, which is determined by the District Engineer to be a single unit for purposes of receiving, using, and paying for sewage disposal service. In making this determination, the District Engineer shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of sewer lines, and whether the unit is being used for a single activity and, if not, what the principal activity is for sewage disposal services; but in any case, the District Engineer's determination shall be final.
95. PRETREATMENT FACILITY: Any works or device for treatment, control, or flow limitation of wastewater, prior to discharge into a public sewer.
96. PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
97. PRETREATMENT STANDARDS OR STANDARDS: Pretreatment Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits. This term includes prohibitive discharge limits established pursuant to Title 40 CFR, Section 403.5, or under the authority of this Ordinance.
98. PRETREATMENT DISCHARGE STANDARDS or PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Chapter 2 of this Ordinance.
99. PUBLIC AGENCY: The United States Government or any department or agency thereof; the State of California or any department or agency thereof; any city, county, town or any of their departments or agencies; or any other public district, entity or entities; or any combination of the foregoing.
100. PUBLIC SEWER: Any sewer, which carries domestic or nondomestic wastewater, located within an easement or public right-of-way which is maintained by a public agency.

101. QUALIFIED RESIDENTIAL PROJECT: A residential development project which shall include:
  1. At least 10% of units with Affordable Rents or Affordable Housing Costs for Very Low Income Households; or
  2. At least 49% of units with Affordable Rents or Affordable Housing Costs for Low Income Households.
102. QUALIFYING CUSTOMER: Any Residential User that meets the requirements of the Sewer Lifeline Rate Assistance Program, as determined from time to time by the Board of Directors.
103. RECEIVING WATERS: Waters which are defined under 40 CFR Part 122 (NPDES) as “Waters of the United States.”
104. RECYCLED WATER: Treated wastewater that complies with 22 California Code of Regulations (CCR) and is safe for non-potable uses, such as landscape irrigation.
105. RECYCLED WATER USER: A SacSewer customer that obtains or uses recycled water provided by the EchoWater Resource Recovery Facility.
106. RELEASE FROM SHRA: Means a written release submitted from SHRA or West Sacramento Agency to the Administrator which 1) verifies that the buyer or renter has met the income qualifications as set forth in deferral/waiver program chapter or 2) verifies a multi-family residential project has received a State of California Tax Credit Allocation Committee final cost certification or similar certification from another financing entity or that the renter has met the income qualifications as set forth in waiver/deferral program chapter.
107. RESIDENTIAL USER: A User whose premises are used solely for non-transient human habitation.
108. SACSEWER: Sacramento Area Sewer District.
109. SACSEWER SEWER SYSTEM: SacSewer's facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and residuals.
110. SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (SHRA): A joint power authority created by the City of Sacramento and the County of Sacramento to represent both jurisdictions for affordable housing and community redevelopment needs. Reference to SHRA includes any successor or legally authorized housing agency.
111. SACRAMENTO LOCAL AGENCY FORMATION COMMISSION (LAFCo): An agency responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special

districts, and consolidations, mergers, and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.

112. SELF MONITORING: Wastewater sampling performed by a discharger, in accordance with SacSewer's Pretreatment Program. Self-monitoring requirements will be specified in the User's Wastewater Discharge Permit.
113. SEPTAGE: Wastewater from septic tanks.
114. SERVICE AREA: The geographical area served by SacSewer's treatment and resource recovery system as shown in the SacSewer service area map available at [www.sacsewer.com](http://www.sacsewer.com)
115. SEWER: A pipe or conduit, including pumping facilities and in-line treatment and control facilities, which receive and carry wastewater.
116. SEWER IMPACT FEE: A fee to recover Users' proportionate share of sewer capacity and associated costs, including financing for the planning, design, construction, inspection, administrative, debt service, debt covenant, and other related costs for SacSewer's wastewater conveyance, treatment, and disposal facilities.
117. SEWER IMPACT FEE CREDIT: The credits (based on ESDs, gallons, or loadings) assigned to a parcel that have been purchased by the payment of Sewer Impact Fees or other form of payment for connection or discharge to the sewer system.
118. SHOW CAUSE ORDER: An order requiring a User to appear before the District Engineer to explain any noncompliance and why specified enforcement actions should not be taken. SacSewer may designate a hearing officer to hear testimony for the hearing.
119. SIGNIFICANT NONCOMPLIANCE: A User is in Significant Noncompliance if its violations meet one or more of the following criteria: 1) Chronic violations of Wastewater Discharge Permit limits defined here as those in which 66% or more of all the measurements taken during a 6-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous limits; 2) Technical review criteria violations defined here as 33% or more of all of the measurements for each pollutant parameter taken during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils, and grease and 1.2 for all other pollutants except pH]; 3) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that SacSewer determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of SacSewer personnel or the general; 4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in SacSewer's exercise of

emergency authority to halt or prevent such a discharge; 5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance; 6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standards deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; 7) Failure to accurately report noncompliance or provide compliance data; or 8) Any other violation(s), which may include a violation of Best Management Practices, which SacSewer determines will adversely affect the operation or implementation of the local pretreatment program.

120. SIGNIFICANT USER:

Except as provided in paragraphs (3) and (4) of this definition:

1. A User subject to Categorical Pretreatment Standards; or
2. A User that:
  - a. Discharges an average of 25,000 gpd or more of process wastewater to the sewer system (excluding domestic, noncontact cooling and boiler blowdown wastewater); or
  - b. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the SacSewer treatment plant; or
  - c. Is designated as such by SacSewer on the basis that it has a reasonable potential for adversely affecting the SacSewer sewer system or for violating any Pretreatment Standard or Requirement.
3. SacSewer may determine that a User subject to Categorical Pretreatment Standards is a Non-Significant Categorical User rather than a Significant User on a finding that the User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding domestic, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
  - a. The User, prior to SacSewer's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - b. The User annually submits the certification statement required in 40 CFR Part 403.12(q), together with any additional information necessary to support the certification statement; and
  - c. The 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 SacSewer's operation or for violating any Pretreatment Standard or Requirement, SacSewer may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR Part 403.8(f)(6), determine that such User should not be considered a Significant User.
  5. Significant User shall mean the same as Significant Industrial User as defined in 40 CFR Part 403.3(v).
121. SINGLE-FAMILY DWELLING: Any detached residential premise designed to house one family, inclusive of any Accessory Dwelling Units or Ancillary Units legally permitted to be associated with a single-family dwelling in accordance with either this Ordinance, or CGC §65852.2, or CGC §65852.22.
  122. SLUG: Any discharge of waste which in flow rate or concentration or quantities of any given constituent could cause a violation of the prohibitions in the Sewer Use Chapter; or any discharge of a non-routine episodic nature, including but not limited to an accidental spill or non-customary batch discharge.
  123. STANDARD SINGLE-FAMILY RESIDENTIAL DENSITY: Six single-family detached dwelling units per gross acre.
  124. STATE: The State of California.
  125. STORM SEWER: A sewer that carries stormwater and surface water, street wash and other wash waters, or drainage, but excludes sewage and industrial wastes.
  126. STREET: Any public highway, road, street, avenue, way, alley, or right-of-way.
  127. TEMPORARY DISCHARGE PERMIT USER: Any User issued a Wastewater Discharge Permit for discharges that are typically of short duration or intermittent. The permit is generally issued for up to one year.
  128. TERRITORIAL JURISDICTION: That area of land encompassed within the exterior boundary or boundaries of SacSewer's service area.
  129. TOTAL KJELDAHL NITROGEN (TKN): Represents a measurement of ammonia and organic nitrogen in the User's discharge.
  130. TOTAL SUSPENDED SOLIDS (TSS): All matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering. Also referred to as suspended solids.

131. **TRADE SECRETS:** Information on production rates or a secret method or process, not patented, but known only to certain individuals using it in compounding some article of trade having a commercial value.
132. **TRUNK SEWER:** A sanitary sewer other than an interceptor sewer (including pumping facilities and in-line facilities belonging to that sewer) that is designed to carry between 1 MGD and 10 MGD peak wet weather flow and receiving wastewater from two or more different Users.
133. **USER:** Any person who discharges, causes, or allows the discharge of waste directly or indirectly to the SacSewer sewer system. This term specifically includes any person who is a potential source of discharge. User shall mean the same thing as Discharger.
134. **VERY LOW INCOME HOUSEHOLDS:** Refers to the definition contained in California Health and Safety Code, Section 50105, including but not limited to an income limit of 50% of area median income, adjusted for family size and revised annually.
135. **WASTE:** Sewage and any and all other waste substances (liquid, solid, gaseous, or radioactive waste substances) associated with human habitation, or of human or animal origin, or from any commercial, producing, manufacturing, or processing operation of any nature.
136. **WASTEWATER:** The liquid and water-carried wastes discharged into SacSewer’s sewer system. This term also includes ground, surface, and storm waters as may be present in the sewer system.
137. **WASTEWATER DISCHARGE PERMIT:** A control mechanism that identifies restrictions and limitations specific to a User.
138. **WATER QUALITY REQUIREMENTS:** Requirements for SacSewer’s treatment plant effluent, or for receiving waters, established by law, or by State or federal regulatory agencies, for the protection of receiving water quality.

## 1.4 Abbreviations

<b>Abbreviation</b>	<b>Description</b>
ACT	Federal Water Pollution Control Act, 33 U.S.C. Part 1251
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CCF	One Hundred Cubic Feet

<b>Abbreviation</b>	<b>Description</b>
CCR	California Code of Regulations
CGC	California Government Code
CFR	Code of Federal Regulations
CVRWQCB	Central Valley Regional Water Quality Control Board
DWF	Dry Weather Flow
EMD	Environmental Management Department (County of Sacramento)
ENR	Engineering News Record-Construction Cost Index
EPA	United States Environmental Protection Agency
ESD	Equivalent Single-family Dwelling
FOG	Fats, Oils, and Grease
gal	Gallons
gpd	Gallons per Day
gpm	Gallons per Minute
LAFCo	Local Agency Formation Commission
lb	Pound
Max	Maximum
MGD	Million Gallons per Day
mg/L	Milligrams per Liter
MIA	Master Interagency Agreement
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act

<b>Abbreviation</b>	<b>Description</b>
RWQCB	Regional Water Quality Control Board
SacSewer	Sacramento Area Sewer District
SHRA	Sacramento Housing and Redevelopment Agency
Sq Ft	Square Foot/Feet
SWDA	Solid Waste Disposal Act
Title 40	Title 40 (Protection of Environment) of the Code of Federal Regulations
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
USC	United States Code

## 1.5 Continuity of Provisions

The provisions of this Treatment and Resource Recovery Ordinance, insofar as they are substantially the same as previously existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

## 1.6 Actions and Proceedings Continued

No actions or proceeding commenced before this Treatment and Resource Recovery Ordinance takes effect, and no right accrued, is affected by the provisions of this Treatment and Resource Recovery Ordinance, but all procedure thereafter taken shall conform to the provisions of this Treatment and Resource Recovery Ordinance so far as possible.

## 1.7 Powers of Officers

Whenever, by this Treatment and Resource Recovery Ordinance, a power is granted to an officer or employee of SacSewer or a duty is imposed upon such officer or employee, the power may be exercised or the duty performed by a deputy of the officer or employee or by a person authorized pursuant to law by the officer.

## 1.8 Liberal Construction

The provisions of the Treatment and Resource Recovery Ordinance shall be liberally construed to obtain its purposes and objects.

## 1.9 Applicability of Chapter

Unless the provision or the context otherwise requires, the general provisions, rules of construction, and definitions set forth in this chapter shall govern the construction of this Treatment and Resource Recovery Ordinance.

## 1.10 Title, Chapter and Section Headings

Title, chapter, and section headings do not govern, limit, modify or in any way affect the scope, meaning, or intent of the provisions of any title, chapter, or section.

## 1.11 Use of English Language Required

Whenever any notice, report, statement, or record is required by this Treatment and Resource Recovery Ordinance, it shall be made in the English language.

## 1.12 Severability

If any provision of this Treatment and Resource Recovery Ordinance or the application thereof to any person or circumstances, is held invalid, the remainder of the Treatment and Resource Recovery Ordinance, or the application of such provisions to other persons or circumstances shall not be affected thereby.

## 1.13 Time of Day

Whenever a certain hour or time of day is specified in this Treatment and Resource Recovery Ordinance such hour or time shall be standard time or daylight saving time, whichever is in current use in the County of Sacramento, California.

## 1.14 Liability

No provision of this Treatment and Resource Recovery Ordinance shall be construed as imposing upon SacSewer any liability or responsibility for personal injury or property damage resulting from any activity or condition, which arises or exists by virtue of any provision or requirement of this Treatment and

Resource Recovery Ordinance, including construction, installation, or repair of any facility; equipment or property, or from any defect therein; nor shall SacSewer or any officer or employee thereof be held as assuming any liability or responsibility by reason or any inspection authorized herein.

## 1.15 Administrative Authority

The Board of Directors (Board) is assigned the responsibility of administering all provisions of this Treatment and Resource Recovery Ordinance and shall exercise these responsibilities according to the purpose and intent of this Treatment and Resource Recovery Ordinance in a fair and objective manner. Except as otherwise provided herein, the Board delegates to the District Engineer of the Sacramento Area Sewer District (District Engineer) the responsibility to administer, implement, and enforce the provisions of this Treatment and Resource Recovery Ordinance. Any powers granted to or duties imposed upon the District Engineer, except termination of service, may be delegated by the District Engineer to other SacSewer personnel.

## CHAPTER 2: SEWER USE

### 2.1 Purpose

This Chapter sets forth uniform requirements for Users of the wastewater collection and treatment system of SacSewer and enables SacSewer to protect its interceptor sewers, treatment, pumping, and disposal systems and to comply with all applicable State and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403) and any amendments thereto following adoption of this Chapter.

The objectives of this Chapter are:

1. To protect the health and safety of the people and enhance the environmental quality of SacSewer and its surroundings;
2. To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, and pretreatment of nondomestic discharges to the SacSewer sewer system;
3. To prevent the introduction of pollutants into the SacSewer sewer system that will interfere with its operation of the sewer system;
4. To prevent the introduction of pollutants which will pass through the SacSewer sewer system, inadequately treated, into receiving waters, groundwaters, or the atmosphere, or otherwise be incompatible with the overall operation of the SacSewer sewer system;
5. To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
6. To ensure that the quality of the wastewater treatment plant effluent is maintained at a level which allows its reuse and/or recycling in compliance with applicable statutes and regulations;
7. To protect SacSewer personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
8. To provide, in conjunction with the Sewer Rates, Billing, and Collection Chapter and Sewer Impact Fees Chapter, for the equitable distribution of the cost of construction, operation, maintenance, and improvement of the SacSewer sewer system;
9. To prevent the introduction of wastes to the SacSewer sewer system that could result in SacSewer being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States;

10. To provide for source monitoring and control of quantity, quality, and rate of flow of residential, commercial, and industrial wastes entering the SacSewer sewer system;
11. To establish enforcement procedures and penalties for violations which are applied to all Users, including contracting agencies, which discharge to the SacSewer sewer system;
12. To prohibit the discharge from Liquid Waste Haulers of any hazardous waste as may be defined by either federal or State statute and regulation, whichever is more stringent and to prohibit all such wastes as are prohibited within this Chapter, when such wastes are trucked to SacSewer's sewer system and discharged pursuant to SacSewer's Liquid Waste Hauler Program;
13. To establish that discharge to, and the use of, the SacSewer sewer system is authorized only when permitted, and use of the sewer may be denied by the District Engineer when necessary to protect the overall public health, safety, and welfare of the community; and
14. To establish the requirements for use of the SacSewer Recycled Water Fill Stations and mechanisms for enforcement of the recycled water use permit.

## 2.2 Applicability of the Sewer Use Chapter

To assure that the purposes of this Chapter are carried out, the specific provisions of the Chapter may be supplemented by additional requirements and policies established by the District Engineer, consistent with the provisions of this Chapter. The District Engineer shall promulgate such detailed regulations and standards including drawings, specifications, and other requirements as are necessary to fully implement this Chapter.

Except as otherwise provided herein, the District Engineer shall administer, implement, and enforce the provisions of this Sewer Use Chapter. Any powers granted to or duties imposed upon the District Engineer except for termination of service, may be delegated by the District Engineer to appropriate SacSewer staff.

## 2.3 Implementation

The requirements of this Sewer Use Chapter are applicable to all persons within SacSewer and to all persons outside SacSewer who are, by contract, agreement or action, Users of the SacSewer sewer system, including any and all new and prospective Users and any and all existing Users.

Where specified by the District Engineer, all applications, reports, or other information submitted to SacSewer must contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and in accordance with a system designed to assure that qualified personnel

properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 CFR Part 403.6(a)(2)(ii)).

This statement shall be signed by an authorized or duly authorized representative of the User as defined in 40 CFR Part 403.12 (1) (1-4).

## 2.4 Authorities and Responsibilities

### 2.4.1 AUTHORITY OF THE DISTRICT ENGINEER

The District Engineer has the authority, in addition to such other authority as may be provided in this Chapter or by other means, to do all of the following:

1. Require Users of the SacSewer sewer system to provide information on the nature and characteristics of their proposed or existing discharge of wastewater deemed necessary to determine the need for a Wastewater Discharge Permit to regulate the discharge.
2. Issue Wastewater Discharge Permits specifying provisions for discharge and granting revocable permission to discharge wastewater to the sewer, including general permits in accordance with 40 CFR Part 403.8 (f)(1)(iii)(A).
3. Require notification to SacSewer in writing of the unintentional discharge of hazardous waste to the sewer system.
4. Inspect the premises of any person discharging waste to the SacSewer sewer system, including but not limited to, any areas or points of sampling, discharge, process, storage, or any other areas as deemed reasonable and necessary by the District Engineer to document the person's compliance with the requirements of this Sewer Use Chapter or a Wastewater Discharge Permit. The authority to inspect includes the authority to collect samples of any wastes either being discharged, or having the potential to be discharged to the SacSewer sewer system, and to require the User to collect, have analyzed, and report the results of analyses of any wastes either being discharged or having the potential to be discharged to the sewer system.
5. Witness any sampling and sampling procedures as required of any User as part of a self-monitoring program, or under the terms of this Sewer Use Chapter or a Wastewater Discharge Permit.

6. Obtain copies of any disposal, chemical inventory, monitoring, or sampling records as necessary to establish compliance or non-compliance with the objectives of this Chapter or a Wastewater Discharge Permit, and if necessary, remove those records from the premises for copying purposes. These records include, but are not limited to, records required to be kept under 40 CFR Part 403.12.
7. Require submission of all notices and self-monitoring reports from any User in order to demonstrate compliance with this Chapter, Wastewater Discharge Permit requirements, and 40 CFR Part 403.12.
8. Require any User to install and operate pretreatment facilities or to implement BMPs as deemed reasonable and necessary by the District Engineer to meet all Pretreatment Standards, all provisions of the Wastewater Discharge Permit, or all requirements of this Chapter.
9. Specify and require any user to develop a compliance schedule to meet all applicable Pretreatment Standards, all provisions of the Wastewater Discharge Permit, and all requirements of this Chapter and to require compliance reports on meeting scheduled milestones.
10. Inspect all areas and processes of any facility and the installation and operation of any pretreatment equipment.
11. Specify and require Users to install, operate, and maintain a sampling facility for the purpose of obtaining representative wastewater samples, a metering facility and instrumentation for the purpose of accurately quantifying discharge flows, and other continuous recording devices (pH, temperature, conductivity, or other specific wastewater constituents) for the purpose of characterizing the wastewater discharge. The District Engineer shall have the right to install, maintain, and operate where necessary SacSewer sampling and measuring equipment on the premises of the discharger.
12. Issue any Administrative Order, including a Consent Order, Show Cause Order, Cease and Desist Order, and Compliance Order to any person discharging to the sewer system.
13. Issue an Administrative Complaint proposing an administrative civil penalty to any User violating any Pretreatment Standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
14. Seek injunctive relief for violations of any National Pretreatment Standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
15. Seek the imposition of civil or criminal penalties for violations of any Pretreatment Standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.

16. Halt or suspend a discharge in the event of an actual or threatened discharge which is in violation of this Sewer Use Chapter, a Wastewater Discharge Permit, or the regulatory conditions of 40 CFR Part 403.8(f)(1)(vi)(B), or in the event of an emergency, or a condition in which the safety of humans or the environment is threatened. The District Engineer has the authority to require spill containment where deemed necessary by the District Engineer.
17. Require waste minimization, source control evaluations, or plans to conserve water, or any combination thereof. Require investigation of new product or chemical agent substitution, implementation of inventory control procedures, implementation of employee education, conductance of internal audits, and implementing steps as necessary to minimize waste produced.
18. Establish constituent level limitations including local limits pursuant to 40 CFR Part 403.5 (b), (c), and (d) and incorporate such limits on a User-specified basis into Wastewater Discharge Permits.
19. Deny access to or terminate service of and disconnect from the SacSewer sewer system any User who does not comply with the requirements of this Sewer Use Chapter or the User's Wastewater Discharge Permit.
20. Recover SacSewer costs associated with the implementation of this Chapter.
21. Administer and implement inter-agency agreements which implement the provisions of this Ordinance.

## 2.5 Regulations

### 2.5.1 PERMISSIBLE DISCHARGES

Wastewater may be discharged into public sewers for conveyance, treatment, and disposal by SacSewer, provided that such wastewater discharge is in compliance with this Chapter and the conditions of any Wastewater Discharge Permit, and further provided that the User pays all applicable SacSewer Sewer Impact Fee and rate charges, including any penalties or charges assessed under this Chapter. SacSewer retains the authority to require, at any time, a modification or termination of any discharge, if such is required in the discretion of SacSewer, in order to carry out the objectives of this Chapter.

### 2.5.2 GENERAL PROHIBITION

No User shall discharge, or cause to be discharged, wastewater into a public sewer which will result in nuisance, contamination, or pollution in receiving waters or groundwater, or cause a pass through or interference. Further, no User shall discharge wastewater in excess of any applicable federal or State discharge regulations or provision of this Chapter. These general prohibitions apply to all Users of the

SacSewer sewer system whether or not they are subject to Categorical Pretreatment Standards or any other national, State, or local Pretreatment Standards or requirements.

### 2.5.3 PROHIBITED EFFECTS

No User shall discharge, or cause to be discharged, wastewater into a public sewer if it contains substances or has characteristics which, as determined by the District Engineer, alone or by interaction with other wastewaters, cause or threaten to cause any of the following:

1. Damage to SacSewer sewer system.
2. Pass Through, Interference with, or impairment of the operation or maintenance of the SacSewer sewer system.
3. Obstruction of flow in the SacSewer sewer system.
4. Danger to life or safety of any person.
5. Interference with or overloading of treatment or disposal processes.
6. Flammable or explosive conditions in the sewer system.
7. SacSewer's effluent or any other product of the treatment process, residues, or biosolids, to be unsuitable for reclamation, reuse, or disposal, or to interfere with any processes for reclamation.
8. Noxious or malodorous gases or odors.
9. Discoloration or any other condition which affects the quality of SacSewer's treatment plant influent or effluent in such a manner that inhibits SacSewer's ability to meet receiving water quality, biosolids quality, or air quality requirements established by regulatory agencies.
10. Conditions which violate any statute, rule, regulation, code, or ordinance of any public agency or regulatory agency having jurisdiction over the operation of or discharge of wastewater through the sewer facilities.
11. Contamination of groundwater by penetration of the sewer line.
12. Elevated temperature conditions resulting in damage to the public sewer or impairment of operation and maintenance including worker health and safety.

### 2.5.4 PROHIBITED SUBSTANCES OR CHARACTERISTICS

Pollutants, substances, or wastewater prohibited by this subsection shall not be handled or stored in such a manner that they could be discharged to the public sewer.

No person shall discharge, or cause to be discharged, the following to a public sewer:

1. Any unpolluted stormwater, surface water, groundwater, artesian well water, roof runoff, or subsurface drainage.
2. Any water or waste having a pH less than 5.0 or a pH greater than or equal to 12.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of SacSewer.
3. Any solid or viscous substance in amounts which may cause or threaten to cause obstruction to flow in sewers or other interference with proper operation or maintenance of the sewer system.
4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which alone or in combination with other pollutants, will cause interference or pass through, or will constitute a hazard to humans or animals.
5. Any substance in violation of any Pretreatment Standards, nor shall any User increase the use of process water or dilute a discharge in any way as a partial or complete substitute for adequate treatment to comply with Categorical or other Pretreatment Standards.
6. Any wastewater which creates a fire or explosion hazard including, but not limited to, wastestreams with a closed-cup flashpoint of less than 60°C (140°F) using the test method specified in 40 CFR Part 261.21.
7. Any discharge which results in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any part of the SacSewer sewer system.
8. Any wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to impair or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, or create an adverse effect on the waters of the State.
9. Any wastewater containing any substance that is defined as a hazardous waste by the State or federal regulatory agencies.
10. Any slug discharges of restricted materials or other substances regulated by this Chapter.
11. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

12. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating SacSewer's NPDES Permit.
13. Any wastewater containing any radioactive wastes or isotopes unless the waste is discharged in strict conformance with current California Radiation Control Regulations (Title 17, California Code of Regulations).
14. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference or pass through or causes the temperature at the treatment plant to exceed 40°C (104°F).
15. Any medical wastes, except as authorized by the District Engineer.
16. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the SacSewer sewer system.
17. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
18. Wastewater causing, alone or in conjunction with other sources, SacSewer's effluent to fail a toxicity test.

### 2.5.5 PROHIBITED DISCHARGE LOCATIONS

No User shall discharge any wastewater or any other substance directly into a manhole or other opening in the SacSewer sewer system other than in accordance with requirements established by this Chapter and through sewer lines approved by the District Engineer except that the District Engineer may grant permission and establish requirements and policies for such direct discharges.

### 2.5.6 POTENTIALLY REGULATED DISCHARGES

No User shall discharge, or cause to be discharged, to the SacSewer sewer system any of the following without first notifying SacSewer. Users may be required to complete a Sewer Use Questionnaire, obtain a Wastewater Discharge Permit, or specific approval from the District Engineer.

1. Any discharge of nondomestic wastewater with flow; BOD, TSS, or TKN loads that warrants oversight for the purpose of wastewater monitoring and determination of Sewer Rates.
2. Any discharge which contains concentrations of oil and grease of animal or vegetable origin, or oil and grease of petroleum origin that will result in negative impacts to the sewer system.
3. Any waters or wastes having a pH between 5.0 and 6.0 or higher than 9.5.

4. Any discharge containing heavy metals, toxic organics, or pollutants at concentrations exceeding that of typical domestic wastewater.
5. Any discharge with a temperature exceeding 160°F for a period greater than five consecutive minutes or exceeding 120°F average for any 8-hour period.
6. Any stormwater, surface water, swimming pool water, groundwater, roof runoff, subsurface drainage, cooling water, or process water which the District Engineer has determined to be polluted.
7. Garbage, except ground up garbage from residential and commercial premises shall be shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
8. Any radioactive wastes discharged by a User authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and discharged in strict conformity with current California Radiation Control Regulations (Title 17 California Code of Regulations) for safe disposal.
9. Materials which cause excessive concentrations of inert suspended solids (such as, but not limited to, soil solids, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in the SacSewer sewer system or receiving waters.
10. Any trucked, hauled, or holding tank waste, unless discharged into a SacSewer approved facility designed to receive such waste in accordance with the terms of a valid Wastewater Discharge Permit.
11. Discharges regulated by Federal Pretreatment Regulations promulgated under the Federal Act.
12. Any discharge of groundwater. Such discharges must be in accordance with policies established by the District Engineer.
13. Discharges to the SacSewer sewer system that contain materials defined herein as hazardous materials.

### 2.5.7 NATIONAL PRETREATMENT STANDARDS

The EPA General and Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 403–471 are hereby incorporated. Upon promulgation of new or revised EPA General and Categorical Pretreatment Standards, if more stringent than limitations imposed under the Chapter for dischargers, the newly promulgated standards shall supersede the limitations imposed under this Chapter.

### 2.5.7.1 Variance to Categorical Standards

A User may request a variance from a Categorical Pretreatment Standard from the EPA. Such a request may be approved if the User can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that Pretreatment Standard. A User requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR Part 403.13.

### 2.5.8 SPECIFIC POLLUTANT LIMITATIONS

No User shall discharge wastewater to the SacSewer sewer system which exhibits any characteristic which is specifically prohibited by an action of the District Engineer, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Engineer pursuant to 40 CFR Part 403.5 (b), (c), and (d). The District Engineer has the authority to establish local limits pursuant to 40 CFR Part 403.5(c) and may also incorporate local limits on a User-specified basis into Wastewater Discharge Permits where necessary.

Any violation of a specific pollutant limitation as may be set forth by the District Engineer shall subject the User to the same administrative actions, penalties, and enforcement actions as would be available for any other violation of this Chapter.

### 2.5.9 PRETREATMENT FACILITIES

Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Pretreatment Standards within the time limitations as specified by the federal regulations, this Chapter, or the Wastewater Discharge Permit, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to SacSewer shall be provided, operated, maintained continuously in satisfactory and effective operation, and modified as necessary at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to SacSewer for review, and shall be acceptable to SacSewer before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to SacSewer under the provisions of this Chapter, the Wastewater Discharge Permit, or the EPA Pretreatment Standards all as currently enacted or as later amended or modified. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to SacSewer prior to the User's initiation of the changes.

### 2.5.10 ADDITIONAL PRETREATMENT MEASURES

Whenever deemed necessary, the District Engineer may require Users to restrict their discharge during peak flow or loading periods, designate that certain wastewater be discharged only into specific sewers,

relocate or consolidate points of discharge, separate domestic sewage wastestreams from nondomestic wastestreams, and such other conditions as may be necessary to protect the sewer system and determine the User's compliance with the requirements of this Chapter.

The District Engineer may require any User to install and maintain, on the User's property and at the User's expense, a suitable storage and flow control facility to ensure equalization of flow.

Any User with the potential to discharge substances that could create atmospheric hazards, including flammable substances, may be required to install and maintain an approved atmospheric monitoring system.

### 2.5.11 SPILL CONTAINMENT AND SLUG CONTROL PLAN

All Users shall provide spill containment for protection against discharge of prohibited materials or other wastes regulated by this Chapter. Such protection shall be designed to secure the discharges and to prevent them from entering into the sewer system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.

The District Engineer may require any User to develop a discharge/Slug Control Plan that outlines discharge practices, including non-routine batch discharges, describes stored chemicals, and contains procedures both to notify SacSewer immediately of slug discharges and to prevent adverse impacts from any accidental spills, and submit for approval and implement such a plan. Alternatively, the District Engineer may develop such a plan for any User.

### 2.5.12 GREASE, OIL, AND SAND

Devices which pretreat grease, oil, sand, or other substances shall be installed when, in the opinion of the District Engineer, it is necessary for proper handling of wastes.

Food service establishment discharges are subject to the requirements of this Section and restaurant process drains may be required to be connected to an intercepting device deemed sufficient by the District Engineer.

All intercepting devices shall be of a type and capacity acceptable to by the District Engineer and shall be located so as to be readily and easily accessible for inspection and cleaning. All such devices shall be available for inspection, including maintenance records, by the District Engineer at all reasonable times. Intercepting devices for grease, oil, sand, or other substances shall be maintained in continuously efficient operation at all times by the User at the User's expense.

### 2.5.13 SACSEWER'S RIGHT OF REVISION

The District Engineer shall have the right to establish more stringent limitations or requirements on discharges to the SacSewer sewer system if deemed necessary to comply with the objectives presented in this Chapter. No revision of limitations or requirements hereunder shall subject SacSewer to civil liability or penalty for interference with a right, vested or otherwise, of any User. Any action of the District Engineer taken pursuant to this Section shall be supported by a written determination of the District Engineer specifying the facts which require the more stringent limitations or requirements.

### 2.5.14 SPECIAL AGREEMENT

SacSewer may enter into special agreements with any User setting out special terms under which such Users may discharge to the SacSewer sewer system when in the opinion of the District Engineer, conditions or circumstances compel special terms and conditions. Under no circumstances, however will any special agreement or arrangement be established which contravenes any federal Pretreatment Regulation, Pretreatment Standard, or any other provision of state or federal law.

### 2.5.15 DILUTION

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The District Engineer may impose mass limitations on Users to prevent dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## 2.6 User

### 2.6.1 CLASSIFICATION OF USERS

The District Engineer will classify all Users for wastewater disposal purposes in accordance with the principal activity conducted upon the premises and in accordance with EPA Pretreatment Requirements. The purpose of classification is to facilitate regulation of discharge to the SacSewer sewer system on the basis of each User's waste characteristics and flow volume; to provide an effective means of waste source control; and to establish a system of Sewer Rates and Sewer Impact Fees based upon flow and waste strength which will ensure equitable recovery of SacSewer capital and operating costs. As defined in the Definitions Section, these Users are:

1. For the purpose of Wastewater Discharge Permitting and regulation:
  - a. Class I User

- b. Class II User
2. For the purpose of rate and fee classification:
- a. Residential User
  - b. Commercial User
  - c. Industrial User
  - d. Groundwater Remediation Discharger
  - e. Temporary Discharge Permit User
  - f. Liquid Waste Hauler

### 2.6.2 USERS IN AN AGE-RESTRICTED RESIDENTIAL DEVELOPMENT

Users may be assigned to the Age-Restricted Residential Development category through submittal and approval of a completed application with documents that verify the age-restriction for all, or a portion, of a residential development. Examples of legal and governing documents include, but are not limited to, provisions contained in a deed, contract, security instrument, or other legal instrument; adopted Homeowners' Association bylaws; covenants, conditions, and restrictions; or other binding and enforceable documents. Users who are approved for the Age-Restricted category must notify SacSewer if any of the following events occur:

1. The residential development no longer meets the definition of an age-restricted residential development
2. The number of age-restricted dwellings is modified.

### 2.6.3 CLASSIFICATION QUESTIONNAIRE/DECLARATION OF WASTES

A User having the potential to discharge wastewater as defined in Sections 2.5.3–2.5.7 of this Ordinance or nondomestic wastewater in amounts and/or characteristics as determined by the District Engineer as sufficient to warrant evaluation for the need of a Wastewater Discharge Permit shall not discharge wastewater to the public sewer system without filing a Sewer Use Questionnaire at least 60 days prior to discharge to SacSewer or a contributing agency sewer system. The User shall provide all information required by the Sewer Use Questionnaire, and such additional information as the District Engineer may require. The District Engineer shall review such information and shall determine whether or not the User will be required to file a Wastewater Discharge Permit Application form.

The User shall be responsible for furnishing an updated Sewer Use Questionnaire in the event that there is an addition to the User's wastewater discharge stream which has not previously been declared; and/or a change in the flow volume or characteristics of the wastewater.

In addition to the requirement above, the District Engineer may request that a new Sewer Use Questionnaire be completed at any time to acquire current discharge information.

When requested by the District Engineer, a User must submit information on the nature and characteristics of its wastewater. This may include the specific requirement to provide wastewater analysis results. Such testing will be at the User's expense.

#### **2.6.4 WASTEWATER DISCHARGE PERMIT APPLICATION**

Users required, or who may be required, by the District Engineer to obtain a Wastewater Discharge Permit shall complete and file with SacSewer, a Wastewater Discharge Permit Application on a form provided by SacSewer.

Proposed new Users shall apply at least 60 days prior to discharge to SacSewer or contributing agency sewer system. In support of the application, the User shall submit, in units and terms appropriate for evaluation, all information as may be deemed by the District Engineer to be necessary to evaluate the Wastewater Discharge Permit Application. This information includes but is not limited to: identifying business information; flow rates and volumes; wastewater constituents and characteristics; time and duration of discharge; peak discharge amounts; locations of all discharge points; pretreatment facilities; sampling and monitoring equipment and points; description of activities, facilities, and plant processes, including raw materials, processes and types of materials which are or could be produced, by type; number of employees; site diagrams; and flow schematics.

#### **2.6.5 WASTEWATER DISCHARGE PERMIT APPLICATION EVALUATION**

The District Engineer will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the District Engineer may determine that no Wastewater Discharge Permit is required. If the District Engineer determines that a Wastewater Discharge Permit is required, the District Engineer may issue a Wastewater Discharge Permit subject to the terms and conditions provided in this Chapter.

#### **2.6.6 WASTEWATER DISCHARGE PERMIT, LIQUID WASTE HAULER DISCHARGE PERMIT, AND GENERAL PERMIT CONDITIONS**

Wastewater Discharge Permits and associated documents shall require the User to comply with all terms and conditions of this Chapter, appropriate State and federal laws and regulations, and may contain

provisions, requirements and standards appropriate to carry out the objectives of this Chapter, including but not limited to, the following:

1. Limits on the average and maximum wastewater discharge constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.
2. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
3. Action levels on wastewater discharge constituents and characteristics.
4. Specific maximum flow and/or loading allocations, in accordance with the Sewer Impact Fee paid when filing for sewer service or increasing said service, pursuant to the applicable Sewer Impact Fee Chapter.
5. Requirements for installation and maintenance of sampling and flow metering facilities.
6. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, re-sampling in the event of noncompliance, detection and reporting limits, number, types and standards for tests and reporting schedule.
7. Compliance schedules.
8. Requirements for submission of technical reports or periodic compliance reports.
9. Requirements for record-keeping and provisions for allowing SacSewer the right to inspect and copy all such records.
10. Requirements for notification to SacSewer of the introduction of new or increased pollutants, or any change in plant processes, or any changes in the volume or characteristics of the wastewater being introduced into the SacSewer's sewer system.
11. Requirements for prompt notification of slug discharges, spills, discharges that would violate limitations, or any discharges that would violate a specific prohibition under 40 CFR Part 403.5 (b), with procedures for follow-up written notification within a specified time period.
12. Requirements for providing SacSewer with a slug control plan that outlines discharge practices, including non-routine batch discharges, describes stored chemicals, and contains procedures both to notify SacSewer immediately of slug discharges and to prevent adverse impacts from any accidental spills.

13. Requirements for providing SacSewer with design and construction plans and specifications, and standard operating procedures of the wastewater pretreatment system whether proposed or in existence.
14. Requirements for providing SacSewer with plans and specifications of the discharger's operation and/or processes, including such other information as the District Engineer may request that pertains to the User's operation.
15. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system.
16. Requirements for the notification to SacSewer of planned alterations of the operations or processes of the User, which could result in an alteration of the User's process discharge or the potential for an accidental spill or slug discharge.
17. Requirement that the discharger notify SacSewer prior to any proposed bypass of the pretreatment system other than due to accident or emergency.
18. Requirements to have emergency spill plans on file with SacSewer.
19. Requirements to certify that the User has not discharged hazardous materials to the sewer system, and has not discharged substances which have been stored or used in the User's process and which the User contends will not, in the ordinary course of the user's operation, enter the sewer system.
20. Requirements for coverage by a General Permit will be pursuant to 40 CFR Part 403.8 (f)(1)(iii)(A).
21. Requirements for providing access to SacSewer personnel at all times to conduct sampling and/or inspection of any and all processes which can contribute to the wastestream, including the actual wastewater discharge.
22. Requirements for providing SacSewer with operation and maintenance records for the wastewater pretreatment facility, including periodic updates, as appropriate.
23. Requirements for segregation of domestic and nondomestic wastewater upstream of the public sewer.
24. The prohibition of dilution of regulated discharges as partial or complete substitute for adequate treatment to achieve compliance with Wastewater Discharge Permit conditions.
25. Technical provisions or requirements related to the wastewater pretreatment system which, in the opinion of the District Engineer, may be necessary to insure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include, among others,

conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.

26. Provisions for a zero discharge limitation which specifically prohibits the discharge of any process wastewater or specific constituents contained therein.
27. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants to the sewer system.
28. Provisions for implementation of Best Management Practices designed to comply with Pretreatment Standards or Requirements.
29. Requirements for applicable civil and criminal penalties in instances of noncompliance including violations of Pretreatment Standards and Requirements, and any applicable compliance schedule.
30. Other conditions as deemed appropriate by the District Engineer to ensure compliance with this Ordinance.

### 2.6.7 ADDITIONAL REQUIREMENTS FOR LIQUID WASTE HAULERS

The conditions upon which a Liquid Waste Hauler's Discharge Permit will be issued may include, but are not limited to, the following:

1. Proof of registration with the Sacramento County Environmental Management Department;
2. Submission of a list with license numbers of each vehicle which the liquid waste hauler proposes to use for discharge of waste at SacSewer's sewer system;
3. Certification that the liquid waste hauler has in place, and will maintain, insurance coverage which insures the liquid waste hauler and SacSewer against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by SacSewer);
4. Regulation of the times for discharge, the amounts of discharge and the manner of discharge including requirements to segregate waste type hauled by dedicated vehicle;
5. Requirements to perform laboratory testing of samples of the waste prior to discharge to the SacSewer sewer system; and
6. Requirements to report the ultimate disposal location for wastes which are generated within the SacSewer service area and/or not accepted at a SacSewer facility.

## 2.6.8 WASTEWATER DISCHARGE PERMIT DURATION

Permits shall be issued for a specified time period, not to exceed five years. The User shall apply for Wastewater Discharge Permit reissuance within 30 days of notification from the District Engineer, but in no event less than 60 days prior to the expiration of the User's existing Wastewater Discharge Permit. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by SacSewer during the term of the Wastewater Discharge Permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in their Wastewater Discharge Permit at least 30 days prior to the effective date of change. Significant changes or new conditions in the Wastewater Discharge Permit will include a reasonable time schedule to implement the change.

## 2.6.9 WASTEWATER DISCHARGE PERMIT MODIFICATIONS

### 1. Promulgation of an EPA Pretreatment Standard.

Upon the promulgation of an EPA Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

- a. Users subject to an EPA Pretreatment Standard shall apply for a Wastewater Discharge Permit within 120 days after the promulgation of the applicable EPA Pretreatment Standard.
- b. Users with existing Wastewater Discharge Permits shall submit to the District Engineer within 120 days after the promulgation of an applicable Federal Pretreatment Standard the information required by Section 2.6.4.

### 2. Imposition of More Stringent Requirements.

In the event SacSewer determines (for reasons other than issuance of a new EPA Pretreatment Standard) that it is necessary, in order to comply with the objectives of the Chapter, to impose more stringent limitations or requirements on discharges to the sewer system than are set forth in an existing Wastewater Discharge Permit, SacSewer shall have the authority to require modifications of an existing Wastewater Discharge Permit to incorporate such limitations or requirements through the issuance of a new permit.

After consultations with the User regarding such Wastewater Discharge Permit modification, significant changes or new conditions will include a reasonable time schedule for compliance. If the Wastewater Discharge Permit modification will require construction or acquisition of equipment related to pretreatment, the compliance schedule shall provide for up to 180 days to comply; however, this period may be extended for a period not to exceed an additional 180 days upon determination by the District Engineer that good cause exists for an additional period.

During the period of the compliance schedule, to the extent that the User remains in compliance with the Wastewater Discharge Permit conditions in effect prior to amendment and is complying with the terms of the compliance schedule, the User shall not be liable pursuant to the terms of this Chapter for noncompliance with the more stringent standards or requirements.

### 3. Changed Conditions.

The District Engineer may require the User to apply for and receive a new Wastewater Discharge Permit due to facility expansion, production increase, or process modifications that result in new or increased discharges or a change in the nature of the discharge.

Any action of SacSewer taken pursuant to this Section shall be supported by a written determination of the District Engineer specifying the facts which require the more stringent limitations or requirements.

## 2.6.10 WASTEWATER DISCHARGE PERMIT REVOCATION, SUSPENSION OR RESTRICTIONS

A Wastewater Discharge Permit may be revoked or suspended, or restrictions may be imposed, by the District Engineer for failure of the permittee to comply with requirements of the Wastewater Discharge Permit or failure of the permittee to pay when any charges are due.

Unless directed otherwise in the order of revocation or suspension of Wastewater Discharge Permit, the permittee shall cease discharging into the public sewer at the effective time of said revocation or suspension, or shall conform to all restrictions, conditions, or limitations in the order at the effective time of such requirements.

Any further application for a Wastewater Discharge Permit at any location within SacSewer by any Person subject to an order of revocation will be considered by SacSewer after fully reviewing the records of the revoked Wastewater Discharge Permit, which records may be the basis for denial of a new Wastewater Discharge Permit.

### *Revocation*

When the District Engineer has reason to believe that grounds exist for Wastewater Discharge Permit revocation written notice must be given by personal service or by registered or certified mail or other deliver which requires a signed receipt to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the District Engineer.

At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written and oral evidence. After the conclusion of the hearing, the District Engineer shall make a determination. The written decision and order of the District Engineer shall be sent by registered

or certified mail or other deliver which requires a signed receipt to the permittee or its representative at the permittee's or representative's business address.

### *Suspensions and/or Restrictions*

Notice of suspension or imposition of temporary restrictions, conditions, or limitations shall ordinarily be given in writing by the District Engineer or designated agent to the permittee at least 48 hours prior to the time such suspension, restrictions, conditions, or limitations are to become effective. In lieu of suspension of permits, the District Engineer may impose such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge to assure compliance with this Ordinance. If the District Engineer determines that an emergency exists involving public health or safety or significant impairment of the treatment process, an immediate notice with an immediate effective time of such suspension, restrictions, conditions, or limitations may occur.

#### **2.6.11 WASTEWATER DISCHARGE PERMIT TRANSFER**

Wastewater Discharge Permits are issued to a specific User for a specific location and operation. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold without the prior approval of the District Engineer. However, nothing in this Section shall be construed to prevent the application of the terms and conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing Wastewater Discharge Permit holder.

#### **2.6.12 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

Pursuant to federal requirements, SacSewer shall annually publish in a newspaper of general circulation that provides meaningful public notice within the service area a list of the Users which, during the previous 12 months, were in significant noncompliance with applicable Pretreatment Requirements or Standards.

#### **2.6.13 RECORDS RETENTION**

All User records relating to compliance, including documentation associated with Best Management Practices, shall be made available to officials of the EPA, State, SacSewer, or their authorized representatives. These records shall be retained for a minimum of three years from the date of the compliance report to which these records are applicable or three years from the date any investigation or enforcement action undertaken by SacSewer, State, or EPA has been concluded, whichever occurs later. This period shall be automatically extended for the duration of any litigation concerning compliance with this Chapter, or when the User has been notified by the District Engineer of a longer retention period.

## 2.6.14 CONFIDENTIALITY OF INFORMATION

Information and data on a User obtained from reports, questionnaires, Wastewater Discharge Permit Applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without notification unless the User specifically requests confidentiality as to any portion thereof and is able to demonstrate to the satisfaction of SacSewer that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request for confidentiality must be asserted at the time of submission of the information or data.

When requested and demonstrated by a User furnishing information to SacSewer, the portions of that information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to SacSewer and other governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program. Those portions of the information deemed confidential shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the User furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information, and the data shall be available to the public without restriction.

Information and data requested from a User which the User believes to be proprietary, and the release of which to the public would substantially impair the operations of the User, may alternatively be provided to SacSewer for its keeping at the facility of the User rather than at SacSewer's facility, at the discretion of SacSewer. The burden will be on the User to demonstrate to the satisfaction of SacSewer that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent SacSewer from properly carrying out the objectives of this Ordinance. The EPA and State Agencies shall have the same right as SacSewer as to onsite review of proprietary information.

Aforementioned information and data shall be kept in accordance with this Ordinance, except that no records retained under this Section shall be destroyed or transferred without express permission from SacSewer.

In the event access to or disclosure of any such confidential or proprietary information is requested pursuant to an action brought under federal or State laws, SacSewer shall have the option, in its sole discretion, of defending itself in such action or requiring the User to provide a defense. If SacSewer makes written tender upon a User to defend such an action and such User does not appear in and assume the defense of such action within the time specified in the tender, SacSewer shall be free to disclose the information to the party making request therefore. In any event, the User shall be liable to SacSewer in defending such action and for any judgment rendered against SacSewer in such action.

## 2.7 Reporting Requirements

### 2.7.1 NOTIFICATION OF SLUG LOAD, OR INCONSISTENT DISCHARGE OR SPILL

In the case of any discharge, including but not limited to, accidental discharges, hazardous waste discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, a slug discharge, or discharge not consistent with the terms and conditions of a Wastewater Discharge Permit, or this Ordinance, that might cause potential problems for the SacSewer sewer system, the User shall immediately notify SacSewer of the incident in accordance with their Wastewater Discharge Permit. This notification shall include the location of the discharge, type of waste, concentration and volume and corrective actions taken by the User.

Within five days following such discharge, the User shall, unless waived by the District Engineer, submit a detailed written report describing the cause(s) of the incident and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of disruption or damage to the SacSewer sewer system, damage to natural resources, to person or property, or incurred in an attempt to avoid such disruption or damages. Such notification shall not relieve the User of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

Users who are employers shall permanently post a notice in a place advising employees whom to call in the event of such a discharge. The User shall ensure that all employees who may cause or witness such a discharge, are advised of the emergency notification procedure.

Failure to notify SacSewer of potential problem discharges shall be deemed a separate violation of this Ordinance.

Class I Users are required to notify the District Engineer immediately of any changes at its facility affecting the potential for a slug discharge.

The Industrial User shall notify SacSewer, California EPA, and US EPA hazardous waste authorities in writing of any discharge of a substance into the sewer, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

### 2.7.2 BASELINE MONITORING REPORTS

Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR Part 403.6(a)(4), whichever is later,

existing Users subject to such Categorical Pretreatment Standards, and currently discharging to or scheduled to discharge to the SacSewer sewer system, shall be required to submit to SacSewer a baseline monitoring report which contains the information listed in 40 CFR Part 403.12(b)(1)-(7).

At least 90 days prior to commencement of discharge to the SacSewer's sewer system, each new source subject to Categorical Pretreatment Standards shall be required to submit to SacSewer a baseline monitoring report which contains the information listed in 40 CFR Part 403.12(b)(1)-(5).

All baseline monitoring reports shall be signed and certified in accordance with this Ordinance.

### 2.7.3 COMPLIANCE SCHEDULE PROGRESS REPORT

All Users found to be in violation of this Chapter, a Wastewater Discharge Permit, or any State or federal regulation prohibiting or limiting waste discharge, including instances where local limit requires Best Management Practices or pollution prevention efforts, may be required to prepare a schedule of actions to bring the discharge into compliance under the direction of the District Engineer. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the User to meet the applicable Pretreatment Standards. Such major events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation.

The User shall submit a progress report to SacSewer following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the User to return to the established schedule. All compliance schedule progress reports must be signed and certified in accordance with this Ordinance.

No increment referred to above shall exceed nine months. The User shall submit a progress report to SacSewer no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and in no event shall more than nine months elapse between such progress reports to SacSewer.

### 2.7.4 REPORT ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the SacSewer sewer system, each User subject to such Pretreatment Standards and Requirements

shall submit to SacSewer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements, the average and maximum daily flow for these process units, and the actual average production rate for these process units as described in 40 CFR Part 403.12(b)(4)-(6).

The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the User into compliance. For Users subject to equivalent mass or concentration limits established by SacSewer in accordance with the procedures in 40 CFR Part 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance.

## 2.7.5 PERIODIC COMPLIANCE REPORTS

Any User subject to a Pretreatment Standard and/or specified by SacSewer to conduct self-monitoring shall, at a frequency determined by the District Engineer, but in no case less than twice per year submit to SacSewer a report indicating the nature and concentration of pollutants in the discharge and a record of the measured or estimated average and maximum daily flows for the reporting period. This report shall be submitted to SacSewer in the months of June and December unless the months are altered, as allowed in 40 CFR Part 403.12(e). All periodic compliance reports must be signed and certified in accordance with this Ordinance. SacSewer may authorize reduced sampling frequency in accordance with 40 CFR Part 403.12(e).

In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the District Engineer necessary to determine compliance with the standards.

A User determined to be a Non-Significant Categorical User by the District Engineer must annually submit a certification statement verifying compliance with the requirements of classification and signed in accordance with the signatory requirements of this Ordinance.

If any User monitors, at the point of compliance, any pollutant more frequently than required by SacSewer, the results of this monitoring shall be included in a periodic compliance report.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds

for the User to claim that sample results are unrepresentative of its discharge. The reports required by this Section must be based on data obtained through the appropriate sampling and analysis covered by the report, such that the data are representative of conditions occurring during the reporting period.

### 2.7.6 REPORT OF CHANGED CONDITIONS

Each User with a Wastewater Discharge Permit is required to notify SacSewer of any planned significant changes to the User's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

The District Engineer may require the User to submit such information as may be deemed necessary so evaluate the changed conditions, including the submission of a Wastewater Discharge Permit Application.

The District Engineer may issue a new or modified Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

### 2.7.7 DISCHARGE REPORTS

In addition to any other reports required by this Chapter, the District Engineer may require discharge reports, including, but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodic reports of wastewater discharge. This includes Users not required to obtain a Wastewater Discharge Permit. The discharge report may include, but is not necessarily limited to, nature of the process, volume and rates of wastewater flow, elements, constituents, and characteristics of the wastewater, together with any information required in an application for a Wastewater Discharge Permit. The report shall be signed and certified in accordance with this Ordinance. All costs associated with completing discharge reports will be at the User's expense.

When a report filed by a User pursuant to this Section is not adequate in the judgment of the District Engineer, the District Engineer may require such User to supply such additional information as the District Engineer deems necessary. The District Engineer may install, maintain and operate sampling and flow monitoring devices for the purpose of evaluating the user's wastewater discharge. All cost incurred by SacSewer will be at the User's expense.

Any User discharging hauled waste at a SacSewer facility shall be required to comply with the manifesting and reporting requirements established by the District Engineer. Each User shall be required to provide a manifest document which shall indicate the source of all wastes contained within the waste load to be discharged. The District Engineer may promulgate other requirements with regard to manifesting that are, in the determination of the District Engineer, necessary to properly carry out the objectives of this Ordinance.

### 2.7.8 NOTICE OF VIOLATION – REPEAT SAMPLING AND REPORTING

If sampling performed by a User indicates a violation, the User must notify the District Engineer within 24 hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the District Engineer within 30 days after becoming aware of the violation.

### 2.7.9 RECORD KEEPING

Users subject to the reporting requirements of this Ordinance and/or 40 CFR Part 403.12 shall maintain, retain, and make available for inspection and copying all records of information obtained pursuant to any disposal, discharge, and monitoring activities required by this Ordinance. Any additional records of information obtained pursuant to disposal, discharge, and monitoring activities undertaken by the User independent of such requirements, and documentation associated with any Best Management Practices shall remain available in accordance with this Ordinance.

### 2.7.10 ELECTRONIC REPORTING

SacSewer accepts electronic documents using a system compliant with 40 CFR Part 3 (Cross-Media Electronic Reporting). Users that intend to send electronic (digital) documents to SacSewer to satisfy the requirements of this Chapter must submit a signed Subscriber Agreement to SacSewer for approval and register online for the Pretreatment Program Reporting Service.

## 2.8 Inspection and Monitoring

### 2.8.1 RIGHTS OF ENTRY

SacSewer shall have the right to enter the premises of any User to ascertain whether the purpose of this Ordinance, any Wastewater Discharge Permit or order issued hereunder, is being met and whether the User is complying with all requirements thereof. Users shall allow the District Engineer ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from SacSewer will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

SacSewer shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

Unreasonable delays in allowing SacSewer personnel access to the User's premises shall be a violation of this Ordinance.

## 2.8.2 INSPECTION WARRANTS

If the District Engineer has been refused access to a building, structure, property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of SacSewer designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the District Engineer may seek issuance of an administrative inspection warrant issued pursuant to the procedures set forth in Title 13 (commencing with 1822.50) of Part 3 of the California Code of Civil Procedure.

To the extent that the owner or possessor of the premises requires that a warrant be sought, SacSewer may, in its discretion, suspend the Wastewater Discharge Permit and/or any other right to discharge, to the sewer system immediately. If no violation of this Ordinance or Wastewater Discharge Permit is found, the suspension shall be lifted. In the event that a violation of this Ordinance or Wastewater Discharge Permit is found, the suspension may, in the discretion of the District Engineer, be continued or terminated, or other enforcement remedies may be sought.

## 2.8.3 MONITORING FACILITIES

The District Engineer may require any User to construct, at the User's own expense, a sampling and monitoring facility and/or control structure together with necessary monitoring and sampling equipment, in accordance with SacSewer construction standards and specifications. The sampling facility and/or control structure shall be constructed at a location approved by the District Engineer which will allow access by the District Engineer to the facility at all times. Construction shall be completed within a reasonable period after written notification from the District Engineer.

The District Engineer may require the User to install as many such sampling facilities and/or control structures as required to adequately monitor all discharge to the sewer system.

When required by the District Engineer a User shall install and maintain, at User's expense, an approved flow recording device for continuous measurement of the flow rate and volume of waste discharged to the public sewer. The flow measuring station and records therefrom shall be accessible at all reasonable times to the District Engineer and copies of flow measurements shall be furnished to the District Engineer as required. The District Engineer may utilize metering of the User's water supply instead of, or in addition to, SacSewer metering of the wastewater discharge.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District Engineer or his agent and shall not be replaced. The costs of clearing such access shall be borne by the User.

#### 2.8.4 SELF-MONITORING

SacSewer may require any User to monitor its discharge to the SacSewer sewer system and report the results of the monitoring to SacSewer periodically. These monitoring and reporting requirements are specific to the User, and will be listed in the Wastewater Discharge Permit, order, or document mandating the monitoring.

#### 2.8.5 SAMPLING

The User shall sample their discharge to the sewer system at the frequency provided in the Wastewater Discharge Permit or as deemed necessary by the District Engineer to demonstrate compliance. The District Engineer may require sampling to be conducted by non-permitted dischargers.

The User's sampling equipment and methods shall be observed by the District Engineer upon request, and be in accordance with 40 CFR Part 403.12(g)(3)–(4). All sampling, including installation of equipment and collection and analysis of sampling, required by the Wastewater Discharge Permit, this Ordinance, or SacSewer is at the expense of the User. No person shall tamper with a sampling procedure or misrepresent a sampling analysis.

#### 2.8.6 ANALYTICAL PROCEDURES

All pollutant analyses, including sampling techniques, to be submitted shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the SacSewer or EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District Engineer or other parties approved by EPA. Unless approved otherwise by SacSewer, all analyses shall be performed by a laboratory(s) that is State certified for the specific pollutants and matrix to be analyzed.

#### 2.8.7 SAMPLING RECORDS

For each sampling event the User shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.
4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques and methods used, including detection and reporting limits.
7. The complete laboratory report results of analyses.
8. Any unusual observations or conditions (equipment or sample) noted during acquisition or analysis.

These records shall remain available in accordance with this Ordinance.

## 2.9 Enforcement

### 2.9.1 ENFORCEMENT MECHANISMS

It is the intent of this Enforcement Section to provide adequate mechanisms to achieve a maximum degree of compliance with this Chapter by all Users. These enforcement provisions apply to all classes of Users, to the extent such User violates any provision of this Chapter or Administrative Order of SacSewer pursuant to this Chapter. To achieve compliance, SacSewer will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. SacSewer may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance.

The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Chapter is intended to prevent State, local, and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Chapter which also constitutes a violation of local, federal or State statutes and regulations such as: 1) the Clean Water Act (33 U.S.C. §1251, et seq.); 2) the California Porter-Cologne Water Quality Act (California Water Code §13000, et seq.); 3) the California Hazardous Waste Control Law (California Health and Safety Code §25100–§25250); 4) the Resource Conservation and Recovery Act (42 U.S.C. §6901, et seq.); and 5) California Government Code §54739–§54740.6. The referenced State and federal laws, along with other pertinent laws, provide authority for SacSewer's enforcement mechanisms.

## 2.9.2 NOTICE OF VIOLATION

Whenever the District Engineer finds that any User has violated or is violating this Chapter, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment requirement, the District Engineer may serve, by personal service, by registered or certified mail, or other delivery methods requiring a receipt, upon said User a written notice of violation within 30 days of the receipt of this notice, or such shorter period as may be prescribed in the notice of violation an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions, shall be submitted by the User to the District Engineer. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of SacSewer to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation, or before expiration of the response period.

## 2.9.3 ADMINISTRATIVE ORDERS

Administrative Orders issued under this Ordinance are judicially enforceable.

## 2.9.4 CONSENT ORDERS

The District Engineer is hereby empowered to enter into consent orders establishing an agreement with any User responsible for noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period specified by the order. Consent Orders shall have the same force and effect as the Administrative Orders issued pursuant to Sections 2.9.5 and 2.9.6 below and shall be judicially enforceable.

## 2.9.5 COMPLIANCE ORDERS AND COMPLIANCE SCHEDULES

Upon determination by the District Engineer that a User has violated or continues to violate this Ordinance, a Wastewater Discharge Permit or an order issued hereunder, or any other Pretreatment Standard or Requirement, the District Engineer may issue an order to the User responsible for the discharge directing that the User come into compliance within a time period specified by the District Engineer. In addition, the Compliance Schedule may require the User to construct and/or acquire and install equipment related to pretreatment. The Compliance Schedule may contain terms and conditions by which a User must operate during its term and may provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

Compliance Orders and Compliance Schedules may also contain other requirements to address the noncompliance, including additional self-monitoring, submittal of drawings or reports, audit of waste minimization practices, or other provisions to ensure compliance with this Ordinance. Compliance Orders

and Compliance Schedules may not extend the deadline for compliance established for a federal Pretreatment Standard or Requirement, nor do they release the User of liability for any violation, including any continuing violation. Issuance of a Compliance Order or a Compliance Schedule shall not be a prerequisite to taking any other action against the User.

### 2.9.6 CEASE AND DESIST ORDERS

When the District Engineer finds that a User has violated or continues to violate this Ordinance, the User's Wastewater Discharge Permit, any order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the District Engineer may issue an order to the User directing it to cease and desist all such violations and direct the User to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a prerequisite to taking any other action against the User.

### 2.9.7 SHOW CAUSE ORDER AND HEARING

The District Engineer may order any User who causes or contributes to any violation of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District Engineer and show cause why a proposed enforcement action should not be taken up to and including termination of discharge. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the User show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally, by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the User.

### 2.9.8 ADMINISTRATIVE CIVIL LIABILITY

SacSewer may issue an Administrative Complaint to any person who violates any provisions of this Chapter. The Administrative Complaint shall allege the act or failure to act that constitutes the violation of SacSewer's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed administrative civil penalty.

The Administrative Complaint shall be served by personal delivery, registered mail, certified mail or other delivery methods requiring a receipt, on the User subject to SacSewer's discharge requirements, and shall inform the User served that a hearing shall be conducted within 60 days. The hearing shall be before a hearing officer designated by the SacSewer Board. The User who has been issued an Administrative Complaint may waive the right to a hearing, in which case SacSewer shall not conduct a hearing. A User dissatisfied with the decision of the hearing officer may appeal to SacSewer Board within 30 days of notice of the hearing officer's decision.

At the hearing, or appeal, if any, it is found that the User has violated reporting or discharge requirements, the hearing officer or board may assess an Administrative Civil Penalty against that User. In determining the amount of the Administrative Civil Penalty, the hearing officer or SacSewer Board 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 User.

These Administrative Civil Penalties shall be as follows:

1. In an amount which shall not exceed \$2,000 for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed \$3,000 for each day for failing or refusing to timely comply with any compliance schedule established by SacSewer.
3. In an amount which shall not exceed \$5,000 per violation for each day for discharges in violation of any waste discharge limitation, Wastewater Discharge Permit condition, or requirement issued, reissued, or adopted by SacSewer.
4. In an amount which does not exceed \$10 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by SacSewer.
5. The amount of any Administrative Civil Penalties imposed under this Section which have remained delinquent for a period of 60 days shall constitute a lien against the parcel of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 688.220, inclusive, of the California Code of Civil Procedure.

All monies collected under this Section shall be deposited in a special account of SacSewer and shall be made available for the monitoring, treatment, and control of discharges in SacSewer's sewer system or for other mitigation measures.

Unless appealed, orders setting Administrative Civil Penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.

SacSewer Counsel, or other special counsel designated by the SacSewer Board, shall institute appropriate court actions authorized by the above referenced sections to affect statutorily authorized remedies, upon order of the SacSewer Board.

### 2.9.9 EMERGENCY SUSPENSIONS

The District Engineer may immediately suspend a User's discharge whenever such suspension is necessary in order to stop an actual or threatened discharge which appears to present or cause an imminent or substantial endangerment to the environment, or to the health or safety of persons, or that threatens to interfere with the operation of the SacSewer sewer system.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District Engineer shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the SacSewer sewer system, its receiving stream, or endangerment to any individuals. The District Engineer shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District Engineer that the period of endangerment has passed, unless the termination proceedings set forth in Section 2.9.10 are initiated against the User.
2. A User that is responsible, in whole or in part, for any discharge presenting imminent or substantial endangerment shall submit a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence to the District Engineer within 15 days of the occurrence. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this action. Emergency suspension may lead to termination of service pursuant to Section 2.9.10.

### 2.9.10 TERMINATION OF DISCHARGE

The District Engineer may terminate all or part of any discharge in violation of any condition of this Ordinance, a Wastewater Discharge Permit, or an order issued hereunder. Such a User will be notified of the proposed termination of its discharge and hearing to show cause pursuant to Section 2.9.7.

Termination of service may include all discharges including domestic, toilet and sink waste. Reasons for termination include, but are not limited to:

1. Violation of Wastewater Discharge Permit conditions.
2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling.
5. Violation of the Pretreatment Standards in this Chapter.
6. Failure to pay Sewer Rates and/or fees.

### 2.9.11 INJUNCTIVE RELIEF

Whenever a User has violated a Pretreatment Standard or Requirement or continues to violate the provisions of this Ordinance, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment requirement, the District Engineer may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the performance by the User of such acts as will bring the User into compliance with the Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance. Such other action as is appropriate for legal and/or equitable relief may also be sought by SacSewer. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a User.

### 2.9.12 CIVIL ACTION

Any User who violates any provision of this Chapter, a Wastewater Discharge Permit, an order of SacSewer or District Engineer, or a Pretreatment Standard may be civilly liable to SacSewer in a sum not to exceed \$25,000 per day for each day and each event in which such violation occurs.

SacSewer may petition the superior court to impose, assess, and recover the sums provided for above pursuant to California Government Code §54740.

Remedies under this Section are in addition to and do not supersede or limit any other remedy, including civil or criminal, but no liability shall be recoverable under this Section for any violation for which liability is recovered under Section 2.9.8.

Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a User.

### 2.9.13 CRIMINAL ACTION

Any Person who willfully or negligently violates any provision of this Chapter, any order or Wastewater Discharge Permit issued hereunder, or any other pretreatment requirement shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation per day or imprisonment for not more than 30 days in County jail, or both.

Any Person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Chapter, Wastewater Discharge Permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than 30 days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate shall constitute a new and separate offence and shall be subject to the penalties contained herein.

### 2.9.14 LIABILITY FOR COSTS INCURRED BY SACSEWER (NONCOMPLIANCE COSTS)

Any User found in violation of any requirement adopted or ordered by SacSewer to meet the standards established to protect the SacSewer sewer system or to prevent the entry of any wastewater found or suspected to be in violation of any State, Federal, or local limit, Wastewater Discharge Permit, or any provisions of this Ordinance which caused expense, loss, damage or other liability to SacSewer shall be liable to SacSewer for such expense, loss, damage or other liability and shall pay the same to SacSewer in a manner prescribed by the District Engineer. Such noncompliance costs can include environmental fines and cleanup costs arising out of, pertaining to, or resulting from User noncompliance as well as any related cost of defense, settlement, arbitration, and attorney's fees. These costs may include, but are not limited to, inspection and sampling costs as well as transportation, equipment, and labor costs incurred by SacSewer to investigate and/or demonstrate User noncompliance/compliance as well as administrative time spent in resolution of noncompliance.

### 2.9.15 REMEDIES NONEXCLUSIVE

The provisions in Section 2.9 are not exclusive remedies. SacSewer reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with SacSewer's Enforcement Response Plan. However, SacSewer reserves the right to take other action against any User when the circumstances warrant. Further, SacSewer is empowered to take more than one enforcement action against any noncompliant User.

## 2.10 Recycled Water Fill Stations

### 2.10.1 PURPOSE

This section addresses the requirements and enforcement associated with the use of SacSewer Recycled Water Fill Stations.

### 2.10.2 RECYCLED WATER FILL STATION USE AND LEGAL REQUIREMENTS

The Urban Recycled Water Program meets the requirements of SacSewer's Notice of Applicability under the State Water Resources Control Board's Water Reclamation Requirements for Recycled Water Use, Water Quality Order 2016-0068-DDW-R5023 and subsequent amendments.

Recycled water is available for SacSewer customers for use within the SacSewer Service Area. Recycled Water Users must apply for a recycled water use permit and complete training prior to receiving recycled water. Permittees must comply with the terms and conditions of the recycled water use permit issued by SacSewer.

The District Engineer has the authority to enter into agreements for recycled water use.

### 2.10.3 ENFORCEMENT OF RECYCLED WATER USE PERMIT CONDITIONS

Each Recycled Water User is required to ensure compliance with all legal requirements of its use. SacSewer may perform periodic inspections of the use of the recycled water fill station and of areas where the recycled water is used. SacSewer may terminate the permit for Recycled Water Users that do not comply with the permit requirements. Recycled Water Users are responsible to follow all state, federal, and local laws and regulations, including but not limited to Titles 17 and 22 CCR. SacSewer is required to report certain violations to the appropriate regulatory agency.

## 2.11 DENTAL DISCHARGERS

This section applies to Dental Dischargers subject to 40 CFR Part 441, the Dental Office Point Source Category (Rule). Dental Dischargers are not Significant Industrial Users as defined in 40 CFR Part 403, and are not Categorical Industrial Users or Industrial Users subject to Categorical Pretreatment Standards as those terms and variations are used in 40 CFR Part 403 and this Ordinance, as a result of applicability of this rule.

Dental Dischargers qualifying under 40 CFR Part 441 are for regulatory purposes considered Class II Users as the term is used in this Ordinance. Dental Dischargers are considered commercial for billing purposes.

### 2.11.1 APPLICABILITY

1. Dental Dischargers who place or remove amalgam must install an amalgam separator, implement BMPs, and **must certify** as such.
2. Dental Dischargers who never place amalgam and do not remove amalgam except in limited unplanned, unanticipated circumstances (estimated to be less than 5% of removals) **must certify** as such, but do not have to install an amalgam separator or implement the BMPs.
3. The following Dental Dischargers are exempt from this regulation:
  - Dentists that exclusively practice one or more of the following specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics
  - Mobile units providing services in multiple locations
  - Dentists that do not discharge any dental wastewater to the sewer, such as when wastewater is sent to a centralized treatment facility.

### 2.11.2 ONE-TIME COMPLIANCE REPORT

Dental Dischargers must submit a One-Time Compliance Report within timeframes specified by the Rule. Dental Dischargers must retain the One-Time Compliance Report while in operation or until ownership is transferred.

## CHAPTER 3: TREATMENT AND RESOURCE RECOVERY RATES, BILLING, AND COLLECTION

### 3.1 Purpose

The purpose of this Chapter is to prescribe charges for the use of the SacSewer sewer system. The Sewer Rates and other charges (collectively referred to as charges) are presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule in Chapter 7.

### 3.2 Treatment and Resource Recovery Rates

All Users of the SacSewer sewer system must pay sewer use charges to SacSewer, in accordance with this Section. Descriptions of the categories of Users and the application of the rates are presented in this Chapter. Rates are based on the wastewater characteristics or enterprise/use categories, or both, of the User as determined by the District Engineer. In circumstances of mixed use on a single parcel, rates shall be billed for each use as appropriate for each user category.

#### 3.2.1 RESIDENTIAL USERS

The monthly Treatment and Resource Recovery Rates for Residential Users shall be the cost per ESD presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule multiplied by the total number of ESDs. Each detached Single-Family Dwelling shall be assigned 1.0 ESD. Each individual Multiple-Family Dwelling unit shall be assigned 0.75 ESD. Each Age-Restricted Dwelling unit within an Age-Restricted Residential Development shall be assigned 0.60 ESD.

##### 3.2.1.1 ANCILLARY UNITS, ACCESSORY UNITS, AND JUNIOR ACCESSORY DWELLING UNITS

Additional Residential User rates for Ancillary Units, Accessory Dwelling Units, and Junior Accessory Units shall be charged as follows:

1. Single-family residential property owners who have a single ancillary unit as defined in this Ordinance will not be billed rates for up to one Ancillary Unit. Additional Ancillary Units on the same parcel that are not otherwise excluded by the provisions of California Government Code Sections 65852.2 or 65852.22 will be subject to Attachment E
2. Multiple-family residential property owners who have a single ancillary unit as defined in this Ordinance will not be billed rates for up to one Ancillary Unit or for up to two Ancillary Units if the units are created or constructed as Accessory Dwelling Units or Junior Accessory

Dwelling Units in accordance with the provisions of California Government Code Sections 65852.2 or 65852.22, including the limitation on the number of such units that may be located on a multiple-family dwelling parcel. Additional Ancillary Units on the same parcel that are not otherwise excluded by this section will be subject to additional rates.

### 3.2.2 COMMERCIAL USERS

The monthly Treatment and Resource Recovery Rates for Commercial Users will be calculated based on rates presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule multiplied by the corresponding factor shown in Table 3.1. At a minimum, Commercial Users (vacant or not) will be billed a monthly Sewer Rate equal to one ESD per parcel.

<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Auto Dealerships	0.2 ESD/1,000 sq. ft. of gross floor area
Bakeries	1.9 ESD/1,000 sq. ft. of gross floor area
Banks and Financial Institutions	0.3 ESD/1,000 sq. ft. of gross floor area
Barber and Beauty Shops	0.1 ESD/barber or beautician chair
Bars	0.7 ESD/1,000 sq. ft. of gross floor area
Bowling Alleys (Including Eating Facilities)	0.4 ESD/bowling lane
Car Washes –Automatic	1.0 ESD/9,300 gallons of water used each month
Car Washes- Self Serve	0.7 ESD/washing stall
Dry Cleaners	1.7 ESD/1,000 sq. ft. of gross floor area
Fire Stations (Including Eating Facilities)	1.0 ESD/station

<b>Table 3.1 – Commercial Users</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Garages	0.1 ESD/1,000 sq. ft. of gross floor area
Gyms, Health Clubs, Tanning Salons	0.3 ESD/1,000 sq. ft. of gross floor area
Halls, Lodges, Auditoriums	0.3 ESD/1,000 sq. ft. of gross floor area
Hospitals	1.0 ESD/9,300 gallons of water used each month (1.1 ESD/bed*)
Hotels and Motels	0.4 ESD/sleeping room
Laundries – Commercial	2.4 ESD/9,300 gallons of water used each month
Laundries – Self-Serve	0.5 ESD/laundry machine
Markets – High Impact	1.7 ESD/1,000 sq. ft. of gross floor area
Markets – Low Impact	0.2 ESD/1,000 sq. ft. of gross floor area
Medical, Dental, Massage Therapy Offices (Including Eating Facilities)	0.4 ESD/1,000 sq. ft. of gross floor area

<b>Table 3.1 – Commercial Users (Continued)</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Mini-Storage Facilities – One Single-Family Dwelling- If Public Restrooms include additional fixture units	1.0 ESD/single-family dwelling, plus 0.04 ESD/fixture unit if public restrooms include additional fixture units
Mortuaries	1.8 ESD/slumber room

<b>Table 3.1 – Commercial Users (Continued)</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Office Buildings – Under 200,000 sq. ft.	0.2 ESD/1,000 sq. ft. of gross floor area
Office Buildings – 200,000 sq. ft. and above	1.0 ESD/9,300 gallons of water used each month (0.3 ESD/1,000 sq. ft. gross floor area*)
Parks (Including Eating Facilities)	0.04 ESD/fixture unit
Places of Worship (Including Residences)	0.2 ESD/1,000 sq. ft. of gross floor area
Recreational Vehicle Park	0.4 ESD per space or lot with sewer connection
RV Sanitary Dump Station	0.4 ESD per sanitary dump station
Rest Homes, Convalescent Homes, Boarding Houses, Fraternities, Sororities, Convents, Dormitories, etc.	0.4 ESD/bed
Restaurants – Dine-In	5.1 ESD/1,000 sq. ft. of gross floor area
Restaurants – Dine-In Patio Area	2.6 ESD/1,000 sq. ft. of gross floor area
Restaurants – Dine-In and Take-Out	4.7 ESD/1,000 sq. ft. of gross floor area
Restaurants – Take-Out	4.2 ESD/1,000 sq. ft. of gross floor area
Retail Stores – Under 100,000 sq. ft.	0.1 ESD/1,000 sq. ft. of gross floor area
Retail Stores – 100,000 sq. ft. and above	1.0 ESD/9,300 gallons of water used each month (0.2 ESD/1,000 sq. ft. of gross floor area*)
Schools – Elementary Schools, Day Care Facilities, Preschools, and Nursery Schools (Including Eating Facilities)	1.0 ESD/100 average daily attendance

<b>Table 3.1 – Commercial Users (Continued)</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Schools – Middle, Junior, and High Schools (Including Eating Facilities)	2.5 ESD/100 average daily attendance
Schools – Colleges and Universities (Including Eating Facilities)	1.0 ESD/9,300 gallons of water used each month (2.2 ESD/100 full-time equivalent students*)
Service Stations	0.1 ESD/gas pump
Theaters	0.3 ESD/100 seats
Used Car Lots	0.2 ESD/10 fixture units
Warehouses – Under 50,000 sq. ft.	0.1 ESD/1,000 sq. ft. of gross floor area
Warehouses – 50,000 sq. ft. and above	1.0 ESD/9,300 gallons of water used each month (5.0 ESD/parcel*)
Non-Defined Commercial	1.0 ESD/9,300 gallons of water used or discharged each month

Notes:

- A. Factors delineated by the asterisk (\*) will only be used when the User is unable to supply the water usage data as a basis for the monthly charge.
- B. Application of Categories – SacSewer will determine which Enterprise/Use Category will be applied to a Commercial User not adequately identified in Table 3.1.
- C. Rates related to water use will be based on accurately metered water usage data supplied by the User and approved by the District Engineer. Adjustments may be made for consumptive water use when deemed appropriate by the District Engineer. Where a water meter exists and the User fails to submit the water usage data as required, SacSewer may read the meter and charge a water meter reading fee.

- D. Enterprise/Use Categories with multiple functions will pay according to the factors shown for each applicable category, with the following exceptions:
1. Bowling alleys will not be charged separately for eating areas and bar areas that only serve bowlers. Eating areas and bar areas within bowling alleys will be considered to only “serve bowlers”, if those areas are located within the bowling alley and do not contain separate public entrances from the facility’s exterior.
  2. Fire stations, medical offices, dental offices, massage therapy offices, office buildings, schools, and public agencies will not be charged separately for eating facilities that are only for employee/student use. However, any restaurants at these facilities that are open to the public will be separated out and charged accordingly.
  3. Warehouses will not be charged separately for minor office space on the premises.

### 3.2.3 SPECIAL PROVISION – CITY OF WEST SACRAMENTO METERED COMMERCIAL USERS

- a) The monthly Treatment and Resource Recovery Rates for Commercial Users that have metered water usage in the City of West Sacramento will be calculated as follows:

(Line A) x (Line B) x (Line C) = West Sacramento Commercial SacSewer Treatment and Resource Recovery Monthly Rate

Where:

- Line A = The charge presented for an ESD in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule
- Line B = The User’s most recent average of January and February water usage (or other flow data as deemed appropriate by the District Engineer), divided by 12.43 Ccf\*
- Line C = The corresponding loading factor shown in Table 3.2

\* Where 12.43 Ccf, equals one ESD and one Ccf means “one hundred cubic feet.”

<b>Table 3.2 – Special Provision – City of West Sacramento Commercial Users</b>	
<b>Customer Class</b>	<b>Loading Factor</b>
<b>General Service, Office, Commercial Buildings</b>	0.79
<b>Service Stations</b>	1.14
<b>Restaurants</b>	2.72
<b>Hotels/Motels/Campgrounds</b>	2.03
<b>Rest Homes</b>	0.99
<b>Grocery Stores/Supermarkets</b>	2.72
<b>Laundromats</b>	0.86

- b) Application of Categories – The District Engineer will determine which Customer Class Category will be applied to a Commercial User not adequately identified in Table 3.2.

### 3.2.4 INDUSTRIAL USERS, GROUNDWATER REMEDIATION DISCHARGERS, AND TEMPORARY DISCHARGE PERMIT USERS

The Treatment and Resource Recovery Rates for Industrial Users, Groundwater Remediation Dischargers, and Temporary Discharge Permit Users will be based on flow and loadings (BOD, TSS, TKN, and pathogens) as presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule.

### 3.2.5 LIQUID WASTE HAULERS

The Sewer Rates for Liquid Waste Haulers will be based on volume (based on 90% of the tank capacity), waste type, pretreatment program charges, and location of waste disposal site as presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule.

### 3.2.6 USERS OUTSIDE SACSEWER’S SERVICE AREA

Sewer Rates for Users located outside SacSewer’s service area will be determined in accordance with the SacSewer Treatment and Resource Recovery Rate and Fee Schedule or established by a separate agreement.

## 3.3 Billing and Collection

Billing is based on charges associated with the use of the sewer system, which include Sewer Rates, Sewer Impact Fees, pretreatment program and noncompliance, and other costs associated with penalties, interest, and enforcement of the Ordinance. Sewer service charges and fees may be billed by SacSewer, contributing agencies, contracting agencies, or the County of Sacramento. Refer to Chapter 4 for information on Sewer Impact Fees.

Each contributing agency must establish and maintain a billing system for the collection of SacSewer sewer charges, which conforms to the classification and categorization of User rates established and adopted by SacSewer. Except as provided in Section 3.3.1, the billing period established by the contributing agency will be no less frequent than bi-monthly. No later than 60 days following the date of each regular periodic billing by a contributing agency, that contributing agency will pay to SacSewer a sum that equals the total of all SacSewer charges that were included, or should have been included in the billing.

### 3.3.1 BILLING PERIOD

Residential and Commercial Users will be billed monthly or bi-monthly. Bills issued on a bi-monthly billing cycle are due and payable upon presentation and become delinquent 45 days after the date of billing. Bills issued on a monthly billing cycle are due and payable upon presentation and become delinquent 21 days after the date of billing.

Industrial Users, Groundwater Remediation Dischargers, Liquid Waste Haulers, and permitted Non-Defined Commercial Users will be billed monthly (one month in arrears) based on charges calculated by the District Engineer for the previous month. Bills are due and payable upon presentation and become delinquent 30 days after the date of billing.

At the discretion of SacSewer, Temporary Discharge Permit Users may be billed on a monthly basis, at the end of the project, or at expiration of the permit. Bills are due and payable upon presentation and become delinquent 30 days after the date of billing.

### 3.3.2 BILLING TO OWNER

Charges will be billed to the property owner of record as of the date the premises are deemed suitable for occupancy, to the successor in interest to such Person, or to such Person's single designee. All requests to bill a party other than the property owner of record must be made in writing to SacSewer by the party to be billed. SacSewer will notify the property owner of record when the billing is changed to comply with such a request. However, no such billing change or request will remove the responsibility from the property owner of record.

### 3.3.3 UNIT OF BILLING

Each parcel of real property will be issued one bill for sewage disposal services provided by SacSewer. In no case will a parcel of real property be divided into smaller units for purposes of such billing, unless a separately metered industrial use is present, or upon the approval of the District Engineer.

### 3.3.4 INITIAL BILL

Billing will begin on the date the premises are suitable for occupancy, which is normally considered to be 90 days after the premises are connected to the public sewer system. However, the District Engineer is empowered to vary the date that the premises are considered suitable for occupancy, based on a reasonable interpretation of information obtained from public records or field inspections. The District Engineer may also initiate billing based upon a request for other utility services to the premises or notification from owners or occupants that the structure is completed. In all cases, initial bills will be to the property owner of record as of the date the property is considered suitable for occupancy.

### 3.3.5 ADJUSTMENTS

Charges may be adjusted at each billing, when appropriate. Any overbilling will be credited against the charges for the next billing period. Any under billing will be added to the charges for the next billing period.

Adjustments of charges requested and documented will be made to the contributing agency as appropriate. Any amounts paid by the contributing agency in excess of actual computed charges will be credited against the amount to be paid to SacSewer by the contributing agency for the next billing period. Any deficiency between the amount paid by the contributing agency and the actual computed charges will be added to the amount to be paid to SacSewer for the next billing period.

Adjustments for under billings will be made for the term of deficiency, not to exceed a maximum of three years from the date the District Engineer determines that a billing discrepancy exists. Refunds or credits for overbilling are limited to the current property owner for the duration of property ownership.

#### *3.3.5.1 Reasons for Adjustments*

The District Engineer may adjust charges or grant refunds for the following reasons:

1. Change of use or User, or
2. No sewer service was being provided, or
3. There is a billing error, or

4. When a structure is deemed no longer suitable for occupancy as determined by the local jurisdiction

Users requesting a billing adjustment may be required to state the justification in writing to the District Engineer.

### 3.3.6 VACANCY CREDITS

Apartments, mobile home parks, and others may be eligible to receive vacancy credits under certain circumstances specified below.

#### 3.3.6.1 APARTMENTS

Apartments will only be eligible to receive vacancy credits during construction and the first two-years of occupancy, or until the apartments reach full occupancy, whichever occurs first. The first year of occupancy is considered to begin when the last dwelling unit has been completed and is considered suitable for occupancy. Vacancy credits for apartments will be issued as follows:

1. During the construction phase and/or first year of occupancy, apartments suitable for occupancy will receive a 50% vacancy credit. However, if occupancy becomes greater than 50% during this period, then the vacancy credit will be reduced by an equal percentage.
2. During the second year of occupancy, apartments will receive a 25% vacancy credit. However, if occupancy becomes greater than 75% during this period, then the vacancy credit will be reduced by an equal percentage.

If vacancy varies extensively from that indicated above, the District Engineer in accordance with this Chapter may make an adjustment reflecting a billing credit or deficiency. Under no circumstances will vacancy credits be greater than the amount granted during the previous billing period.

#### 3.3.6.2 MOBILE HOME PARKS

1. New Construction – Mobile home parks may be eligible to receive vacancy credits each fiscal year until occupancy reaches 85% or more. The eligible amount of vacancy credits will be based on the percentage of occupied mobile home spaces/lots at the start of each fiscal year and will be determined as shown in Table 3.3. In order for a mobile home space/lot to be considered occupied, the space must contain a mobile home structure that is suitable for occupancy. In addition, under no circumstances will vacancy credits be greater than the amount granted during the previous billing period.

<b>Table 3.3 – Mobile Home Parks</b>	
<b>Occupancy at Start of Fiscal Year</b>	<b>Credit</b>
0-9 %	90 %
10-24 %	75 %
25-39 %	60 %
<i>40-54 %</i>	45 %
55-69 %	30 %
70-84 %	15 %
85-100 %	0 %

- Existing – Existing mobile home parks may be eligible to receive a vacancy credit for each space/lot that is not occupied by a structure suitable for occupancy.

### 3.3.6.3 STRUCTURES UNSUITABLE FOR OCCUPANCY

The District Engineer may grant vacancy credit for periods in which a building previously determined suitable for occupancy loses that status due to fire, damage, or other causes. In addition, the structure must be unoccupied as a result of this change in status.

### 3.3.7 BILLING PROCEDURES ADOPTED BY CONTRIBUTING AGENCIES

A contributing agency may adopt and maintain a billing procedure that varies from the minimum billing frequency specified in Section 3.3.1, provided that the full payments specified therein are made to SacSewer and the alternative billing frequency provides for the separate stating of SacSewer charges.

### 3.3.8 SEWER LIFELINE RATE ASSISTANCE PROGRAM

The District Engineer is authorized to administer and periodically amend the Sewer Lifeline Rate Assistance Program, including application procedures and rebate amounts. Upon approval of application, a qualifying customer may receive a one-time rebate or periodic adjustment of charges paid.

## 3.4 Enforcement

The District Engineer is hereby charged with enforcement of the provisions of this Chapter and with coordination among all officials and departments of the contributing agencies and SacSewer in order to achieve its purpose.

Charges that remain due and uncollected by the due date will be delinquent and subject to enforcement procedures. Any proceedings authorized by law to enforce payment of such charges may be taken by SacSewer. Authorization is hereby granted to each contributing agency collecting charges for SacSewer to take any proceedings authorized by law to enforce payment of SacSewer's charges. However, such proceedings will not relieve the contributing agency from making the full payments to SacSewer as specified in Section 3.3.

If the District Engineer determines that a customer has failed to notify SacSewer or the contributing agency that bills SacSewer's Sewer Rates that a building is receiving sewer service, or that a period of vacancy credit has been authorized based upon statements from the owner found subsequently to be misleading, or if the owner fails to notify SacSewer or the appropriate contributing agency when such condition has terminated, then SacSewer may directly back-charge the property at its fully authorized rate for the entire period during which the vacancy credit was authorized.

Prior to enacting other collection proceedings as authorized by this Chapter or other provisions of law, the District Engineer may, at his/her discretion, offer extended repayment plans to facilitate payment of

an existing User's unpaid charges related to under billing and/or the discovery of an existing User's Sewer Impact Fee payment deficiencies, whether due to parcel change of use, expansion, or other cause. In circumstances of under billing, the District Engineer may offer an existing User an extended repayment plan with a maximum term of up to twice the term of deficiency. In circumstances of Sewer Impact Fee deficiencies, the District Engineer may offer an existing User an extended repayment plan with a maximum term of up to four years.

### 3.4.1 DELINQUENCY PENALTY

Any charges that become delinquent as designated in this Ordinance, may have added to the billing charges, a delinquency penalty charge established by the collecting agency (contributing agencies) to recover additional expense incurred as a result of the delinquent account. Collected funds will be retained by the collecting agency to the degree that it absorbs billing and collecting costs. Any such delinquency penalty will not exceed any delinquency penalty assessed by the contributing agencies with respect to the sewer use billing of the contributing agencies.

### 3.4.2 DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY

Failure to pay charges within 30 days after it becomes delinquent will make the premises subject to discontinuance of service or disconnection from the public sewer. However, disconnection will not be made before ten days after mailing a written notice by registered mail to the property owner and contributing agency. In the event a disconnection is made, the property owner will pay the actual costs for reconnection specified by the contributing agency.

### 3.4.3 LIEN

SacSewer may place a lien against any property served for failure to pay any charges levied in accordance with this Ordinance. SacSewer may elect to transfer any delinquent charges to the property tax roll following any procedures authorized by law. However, a lien will not be initiated until a diligent attempt has been made to collect said charges.

## CHAPTER 4: SEWER IMPACT FEES

### 4.1 Purpose

The purpose of this Chapter is to prescribe fees for connecting to, discharging to, or expanding the use of any sewer facilities owned, maintained, or operated by SacSewer, and for annexation to SacSewer.

### 4.2 Sewer Impact Fees

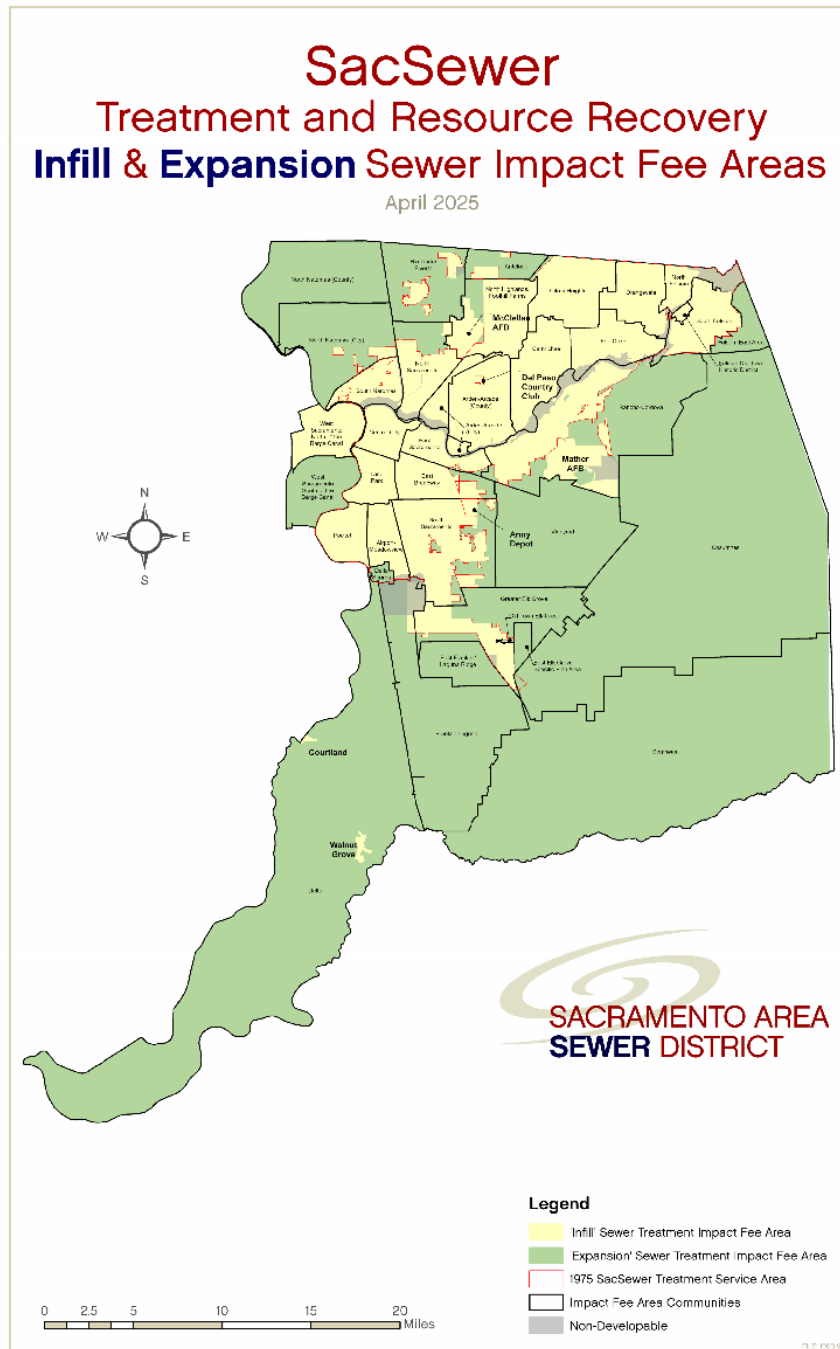
Except as otherwise provided, all Users discharging directly or indirectly into the SacSewer's sewer system shall pay an appropriate amount for their share of the capital investment in the SacSewer's system. These amounts shall be included in the Sewer Impact Fee, the Incremental Sewer Impact Fee, or such other fees as are required. Sewer Impact Fees will be reviewed periodically and adjusted as necessary to account for items such as SacSewer costs, inflation, etc.

A Sewer Impact Fee must be paid for all parcels served by the SacSewer's sewer system. Sewer Impact Fees are based on SacSewer Treatment and Resource Recovery Infill and Expansion Communities as shown on Figure 1 and are presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule in Chapter 7. In no event shall the Sewer Impact Fee for any commercial parcel be less than the cost for one ESD.

All Sewer Impact Fees and credits are specific to individual Assessor Parcel Numbers (APNs). When new parcels are created the uses will be reassessed for the newly created parcels for the calculation of Sewer Impact Fees and impact credits.

In the event a change or expansion in use occurs on a property that has been connected to SacSewer's sewer system, or the sewer system of one of its contributing agencies, Sewer Impact Fees will be reassessed to determine if Incremental Sewer Impact Fees are required.

Figure 1 SacSewer Treatment and Resource Recovery Infill and Expansion Communities Map



The map is a high level representation of the Infill and Expansion fee areas. Contact the Permit Services Unit at (916) 876-6100 to obtain information on the location of specific parcels.

## 4.2.1 RESIDENTIAL USERS

The Sewer Impact Fee for Residential Users is the cost per ESD presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule multiplied by the total number of ESDs. Each detached Single-Family Dwelling is assigned 1.0 ESD. Each individual Multiple-Family Dwelling unit is assigned 0.75 ESD. Each Age-Restricted Dwelling unit within an Age-Restricted Residential Development is assigned 0.60 ESD.

### 4.2.1.1 ANCILLARY UNITS, ACCESSORY DWELLING UNITS, AND JUNIOR ACCESSORY DWELLING UNITS

A single ancillary unit per parcel, as defined by this Ordinance, will not be assessed a Sewer Impact Fee. Parcels with more than one ancillary unit are subject to additional Sewer Impact Fees, except when the additional Ancillary Units are created or constructed in accordance with the provisions of California Government Code Sections 65852.2 or 65852.22 for Accessory Dwelling Units or Junior Accessory Dwelling Units that specifically exclude the assessment of Sewer Impact Fees for such units.

## 4.2.2 COMMERCIAL USERS

The Sewer Impact Fee for Commercial Users is the cost per ESD as presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule multiplied by the corresponding ESD equivalent factor shown in Table 4.1. A business with various operations shall pay according to the factors shown for each applicable Enterprise/Use Category.

<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Auto Dealerships	0.2 ESD/1,000 sq. ft. of gross floor area
Bakeries	0.5 ESD/1,000 sq. ft. of gross floor area
Banks and Financial Institutions	0.3 ESD/1,000 sq. ft. of gross floor area
Barber and Beauty Shops	0.1 ESD/barber or beautician chair
Bars	0.7 ESD/1,000 sq. ft. of gross floor area
Bowling Alleys (includes eating facilities)	0.4 ESD/bowling lane

<b>Table 4.1 – Commercial Users</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Car Washes – Automatic	1.0 ESD/9,300 gallons of water used each month
Car Washes – Self-Serve	0.7 ESD/washing stall
Dry Cleaners	1.7 ESD/1,000 sq. ft. of gross floor area
Fire Stations (includes eating facilities)	1.0 ESD/station
Garages	0.1 ESD/1,000 sq. ft. of gross floor area
Gyms, Health Clubs, Tanning Salons	0.3 ESD/1,000 sq. ft. of gross floor area
Halls, Lodges, Auditoriums	0.3 ESD/1,000 sq. ft. of gross floor area
Hospitals	1.0 ESD/9,300 gallons of water used each month (1.1 ESD/bed**)
Hotel and Motels	0.4 ESD/sleeping room
Laundries – Self-Serve	0.5 ESD/washing machine
Laundry – Commercial	1.0 ESD/9,300 gallons of water used each month
Markets – High Impact	0.6 ESD/1,000 sq. ft. of gross floor area
Markets – Low Impact	0.1 ESD/1,000 sq. ft. of gross floor area
Medical, Dental, and Massage Therapy Offices (includes eating facilities)	0.4 ESD/1,000 sq. ft. of gross floor area
Mini-Storage Facilities – One Single-Family Dwelling -If Public Restrooms include additional fixture units	1.0 ESD plus 0.04 ESD/fixture unit if public restroom include additional fixture units
Mortuaries	0.8 ESD/slumber room

<b>Table 4.1 – Commercial Users</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Office Buildings – Under 200,000 sq. ft. (includes eating facilities)	0.2 ESD/1,000 sq. ft. of gross floor area
Office Buildings – 200,000 sq. ft. and above (includes eating facilities)	1.0 ESD/9,300 gallons of water used each month (0.3 ESD/1,000 sq. ft. of gross floor area**)
Parks(includes eating facilities)	0.04 ESD/fixture unit
Places of Worship (including residences)	0.2 ESD/1,000 sq. ft. of gross floor area
Recreational Vehicle Park	2.0 ESD per space or lot with sewer connection
RV Sanitary Dump Station	0.4 ESD per sanitary dump station
Rest Homes, Convalescent Homes, Boarding Houses, Fraternities, Sororities, Convents, Dormitories, etc.	0.4 ESD/ bed
Restaurants – Dine-In	2.0 ESD/1,000 sq. ft. of gross floor area
Restaurants – Dine-In Patio Area	1.0 ESD/1,000 sq. ft. of gross floor area
Restaurants – Dine-In and Take-Out	1.9 ESD/1,000 sq. ft. of gross floor area
Restaurants – Take-Out	1.7 ESD/1,000 sq. ft. of gross floor area
Retail Stores – Under 100,000 sq. ft.	0.1 ESD/1,000 sq. ft. of gross floor area
Retail Stores – 100,000 sq. ft. and above	1.0 ESD/9,300 gallons of water used each month (0.2 ESD/1,000 sq. ft. of gross floor area**)
Schools – Elementary Schools, Day Care Facilities, and Nursery Schools(includes eating facilities)	1.0 ESD/100 average daily attendance

<b>Table 4.1 – Commercial Users</b>	
<b>Enterprise/Use Categories</b>	<b>ESD Equivalent Factors</b>
Schools – Middle, Junior, and High Schools (includes eating facilities)	2.5 ESD/100 average daily attendance
Schools – Colleges and Universities (includes eating facilities)	1.0 ESD/9,300 gallons of water used each month (2.2 ESD/100 Full-Time Equivalent Students**)
Service Stations	0.1 ESD/pump
Theaters	0.3 ESD/100 seats
Used Car Lots	0.2 ESD/10 fixture units
Warehouses – Under 50,000 sq. ft.	0.1 ESD/1,000 sq. ft. of gross floor area
Warehouses – 50,000 sq. ft. and above	1.0 ESD/9,300 gallons of water used each month (5.0 ESD/50,000 sq. ft. of gross floor area**)
Non-Defined Commercial	1.0 ESD/9,300 gallons of water used or discharged each month

## Notes:

- A. Factors delineated by the asterisks (\*\*) shall only be used when the User is unable to supply the water usage data as the basis for the Sewer Impact Fee.
- B. When a Commercial User does not conform to the categories listed in Table 4.1; the District Engineer shall establish an equitable ESD ratio for determination of a Sewer Impact Fee.
- C. Where new technology or operating condition will result in significant water conservation the District Engineer shall account for this water savings in determining the ESD Ratio.
- D. Sewer Impact Fees related to water use will be based on accurately metered water usage data supplied by the User and approved by the District Engineer. Adjustments may be made for consumptive water use when deemed appropriate by the District Engineer. Where a water meter

exists and the User fails to submit the water usage data as required, SacSewer may read the meter and charge a water meter reading fee.

- E. Parking lots shall not be assessed a separate Sewer Impact Fee, unless there are fixture units present or there are connections which allow flow directly into the sewer system.

Sewer Impact Fees for Non-Defined Commercial Users contributing in excess of 55,800 gallons per acre per month (6 ESDs) will be based on an estimate furnished by applicant. If no estimate is furnished by the applicant the District Engineer may use the ESD Equivalent Factors shown in this Ordinance to determine flows for calculating the Sewer Impact Fee.

#### 4.2.2.1 Review of Flow Quantities and Adjustment of Sewer Impact Fees for Non-Defined Commercial Users

After the end of the first two years of operation, SacSewer may adjust fees to reflect actual flows experienced during the first two years of operation, occupancy, or discharge. Any additional fee assessed will be paid in accordance with the payment schedule in effect at the time the original Sewer Impact Fees were paid. Any reduction in fee based upon usage will be returned in a lump sum.

For permitted Non-Defined Commercial Users, Sections 4.2.3.1–4.2.3.3 will be applied for review of flow quantities and Incremental Sewer Impact Fees.

#### 4.2.3 INDUSTRIAL USERS

The Sewer Impact Fees for all Industrial Users will be based on the sum of the fees for flow and loading (BOD, TSS, TKN, and pathogens) quantities and the location of the industry based on New and Infill Communities as presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule.

For Industrial Users that have domestic outfalls, the following will be used for calculating fees related to this portion of the discharge: 180 mg/L for BOD and TSS, 40 mg/L for TKN, and the pathogen component of the Sewer Impact Fee for each 1,000 gallons per month. The fee associated with discharge volume will be based on measurement, water balance, number of employees, or other method approved by the District Engineer. For combined wastestreams, the fee component for pathogens will be based on the calculated domestic portion.

Baseline TKN and pathogen loads for permitted Industrial Users existing on February 23, 2013, is established based on the maximum monthly discharges of the said constituents in the most recent two years. Increases above the baseline loads will require payments of Incremental Sewer Impact Fees.

The Sewer Impact Fee will be based on estimated average monthly flow and loading quantities contained in the Wastewater Discharge Permit Application submitted to and accepted by the District Engineer.

#### 4.2.3.1 Review of Flow and Loading Quantities and Adjustment of Sewer Impact Fees At Two Years of Operation

At two years of operation, occupancy, or discharge, the District Engineer will review the flow and loadings discharged during this initial operating period, and will adjust the Sewer Impact Fees to reflect the actual average monthly flows and loadings experienced.

In the event that flow and/or loading increases have occurred, Incremental Sewer Impact Fees will be assessed. The basis for calculating the Incremental Sewer Impact Fees will be the fees in effect at the time the Wastewater Discharge Permit Application was deemed complete and accepted by SacSewer.

The Sewer Impact Fee for an Industrial User may be reduced after the first two years of operation, occupancy, or discharge based upon SacSewer records supporting the reduction. The basis for calculating the Sewer Impact Fee reduction will be the discharge fees in effect on the date the Wastewater Discharge Permit Application was deemed complete and accepted by SacSewer. Any decreases in Sewer Impact Fee will be returned in a lump sum.

The User may at any time, prior to completion of the first two years of operation, request a reevaluation of the Sewer Impact Fees in accordance with the method described immediately above.

#### 4.2.3.2 Review of Flow and Loading Quantities and Adjustment of Sewer Impact Fees After the First Two Years of Operation

After two years of operation, occupancy, or discharge, SacSewer will continually review the flow and loading quantities for each User following issuance of its Wastewater Discharge Permit. If flow or loading quantities exceed the allocations contained in the Wastewater Discharge Permit, the User will be required to pay an Incremental Sewer Impact Fee to reflect the increases. In the event that SacSewer is not notified of a pending increase, the Incremental Sewer Impact Fee will be based on the date the Industrial User has exceeded the allocation.

An Industrial User must notify SacSewer of any planned production or operational changes that will result in permanently exceeding the quantities in the Wastewater Discharge Permit. The User must notify SacSewer 90 days prior to the anticipated increases and must request approval of an amendment to the existing Wastewater Discharge Permit. If the request is accepted, SacSewer will assess an Incremental Sewer Impact Fee to reflect the increase in monthly flows or loadings.

Exceeding an allocation is defined as an increase to any flow or loading quantity above the allocations shown in the Wastewater Discharge Permit by more than 10% for a single calendar month.

### 4.2.3.3 Incremental Sewer Impact Fees

One of the following options will apply for computing the Incremental Sewer Impact Fees owed:

- a. **Purchase.** The User may pay the Incremental Sewer Impact Fees calculated for the flow or loading quantity increases. The basis for calculating the additional Sewer Impact Fees will be the discharge fees in effect on the date of request for additional capacity. In the event an Industrial User pays and SacSewer accepts the Sewer Impact Fees under this option, the Wastewater Discharge Permit will be modified to reflect the flow or loading increases and that User may continue to discharge continuously into SacSewer's facilities at the revised flow and loading rates.
- b. **Annual Rental.** The District Engineer may agree to rent an increase in flow and loading quantities contained in the Wastewater Discharge Permit on an annual basis. An annual rental fee will be computed by applying 6% of the cost of the Sewer Impact Fee calculated for the flow and/or loading quantity increases.

The basis for calculating the additional Sewer Impact Fees will be the discharge fees in effect on the date the modification to the Wastewater Discharge Permit is requested. For agreements of more than one year in duration, on each anniversary of the date the Wastewater Discharge Permit is modified, the same computation will be applied.

- c. **Monthly Rental.** The District Engineer may agree to rent an increase in flow or loading quantities contained in the Wastewater Discharge Permit on a monthly basis. A monthly rental fee will be computed as detailed in Alternative (b), above, for annual rental divided by 12.

In the event a User elects Alternative b or c above for payment of Incremental Sewer Impact Fees, the right to discharge into SacSewer sewer system at the increased quantities is only granted for the duration of the rental period. After the rental period, the capacity reverts to the purchased allocations. Rental payments will not be applied to the purchase of permanent capacity.

In the event the discharge from an Industrial User exceeds the flow and loading parameters set forth in the Wastewater Discharge Permit or any approved rental and causes SacSewer's Wastewater Treatment Plant to violate the conditions of its NPDES permit, the discharger shall be liable for any fines paid by SacSewer for said violation(s) plus a 20% penalty to cover the costs to SacSewer for its defense.

### 4.2.3.4 Industrial User Sewer Impact Fee Finance Agreement

An Industrial User may apply to SacSewer for a Sewer Impact Fee finance agreement for purchase of permitted flows and loadings for up to 30 years. Sewer Impact Fees will be based on the fees in effect at the time of approval of the finance agreement by the District Engineer.

The District Engineer has the authority to execute Industrial User Sewer Impact Fee Finance Agreements.

#### 4.2.3.5 Transfer of Permitted Flows and/or Loadings to a New Owner/User

In the event an existing Industrial User transfers ownership of a site to a new owner/User, the flow and loading allocations will be transferred to the new ownership/User subject to the following conditions and limitations:

- a. That all Sewer Impact Fees for the flow and loading allocations have been paid in full; and,
- b. That Incremental Sewer Impact Fees will be due and payable from the new owner/User for any flow and loading quantities which exceed the allocated amounts; and,
- c. Prior to transfer of title or use of an industrial site receiving sewer services from SacSewer, the existing owner/User shall be responsible for disclosure of the terms and conditions of the most recent Wastewater Discharge Permit for the site issued by SacSewer to the prospective new owner/User.

#### 4.2.3.6 Transfers of Permitted Flows and/or Loadings to a New Site

SacSewer may allow the transfer of flow and loadings from a particular parcel to another parcel as follows:

1. An Industrial User discharging wastewater to SacSewer, or to a contributing agency thereof, that ceases operation at an existing developed site and relocates to another site where sewer services will be provided by SacSewer or an Industrial User who has operations at additional locations discharging wastewater to SacSewer may transfer flow and loadings to the new site or allocate to other sites so operated subject to the following conditions and limitations:
  - a. That all Sewer Impact Fees for the flow and loadings allocated to the site being vacated or being transferred have been paid in full; and
  - b. That the Industrial User engage in activities at the new site which continue to be classified as industrial; and,
  - c. That a portion of the monthly flow and loadings contained in the most current Wastewater Discharge Permit on file with SacSewer for the site being vacated must remain on the parcel for any connected structures in accordance with Chapter 4 of this Ordinance.; and,
  - d. That the maximum flow and loading allocations that can be transferred to the new site be limited to the monthly flow and/or loading allocations for which full Sewer Impact Fees have been paid at the site being vacated, minus the required quantities to remain according to Section 4.2.3.6.1(c) above; and,

- e. That the Industrial User complies with the service requirements of the appropriate contributing agency; and,
  - f. That the maximum monthly flow rate to be transferred be further regulated by the requirements of this Chapter.
2. An Industrial User that has excess flow and loadings for a particular industrial site, as determined by the Board of Directors, may transfer such excess flow and loadings from the site to a new site or sites within SacSewer (regardless of ownership of the new site), subject to the following conditions and limitations:
- a. That such a transfer furthers the interests of SacSewer;
  - b. That transfers of credits to and from Infill and New Growth areas account for differences in Sewer Impact Fees;
  - c. That the Users comply with the service requirements of the appropriate contributing agency;
  - d. That the maximum monthly flow rate to be transferred be further regulated by the requirements of this Chapter; and,
  - e. That the Industrial User and SacSewer enter into a written agreement, approved by the Board of Directors, that further clarifies the procedures and responsibilities for allocating, converting, transferring and tracking of sewer credits.

#### 4.2.3.7 Reallocation of Capacity

A permitted Industrial User may petition SacSewer to allow reallocation of flow and loading capacity on an equivalent dollar for dollar basis. A reallocation of capacity may be allowed when a permitted User has determined that a surplus of capacity exists for any one or more parameter(s) and desires to transfer that capacity to another parameter(s). The User shall file a request with SacSewer stating which parameter(s) to reallocate. Upon agreement, SacSewer will issue a Wastewater Discharge Permit containing the revised allocations.

#### 4.2.4 HAULED PERMANENT NON-DOMESTIC WASTEWATER DISCHARGERS FROM OUTSIDE SACSEWER'S SERVICE AREA AND GROUNDWATER REMEDIATION DISCHARGERS

##### 4.2.4.1 Calculation of Sewer Impact Fees

The Sewer Impact Fees for Hauled Permanent Non-domestic Wastewater Dischargers from Outside SacSewer's Service Area and Groundwater Remediation Dischargers will be the sum of the fees for flow

and loadings as presented in the SacSewer Treatment and Resource Recovery Rate and Fee Schedule. The Sewer Impact Fee will be rented on a monthly basis using the incremental fee methodology of 4.2.3.3.c, and be based on the flow and loading quantities of the actual discharge and the location of the discharge based on New and Infill Communities.

Monthly rental fees will not be credited to the parcel or the User.

#### 4.2.4.2 Review of Flow and Loading Quantities and Adjustment of Sewer Impact Fees

If the Groundwater remediation Discharger owns a flow allocation in the Wastewater Discharge Permit, and if flow quantities exceed the allocation contained in the Wastewater Discharge Permit, the User will be required to pay an Incremental Sewer Impact Fee per 4.2.3.3.c to reflect the increase.

Exceeding an allocation is defined as an increase to any flow or loading quantity above the allocation shown in the Wastewater Discharge Permit by more than ten percent for a single calendar month.

#### 4.2.5 PAYMENT OF SEWER IMPACT FEE

Sewer Impact Fees for Residential Users, Commercial Users, and Non-Defined Commercial Users *not* issued a Wastewater Discharge Permit are due and payable prior to the issuance of a building permit.

Sewer Impact Fees for Non-Defined Commercial Users issued a Wastewater Discharge Permit and Industrial Users are due and payable in full upon issuance of the invoice to the User by SacSewer.

Incremental Sewer Impact Fees or other balances for Sewer Impact Fee payment deficiencies discovered owing for existing Users are due and payable in full upon issuance of the invoice to the User by SacSewer.

Sewer Impact Fees may be billed by SacSewer, Contributing Agencies, or the County of Sacramento. Refer to Chapter 3 for information on billing, Sewer Rates, other charges, and enforcement associated with delinquencies and failure to pay.

Any project must connect to and utilize the sewer system within one year of the payment of Sewer Impact Fees/Incremental Sewer Impact Fees or be subject to the payment of any adjustment in those fees. In cases where SacSewer determines that the related building permit has remained active and unexpired beyond a year, with adequate construction progress milestones occurring such that a delay in connection beyond one year of sewer impact fee payment is not unreasonable or intentional to avoid the cost of sewer impact fee increases, SacSewer may elect not to assess or collect the additional sewer impact fees that would otherwise be due for connections occurring more than one year after sewer impact fee payment.

## 4.2.6 EXTENDED PAYMENT PLAN AND FINANCING OF SEWER IMPACT FEES

The User may apply to SacSewer for approval of an extended payment plan for financing of the Sewer Impact Fees which will pro-rate the amount due over a period of up to 24 months. If the extended payment plan is approved, invoices for any fees due plus interest will be included and separately identified with the service charges billed to the User.

## 4.2.7 SEWER IMPACT FEE DEFERRAL

Sewer Impact Fees for Residential, Commercial, and Industrial Users are eligible for deferral upon satisfaction of the conditions stated in this Ordinance. Sewer Impact Fee Deferrals are described in Chapter 5.

# 4.3 Other Provisions

## 4.3.1 FLOW ATTENUATION REQUIREMENT

In cases where a User expects to contribute a peak hourly flow rate that could adversely impact SacSewer sewer system, the District Engineer may require the User to construct, at his own cost, peak flow attenuation facilities which will reduce the peak hourly flow rate as necessary.

## 4.3.2 CREDITS TOWARD ANNEXATION FEE DERIVED FROM TAXES ON IMPROVEMENTS

Certain parcels of land have paid the full SacSewer Annexation Fee in effect between August 12, 1983, and February 28, 1986. These parcels shall be exempted, or partially exempted from the portions of the Sewer Impact Fee imposed in lieu of taxes, as follows:

Lands that paid the full SacSewer Annexation Fee in effect between the above stated dates shall be credited with the present worth, based on the mid-point of that period, November 19, 1984, of the average component of the Fee that was assignable to improvements during that period (\$1,271 per gross acre). Credits due as calculated above shall be applied to the Sewer Impact Fees due at the time connection permits are obtained, subject to the following limitations:

1. Annexation Fee credits shall be limited to the fees paid on the acreage actually being improved at the time of permit applications; and,
2. There shall be no refund of Annexation Fees paid if the normal Sewer Impact Fee due for any development is less than the Annexation Fee paid.

### 4.3.3 PROVISIONS FOR SEWER IMPACT FEE ADJUSTMENT

#### 4.3.3.1 Refunds

Sewer Impact Fees collected are nonrefundable except in the case of a SacSewer error; a reimbursement for Sewer Impact Fee Credit awarded the user through a Sewer Impact Fee Credit program sanctioned by SacSewer Board when payment of Sewer Impact Fees was made before the credit was awarded; or as described in this Chapter or Section 5.2.5.f.

#### 4.3.3.2 Reimbursements of Sewer Impact Fees (For Areas Incorrectly Classified)

Any property for which a Sewer Impact Fee was paid according to the Expansion Communities fee and later determined to be located within an Infill Communities area at the time of payment will be entitled to a partial reimbursement of the Sewer Impact Fee paid on the property. SacSewer will reimburse the difference between the Expansion Communities Sewer Impact Fee and the Infill Communities Sewer Impact Fee in effect at the time of payment.

Reimbursements will be paid to the property owner of record at the time of payment and will be made in such time as may be, in its sole and absolute discretion, administratively practicable for SacSewer. Reimbursements will not be due for any other changes in this Chapter, including changes in the definition of commercial factors or minimum acreage requirements.

### 4.3.4 SEWER IMPACT FEE CREDITS

All credits are parcel based. As such they do not belong to a specific User but to the parcel. Credits may not be transferred unless the parcels share a property line and have the same owner except as allowed in Section 4.2.3.6.

When sewer impact fee credit cannot be fully or adequately determined from historical permit records, Residential and Commercial Users that have paid for their connection and use to SacSewer's sewer system as of July 1, 2001, will be grandfathered as to their existing use as of that date. As such these Users are subject to the payment of Incremental Sewer Impact Fees for any expansion beyond their July 1, 2001 usage. Their Incremental Sewer Impact Fee will be based upon the difference between their July 1, 2001 usage (credit) and the present usage Sewer Impact Fee required for a totally new development of their type. In the City of Sacramento, 2005 billing data will be used.

Additionally, changes in types of commercial usage may also require the payment of Incremental Sewer Impact Fees whenever the new usage exceeds the Sewer Impact Fee Credit grandfathered or previously purchased. Changes in usage can involve more than one parcel. If these parcels can be legally merged, the

owner may redistribute within the project site, any Sewer Impact Fee Credit in excess of the minimum allocation required for each of the individual parcels.

When a Residential User parcel that has an existing connection is legally sub-divided, any fully paid or grandfathered Sewer Impact Fee Credit existing on the original parcel before the parcel split shall be transferred to only one of the parcels created by the parcel split, and this parcel alone will retain the full use credit of the original parcel. Any remaining newly created parcel(s) resulting from the parcel split shall be subject to new Sewer Impact Fees according to the new parcel use(s).

When a Commercial User parcel that has an existing connection is legally sub-divided, any fully paid or grandfathered Sewer Impact Fee Credit existing on the original parcel before the parcel split shall be transferred to or distributed among the resulting newly created parcels as best aligns with the known immediate or future proposed use on all affected parcels as determined by SacSewer, or as otherwise specifically requested in writing by the parcel owner prior to the recordation of the parcel change.

## 4.4 Interceptor Sewers

### 4.4.1 SACSEWER FINANCING OF INTERCEPTOR SEWERS

SacSewer may require that the improvements necessary to develop property include the construction of interceptor sewer facilities as a condition of approval of the improvement plans. To promote uniform participation in the interceptor sewer system by all new Users, capital costs related to the construction, reconstruction, enlargement, or rehabilitation of interceptor sewers will be financed, to the extent funds are available in the Treatment and Resource Recovery Capital Fund, by SacSewer. Where interceptor sewer construction is deemed necessary as a condition of the approval of improvement plans and the interceptor sewer meets the criteria for SacSewer financing, a reimbursement agreement will be executed between SacSewer and the project proponent. The reimbursement amount shall be governed by the conditions set forth in Section 4.4.2. Criteria for SacSewer financing of interceptor sewers shall be as follows:

1. New interceptor sewers and relief interceptor sewers that are contained within the approved budget of SacSewer shall be financed by SacSewer to the extent funds are available in the Treatment and Resource Recovery Capital Fund.
2. If an interceptor sewer project is not budgeted, financing will be accomplished by one of the following means:
  - a. Interceptor sewers may be financed by public improvement projects (e.g. assessment district or Mello Roos District proceedings). Interceptor sewer assessments will be credited against Sewer Impact Fees which would be due for the construction of future improvements (up to 6 ESDs per

acre). In the event interceptor sewer capital costs exceed the anticipated Sewer Impact Fees, computed on the basis of standard residential development density of six units per acre, the project proponents shall finance the excess cost.

Where the project proponents must finance costs in excess of the interceptor sewer assessment by cash contribution, SacSewer may provide a reimbursement agreement to repay the excess costs to the project proponents over a period not to exceed ten years. The amount to be reimbursed will be for the actual capital cost in excess of anticipated Sewer Impact Fee revenues (as computed hereinabove).

- b. The project proponents may finance all interceptor sewer costs and obtain credit against future Sewer Impact Fees. When the capital costs of interceptor sewers exceeds the anticipated Sewer Impact Fee revenues, based upon a standard residential density of six units per acre, SacSewer may provide the project proponents a reimbursement agreement, as described in (a) above.

SacSewer will annually update a needs survey (Sacramento Sewerage Expansion Study) to permit forward financial planning. If an interceptor sewer project is shown on the most recent update approved by the SacSewer Board, but is not within the currently approved budget, the proponent(s) may appeal to the SacSewer Board to provide SacSewer financing of interceptor sewers for their project. Availability of interceptor sewer funds, adherence to the County General Plan or the General Plan of a contributing agency, and other unbudgeted interceptor sewer needs will be considered by the Board in granting or denying SacSewer financing of these interceptor sewers.

#### 4.4.2 APPROVAL FOR SACSEWER REIMBURSEMENT FOR INTERCEPTOR CONSTRUCTION COSTS

In the event SacSewer requires the construction of interceptor sewer facilities by a project proponent as a condition of approval for any improvement plans submitted to SacSewer, the project proponent shall meet with the appropriate representatives of SacSewer prior to the initiation of design for the purpose of obtaining agreement on the following:

1. A "scope of work" covering the design and preparation of the contract documents for the interceptor sewer portion of the work.
2. A design schedule to include submittal of the improvement plans to SacSewer at the 50%, 85%, and 100% design completion stage.
3. The development of a complete set of contract documents including specifications, cost estimate improvement plans, geotechnical report, and bid proposal form for review and approval by SacSewer prior to the scheduling of bid dates, or in the case of a negotiated contract prior to the execution of a contract covering construction of the interceptor facilities.

4. That the project proponent will bid or negotiate on the actual quantities and items of work shown on the set of improvement plans approved by SacSewer.

In the case of non-compliance with the above procedures, change orders that result in increased contract costs to obtain compliance with the approved contract documents will not be included as reimbursable costs. Failure to comply with the above requirements will limit the reimbursement amount to the initial "as bid" or "as negotiated" price.

#### 4.4.3 SACSEWER REIMBURSEMENT METHODS

SacSewer reimbursement for the construction of interceptor sewers will be accomplished by either of the following methods:

1. In cases where a project proponent chooses to negotiate the prices for the construction of the required improvements with a specific contractor or group of contractors, SacSewer will determine the amount of reimbursement to be made for the construction of the interceptor sewer facilities included in the project on the basis of the negotiated unit prices, or the unit prices shown on the cost schedule for sewer construction approved by SacSewer multiplied by the as-built quantities, whichever results in a lower total price for the work. This cost schedule, which will be subject to an annual adjustment based on changes in the ENR-CCI for the prior calendar year and is available at [www.sacsewer.com/ordinances](http://www.sacsewer.com/ordinances) and by this reference incorporated herein. An allowance of not more than 6.5% of the final reimbursable cost for engineering and construction staking services will be negotiated into the reimbursement agreement and added to the reimbursable amount.

In the event that the interceptor sewer improvements contain specific items of work not shown on the cost charts approved by SacSewer, SacSewer will, after reviewing the items of work with the consulting engineer who prepared the plans, determine the appropriate amount to be reimbursed for the item of work and will include these amount(s) within the reimbursement agreement for the interceptor sewer facilities.

A reimbursement agreement must be executed prior to initiating work on any interceptor sewer facilities in order to assure that reimbursement can be made by SacSewer. Failure of the project proponent to obtain an executed reimbursement agreement prior to initiating work may jeopardize the reimbursement. The reimbursement agreement shall describe the location of the improvements to be included in the reimbursement, the estimated quantities, the amount to be reimbursed, and the terms of the reimbursement.

2. In cases where the project proponent agrees to receive bids for the construction of all facilities to be publicly maintained as approved on the improvement plans and award the entire construction contract to the lowest responsive, responsible bidder, SacSewer will, subject to meeting the

conditions set forth below, reimburse the project proponent a sum equal to the unit prices contained in the lowest responsive, responsible bid multiplied by the appropriate as-built quantities plus any approved change orders pertaining to construction of the interceptor sewer.

In order to receive this type of reimbursement agreement, the project proponent must agree to receive bids on an approved set of improvement plans, provide a minimum of a 2-week bidding period, and agree to provide a minimum of two copies of the approved improvement plans to each of the list of Builder's Exchanges and Construction Services, found on SacSewer's website at [www.sacsewer.com/sewer-plan-check/](http://www.sacsewer.com/sewer-plan-check/), for use by any contractor utilizing the exchange's or service's facilities, unless otherwise approved by the District Engineer. For purposes of determining the bidding period, the two week minimum time shall start the day following delivery of the approved improvement plans to the Sacramento Builder's Exchange, and at least two other of the listed exchanges or services.

A reimbursement agreement between SacSewer and the project proponent which identifies the location of the improvements to be included in the reimbursement, the estimated quantities, a reimbursable sum, and the terms of the reimbursement must be executed prior to awarding the contract for the improvements. An allowance for engineering and construction staking services will be added to the reimbursable amount which can either be on the basis of identifiable interceptor design cost (minus right-of-way acquisition) or, if identifiable design costs are not available, on a negotiated amount not to exceed 6.5% of the reimbursable construction costs.

Failure to meet any of the conditions set forth hereinabove shall result in the reimbursement being calculated and paid on the basis of the amount that would have been payable under paragraph 1, the cost schedule method.

#### 4.4.4 CREDITS FOR INTERCEPTOR CONSTRUCTION

The owners of certain parcels of land may be required to pay in full or in part for the interceptor sewers serving their property through public improvement projects (e.g. Mello Roos Districts or assessment districts), cash construction projects, or a combination thereof, which properties shall be exempted, or partially exempted from the Sewer Impact Fees as follows:

- a. If the capital costs and assessment when levied or incurred represented the full amount of the Sewer Impact Fee applicable to the specific property that would be due if residential development of standard density were located on the property, then the parcel shall be credited with full payment of the Sewer Impact Fee when residential units of standard density are to be constructed on the same property at the time of issuance of connection permits. If other than residential uses are to be developed on the property, the amount of the credit granted by SacSewer shall be that

which would have been due for a development producing 55,800 gallons of normal strength sewage per month per acre of land served.

- b. If the capital cost and assessment when levied or incurred represented less than the full amount of the Sewer Impact Fee applicable to the specific property that would be due if residential development of standard density when located on the property, then the parcel shall be credited with payment of the percentage of the Sewer Impact Fee per ESD that the cost and assessment levied against the property represented at the time the costs were incurred. Said credits will be granted on a per ESD basis at the time of issuance of sewer connection permits. If other than residential uses are to be developed on the property the amount of credit granted by SacSewer shall be the percentage of the total Sewer Impact Fees that would be due on a development producing 55,800 gallons of normal strength sewage per month per acre of land served.

Any credits toward Sewer Impact Fees, as originally established for any parcel of property, may not be transferred in full or in part to any other parcel of property, except as provided for in this Ordinance.

## 4.5 Annexation

Annexation of an area to SacSewer shall be in accordance with the terms of the Master Interagency Agreement (MIA), and shall, unless annexation is initiated by SacSewer, include payment by the project proponent of the Sacramento Local Agency Formation Commission (LAFCo) filing fee associated with processing the annexation petition. Under the terms of the MIA, the Contributing Agencies are responsible for requesting annexations to SacSewer and are therefore responsible for collection and transmittal of the LAFCo filing fee, which shall be received by SacSewer as a condition of acceptance of the annexation petition.

Additional fees for charges for the environmental documentation required to support the annexation shall be assessed and billed directly to the project proponent by LAFCo in accordance with its authority and/or requirements.

## 4.6 Implementation

The District Engineer is hereby charged with implementation of the provisions of this Chapter and with coordination among all officials and departments of the contributing agencies and SacSewer in order to achieve this purpose.

## CHAPTER 5: SEWER IMPACT FEE DEFERRAL AND WAIVER PROGRAMS

### 5.1 Deferral of Residential Connection Sewer Impact Fees

#### 5.1.1 TITLE

This Section shall be known and cited as the Deferral of Residential Sewer Impact Fees.

#### 5.1.2 PURPOSE

The Board of Directors of the Sacramento Area Sewer District desires to encourage the construction of residential developments within SacSewer. The Board of Directors finds that the early payment of Sewer Impact Fees for residential development creates a barrier to such development and desires, by the adoption of this Section, to ease such barrier by deferring the time for payment of fees.

#### 5.1.3 APPLICABLE SEWER IMPACT FEE PROGRAMS

Notwithstanding any other provision of this or other ordinance, upon application and approval pursuant to the requirements of this Chapter, a residential project proponent shall pay and the following SacSewer Sewer Impact Fees shall be collected pursuant to the provisions of this Section, except to the extent that such fees are ordinarily collected at other than issuance of a building permit.

#### 5.1.4 SEWER IMPACT FEE DEFERRAL PROGRAM

- a. A residential development project proponent may file an application with the District Engineer to request deferral of any of those fees enumerated in Section 5.1.3.
- b. At the time of building permit issuance, the applicant shall pay 10% of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said payment shall be in addition to any and all required fee deferral application and administrative processing fees.
- c. Deferral of fees pursuant to this Section shall be acknowledged by a recordable memorandum or other writing satisfactory to the District Engineer and approved by SacSewer Counsel. Said memorandum shall be recorded prior to issuance of building permits.
- d. All of the following requirements must be satisfied prior to approval of a fee deferral:
  1. Submittal to the District Engineer of a complete application;
  2. Deposit of all fees pursuant to Section 5.1.7; and

3. Recordation of memorandum pursuant to subsection (c).
  - e. Fees that are approved for deferral for a single-family residential project pursuant to this Section shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is five years from the date of issuance of permits subject to fee deferral or the close of escrow, whichever comes first. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 5.1.5 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed memorandum agreement entered into for the subject property pursuant to subsection (c).
  - f. Fees that are approved for deferral for a multi-family residential project pursuant to this Section shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is five years from the date of issuance of permits subject to fee deferral or the close of escrow, whichever comes first. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 5.1.5 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed agreement entered into for the subject property pursuant to subsection (c).
  - g. The approval of a fee deferral pursuant to this Section for a residential project shall not be transferable to another project regardless of whether the applicant is the same for both projects or whether the other project is also a qualified residential project.

### 5.1.5 INTEREST AND PENALTIES

For residential projects, which have been approved for a deferral of fees pursuant to this Section, no interest shall accrue during the period of deferral; provided, however, that in the event fees are not paid at the time required by this Section, a penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of execution of the deferral agreement to the time of payment shall be due and payable.

### 5.1.6 SEWER IMPACT FEE INCREASES OR DECREASES

Deferred fees shall be paid on the fee or fees applicable at time of final payment.

### 5.1.7 SEWER IMPACT FEE DEFERRAL APPLICATION AND ADMINISTRATIVE PROCESSING FEES

A non-refundable administrative processing fee to reflect the costs incurred for administration and processing is hereby established for payment at the time of each individual building permit issuance for

the purpose of funding the costs of administering the fee deferral program established by this Section. These fees may from time to time be amended by resolution of the Board of Directors. In the event such fees are also paid for deferral of County of Sacramento fees, no additional application or processing fees shall be paid pursuant to this Section.

### 5.1.8 RECORDATION COSTS

All costs of recordation of documents required pursuant to this Section shall be paid by the applicant.

## 5.2 Waiver of Sewer Impact Fees for Certain Residential Development Projects

The Board of Directors of the Sacramento Area Sewer District ordains as follows:

### 5.2.1 PURPOSE

The Board of Directors of the Sacramento Area Sewer District desires to support the construction of residential projects which will provide units with Affordable Rents or Affordable Housing Costs for Very Low Income Households in SacSewer's service area. The Board of Directors finds that the payment of Sewer Impact Fees for this residential development creates a barrier to such development. The Board of Directors desires, by the adoption of this Section, to ease such a barrier by waiving the payment of Sewer Impact Fees for a set number of ESDs that will provide Affordable Rents or Affordable Housing Costs for Very Low Income Households. The Board of Directors finds that this waiver program is consistent with the policies and goals of the General Plan Housing Elements of SacSewer's contributing agencies and is necessary for the health and welfare of SacSewer's residents.

## 5.2.2 APPLICABLE FEE PROGRAMS

Notwithstanding any other Ordinance provisions of SacSewer, upon application and approval pursuant to Sections 5.2.4 and 5.2.5, Sewer Impact Fees shall be paid and collected for Qualified Residential Projects pursuant to the provisions of this Section.

## 5.2.3 SEWER IMPACT FEE WAIVER PROGRAM

- a. **Application.** Only a Qualified Residential Project with a Certification Letter shall be eligible for waiver of any of those fees enumerated in Section 5.2.2. Said fees shall be waived in an amount proportional to the percentage of units affordable to Very Low Income Households. The Certification Letter shall specify the Very Low Income percentage for each individual project and shall be included in the fee waiver application prior to acceptance thereof.
- b. **Security – Deed of Trust.** Security shall be required for fee waiver applications for the sole purpose of ensuring a method of recovery of those fees waived, in the event a residential development project fails to provide the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households for which a fee waiver was sought. Said security shall be in the form of a promissory note secured by a deed of trust encumbering each parcel of record owned by the Applicant that is included in the Qualified Residential Project. Said deed of trust shall be recorded for all Sewer Impact Fees for which a waiver is requested pursuant to this Section. The promissory note and deed of trust shall be in a form satisfactory to the District Engineer and approved by SacSewer Counsel. Said deed of trust shall be secondary only to deeds of trust associated with acquisition or construction financing and to any regulatory agreement executed with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households. Said deed of trust shall be recorded prior to issuance of building permits. Provided, however, to allow timely construction in the event of unanticipated consequences, an Applicant may pay 100% of fees to obtain issuance of building permits. Thereafter, upon approval of the Administrator and upon recordation of the fee waiver Agreement and deed of trust, the Applicant may be eligible for refund of the fees so paid, which shall thereafter be subject to the terms of the fee waiver Agreement.
- c. **Annual Cap.** All fee waiver applications are subject to the cap provisions set forth in Section 5.2.5. No fee waiver applications will be accepted if the cap, as set forth in Section 5.2.5, has been reached and surplus ESDs are not available for the fiscal year in which a fee waiver application is submitted. No waiting lists will be maintained by SacSewer.
- d. **Other Requirements.** All of the following requirements must be satisfied prior to approval of a fee waiver:

1. submittal to SacSewer of a complete application, including a Certification Letter and a preliminary title report;
  2. deposit of all application and administrative fees pursuant to Section 5.2.8;
  3. recordation of the deed of trust pursuant to subsection (c); and
  4. execution and recordation of waiver and subordination Agreement.
- e. **Release.** For a single-family Qualified Residential Project, a partial release (reconveyance) from the deed of trust securing the promissory note per individual ESD shall be executed by SacSewer upon receipt of written request from the title company handling the escrow of said unit and the Administrator's receipt of the Release From SHRA or West Sacramento Agency. For multi-family Qualified Residential Projects, a release from the deed of trust shall be executed by SacSewer upon receipt of written request from the title company handling the permanent loan financing and the Administrator's receipt of the Release From SHRA or West Sacramento Agency.
- f. **Failure to Provide Affordable Housing.** Notification to the Administrator by SHRA or West Sacramento Agency of failure of any single or multi-family residential project to provide the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households for which a fee waiver was sought pursuant to this Section shall result in the imposition of interest penalties calculated from the date of recordation of the fee waiver Agreement pursuant to Section 5.2.6 and other sections in this Ordinance to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed Agreement.
- g. **Waiver Non-Transferable.** The approval of a fee waiver pursuant to this Section for a Qualified Residential Project shall not be transferrable to another project regardless of whether the applicant is the same for both projects or the other project is also a Qualified Residential Project.
- h. **Waiver Compliance Period (24 Months).** A fee waiver shall be valid for a maximum of 24 months from the date or recordation of the Agreement and deed of trust. If the Administrator does not receive either of the following by the last day of the 24-month period, all fees shall be due and payable pursuant to the provisions of the fee waiver Agreement and shall be subject to the interest provisions of Section 5.2.6:
1. a Release From SHRA or West Sacramento Agency, or
  2. notification from SHRA or West Sacramento Agency that the Qualified Residential Project continues under construction with an estimated completion date within an additional 12-month period.

If the latter notification from SHRA or West Sacramento Agency is provided to the Administrator, a Release From SHRA or West Sacramento Agency must subsequently be provided to the Administrator no later than the last day of the additional 12-month period to avoid all fees becoming due and payable with the imposition of interest pursuant to the fee waiver Agreement.

- i. **Mixed Affordable and Market-Rate Projects.** In the event that a single-family Qualified Residential Project plans to sell or rent units both at market rate and for Very Low Income Households, the applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying all units for which a waiver is sought pursuant to this Section. The tentative or final subdivision or parcel map shall be submitted with the fee waiver application. Prior to final map recordation, subsequent one-for-one changes of the identification of market rate and Very Low Income household units on the tentative subdivision or parcel map shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Very Low Income household units as set forth in the fee waiver application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the entire tentative subdivision map per California Government Code, Section 66442. Subsequent to final map recordation, one-for-one changes shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Very Low Income household units as set forth in the fee waiver application for the entire single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased.

#### 5.2.4 WAIVER AND SUBORDINATION AGREEMENTS

- a. Upon verification by the District Engineer of receipt of a complete application, the applicant shall enter into a waiver Agreement with SacSewer in a form satisfactory to the District Engineer and approved by SacSewer Counsel. Such agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Section and shall be recorded with the applicable County Recorder's Office. A single agreement shall be entered into for each project whether or not the applicant is the same for multiple projects. In addition, the applicant shall execute a separate subordination agreement for each encumbrance or deed of trust other than one which secures repayment of acquisition or construction financing and other than for a regulatory agreement with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households existing at the time of recordation of the waiver agreement.

- b. An applicant submitting an application for both deferral of fees pursuant to SacSewer's Deferral of Sewer Impact Fees for Certain Residential Development Projects Section and waiver of fees pursuant to this Section shall enter into one agreement for both the deferral and waiver of fees. Said agreement shall provide for the enforcement of the provisions of SacSewer Waiver of Sewer Impact Fees for Certain Residential Development Projects Section and this Section and shall be recorded with the applicable County Recorder's Office.
- c. Authority to execute agreements entered into pursuant to this Section on behalf of SacSewer is hereby delegated to the District Engineer, subject to approval of SacSewer Counsel as to form.

### 5.2.5 SEWER IMPACT FEE WAIVER CAP

- a. The total number of fee waivers to be approved by SacSewer is capped each fiscal year at 200 ESDs available to SHRA and 8 ESDs available to West Sacramento Agency.
- b. For purposes of calculation of the cap, the date of the Certification Letter shall determine in which fiscal year the ESDs for a particular Qualified Residential Project will be included. For the sole purpose of calculation of the cap, SHRA or West Sacramento Agency may, with the prior approval of the District Engineer, substitute a Certification Letter for a new Qualified Residential Project or another Qualified Residential Project that already has a Certification Letter on file with SacSewer only if this substitution occurs prior to the recordation of the fee waiver Agreement or fee deferral and waiver agreement for the Qualified Residential Project already on file with SacSewer. No substitutions whatsoever shall occur after recordation of the fee waiver agreement.
- c. If the cap is not reached by the end of a fiscal year, the surplus ESDs will be rolled over and available to Qualified Residential Projects in subsequent fiscal years. The accumulated surplus ESDs starting in fiscal year 2013-2014 are available to Qualified Residential Projects as of the effective date of this ordinance.
- d. A Qualified Residential Project, that does not execute the fee waiver agreement or fee deferral and waiver agreement within the fiscal year for which it has qualified under the cap, may, with prior written notification to the District Engineer, roll-over the Certification Letter until the end of the subsequent fiscal year. The rollover shall not be counted toward the subsequent fiscal year calculation of the cap. No additional extensions shall be permitted. Failure of a Qualified Residential Project to execute the waiver agreement or deferral and waiver agreement within the extension period of time provided for in this subsection shall result in the purging of the Certification Letter for said project from SacSewer files. Ensuing requests for a fee waiver for the same project shall require the re-submittal of new documentation, including a new application and Certification Letter and payment of new application and administrative fees. Re-submittal

shall be given no priority over new applications for a fee waiver and shall be subject to the provisions of the cap set forth in this Section in the same manner as new applications.

- e. Failure of a particular applicant to satisfy the requirements set forth in this Section for the Fee Waiver Program subsequent to recordation of a waiver agreement or deferral and waiver agreement will result in -returning the ESDs into the pool of ESDs available pursuant to the cap in a particular fiscal year.
- f. An applicant may request a refund for Sewer Impact Fees paid on a Qualified Residential Project, if a waiver is granted after the fees have been paid and surplus ESDs are available. Refunds are available for Qualified Residential Projects that paid Sewer Impact Fees between July 1, 2021 to the effective date of this ordinance.

### 5.2.6 INTEREST

- a. For Qualified Residential Projects which have been approved for a waiver of fees or a combination deferral and waiver of fees pursuant to this Section, no interest shall accrue during the applicable fee waiver period or fee deferral period measured beginning immediately following recordation of the Agreement and deed of trust. In the event that an applicant fails to provide the percentage of Very Low Income units approved in the fee waiver application, an interest penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified waived fees, computed from the date of recordation of the fee waiver or fee deferral and waiver agreement, shall be assessed and shall be due and payable pursuant to the provisions of the agreement entered into for the subject project pursuant to Section 5.2.4.
- b. If SHRA or West Sacramento Agency provides notification to the Administrator no later than the last day of the above-referenced applicable fee waiver period or fee deferral period that the Qualified Residential Project continues under construction with an estimated completion date within an additional 12 months, the above-referenced waiver or deferral period shall be extended to completion of construction or for an additional 12 months, whichever is earlier.

### 5.2.7 SEWER IMPACT FEE INCREASES OR DECREASES

Fees that qualify for a fee waiver shall not be subject to fee increases or decreases which may occur from the date of recordation of the agreement to the end of the maximum waiver compliance period permitted under this Section. However, subsequent applications for the same Qualified Residential Project shall be subject to the fees and rates in effect at the time of submittal of the subsequent application.

## 5.2.8 SEWER IMPACT FEE WAIVER APPLICATION AND ADMINISTRATIVE PROCESSING FEES

A non-refundable Sewer Impact Fee waiver application fee as follows is hereby established and shall be paid at the time of application for a fee waiver pursuant to this Section for the purpose of funding the costs of administering the fee waiver program established by this Section. This fee may from time to time be revised by resolution of the Board of Directors to recover the costs of administering the program. The administrator may utilize an application form combined with other local governmental agencies which have enacted identical or substantially similar programs which are administered by the County of Sacramento or the West Sacramento Agency and for which the County of Sacramento acts as fiscal agent.

## 5.2.9 RECORDATION COSTS

All costs of recordation of documents required pursuant to this Section shall be paid by the applicant.

## 5.2.10 REPORTING REQUIREMENTS

The Administrator, or his/her designee, shall provide semi-annual reports to SacSewer that identifies the projects that received a Sewer Impact Fee deferral/waiver, or have a pending application for such benefit, including the total value, or anticipated value, of said Sewer Impact Fees on a form provided by SacSewer.

# 5.3 Deferral of Sewer Impact Fees for Certain Residential Development Projects

## 5.3.1 PURPOSE

The Board of Directors of the Sacramento Area Sewer District (hereinafter "SacSewer") desires to support the construction of residential projects which will provide units with Affordable Rents or Affordable Housing Costs for Low and Very Low Income Households in SacSewer's service area. The Board of Directors finds that the early payment of SacSewer Sewer Impact Fees for residential development creates a barrier to such development and desires, by the adoption of this Section, to ease such barrier by deferring the time for payment of such fees. The Board of Directors finds that this deferral program is consistent with the goals and the General Plan Housing Elements of SacSewer's contributing agencies and is necessary for the health and welfare of SacSewer's residents.

## 5.3.2 APPLICABLE FEE PROGRAMS

Notwithstanding any other Ordinance of SacSewer, upon application and approval pursuant to Sections 5.3.3 and 5.3.4, SacSewer Sewer Impact Fees shall be paid and collected for Qualified Residential Projects pursuant to the provisions of this Section.

### 5.3.3 FEE DEFERRAL PROGRAM

- a. **Application.** A Qualified Residential Project proponent may file an application with SacSewer to request deferral of the Sewer Impact Fees enumerated in this Ordinance. The specific percentage of Low or Very Low Income units, or both, to be offered in a residential development project must be certified by SHRA or West Sacramento Agency and included in the fee deferral application prior to acceptance thereof.
- b. **Ten Percent Down Payment.** At the time of building permit issuance, the applicant shall pay 10% of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said payment shall be in addition to any and all required fee deferral application and administrative processing fees.
- c. **Security Deed of Trust.** Security for the deferral of fees pursuant to this Section shall be in the form of a promissory note secured by a deed of trust encumbering each parcel of record owned by the Applicant that is included in the Qualified Residential Project. The promissory note and deed of trust shall be in a form satisfactory to the District Engineer and approved by SacSewer Counsel. Said deed of trust shall be secondary only to deeds of trust associated with acquisition or construction financing and to any regulatory agreement executed with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households. Said deed of trust shall be recorded prior to issuance of building permits. Provided, however, to allow timely construction in the event of unanticipated consequences; an applicant may pay 100% of fees to obtain issuance of building permits. Thereafter, within six months of applicant's payment of fees and upon fulfillment of all other requirements of this Section the applicant shall be eligible for refund of 90% of the fees so paid with such 90% deferred and payable in accordance with the fee deferral Agreement.
- d. **Other Requirements.** All of the following requirements must be satisfied prior to approval of a fee deferral:
  1. submittal to SacSewer of a complete application, including a Certification Letter and a preliminary title report;
  2. deposit of all application and administrative fees pursuant to Section 5.3.7;
  3. recordation of the deed of trust pursuant to subsection (c); and
  4. execution and recordation of a deferral Agreement.
- e. **Single-Family Deferral Period (Five Years), Interest Penalties.** Fees that are approved for deferral for a single-family residential project pursuant to this Section shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is five years from the date of recordation of the agreement and deed of trust or the close of escrow, whichever comes first. If not paid within the

maximum fee deferral period, interest penalties shall apply pursuant to this Ordinance and payment of the fees secured by the deed of trust shall be undertaken pursuant to the provisions set forth in the executed agreement.

- f. **Multi-Family Deferral Period (Five Years), Interest Penalties.** Fees that are approved for deferral for a multi-family residential project pursuant to this Section shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is five years from the date of recordation of the agreement and deed of trust or the close of escrow, whichever comes first. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to this Ordinance and payment of the fees secured by the deed of trust shall be undertaken pursuant to the provisions set forth in the executed agreement.
- g. **Partial Reconveyances.** For a single-family Qualified Residential Project, a partial release (reconveyance) from the deed of trust per individual unit shall be executed by SacSewer upon receipt of written request from the title company handling the escrow of said unit and the Administrator's receipt of the Release From SHRA. For multifamily Qualified Residential Projects, a release from the deed of trust shall be executed by SacSewer upon receipt of written request from the title company handling the permanent loan financing and the Administrator's receipt of the Release From SHRA.
- h. **Failure to Provide Affordable Housing.** Notification to the Administrator by SHRA or West Sacramento Agency of failure of a single or multi-family residential project to sell or rent the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households or Low Income Households for which a fee deferral was approved pursuant to this Section shall result in the imposition of interest penalties calculated from the date of recordation of the fee deferral agreement pursuant to Section 5.3.6 to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed agreement.
- i. **Deferral Non-Transferable.** The approval of a fee deferral pursuant to this Section for a Qualified Residential Project shall not be transferable to another project regardless of whether the applicant is the same for both projects or whether the other project is also a Qualified Residential Project.
- j. **Mixed Affordable and Market-Rate Projects.** In the event that a single-family Qualified Residential Project plans to sell or rent units both at market rate and for Low Income Households, the applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying all units for which a deferral is sought pursuant to this Section. The tentative or final subdivision or parcel map shall be submitted with the fee deferral application. Prior to final map recordation, subsequent one-for-one changes of the identification of market rate and Low Income household units on the tentative subdivision or

parcel map shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income household units as set forth in the fee deferral application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the entire tentative subdivision map per California Government Code Section 66442. Subsequent to final map recordation, one-for-one changes shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income household units as set forth in the fee deferral application for the entire single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased.

#### 5.3.4 DEFERRAL AND SUBORDINATION AGREEMENTS

- a. Upon verification by the District Engineer of receipt of a complete application, the applicant shall enter into a deferral agreement in a form satisfactory to the District Engineer and approved by SacSewer Counsel. Such agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Section and shall be recorded with the applicable County Recorder's Office. A single agreement shall be entered into for each project whether or not the applicant is the same for multiple projects. In addition, the applicant shall execute a separate subordination Agreement for each encumbrance or deed of trust other than one which secures repayment of acquisition or construction financing and other than for a regulatory agreement with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households existing at the time of execution of the deferral agreement. Authority to execute these agreements on behalf of SacSewer is hereby delegated to the District Engineer, subject to approval of SacSewer Counsel as to form.
- b. An applicant submitting an application for both waiver of fees pursuant to SacSewer's Waiver of Sewer Impact Fees for Certain Residential Development Projects Section and deferral of fees pursuant to this Section shall enter into one agreement for both the deferral and waiver of fees. Said agreement shall provide for the enforcement of the provisions of SacSewer's Waiver of Sewer Impact Fees for Certain Residential Development Projects Section and this Section and shall be recorded with the applicable County Recorder's Office.
- c. Authority to execute agreements entered into pursuant to this Section on behalf of SacSewer is hereby delegated to the District Engineer, subject to approval of SacSewer Counsel as to form.

### 5.3.5 INTEREST AND PENALTIES

- a. For Qualified Residential Projects, which have been approved for a deferral of fees pursuant to this Section, no interest shall accrue during the deferral period. However, in the event that the applicant fails to provide the percentage of Low or Very Low Income units or rentals as stated in the fee deferral application, an interest penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of recordation of the fee deferral, shall be assessed and shall be due and payable pursuant the provisions of the agreement.
- b. If SHRA or West Sacramento Agency provides notification to the administrator no later than the last day of the above-referenced deferral period that the Qualified Residential Project continues under construction with an estimated completion date not exceeding 12 additional months, the deferral period shall be extended to completion of construction or for an additional 12 months, whichever is earlier.

### 5.3.6 FEE INCREASES OR DECREASES

Fees which qualify for a fee deferral shall not be subject to fee increases or decreases which may occur from the date of recordation of the agreement to the end of the maximum deferral compliance period permitted under this Section. However, subsequent applications for the same Qualified Residential Project shall be subject to the fee rate in effect at the time of submittal of the subsequent application.

### 5.3.7 FEE DEFERRAL APPLICATION AND ADMINISTRATIVE PROCESSING FEES

Non-refundable fee deferral application fees are hereby established pursuant to this Section for the purpose of funding the costs of administering the fee deferral program. These fees shall be paid at the time of application for a fee deferral established by this Section. This fee may from time to time be revised by resolution of the Board of Directors to recover costs of administering the program. The Administrator may utilize an application form combined with other local governmental agencies which have enacted identical or substantially similar programs which are administered by the County and for which the County acts as fiscal agent.

### 5.3.8 RECORDATION COSTS

All costs of recordation of documents required pursuant to this Section shall be paid by the applicant.

### 5.3.9 REPORTING REQUIREMENTS

The administrator, or his/her designee, shall provide semi-annual reports to SacSewer that identifies the projects that received a Sewer Impact Fee deferral/waiver, or have a pending application for such benefit, including the total value, or anticipated value, of said Sewer Impact Fees on a form provided by SacSewer.

## 5.4 Deferral of Sewer Impact Fees for Commercial and Industrial Users

### 5.4.1 PURPOSE

The Board of Directors of the Sacramento Area Sewer District desires to stimulate and encourage all aspects of economic development within SacSewer, particularly such development that will result in long-term commitments which will create jobs and provide economic stimuli for the benefit of all of SacSewer's residents. The Board of Directors finds that the early payment of Sewer Impact Fees for non-residential development creates a barrier to such development and desires, by the adoption of this Section, to ease such barrier by deferring the time for payment of such fees. The Board of Directors previously adopted an ordinance for the deferral of certain fees which ordinance provided that it would no longer be in effect unless reenacted, and it is desirable that the fee deferral program continue.

### 5.4.2 APPLICABLE FEE PROGRAMS

Notwithstanding any other ordinance of SacSewer, upon application and approval of security pursuant to Section 5.4.3(b), Sewer Impact Fees shall be paid and collected pursuant to the provisions of this Section.

### 5.4.3 APPLICATION AND SECURITY

- a. Any person proposing to construct commercial or industrial improvements upon real property located within the territory of the Sacramento Area Sewer District may apply to defer payment of applicable fee pursuant to the provisions of this Section.
- b. At the time of application, the applicant shall pay 20% of the amount of fees which would otherwise be payable at the time of application to connect to SacSewer facilities. The applicant shall also, at such time, provide security for the payment of the fees to be deferred. Such security shall be subject to the approval of the District Engineer or his designee and shall, subject to such approval, consist of one or more of the following:
  1. Assigned passbook or certificate of deposit;
  2. Irrevocable letter of credit;

3. Surety bond;
  4. Lien against the property; or
  5. Negotiable securities if approved by the Board of Directors.
- c. The application shall state the time for which fees are requested to be deferred. Fees may be deferred pursuant to this Section to issuance of a certificate of occupancy; to close of escrow; or, for not less than one but not more than five years. If fees are to be deferred to issuance of a certificate of occupancy or to close of escrow, the deferral agreement required by Section 5.4.4 shall include a provision requiring payment at such times or at a time certain, whichever occurs first.

#### 5.4.4 DEFERRAL AGREEMENTS

Upon approval of an application, the Applicant shall enter into a deferral agreement with SacSewer in a form satisfactory to the District Engineer and approved by SacSewer Counsel. Such agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Section. A single agreement shall be entered for each project whether or not the Applicant is the same for multiple projects. Authority to execute such agreements on behalf of SacSewer is hereby delegated to the District Engineer.

#### 5.4.5 TIME OF PAYMENT

Upon approval of an application for fee deferral, deposit of approved security and execution of a deferral agreement, fees to be deferred pursuant to this Section shall be payable and collected in the manner as set forth in the application and deferral agreement. If not paid within the time required, SacSewer shall enforce the security provided pursuant to Section 5.4.3.

#### 5.4.6 INTEREST

- a. Unless waived as provided in subdivision (b) of this Section, interest shall be charged on all amounts deferred pursuant to this Section in an amount equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds.
- b. If the applicant is a targeted company, or agent for a targeted company, interest on amounts deferred shall be waived. A targeted company is a company which can demonstrate that it will bring to the territory of the Sacramento Area Sewer District 50 or more full-time jobs each paying over \$25,000 per year. The District Engineer, or his designee, is hereby vested with the authority to determine whether an applicant is a targeted company or is an agent for a targeted company.

#### 5.4.7 ADMINISTRATIVE CHARGE

The Board of Directors may from time to time, by resolution, establish a fee for payment at time of application for the purpose of funding the costs of administering the fee deferral program established by this Section.

## CHAPTER 6: STAFFING AND PERSONNEL & CONTRACTORS

Subject to the provisions of this Ordinance, staff shall be employed by SacSewer. Budgets adopted by SacSewer shall be sufficient to pay the direct and indirect costs of such staffing.

SacSewer personnel shall be governed by applicable labor agreements, Employee Benefits Documents, and SacSewer policies. Prior to December 15, 2024, staffing for the operations of SacSewer was provided by the County of Sacramento and now SacSewer directly employs its own staff.

The District Engineer shall establish the process and parameters for recommended compensation to all unrepresented classes as described in SacSewer's Board approved Compensation Policy.

SacSewer's labor relations staff shall consult with the District Engineer and the Board of Directors during negotiations with employee labor organizations which represent classes assigned to SacSewer.

### 6.1 Appointment of District Engineer

#### 6.1.1 APPOINTMENT OF DISTRICT ENGINEER

The Board of Directors of Sacramento Area Sewer District shall appoint a District Engineer. The District Engineer shall report directly to the governing body of SacSewer.

#### 6.1.2 COMPENSATION OF DISTRICT ENGINEER

Compensation for the District Engineer shall be established and approved by the Board of Directors by resolution or written agreement.

### 6.2 Appointment of Executive Level Positions

#### 6.2.1 APPOINTMENT OF EXECUTIVE LEVEL POSITIONS

Appointment to any executive-level position shall be made by the Board of Directors at a duly noticed public meeting. Executive-level positions serve at the pleasure of the Board of Directors and may be terminated at any time, with or without cause, and without the right to due process hearing, notice, or appeal, except as otherwise required by law.

#### 6.2.2 RECOMMENDATION OF EXECUTIVE LEVEL POSITIONS

The District Engineer shall recommend candidates for appointment to executive-level positions, including Department Directors and equivalent positions, to the Board of Directors.

### 6.2.3 COMPENSATION OF EXECUTIVE LEVEL POSITIONS

The compensation, benefits, and terms and conditions of employment for executive-level positions shall be established and approved by the Board of Directors by resolution or written agreement. Such approval shall be made in open session pursuant to Government Code section 54953(c)(3) and any other applicable law.

Any material amendment to an executive's compensation package, including but not limited to salary adjustments, changes in benefits, or severance provisions, shall require prior approval of the Board of Directors at a noticed public meeting.

Executive employment agreements shall be consistent with applicable law, including Government Code sections 53260–53264, which govern severance pay limits and other contract terms for local agency executives.

## 6.3 General Personnel Matters

### 6.3.1 PROCESS AND PARAMETERS FOR RECOMMENDED COMPENSATION

The District Engineer, in consultation with SacSewer's Human Resources Manager, shall establish the process and parameters for recommended compensation to all unrepresented classes assigned exclusively to SacSewer.

## 6.4 SacSewer Personnel and Contractors

SacSewer owns and operates certain facilities and equipment. To the extent of those owned and operated facilities or equipment, SacSewer, through its governing body or the District Engineer, as appropriate, shall determine what personnel or contractors shall be utilized to provide services necessary for the operation and maintenance of such facilities or equipment.

## CHAPTER 7: SACSEWER TREATMENT AND RESOURCE RECOVERY RATE AND FEE SCHEDULE

Additional detailed information related to costs associated with the use of the sewer system is contained within Chapters 2, 3, 4, and 5 of this Ordinance.

### 7.1 SacSewer Treatment and Resource Recovery Rates

Effective July 1, 2025 through June 30, 2026

User	Monthly Billing Rates
<b>Single-Family Residential</b> <i>(Rate of one ESD)</i>	\$44.00 per ESD <i>(\$88.00 bimonthly)</i>
<b>Multiple-Family Residential</b> <i>(Rate is 75% of one ESD)</i>	\$33.00 per dwelling unit <i>(\$66.00 bimonthly)</i>
<b>Age-Restricted Residential Development</b> <i>(Rate is 60% of one ESD)</i>	\$26.40 per age-restricted dwelling unit <i>(\$52.80 bimonthly)</i>
<b>Commercial</b>	\$44.00 multiplied by the Enterprise/Use Factor in Section 3.2.2
<b>Metered Commercial (Special Provision West Sacramento Only)</b>	\$44.00 multiplied by the flow and the corresponding Loading Factor as described in Section 3.2.3
<i>Commercial Users (vacant or not) will be billed a minimum of one ESD</i>	
<b>Non-Defined Commercial</b> <i>Commercial Users (vacant or not) will be billed a minimum of one ESD</i>	\$44.00 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation</b> <i>(Rates based on flow and loadings discharged)</i>	\$699 per 1,000,000 gallons of flow \$317 per 1,000 lbs of BOD \$255 per 1,000 lbs of TSS \$1,389 per 1,000 lbs of TKN \$393 per 1,000,000 gallons of domestic wastewater flow for pathogens
User	Billing Rates
<b>Temporary Discharge Permit</b> <i>(Rates based on flow and loadings discharged)</i>	\$699 per 1,000,000 gallons of flow \$317 per 1,000 lbs of BOD \$255 per 1,000 lbs of TSS \$1,389 per 1,000 lbs of TKN \$393 per 1,000,000 gallons of domestic wastewater flow for pathogens

Effective July 1, 2026 through June 30, 2027

User	Monthly Billing Rates
<b>Single-Family Residential</b> <i>(Rate of one ESD)</i>	\$47.00 per ESD (\$94 bimonthly)
<b>Multiple-Family Residential</b> <i>(Rate is 75% of one ESD)</i>	\$35.25 per dwelling unit (\$70.50 bimonthly)
<b>Age-Restricted Residential Development</b> <i>(Rate is 60% of one ESD)</i>	\$28.20 per age-restricted dwelling unit (\$56.40 bimonthly)
<b>Commercial</b>	\$47.00 multiplied by the Enterprise/Use Factor in Section 3.2.2
<b>Metered Commercial (Special Provision West Sacramento Only)</b>	\$47.00 multiplied by the flow and the corresponding Loading Factor as described in Section 3.2.3
<i>Commercial Users (vacant or not) will be billed a minimum of one ESD</i>	
<b>Non-Defined Commercial</b> <i>Commercial Users (vacant or not) will be billed a minimum of one ESD</i>	\$47.00 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation</b> <i>(Rates based on flow and loadings discharged)</i>	\$721 per 1,000,000 gallons of flow \$330 per 1,000 lbs of BOD \$265 per 1,000 lbs of TSS \$1,455 per 1,000 lbs of TKN \$411 per 1,000,000 gallons of domestic wastewater flow for pathogens
User	Billing Rates
<b>Temporary Discharge Permit</b> <i>(Rates based on flow and loadings discharged)</i>	\$721 per 1,000,000 gallons of flow \$330 per 1,000 lbs of BOD \$265 per 1,000 lbs of TSS \$1,455 per 1,000 lbs of TKN \$411 per 1,000,000 gallons of domestic wastewater flow for pathogens

Current rates effective March 1, 2013

User	Monthly Billing Rates		
<b>Liquid Waste Haulers</b> <i>(The minimum monthly charge for any permitted Liquid Waste Hauler is \$33/month for the purpose of recovering administrative costs.)</i>  <i>Billings based on 90% of tank capacity per discharge.</i>	Waste Type	Waste Disposal Site	Rate per Gallon
	Septage and Portable Toilet Waste	EchoWater Resource Recovery Facility Headworks or Receiving Station at Roseville/Watt	5.3¢
	FOG	EchoWater Resource Recovery Facility Biogas Enhancement Facility	9.6¢
		EchoWater Resource Recovery Facility Headworks or Receiving Station at Roseville/Watt	15.0¢

## 7.2 SacSewer Treatment and Resource Recovery Sewer Impact Fees

Effective July 1, 2019 through July 8, 2023

User	Sewer Impact Fees	
	Expansion Communities <sup>2</sup>	Infill Communities <sup>2</sup>
<b>Single-Family Residential</b>	\$6,479 per ESD	\$3,602 per ESD
<b>Multiple-Family Residential</b>	\$4,859 per dwelling unit	\$2,701 per dwelling unit
<b>Age-Restricted Residential Development</b>	\$3,887 per age-restricted dwelling unit	\$2,161 per age-restricted dwelling unit
<b>Commercial<sup>1</sup></b>	\$6,479 multiplied by the ESD Equivalent Factor in Section 4.2.2	\$3,602 multiplied by the ESD Equivalent Factor in Section 4.2.2

<b>Non-Defined Commercial<sup>1</sup></b> <i>(Based on flow of the maximum month of discharge)</i>	\$6,479 per 9,300 gallons of flow	\$3,602 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation<sup>3</sup></b>	\$227 per 1,000 gallons of flow	\$96 per 1,000 gallons of flow
	\$47,921 per 1,000 lbs of BOD	
	\$15,459 per 1,000 lbs of TSS	
	\$107,978 per 1,000 lbs of TKN	
	\$23 per 1,000 gallons of domestic wastewater flow for pathogens	

Effective July 9, 2023 through June 30, 2024

User	Sewer Impact Fees	
	Expansion Communities <sup>2</sup>	Infill Communities <sup>2</sup>
<b>Single-Family Residential</b>	\$6,479 per ESD	\$3,283 per ESD
<b>Multiple-Family Residential</b>	\$4,859 per dwelling unit	\$2,462 per dwelling unit
<b>Age-Restricted Residential Development</b>	\$3,887 per age-restricted dwelling unit	\$1,970 per age-restricted dwelling unit
<b>Commercial<sup>1</sup></b>	\$6,479 multiplied by the ESD Equivalent Factor in Section 4.2.2	\$3,283 multiplied by the ESD Equivalent Factor in Section 4.2.2
<b>Non-Defined Commercial<sup>1</sup></b>	\$6,479 per 9,300 gallons of flow	\$3,283 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation<sup>3</sup></b>	\$229 per 1,000 gallons of flow	\$55 per 1,000 gallons of flow
	\$47.92 per pound of BOD	
	\$23.89 per pound of TSS	
	\$120.64 per pound of TKN	
	\$30 per 1,000 gallons of domestic wastewater flow for pathogens	

Effective July 1, 2024 through June 30, 2025

User	Sewer Impact Fees	
	Expansion Communities <sup>2</sup>	Infill Communities <sup>2</sup>
<b>Single-Family Residential</b>	\$6,479 per ESD	\$3,283 per ESD
<b>Multiple-Family Residential</b>	\$4,859 per dwelling unit	\$2,462 per dwelling unit
<b>Age-Restricted Residential Development</b>	\$3,887 per age-restricted dwelling unit	\$1,970 per age-restricted dwelling unit
<b>Commercial<sup>1</sup></b>	\$6,479 multiplied by the ESD Equivalent Factor in Section 4.2.2	\$3,283 multiplied by the ESD Equivalent Factor in Section 4.2.2
<b>Non-Defined Commercial<sup>1</sup></b>	\$6,479 per 9,300 gallons of flow	\$3,283 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation<sup>3</sup></b>	\$229 per 1,000 gallons of flow	\$55 per 1,000 gallons of flow
	\$47.92 per pound of BOD	
	\$23.89 per pound of TSS	
	\$122.23 per pound of TKN	
	\$31 per 1,000 gallons of domestic wastewater flow for pathogens	

Effective July 1, 2025 through June 30, 2026

User	Sewer Impact Fees	
	Expansion Communities <sup>2</sup>	Infill Communities <sup>2</sup>
<b>Single-Family Residential</b>	\$6,479 per ESD	\$3,283 per ESD
<b>Multiple-Family Residential</b>	\$4,859 per dwelling unit	\$2,462 per dwelling unit
<b>Age-Restricted Residential Development</b>	\$3,887 per age-restricted dwelling unit	\$1,970 per age-restricted dwelling unit
<b>Commercial<sup>1</sup></b>	\$6,479 multiplied by the ESD Equivalent Factor in Section 4.2.2	\$3,283 multiplied by the ESD Equivalent Factor in Section 4.2.2
<b>Non-Defined Commercial<sup>1</sup></b>	\$6,479 per 9,300 gallons of flow	\$3,283 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation<sup>3</sup></b>	\$229 per 1,000 gallons of flow	\$55 per 1,000 gallons of flow
	\$49.26 per pound of BOD	
	\$23.89 per pound of TSS	
	\$128.56 per pound of TKN	
	\$32 per 1,000 gallons of domestic wastewater flow for pathogens	

Effective July 1, 2026 through June 30, 2027

User	Sewer Impact Fees	
	Expansion Communities <sup>2</sup>	Infill Communities <sup>2</sup>
<b>Single-Family Residential</b>	\$6,718 per ESD	\$3,283 per ESD
<b>Multiple-Family Residential</b>	\$5,039 per dwelling unit	\$2,462 per dwelling unit
<b>Age-Restricted Residential Development</b>	\$4,031 per age-restricted dwelling unit	\$1,970 per age-restricted dwelling unit
<b>Commercial<sup>1</sup></b>	\$6,718 multiplied by the ESD Equivalent Factor in Section 4.2.2	\$3,283 multiplied by the ESD Equivalent Factor in Section 4.2.2
<b>Non-Defined Commercial<sup>1</sup></b>	\$6,718 per 9,300 gallons of flow	\$3,283 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation<sup>3</sup></b>	\$229 per 1,000 gallons of flow	\$55 per 1,000 gallons of flow
	\$50.61 per pound of BOD	
	\$23.89 per pound of TSS	
	\$134.89 per pound of TKN	
	\$34 per 1,000 gallons of domestic wastewater flow for pathogens	

Effective July 1, 2027

User	Sewer Impact Fees	
	Expansion Communities <sup>2</sup>	Infill Communities <sup>2</sup>
<b>Single-Family Residential</b>	\$6,955 per ESD	\$3,283 per ESD
<b>Multiple-Family Residential</b>	\$5,216 per dwelling unit	\$2,462 per dwelling unit
<b>Age-Restricted Residential Development</b>	\$4,173 per age-restricted dwelling unit	\$1,970 per age-restricted dwelling unit
<b>Commercial<sup>1</sup></b>	\$6,955 multiplied by the ESD Equivalent Factor in Section 4.2.2	\$3,283 multiplied by the ESD Equivalent Factor in Section 4.2.2
<b>Non-Defined Commercial<sup>1</sup></b>	\$6,955 per 9,300 gallons of flow	\$3,283 per 9,300 gallons of flow
<b>Industrial and Groundwater Remediation<sup>3</sup></b>	\$229 per 1,000 gallons of flow	\$55 per 1,000 gallons of flow
	\$51.95 per pound of BOD	
	\$23.89 per pound of TSS	
	\$141.22 per pound of TKN	
	\$35 per 1,000 gallons of domestic wastewater flow for pathogens	

Notes:

1. In no event shall the Sewer Impact Fee for any commercial parcel be less than that charged for one ESD.
2. The Expansion and Infill Communities are shown on Figure 1 in Section 4.2.
3. Refer to Section 4.2.3 and 4.2.4 for the calculation of Sewer Impact Fees.

## 7.3 SacSewer Treatment and Resource Recovery Miscellaneous Fees

Category Description	Billing Unit and Charge
<b>Administrative Fee for Deferral of Sewer Impact Fees for Commercial and Industrial Projects</b> <i>(For New and Expanding Businesses)</i>	\$2,515 Administration Fee per project
<b>Application Fee/Administrative Fee for Deferral or Waiver of Sewer Impact Fees for Affordable Housing Projects</b> <i>(For Qualified Affordable Housing Projects)</i>	<ul style="list-style-type: none"> <li>• \$1,000 Application and Administrative Processing Fee for the first government entity listed on the application for fee deferral or waiver</li> <li>• \$275 Application and Administrative Processing Fee for each additional government entity listed on the application for fee deferral or waiver</li> </ul>
<b>Administrative Fee for Deferral of Sewer Impact Fees for Market Rate Residential Projects</b>	\$350 Administrative Processing Fee per building permit for which fees are requested to be deferred
<b>Information Technology Recovery Fee</b> <i>(Recovers cost of ACCELA database management and development)</i>	<ul style="list-style-type: none"> <li>• Fee within city jurisdictions: 1% of total SacSewer Treatment and Resource Recovery and Collection System fees, not to exceed \$100</li> <li>• Fee within unincorporated County: 4.5% of total County and SacSewer fees, not to exceed \$350</li> </ul>
<b>Water Meter Reading Fee</b> <i>(For unreported meter readings by metered user)</i>	Minimum of \$25 per meter reading
<b>Pretreatment Program Charges</b>	Based on time and material costs

# CHAPTER 8: ADOPTION AND EFFECTIVE DATE

## 8.1 Adoption and Effective Date

This Ordinance was introduced and the title read at the regular meeting of the Board of Directors on 6/11/2025. Further reading was waived by unanimous vote of the Directors present.

This Treatment and Resource Recovery Ordinance will take effect and be in full force on and after 30 days from the date of its passage hereof, and before the expiration of 15 days from the date of its passage, a summary of this Ordinance shall is to be published with the names of the members of the Board of Directors voting for and against it, in a newspaper of general circulation published in the County of Sacramento.

On a motion by Director Kaplan, seconded by Director Rodriguez, the foregoing ordinance was passed and adopted by the Board of Directors of Sacramento Area Sewer District, State of California, at a regular meeting, this 9th day of July, 2025, by the following vote, to wit:

YES: Directors Aquino, Hume, Kaplan, Orozco, Pluckebaum, Robles, Rodriguez, Sander, Serna, Suen, Villegas and Karpinski-Costa

NOES: None

ABSENT: Directors Desmond, Dickinson, Jennings and Kennedy

ABSTAIN: None

RECUSAL: None

(PER POLITICAL REFORM ACT (§18702.5))



*Dr. Jayne Karpinski - Costa*

Chair of the Board of Directors of Sacramento Area Sewer District, a sanitation district organized under the laws of the State of California

*Nichole Lee*

Clerk of the Board of Supervisors of Sacramento County, California, and ex officio Secretary of The Board of Directors of Sacramento Area Sewer District

**FILED**  
BOARD OF DIRECTORS

JUL 09 2025  
BY *Shirley Lewis*  
Clerk of the Board

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman on 7-9-25

By: *Nichole Lee*  
Deputy Clerk, Board of Directors