

# **APPENDIX E**

*Excerpts of the City of Los Angeles Municipal Code, 6<sup>th</sup> Ed*

City of Los Angeles

## MUNICIPAL CODE

## CHAPTER I GENERAL PROVISIONS AND ZONING

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## Article

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## GENERAL PLANNING DEPARTMENT INFORMATION

### HISTORY

The City Council originally established the City Planning Department by ordinance, adopted on April 9, 1920. The Department included a Commission of 51 members, serving without salary, and one paid secretary. At that time, the City an area of 364 square miles and a population of 576,000. In 1925, when the citizens adopted the original City Charter, the City Planning Commission, together with all other Commissions of City Government, was changed to five members. The new City Charter adopted in June of 1999, operative in July 2000, expanded the City Planning Commission to nine members. The new City Charter also created seven area planning commissions each covering

different areas of the City.

Over the years, the Department has grown to a total of over 260 staff members. During this same period, the City has grown to an area of 467 square miles with a population of about 3.9 million people.

## FUNCTIONS

The Department is charged with the responsibility of preparing, maintaining and implementing a General Plan for the development of the City. The General Plan consists of the Framework Element, which provides overall guidance for the future of the City, various other citywide elements including the state-mandated elements such as the Transportation, Open Space and the Land Use among others. The Land Use Element is largely made up of the community plans that fall for a range of allowable land uses and intensities of uses as well as other matters relating to the use of land unique to each of the City's many communities. The Department periodically updates these plans as needed.

The Planning Department implements the General Plan utilizing a variety of tools, mainly through the application of zoning regulations and the division of land into separate parcels. Traditional zones, specific plans, overlay districts, special use permits, such as conditional uses, and a variety of other instruments all regulate the use of land. The zoning portion of the Municipal Code, specific plans and other regulatory tools establish development standards applicable to matters such as heights of structures, setbacks, lot coverage, open space, parking, design and the like. Those seeking relief from the strict application of these regulations, apply to the Department, which can grant that relief, when justified, through use of variances or other similar tools tailored for specific purposes. The Department of City Planning in conjunction with other City Agencies regulates the division of land into separate lots in accordance with the State Subdivision Map Act. The Department also reports on the acquisition or development of land for public use.

## ORGANIZATION

The **CITY PLANNING COMMISSION** is composed of nine private citizens who serve without salary, except for a small attendance fee. The Planning Commission is responsible for giving advice and making recommendations to the City Council, Director of Planning, and other City departments and agencies with respect to zoning ordinances, amendments to the General Plan and related activities, including legislation. The Commission studies planning policy matter and makes reports and recommendations to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan; and performs other functions prescribed by the Charter or ordinance. The Commission holds public hearings to hear evidence that forms the basis of its decisions.

The **AREA PLANNING COMMISSIONS** each consist of five private citizens who serve without salary, except for a small attendance fee. These commissions largely serve as appeals boards for actions taken by the Department or the Zoning Administrator on such matters as, conditional uses and variances. When authorized to do so by ordinance, the Area Planning Commissions also act as original decision makers on some zoning matters and advise the City Planning Commission and the Department on changes to the General Plan affecting their geographical areas. The Commission holds public hearings to hear evidence that forms the basis of its decisions.

The **DIRECTOR OF PLANNING** is the chief administrative officer of the Department and is responsible for the appointment and removal of all employees, annual departmental budget preparation and the expenditure of funds. The Director is responsible for preparing the General Plan of the City and amendments to the General Plan; all zoning and other land use regulations and requirements, including maps of all districts and zones; investigating and acting on the design and improvement of all subdivisions of land as the advisory agency under the State Subdivision Map Act; and having those additional powers and duties as provided by ordinance. The Director is assisted by three Deputy Directors who take responsibility for overseeing the various operations of the Planning Department. The professional staff is grouped functionally into the following divisions:

- a. Three **COMMUNITY PLANNING DIVISIONS**; the Valley, West/Coastal and Metro community planning divisions; prepare and revise plans for various sections of the City and recommend changes in zoning, site plan review applications and other matters involving specific plans and other special zoning tools to the Area and City Planning Commissions and the City Council.

b. The *DEPARTMENT SYSTEMS AND GEOGRAPHIC INFORMATION SYSTEM (GIS) DIVISION* is responsible for the orderly development and coordination of automated equipment and systems applications. The division is responsible for developing and maintaining the City's Zoning Map Automation System (ZMAS) and the Department's case tracking system as well as providing systems and GIS support to the Department.

c. The *CITYWIDE PLANNING DIVISION* prepares and revises the citywide elements of the General Plan and is responsible for the Department's Annual Report on growth and infrastructure.

d. The *OFFICE OF ZONING ADMINISTRATION* is responsible for investigating and making determinations on all applications for variances from zoning ordinances, many conditional uses and other special zoning permits. A determination made by a Zoning Administrator is final unless appealed. Another function of the Office of Zoning Administration is performed within the Code Studies Section which is responsible for conducting comprehensive studies resulting in amendments to the Planning and Zoning Code. The Office includes the Division of Land, which administers the State Subdivision Map Act including the processing of applications for tract and parcel maps as well as other related minor procedures. The Department's environmental review function for private applications is also located in this division. The division also operates the public office located at 201 North Figueroa Street in downtown Los Angeles.

e. The *ADMINISTRATIVE SERVICES DIVISION* is responsible for the administrative management of the Department – handling its accounting, personnel, and supply needs; providing its general graphics, drafting and clerical services; assisting the Director of Planning in preparing the Department's annual budget requests and providing management information services.

## PROCEDURES

Requests for action by the Department of City Planning are made in the form of applications filed at the Department's two public offices. At the time an application is filed and accepted, a fee must be paid by the applicant dependent on the type of action requested and in accordance with current fee schedules established by the City Council. Cases are usually set for hearing before a Zoning Administrator, hearing officer or one of the Planning Commissions. A recommendation to the Planning Commission or a decision is rendered and distributed.

## APPEALS

In many instances, applicants or persons aggrieved by a decision may appeal that action. On matters acted upon by the City Planning Commission, an appeal may be made to the City Council. On matters acted upon by a Zoning Administrator or the Director of Planning, an appeal may be made to Area Planning Commissions or City Planning Commission as prescribed by law and, thereafter, in certain cases, to the City Council. Details on these and other appealable decisions can be obtained from a Department office. For an appeal, the appellant must file an appeal, together with the appropriate fee imposed by ordinance, at the Department's public counters.

## ARTICLE 1 GENERAL PROVISIONS

### Section

- 11.00 Provisions Applicable to Code.
- 11.01 Definitions and Interpretation.
- 11.02 Inconsistent Permits and Licenses.
- 11.03 Post War Renewal of Licenses of Craftsmen and Others.
- 11.04 Delinquent Accounts – Uncollectible Cancellation.

11.05 Effect of Renumbering or Redesignation of Provisions or Sections in Statutes or Codes of the State of California Which Are Referred to in the Los Angeles Municipal Code.

11.06 Violation of Municipal Ordinances Citation in Lieu of Taking Arrested Person Before Magistrate.

11.07 Bad Check Collection Fees.

11.08 City Departments Exempt from Paying Fees or Charges Required by this Code.

11.09 Administrative Determinations – Notice – Judicial Review.

11.10 Exemptions Relating to the Los Angeles 200th Anniversary Celebration.

11.11 Use of the Metric System of Measure as an Alternative System of Measurement.

#### SEC. 11.00. PROVISIONS APPLICABLE TO CODE.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

(a) **Short Title. Reference to Code in Prosecutions. Designation in Ordinances.** This Code, which consists of criminal or regulatory ordinances of this City, shall be known as the "Official Los Angeles Municipal Code," and it shall be sufficient to refer to the Code as the "Los Angeles Municipal Code" in any prosecution for the violation of any of its provisions; it shall also be sufficient to designate any ordinance adding to, amending or repealing this Code or a portion of this Code as an addition or amendment to or a repeal of the "Los Angeles Municipal Code."

(b) **Existing Law Continued.** The provisions of this Code, to the extent they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations of the Code and not as new enactments.

(c) **Construction.** The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice.

(d) **Effect of Code on Past Actions and Obligations Previously Accrued.** Neither the adoption of this Code nor the repeal of any ordinance of this City shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date of the ordinance, nor be construed as a waiver of any license or penalty at the effective date due and unpaid under the ordinance, nor be construed as affecting any of the provisions of the ordinance relating to the collection of any license or penalty or the penal provisions applicable to any violation, nor to affect the validity of any bond or cash deposit in lieu of a bond, required to be posted, filed or deposited pursuant to any ordinance or its violation, and all rights and obligations associated with the ordinance shall continue in full force and effect.

(e) **References to Specific Ordinances.** The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances that are specially designated by a number or otherwise and which are included within this Code, but those references shall be construed to apply to the corresponding provisions contained within this Code.

(f) **Heading, Effect of.** Division, chapter, article and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division, chapter, article or section.

(g) **Reference to Acts or Omissions Within This City.** This Code shall refer only to the omission or commission of acts within the territorial limits of the City of Los Angeles and that territory outside of this City over which the City has jurisdiction or control by virtue of the Constitution, Charter or any law, or by reason of ownership or control of property.

(h) **Proof of Notice.** Proof of giving any notice may be made by the certificate of any officer or employee of this

City or by affidavit of any person over the age of 18 years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

(i) **Notices, Service of.** Whenever a notice is required to be given under this Code, unless different provisions in Code are otherwise specifically made applicable, the notice may be given either by personal delivery to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his or her last known business or residence address as it appears in the public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the mail.

(j) **Prohibited Acts; Include Causing, Permitting, Suffering.** Whenever in this Code any act or omission is made unlawful it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of the act or omission.

(k) **Validity of Code.** If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Code. The Council of this City hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase or portion of the Code, irrespective of the fact that any one portion or more sections, subsections clauses, phrases or portions are declared invalid or unconstitutional.

(l) In addition to any other remedy or penalty provided by this Code, any violation of any provision of this Code is declared to be a public nuisance and may be abated by the City or by the City Attorney on behalf of the people of the State of California as a nuisance by means of a restraining order, injunction or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City or the City Attorney, on behalf of the people of the State of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, the provisions of this Code or seek any other relief or remedy available at law or equity. (Amended by Ord. No. 177,103, Eff. 12/18/05.)

Violations of this Code are deemed continuing violations and each day that a violation continues is deemed to be a new and separate offense and subject to a maximum civil penalty of \$2,500 for each and every offense.

As part of any civil action, the court may require posting of a performance bond to ensure compliance with this Code, applicable state codes, court order or judgment.

(m) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor unless that violation or failure is declared in this Code to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor, may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this Code is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

Every violation of this Code that is established as an infraction, or is charged as an infraction, is punishable by a fine as set forth in this Code section, or as otherwise provided in this Code, not to exceed \$250.00 for each violation.

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by that person, and shall be punishable accordingly.

(n) Pursuant to Government Code Section 38773, the City may summarily abate any nuisance at the expense of the persons creating, causing, committing, or maintaining it and the expense of the abatement of the nuisance may be a lien against the property on which it is maintained and a personal obligation against the property owner.

(o) Pursuant to Government Code Section 38773.7, upon entry of a second or subsequent civil or criminal judgment within a two-year period that finds an owner of property responsible for a condition that may be abated in accordance with

California Government Code Section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include conditions abated pursuant to California Health and Safety Code Section 17980.

#### **SEC. 11.01. DEFINITIONS AND INTERPRETATION.**

(a) The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

**"City"** shall mean the area within the territorial city limits of the City of Los Angeles and such territory outside of this City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provision, or any law, **"Council"** shall mean the City Council of this City. **"Oath"** includes affirmation.

**"Health Department"** or **"Department of Health,"** after 6/30/64, shall mean the Los Angeles County Health Department. (Added by Ord. No. 127,508, Eff. 6/29/64.)

**"Health Officer"** or **"Health Authority"** or **"Board of Health Commissioners,"** after 6/30/64, shall mean the County Health Officer of the County of Los Angeles, or his duly authorized representative (Added by Ord. No. 127,508, Eff. 6/29/64.)

**"Office."** The use of the title of any officer, employee, or any office or ordinance or Charter shall mean such officer, employee, office, ordinance or Charter of the City of Los Angeles unless otherwise specifically designated.

**"Person"** shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, servant, officer or employee of any of them.

**"Planning Committee"** shall mean the Planning and Land Use Management Committee of the City Council. (Added by Ord. No. 164,740, Eff. 5/27/89, Oper. 7/1/89.)

**"Shall" and "May."** "Shall" is mandatory; "May" is permissive.

**"Street"** shall include all streets, highways, avenues lanes, alleys, courts places, squares, curbs or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

There is nothing in the context of the Los Angeles Municipal Code... which justifies holding that the word streets is used therein to designate a "roadway" exclusive of its sidewalks. Unless it is associated with language restricting its meaning, the term street in its ordinary acceptance, includes sidewalks.

*People v. Noble, Cr.A 1498.*

See also Note 11(a) 44 C.J. p 883; *Bonnett v San Francisco*, 65 Cal 230; *Marini v Graham*, 67 Cal 130, 132; *Ex parte Taylor*, 87 Cal. 91, 94; *Vanderhurst v Dialeke*, 113 Cal. 147, 150.

**"Written"** shall include printed, typewritten, mimeographed or multigraphed.

#### **(b) Grammatical Interpretation.**

**"Genders."** Any gender includes the other genders.

**"Singular and Plural."** The singular number includes the plural, and the plural, the singular.

**Tenses."** Words used in the present tense include the past and future tenses and vice versa

**"Use of Words and Phrases."** Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language

(d) **Access for Lawful Purposes.** Subject to fair and reasonable conditions, necessary access to any posted premises shall be granted by the Board upon written request to any person having lawful business there to perform; and to anyone who has, and asserts in good faith, the right to inspect any such place for purposes incident to any proposed or pending action at law or in equity; and to other persons at the reasonable discretion of the Board, to be exercised in the public interest.

(e) **Premises Not Requiring Protection.** Whenever the Board shall find, as to any particular premises mentioned in this section, that there is no appreciable hazard of loss or damage to public property at such place, or other public purpose to be subserved by posting the same, it need not be posted, and, if not posted, the prohibitory provisions of this section shall not there apply.

**SEC. 63.131. POLICE DEPARTMENT PROPERTY - TRESPASS ON.**

(Added by Ord. No. 175,551, Eff. 11/18/03.)

(a) No person shall enter the grounds of any property or building used, operated or occupied by the Los Angeles Police Department or remain on those grounds or property or in the building in violation of posted rules regarding use, access and presence on any Los Angeles Police Department property. This conduct shall constitute a trespass upon Los Angeles Police Department property.

(b) The Los Angeles Board of Police Commissioners shall promulgate rules and cause appropriate signs to be posted giving notice of these rules.

**SEC. 63.132. FIRE DEPARTMENT PROPERTY - TRESPASS ON.**

(Added by Ord. No. 175,551, Eff. 11/18/03.)

(a) No person shall enter the grounds of any property or building used, operated or occupied by the Los Angeles Fire Department or remain on those grounds or property or in the building in violation of posted rules regarding use, access and presence on any Los Angeles Fire Department property. This conduct shall constitute a trespass upon Los Angeles Fire Department property.

(b) The Los Angeles Board of Fire Commissioners shall promulgate rules and cause appropriate signs to be posted giving notice of these rules.

## **ARTICLE 4**

### **SEWERS, WATER COURSES AND DRAINS**

Section

64.00 Definitions and Abbreviations.

64.06 Water Supply - Commission of.

64.06.1 Water Supply - Sanitary Standards.

64.07 Water Course Obstruction - Permits.

64.08 Water Course Structures - Permits.

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64.10 Application Contents of Deposit.



- 64.11 Sewers – Undedicated Streets.
  - 64.11.1 House Connection Sewer.
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- 64.25 Investigation on Private Property.

- 64.26 Mandatory Abandonment of Private Sewage Disposal Systems.
- 64.30 Industrial Wastewater Disposal.
- 64.31 Industrial Wastes Treated by County Sanitation Districts of Los Angeles County (CSDLA).
- 64.31 Septage Disposal Control.
- 64.32 Privies - Prohibited.
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**SEC. 64.00. DEFINITIONS AND ABBREVIATIONS.**

**(Amended In Entirety by Ord. No. 173,980, Eff. 7/1/01.)**

**A. Definitions.** For the purpose of this article, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

1. **Act** shall mean the Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

2. **Approval Authority** shall mean the California State Water Resources Control Board upon an approval of the State Pretreatment Program, or the Administrator of the Environmental Protection Agency without an Approved State Pretreatment Program.

3. **Authorized Representative** shall mean the following:

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

(b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if the discharger is a corporation, and authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(c) a general partner or proprietor if the discharger is a partnership or proprietorship, respectively;

(d) a principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official if the discharger is a governmental entity, charitable organization or other such unincorporated entity; or

(e) a representative authorized in writing by any individual designated above, if the authorization is submitted to the Director and specifies an individual or a position having responsibility for the overall operation of the facility. This includes the position of plant manager, a position of equivalent responsibility, or an individual having overall responsibility for environmental matters for the company. If an authorization under Paragraph (c) is no longer accurate because a different individual or position has the responsibility for the overall operation of the facility, or overall responsibility for environmental matters of the company, a new authorization satisfying the requirements of Paragraph (e) of this section must be submitted to the Director prior to, or together with, any reports to be signed by such person.

4. **Average Daily Flow** shall mean the number of gallons of wastewater discharged into the POTW, storm drain or Waters of the State during a 24-hour period.

5. **Best Management Practices (BMP)** shall mean activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants in discharges.

6. **Biochemical Oxygen Demand (BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees celsius expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with the most recent publication of "Standard Methods for the Examination of Water and Wastewater" prepared and published by the American Public Health Association, American Water Works Association and Water Environment Federation.
7. **Board** shall mean the Board of Public Works of the City of Los Angeles or its duly authorized representative.
8. **Bonded Sewer** shall mean any public sewer within the territorial limits of the City of Los Angeles as they now exist for which the cost of construction thereof was not directly assessed against the property in accordance with benefits, or paid for by the present or prior owners of the connecting property.
9. **Bonded Sewer House Connection Sewer** shall mean any house connection sewer or portion thereof from a lot, or part of a lot, to a bonded sewer located directly in front, rear, or at the side of such lot, or part of such lot.
10. **Categorical Standards** shall mean National Categorical Pretreatment Standards or Pretreatment Standards as promulgated by the Federal Environmental Protection Agency.
11. **City** shall mean the City of Los Angeles or its duly authorized representatives.
12. **Commercial Establishment** shall mean a private establishment such as a restaurant, hotel, laundry, store, filling station, or recreational facility. A nonprofit private or government entity such as a church, school, hospital, military facility, correctional institution, recreational facility or a facility owned or operated by a charitable organization is considered a commercial establishment.
13. **Commingled Load** shall mean a load of septage which includes septage generated both within and outside the City's boundaries.
14. **Composite Sample** shall mean a sample formed by mixing discrete samples taken at periodic points in time or a continuous proportion of the flow. The number of discrete samples which make up the composite sample depends upon the variability of pollutant concentration and flow.
15. **Construction** shall be deemed to include the acquisition of any and all rights of way or real property necessary for the performance and completion of the work referred to wherever authority is given to the City for any construction under the provisions of this article.
16. **Contract Agency** shall mean a governmental agency or private entity which has contracted with the City to discharge into the City's Publicly Owned Treatment Works.
17. **Cooling Water** shall mean the water discharged from any use including, but not limited to, air conditioning, cooling or refrigeration, during which the only pollutant added is heat.
18. **Direct Discharge** shall mean the discharge of wastewater to the storm drain system or Waters of the State.
19. **Director** shall mean the Director of the Bureau of Sanitation of the Department of Public Works of the City of Los Angeles or the duly authorized representative thereof.
20. **Discharge** shall mean the introduction of water, wastewater or any pollutant into the POTW, the storm drain system, or Waters of the State.
21. **Discharger** shall mean any person who causes or contributes a discharge into the POTW, the storm drain system, or the Waters of the State.
22. **Domestic Septage** shall mean the liquid or solid material removed from a private sewage disposal system (PSDS), portable toilet or other holding device that receives only domestic sewage.

23. **Domestic Wastewater (Domestic Sewage)** shall mean sanitary wastewater and wastewater generated from household type operations.
24. **Environmental Protection Agency (EPA)** shall mean the Federal Environmental Protection Agency, its administrator, or its duly authorized representative.
25. **Etiologic Agent** shall mean a type of microorganism, helminth or virus which may be expected to produce disease in healthy persons.
26. **Fomites** shall mean inanimate objects contaminated with etiologic agents which may serve to transmit those etiologic agents to humans.
27. **Food Service Establishment** shall mean a facility engaged in preparing food for consumption by the public such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, or care institution.
28. **Grab Sample** shall mean a sample which is taken from a wastewater discharge on a onetime basis without regard to the volume of flow in the discharge.
29. **Grease Interceptor** shall mean an interceptor of at least 750 gallons (2839 L) capacity to serve one (1) or more fixtures and which shall be remotely located.
30. **Grease Trap** shall mean a device designed to retain grease from one (1) to a maximum of four fixtures.
31. **Gross Floor Area** shall mean the area included within the exterior of the surrounding walls of a building or portions thereof, exclusive of courts.
32. **House Connection Sewer** shall mean any sewer pipe line, or portion thereof, constructed in a street, alley, walk or other public place or in a sewer easement granted to the City and connecting, or proposed to connect, any lot or part of a lot with any public sewer.
33. **Indirect Discharge** shall mean the discharge of wastewater into the POTW.
34. **Industrial Wastewater Sewer Connection** shall mean any house connection sewer, or portion thereof, used in the disposal of any and all liquid or waterborne waste from industrial or commercial processes except domestic sewage.
35. **Industrial Wastewater Storm Drain Connection** shall mean any storm drain connection carrying or intended to carry industrial waste from any industrial, manufacturing, processing, or servicing establishment.
36. **Industrial Wastewater** shall mean any water bearing waste other than domestic wastewater. Wastewater generated from household type operations performed at commercial establishments for or to support commercial purposes is industrial wastewater.
37. **Industrial Wastewater Permit** shall mean a permit issued by the Board as provided in and subject to provisions of Subdivision 1 of Subsection C and payment of fee requirements of Subsection D of Section 64.30.
38. **Infectious Waste** shall mean any waste material or article which harbors or may reasonably be considered to harbor viable etiologic agents and shall include the following:
- (a) Significant laboratory wastes including, but not limited to, cultures of etiologic agents.
  - (b) Pathologic specimens including, but not limited to, human or animal tissues, blood elements, excreta and secretions which contain etiologic agents and also include attendant disposable fomites.
  - (c) Human dialysis waste materials including arterial lines and dialysate membranes.

- (d) Surgical specimens including, but not limited to, human or animal parts and tissues removed surgically or at autopsy which contain etiologic agents and attendant disposable fomites.
- (e) Equipments, instruments, utensils and other materials of a disposable nature which may transmit etiologic agents in the rooms of humans or the enclosures of animals which have been isolated with suspected or diagnosed communicable disease.
- (f) Any other materials defined by a duly authorized public health officer as potentially infectious and required to be managed as an infectious waste.
39. **Interceptor Sewer** shall mean a collecting sewer that intercepts and collects the sewage from a number of lateral or local public sewers.
40. **Interference** shall mean the inhibition or disruption of the POTW process or operations or any actions or omission which alone or in conjunction with a discharge or discharges from other sources is a cause of violation of any requirement of the City's NPDES Permits (including an increase in the magnitude or duration of a violation). The term interference also includes prevention of biosolids use or disposal by the POTW in accordance with Section 405 of the Act or any violation of criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, the Marine Protection Research and Sanctuaries Act or violation of more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title II of SWDA) applicable to the method of disposal or use employed by the POTW.
41. **Local Industrial User (LIU)** shall mean a discharger of industrial wastewater which
- is not subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N,
  - discharges an average of less than 25,000 gallons per day of process wastewater to the POTW; and
  - as determined by the Director, does not have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements in accordance with 40 CFR 403.8(f)(6).
42. **Lot** shall mean any piece or parcel of land, as bounded, defined or shown upon the latest map, plat or deed recorded in the office of the County Recorder of Los Angeles County provided however that in the event any building or improvements appurtenant to said building covers more area than a "lot," as herein defined, the term "lot" shall be deemed to be and include all such pieces or parcels of land upon which said buildings or improvements are wholly or partly located.
43. **National Categorical Pretreatment Standard (National Standard)** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act.
44. **National Pollutant Discharge Elimination System Permit (NPDES Permit)** shall mean a permit issued pursuant to Section 402 of the Act.
45. **Non-Domestic Septage** shall mean the liquid or solid material removed from a private sewage disposal system (PSDS) or other sanitation holding device that receives industrial wastewater or a combination of domestic and industrial wastewater.
46. **Pass Through** shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is the cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude and duration of a violation).
47. **Peak Flow** shall mean the maximum five minute rate of wastewater flow to be generated from the premises as estimated by the City Engineer.

48. **Person** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
49. **pH** shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in gram equivalents per liter of solution.
50. **Pigment** shall mean a substance that imparts black or white or a color to other materials.
51. **Point of Discharge** shall mean any physical location at which a discharger, directly or indirectly, disposes wastewater. The term point of discharge also includes, but is not limited to, disposal to ponds, injection wells, leach fields, or surface spreading.
52. **Pollutant** shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, pigment, wrecked or discharged equipment, rock, sand, cellar dirt or other waste.
53. **Portable Toilet** shall mean any portable or permanently installed sanitation apparatus or system which includes a tank for toilet waste retention. Portable Toilet includes sanitation holding devices from airplanes, trains, boats with type III marine sanitation devices, buses, movie dressing room trailers, recreational vehicles, or other similar transport vehicles.
54. **Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less polluted state prior to or in lieu of discharging such pollutants into the POTW, storm drain system or the Waters of the State. Pretreatment can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 Code of Federal Regulation (CFR) at Section 403.6(d).
55. **Pretreatment Requirements** shall mean any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard.
56. **Private Septage Disposal Facility (PSDF)** shall mean a disposal site, other than a City designated discharge location, with a direct connection to the City sewer, which accommodates the discharge of hauled septage.
57. **Private Sewage Disposal System (PSDS)** shall mean any septic tank, cesspool, seepage pit, leach field, or any other receptacle, or any combination thereof, which receives any wastewater not discharged into a public sewer.
58. **Public Sewer** shall mean any sewer, other than a house connection sewer, which has been constructed in a public street, alley, walk, or other public place, or in a sewer easement, and is a part of the POTW.
59. **Publicly Owned Treatment Works (POTW) (Sanitary Sewer System)** shall mean treatment works defined by Section 212 of the Act, which are wholly or partially owned by the City. This includes any public sewers, treatment plants, land, appurtenances, pumping stations, or equipment. For the purpose of this ordinance, POTW shall also include any sewers within the City of Los Angeles that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, dischargers to the City's POTW.
60. **Rules and Regulations** shall mean Rules and Regulations adopted by the Board Governing the Disposal of Industrial Wastewater into the Publicly Owned Treatment Works of the City of Los Angeles.
61. **Sanitary Wastewater** shall mean wastewater of human origin derived from toilets, urinals, showers, baths and restroom sinks.
62. **Septage** shall mean the liquid or solid material removed from a private sewage disposal system (PSDS), portable toilet or other sanitation holding device that receives wastewater.

63. **Septage Hauler** shall mean a person or an owner/operator of a business that holds Septage Disposal Permit(s) issued by the Director to discharge septage to the City's POTW.
64. **Sewage Generation Factor** shall mean as a number which, when multiplied by a parameter which indicates the level of activity in an occupancy such as floor area or number of seats, produces an estimate of the average sewage discharge from the occupancy.
65. **Shall** is mandatory. **May** is permissive.
66. **Sharps** shall mean hypodermic needles, hypodermic syringes, blades and broken glass. Sharps also include any devices, instruments or other objects which have acute rigid corners, edges or protuberances.
67. **Significant Industrial User (SIU)**, subject to the provisions established in 40 CFR 403.3(t), shall mean the following:
- (a) any discharger of wastewater who is subject to National Categorical Pretreatment Standards;
  - (b) any other industrial user that discharges an average of 25,000 gallons or more per day of process wastewater ("process wastewater" excludes sanitary, non contact cooling water and boiler blowdown wastewaters) or contributes process wastewater which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant;
  - (c) any industrial user that is designated by the Director to have a reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
68. **Special Drainage Connection** shall mean any house connection sewer or storm drain connection from any swimming pool, wading pool, fountain, pond, tank, vat or receptacle which receives or disposes of rain water or surface water.
69. **Special House Connection Sewer** shall mean any house connection sewer from a lot, or part of a lot, which does not have a public sewer directly in front, rear, or at the side of such lot or part of such lot, and which has not been directly assessed for a public sewer.
70. **Split Sampling** shall mean dividing of wastewater samples for analysis at two (or more) analytical laboratories for comparison of results.
71. **Standard Industrial Classification (SIC)** shall mean classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or subsequent revisions.
72. **State** shall mean the State of California.
73. **Storm Drain Connection** shall mean any pipeline, or portion thereof, constructed in a street, alley, walk, or other public place, or in an easement granted to the City, and connecting or proposed to connect any lot or part of a lot with any storm drain.
74. **Storm Drain System** shall mean all of the property involved in the operation of the storm drainage collection and disposal system of the City of Los Angeles, including conduits, natural or artificial drains, channels and watercourses, together with appurtenances, pumping stations and equipment.
75. **Suspended Solids (SS)** shall mean the total nonfilterable residue in water, wastewater or other liquids, which is available in accordance with the most recent publication of Standard Methods for the Examination of Water and Wastewater, prepared and published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation.

76. **Temporary Permit** shall mean an interim status permit issued to a discharger until a final decision is made by the Director to issue an Industrial Wastewater Permit.

77. **Toxic Pollutant** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of Section 307 of the Act, or other Federal or State statutes, rules or regulations.

78. **Type III Marine Sanitation Device** shall mean a device that is designed to prevent the overboard discharge of treated or untreated domestic sewage.

79. **Wastewater** shall mean the liquid and waterborne industrial or domestic wastes from facilities including, but not limited to, dwellings, commercial buildings, industrial facilities, agricultural activities, hospitals, medical facilities and other institutions, together with other wastes which may be present, whether treated or untreated, which enter the POTW, the storm drain system, of the Waters of the State.

80. **Waters of the State** shall mean all saline waters, streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of California or any portion thereof.

**B. Abbreviations.** The acronyms or sets of letters set forth in this subsection, when used in this chapter, shall stand for and be understood and may be accepted or used as abbreviations for those terms or phrases set forth opposite each:

BOD	-	Biochemical Oxygen Demand
BMP	-	Best Management Practice
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
FOG	-	Fats, Oil and Grease
FSE	-	Food Service Establishment
EPA	-	Environmental Protection Agency
mg	-	Milligrams
mg/l	-	Milligrams per liter
O&M	-	Operation and Maintenance
NCPS	-	National Categorical Pretreatment Standards
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
PSDF	-	Private Septage Disposal Facility
PSDS	-	Private Sewage Disposal System
SIC	-	Standard Industrial Classification



SS - Suspended Solids

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

JSC - United States Code

**SEC. 64.01. (NONE)**

**(Deleted by Ord. No. 172,118, Eff. 8/31/98.)**

**SEC. 64.02. (NONE)**

**(Deleted by Ord. No. 172,118, Eff. 8/31/98.)**

**SEC. 64.03. (NONE)**

**(Deleted by Ord. No. 172,118, Eff. 8/31/98.)**

**SEC. 64.04. (NONE)**

**(Deleted by Ord. No. 172,118, Eff. 8/31/98.)**

**SEC. 64.05. (NONE)**

**(Deleted by Ord. No. 172,118, Eff. 8/31/98.)**

**SEC. 64.06. WATER SUPPLY - CONTAMINATION OF.**

No person shall swim, wade, fish, hunt, or deposit any animal, vegetable, mineral matter or substance in, or cause or permit any horse, mule or other animal to go into, or otherwise trespass in or upon any reservoir or aqueduct, or in any pipe or stream connected therewith, nor shall any person do any act or thing which will pollute, imperil or impair the purity and wholesomeness of any water intended to be used for household or domestic purposes. The provisions of this section prohibiting fishing shall not apply to any lake, stream or reservoir used or maintained in connection with the water system of the city situated north of the intake of the Haiwee Reservoir of such system. **(Added by Ord. No. 127,508, Eff. 6/29/64.)**

**SEC. 64.06.1. WATER SUPPLY - SANITARY STANDARDS.**

Every water supply used for domestic consumption or in the manufacture or other preparation of food products within the city shall be of safe, sanitary quality, shall be protected against pollution and contamination, and the water, source and distribution system shall comply with the "Drinking Water Standards" adopted by the Department of Health, Education and Welfare, Public Health Service on April 5, 1962, for drinking and culinary water supplied by common carriers in interstate commerce, three copies of which shall be on file in the office of the City Clerk. **(Added by Ord. No. 127,508, Eff. 6/29/64.)**

**SEC. 64.07. WATER COURSE OBSTRUCTION - PERMITS.**

No person shall dam, fill, obstruct or maintain any dam, fill or obstruction in any natural course or any channel carrying storm water without consent of the owner or legal occupant of the property, and unless a permit so to do has been obtained from the board. **(Amended by Ord. No. 141,563, Eff. 3/28/71.)**

**SEC. 64.08. WATER COURSE STRUCTURES - PERMITS.**

No person shall construct, reconstruct, alter, repair, install or maintain any drainage structure in any natural water course or channel carrying storm water unless a permit so to do has been obtained from the Board.

**SEC. 64.09. WATER COURSES - INTERFERENCE WITH.**

No person shall do anything to any natural water course or any channel carrying storm water that will in any manner obstruct or interfere with the flow of water through such water course or channel, and any property owner, lessee or tenant of any property through which a natural water course or any channel carrying storm water passes shall keep and maintain the same free from any obstructions that will in any manner prevent or retard the flow of water through such water course or channel, except that a water course or channel may be filled or altered if a permit so to do has been first obtained pursuant to Sections 64.07, 64.08 and 64.10.

**SEC. 64.10. APPLICATION - CONTENTS OF - DEPOSIT.**

Any person desiring to obtain a permit to construct, reconstruct or repair any drainage structure or to alter or change any natural water course or natural drainage channel, or to fill or obstruct the same, shall file an application in writing therefor with the Board which shall state:

- (a) The name and address of the applicant, and if applicant is a corporation, the names and addresses of the principal officers thereof.
- (b) The place where such construction, reconstruction, repair or alteration is to take place.
- (c) (Amended by Ord. No. 137,137, Eff. 9/29/68.) The type of construction proposed to be used in such construction, reconstruction, repair, or alteration together with the materials to be used, shown on an accompanying diagram of the proposed work, and such other information as the Board may require to carry out the purposes of this section.

If the Board determines that (1) the proposed structure, fill, alteration, or repair will not constitute a part of the City's permanently improved storm water drainage system, (2) will not interfere with the flow of natural storm water, and (3) will not injure adjoining property, the Board shall issue a permit to do the proposed work in the manner specified in the application, or in such manner as the Board may determine is required to carry out the purposes of Sections 64.07 to 64.10, inclusive, of this Code.

The applicant at the time of obtaining any such permit shall pay a fee equal to the estimated cost to the City of the inspection and similar services to be rendered by the City, to be computed by the City Engineer. (Third Unnumbered Para., Amended by Ord. No. 159,441, Eff. 11/22/84.)

If the Board determines that the proposed structures will constitute a part of the City's permanently improved storm drain system, the applicant shall obtain a Class "B" permit and perform the work under the provisions of Sections 62.110 to 62.118.1, inclusive, of this Code in accordance with plans and specifications therefor approved by the City Engineer.

**SEC. 64.11. SEWERS - UNDEDICATED STREETS.**

No person shall connect any sewer which has been or may hereafter be constructed in any street, prior to the dedication and acceptance of such street by the City Council, with any public sewer unless such sewer has been laid under the supervision and to the satisfaction of the Board and in accordance with the specifications for public sewers adopted by the City Council and on file in the office of the City Clerk, and in accordance with plans and profiles approved by the City Engineer.

**SEC. 64.11.1. HOUSE CONNECTION SEWER.**

(Amended by Ord. No. 179,073, Eff. 9/23/07.)

Not more than one lot shall be connected to any one house connection sewer except as provided below.

**Exception 1:** On a case by case review, the City Engineer shall have the authority and discretion to grant an exception to the above requirement where a single house connection to the City's sewer serves multiple structures on an individual lot or parcel and that lot or parcel is being or has been split. In granting an exception the City Engineer may allow the

continued use of the original house connection to the sewer for the structures that now exist on more than one lot due to the lot or parcel split, provided that all the following conditions are met:

- a. There are four or fewer structures connected to the City's sewer by the single house connection.
- b. The structures on the split lot cannot be reasonably connected to an existing available sewer due to the physical limitations of either the lot or the existing available sewer.
- c. There is not physical space available or agreement from the downstream property owner(s) to place one or more additional house connections from the upstream split lots or parcels in an easement on the downstream portions of the original lot or parcel to allow for individual connections to the City's sewer.
- d. The existing house connection sewer has been inspected by closed circuit television (CCTV) and if any damage to the existing shared house connection was revealed by this inspection, that damage has been repaired to the satisfaction of the Bureau of Sanitation Wastewater Collection Systems Division.
- e. All property owners using this shared house connection sewer sign and record reciprocal agreements with the County Recorder providing that all properties using the shared house connection sewer are mutually responsible for its full maintenance and repair and that the City shall be held harmless for its approval to allow multiple lots or parcels to be connected to the City's sewer via a single house connection.

**Exception 2:** On a case by case review, the City Engineer shall have the authority and discretion to grant an exception to the above requirement in the case of a new Small Lot Subdivision as defined in Sections 12.03, 12.09, 12.12.1, 12.21 and 12.22 of this Code. The City Engineer may allow a new individual house connection sewer to serve more than one lot or parcel subject to the following conditions:

- a. The size of the new shared house connection sewer for the Small Lot Subdivision shall be determined by the Bureau of Engineering and be included in the approved conditions for the subdivision.
- b. A sewer maintenance hole shall be required on the mainline sewer in the street adjacent to the small lot subdivision property, if the size of the house connection will not permit a standard "wye" connection to the City's main line sewer.
- c. A Homeowners Association Agreement or Maintenance Agreement for all subdivided lots or parcels in the Small Lot Subdivision that are connected to the shared sewer house connection shall be created and run with each lot or parcel in perpetuity. This Agreement shall include common shared maintenance responsibility for the shared house connection sewer among all lots or parcels served by the shared sewer house connection; bind all the property owners and successors in interest of the subject lots or parcels to the agreement; indemnify and hold harmless the City of Los Angeles for granting the owners of the multiple lots or parcels the right to construct and/or connect to the shared house connection sewer; and the Agreement shall be filed with the Los Angeles County Recorder and be binding on all lots or parcels connected to the shared house connection sewer.

Notwithstanding the above, the City Engineer shall maintain the exclusive authority and discretion to deny a request of any applicant for a shared sewer connection, even if the applicant has met all of the above requirements for either Exception 1 or 2, if the City Engineer believes it is in the best interest of the City to do so. If an applicant meets all of the required criteria for a shared house connection and the City Engineer denies the request in the best interest of the City, that decision may be appealed to the Board of Public Works. The finding of the Board shall be final.

#### **SEC. 64.11.2. SEWAGE FACILITIES CHARGE FOR NEW TRACTS.**

**(Amended by Ord. No. 140,551, Eff. 6/17/70.)**

- (a) Whenever real property tributary to the city sewerage system that can be served by existing sewers, or by the construction of an off-site sewer not longer than one mile to an available assured outlet sewer, whether financed or otherwise, is included within the borders of a new tract map, sewers, if not existing, shall be constructed within or

adjacent to the tracts to serve each lot, and as a condition of the approval of the tentative map of each tract and prior to recording of each such tract map, a fee which shall be determined by the Board of Public Works based upon the rates established in section 64.11.3, hereafter referred to as the sewerage facilities charge, shall be paid by the owner thereof to the City, unless the Board of Public Works upon recommendation of the City Engineer, determines that it would be

injury to the public welfare and interest to assume the responsibility of providing the necessary off-site outlet sewers as required by Subsection (f) hereof. Where a tract map for an industrial, commercial, or multiple dwelling tract is to be recorded but the tract is to be developed at some future time, the Board shall charge a fee of \$4,127 per acre which shall be adjusted in accordance with the rates in Section 64.11.3 when such tract is developed. **(Fee Amended by Ord. No. 171,036, Eff. 6/6/96.)** Provided, however, that where it is determined by the Board of Public Works that a particular tract or parcel of land is being subdivided or re-subdivided solely for the purpose of absorbing a vacated street, for reverting an earlier tract to acreage, or for converting an existing multiple dwelling to a condominium, and not for development purposes, that tract or parcel of land shall be exempt from the requirements that a sewerage facilities charge be paid therefor. **(Amended by Ord. No. 165,923, Eff. 7/1/90.)**

Notwithstanding any other provision of this subsection, the payment of the sewerage facilities charge as a condition for the filing of a tract map by the Community Redevelopment Agency or the Department of Airports is hereby waived. Provided, however, the full sewerage facilities charge shall be paid upon the development of any lot or parcel contained in a tract to which this paragraph is applicable. **(Added by Ord. No. 166,072, Eff. 8/25/90.)**

**(b)** In determining the sewerage facilities charge, the Board shall:

1. Reduce the sewerage facilities charge when the owner demonstrates that the property has paid special assessments for an interceptor sewer to which it may connect directly or indirectly, by the amount of said special assessment.
2. Reduce the charge by all or part of the amount paid as a contributing property to the construction of an off-site sewer to serve the property prior to the requirement by the City that such charge shall be paid.
3. Provide a credit for any amount previously paid as an acreage charge or a sewerage facilities charge.
4. Reduce the acreage fee to 15% of that established in Subsection (a) above in the event the sewage from such tract, when developed, will be treated in the facilities of a Los Angeles County Sanitation District. **(Added by Ord. No. 157,145, Eff. 11/22/82.)**

**(c)** The Board may permit a subdivider to install off-site sewers in lieu of all or part of the sewerage facilities charge based on the actual cost of said off-site sewer. Should the actual cost of said off-site sewer be less than the sewerage facilities charge required by Subsection (a) hereof, the difference between such actual cost and said sewerage facilities charge shall be paid by the subdivider to the City for deposit in the General Fund.

**(d)** The Council may authorize the subdivider or other property owner, by contract with the City, to construct off-site sewers costing in excess of the sewerage facilities charge required by Subsection (a) hereof and subsequent to the construction and acceptance of said off-site sewer, to reimburse said subdivider or property owner the difference between the actual cost of said off-site sewer and the sewerage facilities charge.

If the sewerage facilities charge has been paid by the subdivider or property owner prior to entering into the contract with the City to construct an off-site sewer or prior to submission by the owner of evidence justifying reduction of the charge for any property in accordance with this section, the Council may authorize the refund of all or part of the sewerage facilities charge previously paid.

**(e)** Actual cost of off-site sewers as used in Subsections (c) and (d) shall be determined from sealed bids received and opened by the Board of Public Works, after publicly advertising therefor, plus engineering and incidental costs not to exceed ten percent of the accepted bid price for the performance of the work.

**(f)** In those cases where a sewerage facilities charge is paid, the City assumes the responsibility of providing the necessary off-site or outlet sewers when sewage disposal facilities are available and when connection to the City sewerage system is deemed to be necessary by the City.

(g) Whenever good planning and engineering practice requires that sanitary sewers of greater size or depth than those required for the servicing of the property immediately concerned be constructed within or adjacent to the subdivision, the additional cost of providing sewers within or adjacent to the subdivision in accordance with the City's requirements of larger size or greater depth than that required by the property immediately concerned shall be considered same as or in addition to the cost of constructing an off-site sewer as provided in Subsections (c) and (d) hereof.

(h) Subdivisions other than those included in Subsection (a) hereof may be:

1. Approved without the construction of sewers or the payment of the sewerage facilities charge where the County Health Officer and the City Engineer determined that ample area is available for private sewage disposal, where soil, ground water and other factors are favorable. The sewerage facilities charge shall be applicable to lots and parcels in these subdivisions where connections to future sewers are requested or required.

2. Permitted or required to construct sewers within the tract and pay the sewerage facilities charge upon the determination by the Council upon the advice of the Board, that existing development or trends justify the City assuming the responsibility of providing the connecting sewers.

#### SEC. 64.11.3. BASIS FOR SEWERAGE FACILITIES CHARGE.

(Amended by Ord. No. 164,895, Eff. 6/26/89.)

(a) (Amended by Ord. No. 171,036, Eff. 6/6/96.) There is hereby imposed a sewerage facilities charge which shall be a fee for access to the City's sewage system based upon a share of the equity of the system. The system equity shall include:

- (i) the reproduction cost less depreciation value of the existing facilities; plus
- (ii) the applicable portion of sewage system reserve funds; less
- (iii) the outstanding debt of the sewage system.

The share of system equity included in the SFC shall be proportional to the flow, biochemical oxygen demand (BOD) and suspended solids (SS) of the wastewater discharged into the sewage system from the premises as compared with the total flow, BOD and SS discharged by all system customers.

(b) (Amended by Ord. No. 171,036, Eff. 6/6/96.) The sewerage facilities charge rates shall be \$262.00 per 100 gallons per day average flow, \$188.00 per pound per day of BOD and \$171.00 per pound per day of SS from the premises. These rates shall apply for all sewerage facilities charges and credits imposed pursuant to Section 64.16.1 of this Code. Any sewerage facilities charge paid on an installment basis shall be based on the charge rates in effect when the applicant entered into the installment payment agreement with the City.

#### SEWERAGE FACILITIES CHARGE

(Table removed by Ord. No. 170,393, Eff. 3/27/95.)

(c) In the event the premises are to be connected to the City sewer system but the sewage entering such system is treated in the facilities of a Los Angeles County Sanitation District, the sewerage facilities charge shall be 15% of the rates established in Subsections (b), (d), and (f) of this section. (Amended by Ord. No. 165,923, Eff. 7/1/90.)

(d) The City Engineer with approval of the Board shall set the sewage generation factors for various occupancies and for mixed occupancies for the purpose of determining the sewerage facilities charge for new or remodelled structure, or change in use. The operative date of this amended subsection shall be July 1, 1994. (Amended by Ord. No. 170,393, Eff. 3/27/95.)

(e) The Board may require the owner of any property to submit plans, and such other information as it may need to

determine the applicable sewerage facilities charge. (Added by Ord. No. 164,895, Eff. 6/26/89.)

(f) For industrial occupancies, the Board shall determine the average wastewater flow for calculation of the appropriate sewerage facilities charge through consideration of metered water delivery data, if available. If not available, all consider the peak flow which the occupancy is capable of discharging and the occupancy's expected operating schedules and practices. It may establish a minimum reasonable operating schedule for use in calculating a minimum applicable sewerage facilities charge. (Amended by Ord. No. 166,980, Eff. 7/6/91.)

(g) (Former Subsec. (e), Relettered by Ord. No. 164,895, Eff. 6/26/89.) The rates fixed by the provisions of this section shall be implemented as follows:

1. All sewerage facilities charges paid on or after the operative date of any amendments to this section shall be at the rates specified therein.

2. (Amended by Ord. No. 170,393, Eff. 3/27/95.) The date for calculating the applicable sewerage facilities charge for a particular project or discharge shall be fixed as follows:

(i) where a sewer connection permit is required, on the date the connection permit is issued;

(ii) where no connection permit is required but a building permit is required, on the date the building permit authorizing the majority of the structural construction is issued; and

(iii) where neither a connection permit nor a building permit is required, on the initial date of the increased discharge which triggers the additional payment.

Where the charge has been paid on or after July 1, 1994 at a certain rate or sewage generation factor, but the connection or building permit referred to in (i) or (ii) above has not been issued, and the SFC rate and/or sewage generation factor changes, the permittee shall pay the additional amount or shall be eligible for a refund, as applicable, on the connection permit or building permit is issued. The amount of the additional payment or the refund shall be the difference between the SFC calculated before and after the changes in rate and/or sewage generation factor. Notwithstanding any other sections of this code, the City Engineer with Board approval is authorized to direct the Controller to make such refunds as necessary.

3. Where application is made for a new house sewer connection permit under Section 64.14(a) of the Municipal Code after a previous permit has expired following its non-extendable two-year duration, and the Sewerage Facilities Charge has been paid at a rate in effect prior to an increase in the charge and the new application is made after such increase, the additional Sewerage Facilities Charge due under the rate applicable at the time of application shall be paid as a condition of issuance of the new permit. (Amended by Ord. No. 168,578, Eff. 3/13/93.)

4. Effective May 1, 1989, the sewerage facilities charge rate to be paid by the property owners for sewer connection on assessment sewer projects will be set at the rate in effect on the date the Ordinance of Intention is adopted by the City Council. The sewer connection must be made within one year after acceptance of the completed sewer by the Board of Public Works. (Added by Ord. No. 168,082, Eff. 8/22/92.)

#### SEC. 64.11.4. DISPOSITION OF SEWERAGE FACILITIES CHARGE.

All sewerage facilities charges collected July 1, 1979, and thereafter, for the City shall be placed and deposited in the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code, such monies to be expended for the purposes set forth in said section and to pay for any refunds, billing, collection and administration costs relating to the sewerage facilities charge. (Added by Ord. No. 151,859, Eff. 2/19/79.)

#### 7. 64.11.5. TEMPORARY WAIVER OF SEWER FACILITIES CHARGE DUE TO 1994 NORTHRIDGE EARTHQUAKE.

(Added by Ord. No. 169,864, Eff. 7/17/94.)

(a) **Definitions.**

1. "LOT" shall mean any parcel, identified by parcel number and situs address on the City's database of properties damaged or destroyed by the local emergency. This database, compiled by the Department of Building and Safety, is 1 "EQ1-94".
2. "LOCAL EMERGENCY" shall mean the Northridge Earthquake of January 17, 1994, and subsequent aftershocks, (EQ1-94) declared to be a local emergency under the provisions of Section 8.27 of the Los Angeles Administrative Code.
3. "RED-TAGGED BUILDING" shall mean a building, all or any portion of which was red-tagged by the Department of Building and Safety as a result of the local emergency and which is so listed in the database of EQ1-94 compiled by the Department of Building and Safety in effect on the date of adoption of this ordinance or as the database is updated through April 17, 1994.

**EXCEPTION:** "ACCESSORY BUILDING," as defined in Los Angeles Municipal Code Section 12.03, shall not be included in this definition.

(b) **Temporary Waiver of The Sewerage Facilities Charge (SFC).** Notwithstanding the provisions of the Los Angeles Municipal Code to the contrary, for an occupying owner or tenant vacating a red-tagged building other than a "residential building", as defined in the Los Angeles Municipal Code Section 12.03, and temporarily relocating his or her enterprise to a different site after January 17, 1994 but before January 17, 1995, the Sewerage Facilities Charge due at the time of that relocation, if any, shall be temporarily waived. This waiver shall terminate and the Sewerage Facilities Charge become due and payable within 30 days if the enterprise remains at the different site on January 17, 1996. A waived Sewerage Facilities Charge at a site shall not confer any flow credit to the site which would be applicable to future occupancies.

**SEC. 64.12. HOUSE SEWER CONNECTION - PERMIT.**

(Amended by Ord. No. 150,478, Eff. 2/6/78.)

- (a) No person shall make, construct, alter, or repair any house connection sewer, bonded house connection sewer, special house connection sewer, industrial waste sewer connection, industrial waste storm drain connection, storm drain connection, or special drainage connection, or any portion of any such sewer or storm drain connections, including sampling manholes, or connect any house sewer, soil pipe, or plumbing to any such sewer or storm drain connections or to a sewer or storm drain under the jurisdiction of the City of Los Angeles, without first obtaining a written permit therefor from the Board of Public Works.
- (b) Persons desiring to obtain a permit for any of the purposes enumerated in Sections 64.12 to 64.22 inclusive, shall file with the Board a written application therefor signed by the applicant, on printed forms, furnished by it for that purpose. The application shall contain such information as the Board may require. If it appears from the application that the work to be performed thereunder is to be done according to the regulations contained or referred to in this article, governing the doing of such work, a permit shall be issued upon payment of the permit charges required or referred to in Section 64.15.
- (c) The Board before granting any permit in accordance with the provisions of Sections 64.12 to 64.22 inclusive, which will necessitate any excavation in, upon or under any State highway in this City or the making of a connection to a sewer or house connection sewer for which a permit is also required from a County Sanitation District, or a political subdivision other than this City, shall require such permit to be presented for inspection.
- (d) Nothing in this section shall be deemed or construed to require the application for or the issuance of a permit for purpose of removing stoppages in any house connection sewer, except when it is necessary to replace any part or all of sewer connection or to excavate in any street or sidewalk or sewer easement in connection therewith.
- (e) A permit under which an excavation, tunnel, or the laying of sewer, or storm drain pipe in any public street is

contemplated will be issued only to other departments of the City, other governmental agencies, or contractors holding a valid contractor's license issued by the Contractors License Board of the State of California in the classification of A-1 General Engineering, B-1 General Building, C-36 Plumbing, or C-42 Sewer, Sewage Disposal, Drain, Cement Pipe Laying. (Added by Ord. No. 121,900, Eff. 6/4/62.)

**EXCEPTION:** A permit for making sewer connections at the property line may be issued to any responsible person when in the opinion of the Board, the granting of such permit will not endanger public property or jeopardize the public's interests.

(f) Any person performing work pursuant to a permit issued under this section shall comply with all the provisions of Section 62.03.1 of this Code. (Added by Ord. No. 150,478, Eff. 2/6/78.)

#### SEC. 64.13. PERMIT EXEMPTIONS.

The provisions of Section 64.12 requiring permits for the construction of house connection sewers shall not be construed to apply to contractors constructing house connection sewers under contracts entered into under proceedings had or taken pursuant to any of the procedure ordinances of this City, or the County of Los Angeles, or the Statutes of the State of California, or other contracts authorized by the City Council, providing for the construction of such house connection sewers.

#### SEC. 64.14. DURATION AND REVOCATION OF PERMITS.

(Amended by Ord. No. 168,578, Eff. 3/13/93.)

(a) If the work authorized by a permit issued pursuant to Sections 64.12 to 64.22, inclusive, of this Code is not commenced within two years from the date of its issuance, such permit shall expire and be canceled. In the event the permit is revoked, canceled or expires, the City shall retain a portion of the permit fee to defray administrative costs in an amount determined and adopted in the same manner as provided in Section 12.37-1.1 of the Los Angeles Municipal Code establishing fees. If the work authorized by a permit is commenced, it must be prosecuted diligently to completion.

(b) The Board may suspend or revoke the permit at any time in the public interest upon receipt of a written request showing good and sufficient cause therefor by the permittee, the owner of the affected property, or other interested party. Any such action shall not be deemed to release any applicable insurance or surety filed pursuant to Section 64.15.1.

(c) Any Sewer Connection Permit that has not expired by the effective date of this section shall be given an extended duration of two years from the original date of issuance.

#### SEC. 64.15. PERMIT AND INSPECTION FEES.

(a) Before granting any permit pursuant to the provisions of Sections 64.12 this Code, except as to applications filed by a department of this City, the Board shall require the payment by the applicant therefor of a fee for each such permit issued for a connection at the property line. In addition to the above fee, an inspection fee shall be charged for each linear foot of connection laid, re-laid or exposed when application is made for a permit to excavate or tunnel for the purpose of laying, relaying, or exposing sewer house connection or storm drain connection pipe in any public street, public place, or public right-of-way. The inspection fee shall be determined by actual measurement, and the amount thereof shall be paid to the Board in conjunction with the collection of trench resurfacing charges in the manner provided in Section 64.17 (i) and Section 62.05 of this Code. The fees imposed herein shall be charged pursuant to a scheduled determined and adopted in the same manner as provided in Section 12.37-1.1 of the Los Angeles Municipal Code for establishing fees. (Amended by Ord. No. 163,803, Eff. 8/15/88.)

(b) When an application is made for a permit to connect to a sewer constructed in whole or in part at no expense to property to be served but not to replace any existing house connection sewer, the amount of the fee to be paid by the applicant, in addition to the ordinary permit fee, or other charges mentioned or referred to here, shall be \$70.00 for each linear foot of house connection sewer so constructed. (Amended by Ord. No. 178,131, Eff. 1/18/07.)

(c) No Industrial Waste Sewer or Storm Drain Connection Permit will be issued unless the applicant has complied



with the provisions of Section 64.30. When the provisions of Section 64.11.2 or Section 64.16.1 are applicable, no Sewer House Connection Permit will be issued until the applicant has complied therewith. No Special Drainage Connection Permit will be issued until the applicant has complied with all conditions established by the Board. No House Connection Permit (other than for repairs) and no Industrial Waste Sewer Connection Permit will be issued until the applicant has paid a sewerage facilities charge in accordance with Section 64.11.3. (Amended by Ord. No. 140,189, Eff. 5/11/70.)

(d) Where there is no existing T or opening in the main line sewer, storm drain or catch basin, an additional tapping fee must be prepaid in accordance with Section 64.20 of this Code before any permit will be issued under this section. (Amended by Ord. No. 112,719, Eff. 2/28/59.)

(e) Before any permit is issued pursuant to Section 64.12 under which an excavation tunnel or the laying of sewer or storm drain pipe in any public street, public place or public easement is contemplated, the applicant must have a policy of protective liability insurance and either a cash deposit or surety bond on file with the Board in accordance with the provisions of Section 64.15.1. (Amended by Ord. No. 122,639, Eff. 9/15/62.)

(f) (Amended by Ord. No. 168,734, Eff. 5/31/93.) If special inspection is required by the Board in accordance with Section 64.17 of this Code, a deposit to cover the estimated cost of the inspection must be paid to the Board before a permit will be issued. Such estimate shall be based upon the following schedule:

1. Regular Time: \$ 57.50/hr.
2. Overtime (Past 8 Hrs.): \$ 57.50/hr. on any week day
3. Overtime (Saturday, Sunday and holidays, 4 hrs. or less): \$230.00/4 hrs. or portion thereof
4. Overtime (Saturday, Sunday and holidays, exceeding 4 hours): \$230.00 plus \$57.50/hr. for each additional hour or portion thereof

The fees herein shall be adjusted, if required, in order to recover the City's administrative costs, and adopted in the same manner as provided in Section 12.37-1.1 of the Los Angeles Municipal Code for establishing fees.

(g) If special engineering, investigation or design is required prior to issuance of a permit for any storm drain connection, special drainage connection or industrial waste storm drain connection, a deposit to cover the estimated cost of such special engineering must be made to the Board before a permit will be issued. Actual costs shall be recovered by the Board in accordance with the provision of Section 62.05 of this Code. (Amended by Ord. No. 155,519, Eff. 8/9/81.)

(h) No permit to connect which is subject to the provisions of Section 64.11.3(c) shall be added until the applicant has provided the City with proof of payment of the sewer connection fee required by the Los Angeles County Sanitation District in whose facilities sewage from the subject property is treated. (Added by Ord. No. 157,145, Eff. 11/22/82.)

(i) (Added by Ord. No. 178,958, Eff. 8/19/07.) There is hereby established, a requirement that the City perform a Sewer Capacity Availability Review (SCAR) when any person seeks a permit to connect one or more properties to the City's sewer collection system, or proposes additional discharge through their existing public sewer connection, or wishes to obtain a SCAR in anticipation of a future sewer connection and that future connection or that proposed or future development is anticipated to generate 10,000 gallons or more of sewage per day. A SCAR is an analysis of the existing sewer collection system to determine if there is adequate capacity existing in the sewer collection system to safely convey the newly generated sewage to the appropriate sewage treatment plant. All costs incurred by the City in performing a SCAR shall be recovered through a SCAR fee as follows:

1. For any SCAR for a proposed sewer connection or possible future sewer connection and/or proposed development or future development that pursuant to the City's sewage generation tables will generate 10,000 gallons or more of sewage per day, or proposes to discharge, pursuant to the City's sewage generation tables, 10,000 gallons of additional sewage per day through their existing public sewer connection, a fee titled "Sewer Capacity Availability Review Fee" (SCARF) to cover the cost of SCAR shall be paid to the Board by the applicant before the SCAR is conducted.

2. The SCAR Fee or SCARF shall be based on the level of engineering analysis and data collection required to complete the SCAR. The SCARF amounts are:

Proposed Sewer Discharge (Millions per day)	SCAR Fee or SCARF
10,000 - 50,000	\$1,700
50,001 - 100,000	\$1,815
100,001 - 200,000	\$2,075
200,001 - 350,000	\$2,335
350,001 - 500,000	\$2,600
> 500,000	\$2,850

(j) All fees collected pursuant to this section, excluding storm drain revenues which shall be deposited into the General Fund, shall be deposited into the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code, such monies to be expended for purposes set forth in said section and to provide for appropriate refunds relative to such fees. Storm drain revenues are monies collected from imposition of storm drain connection permit fees, special drainage connection fees and those fees imposed pursuant to Subsections (d), (c), as it relates to storm drains, and (g) of this section. (Added by Ord. No. 162,864, Eff. 11/22/87; Former Subsec. (i) relettered by Ord. No. 178,958, Eff. 8/19/07.)

#### SIC. 64.15.1. LIABILITY INSURANCE AND DEPOSIT REQUIREMENTS.

(Amended by Ord. No. 122,639, Eff. 9/15/62.)

##### (a) Liability Insurance.

1. **Required.** Except as otherwise provided in this article, a permit required by Section 64.12 under which an excavation, tunnel or the laying of sewer or storm drain pipe in any public street, public place or public easement is contemplated, will not be issued until the applicant has filed with the City Engineer a policy of protective liability insurance in which the City has been named as insured or coinsured with the permittee. The policy of insurance shall insure the City and its officers and employees while acting within the scope of their duties, against all claims arising out of or in connection with the operations of the permittee, or any contractor or subcontractor of the permittee, pursuant to the permit.

##### 2. Amounts. (Amended by Ord. No. 153,469, Eff. 6/1/80.)

Bodily Injury — \$250,000 each person

\$500,000 each occurrence

\$500,000 aggregate products and completed operations

Property Damage — \$100,000 each occurrence,

\$250,000 aggregate

A combined single limit policy with aggregate limits in the amount of \$1 million will be considered equivalent to the aired minimum limits.

3. **Coverage.** Such policy of insurance shall provide coverage at least as broad as that provided in the Standard Form approved by the National Bureau of Casualty Underwriters, together with such endorsements as are required to

cover the risks involved.

(b) **Deposits.** (Amended by Ord. No. 180,158, Eff. 10/4/08.)

**Required.** Except as otherwise provided in this article, a permit required by Section 64.12 under which an excavation, tunnel or the laying of sewer or storm drain pipe in any public street or public easement is contemplated, will not be issued until the applicant has deposited with the Board not less than \$10,000 in cash which shall remain on deposit with the Board for not less than six months from the date of the last permit issued to the depositor thereof. Such deposit will be held to insure the faithful and proper performance of the work and the payment of all charges required by Sections 64.12 to 64.22 inclusive, and the Board is hereby empowered to deduct from the cash deposit all sums due for charges hereunder and for any and all damages accruing to this City by reason of faulty, defective or incomplete work by the permittee.

**2. Surety Bond in Lieu of Deposit.** Whenever in this section a cash bond in the amount of \$10,000 or over is required, the applicant may provide in lieu of such cash deposit, a good and sufficient bond in an amount equal to the amount of such cash deposit, payable to this City, executed by the applicant as the principal and by a reliable surety company qualified to do business in California and the City of Los Angeles, which bond is satisfactory to this City. Such bond shall be deposited with and held by the City to insure the faithful and proper performance of the work and the payment of all charges required by Sections 64.12 to 64.22 inclusive, upon the same terms as those required by the cash deposit, in lieu of which, the bond is executed. The Board is hereby empowered to demand and receive payment from the bond for all sums due for charges hereunder and for any and all damages accruing to this City by reason of faulty, defective or incomplete work by the permittee.

**3. Increase in Bond Amount.** On July 1, 2009, the amount set forth in subsections 64.15.1(b)1, and 64.15.1(b)2, for both the required cash deposit and surety bond shall increase from \$10,000 to \$20,000. On July 1, 2011, the amounts for both the required cash deposit and surety bond shall increase from \$20,000 to \$25,000 and on each July 1 starting in 2012, the amount of both the required cash deposit and surety bond shall increase annually by the percentage amount of the increase in the consumer price index for the previous calendar year rounded up to the nearest \$100. Starting in 2012, current Bonded Sewer Contractors shall be notified each year by April 1 of the new bonding requirements and the need to have a new bond in the correct amount in place by July 1.

**SEC. 64.16. EXEMPTIONS FROM LIABILITY INSURANCE AND DEPOSIT REQUIREMENTS.**

From Federal Government, the State, every county, city and county, municipal corporation, irrigation district, school district, district established by law, and any political or administrative subdivision of the State or Federal Government will not be required to make a deposit or to post a policy of protective liability insurance as otherwise required by Sections 64.15 and 64.15.1. (Amended by Ord. No. 121,900, Eff. 6/4/62.)

**SEC. 64.16.1. SEWERAGE FACILITIES CHARGE FOR SEWER CONNECTION.**

(a) (Amended by Ord. No. 171,036, Eff. 6/6/96.) Before granting a permit to connect any lot or parcel or to connect a new building on such lot or parcel to a public sewer or house connection sewer pursuant to the provisions of Section 64.12 of this Code, including a replacement building following a demolition, except applications for permits to repair or replace existing sewer connections which repair or replacement is unrelated to any new construction or to new use or occupancy, the Board shall require, in addition to all other charges and fees imposed by Sections 64.12 to 64.22, inclusive, the payment by the applicant therefor of a Sewerage Facilities Charge fixed in accordance with Section 64.11.3. The Board shall provide a credit pursuant to Subsection (c).

(b) (Amended by Ord. No. 171,036, Eff. 6/6/96.) A Sewerage Facilities Charge, based upon the rates established in Section 64.11.3 of this article, shall also be imposed as follows:

1. Where a physical addition is made to an existing residential occupancy to create an additional dwelling unit or units, or where an existing residential occupancy is modified to create an additional dwelling unit or units, a charge shall be imposed for each additional dwelling unit on a lot or parcel created by the addition or modification. Where any existing dwelling unit is enlarged or modified to create an additional bathroom or bedrooms, a charge shall be imposed for each additional bedroom created on the lot or parcel by the addition or modification.

2. Where an addition is made to an existing commercial building, or an additional commercial building is constructed on a lot or parcel, a charge shall be imposed based on the increase in gross floor area or on the increase in such other indicator of activity as the Board may adopt.

3. Where the average flow discharge and/or the average discharge of mass emissions of biochemical oxygen demand (BOD) and/or suspended solids (SS) from industrial buildings on a lot or parcel are increased, a charge shall be imposed based on the average flow and the BOD and SS mass emissions (calculated as the flow rate multiplied by the BOD and SS concentrations and by a unit conversion factor) following the increase. The Board shall provide a credit pursuant to Subsection (c).

4. Where the use or occupancy of an existing building on a lot or parcel is changed, a Sewerage Facilities Charge shall be imposed based upon such new use or occupancy. The Board shall provide a credit pursuant to Subsection (c).

(c) **(New (c) Added by Ord. No. 171,036, Eff. 6/6/96.)** Whenever a credit is allowed, the credit shall be determined by first calculating flow, BOD and SS credits and therefrom calculating an aggregate monetary credit. The flow, BOD and SS credits shall remain with the lot or parcel except as provided in Section 64.16.2.

1. The flow credit shall be calculated as the total of the following:

(i) the largest average flow rate of discharge from the lot or parcel to a public sewer determined by the City Engineer to have occurred before establishment of the Sewerage Facilities Charge, provided that it shall be the applicant's responsibility to submit documented evidence satisfactory to the City Engineer to obtain this credit; plus

(ii) the average flow rate of discharge for which a Sewerage Facilities Charge has been paid in cash, by transferral from a revitalization, enterprise, or empowerment zone per Section 64.16.2, or by construction of an offsite sewer pursuant to Section 64.11.3, provided that offsite sewer construction shall have been accomplished and its cost documented in accordance with the policies of the City Engineer to obtain this credit; minus

(iii) the average flow rate of discharge which is equivalent to the flow component of any refunds which have been paid; minus

(iv) the average flow rate of discharge which has been transferred away pursuant to Section 64.16.2.

2. The Board shall adopt rules to determine the initial BOD and SS credits allocable to a lot or parcel upon implementation of this subsection (c).

3. The credits for strength (BOD and SS) parameters shall be calculated as the total of the following:

(i) the largest average rate of mass emissions discharge from the lot or parcel to a public sewer determined by the City Engineer to have occurred before establishment of the Sewerage Facilities Charge, provided that it shall be the applicant's responsibility to submit documented evidence satisfactory to the City Engineer to obtain this credit; plus

(ii) the average rate of mass emissions discharge for which a Sewerage Facilities Charge has been paid in cash, by transferral from a revitalization, enterprise, or empowerment zone per Section 64.16.2, or by construction of an offsite sewer pursuant to Section 64.11.3, provided that offsite sewer construction shall have been accomplished and its cost documented in accordance with the policies of the City Engineer to obtain this credit; minus

(iii) the average rate of mass emissions discharge which is equivalent to the mass emissions component of any refunds which have been paid; minus

(iv) the average rate of mass emissions discharge which has been transferred away pursuant to Section 64.16.2.

The monetary credit shall be calculated by multiplying the rates established pursuant to Section 64.11.3 by the flow, BOD and SS credits and summing the results, provided that the total credit shall not exceed the Sewerage Facilities Charge required to be paid except as provided in Subdivision 6 of Subsection (a) of Section 64.19.

Notwithstanding the previous sentence, in the case of reconstruction of a building damaged by the earthquake of January 17, 1994, the amount of the credit shall be the Sewerage Facilities Charge which would have been applicable on January 17, 1994, or the Sewerage Facilities Charge based on the rates established pursuant to Section 64.11.3, whichever is greater.

(d) ((e) Relettered (d) by Ord. No. 171,036, Eff. 6/6/96.) The Council may, in the exercise of its sound discretion, and upon advice of the Board, reduce the sewers facilities charge for any property for which off-site public sewers are constructed beyond the limits of said property, by all or part of the actual cost of the construction of said off-site public sewer.

(e) ((d) Relettered (e) by Ord. No. 171,036, Eff. 6/6/96.) Where the applicant meets the criteria as specified hereinafter, and enters into an installment payment agreement with the Board, the applicant shall be allowed to pay the Sewerage Facilities Charge as follows: a down payment of 15 percent of the Sewerage Facilities Charge due, or more at the applicant's option, followed by quarterly installments extending over a period not to exceed five (5) years at such interest rate as the Board shall establish annually in July of each year. The rate shall be the simple average of the last available twelve months average interest earnings from the pool in which Sewer Construction and Maintenance Fund moneys are invested, as reported by the City Treasurer and rounded to the nearest tenth of one percent, plus one percent.

**EXCEPTION:** Interest shall not be charged to a charitable institution as defined in Item No. 2 below. Quarterly installments shall be in the amount necessary to fully amortize the Sewerage Facilities Charge, excluding the down payment, and interest over the payment period.

The Board shall also establish a fixed fee to cover setup and administrative costs associated with the installment plan. This fee shall be determined as provided in Section 12.37-1,1 of the Los Angeles Municipal Code. If the applicant is a lessee, the installment payment period shall not exceed the remaining period of time the applicant is to occupy the subject property under the terms of the lease agreement. Provisions in the lease agreement for termination of the lease upon the occurrence of certain events shall not prevent the lessee from entering into an installment agreement.

The applicant must meet one or more of the following criteria:

1. The applicant's property is an individual site in which the Sewerage Facilities Charge due equals or exceeds \$17,000. "Individual site" shall not include a subdivision with more than one sewer connection.
2. The applicant is a charitable institution and the Sewerage Facilities Charge due equals or exceeds \$5,000. For the purpose of this subsection, a charitable institution shall be an institution which meets the five criteria listed in Subsection (f) of this section.
3. The applicant is a surgical hospital.
4. The applicant is a property owner who is ceasing to use a private sewage disposal system and is connecting to the City sewage system.

(f) ((e) Relettered (f) by Ord. No. 171,036, Eff. 6/6/96.) Whenever the Board has authorized an installment payment agreement to be entered into pursuant to Subsection (e), the following requirements shall apply:

1. The first quarterly payment under the installment payment agreement shall be due on the first day of the third month next succeeding the month in which the down payment was made. Remaining payments shall be due on the first day of every third month thereafter.
2. A payment shall become delinquent if not postmarked on or before the 15th of the month in which it is due. All delinquent payments shall incur a penalty charge of 10 percent of the cumulative amount of all delinquent payments, including previous delinquency charges. Said delinquency charge must be paid in full before normal payments will again be accepted.
3. If a payment remains unpaid beyond the 15th day of the third month next succeeding the date on which it became

delinquent, the permittee shall be determined in default. The Board shall notify the permittee, and, in addition, the owner of the property if different from the permittee, by certified mail with return receipt that:

- A. The permittee and/or the owner have one month from the default date to bring the balance current or the entire aid plan amount, including delinquent charges, will become due and payable; and
  - B. The connection permit may be canceled and the connection severed if the permittee continues in default beyond that date.
4. If the permittee remains in default for one month and 10 days, the Board may cancel the Sewer Connection Permit and sever the connection. The Board shall notify the permittee, the owner, if different from the permittee, and the Superintendent of the Department of Building and Safety at least 10 days before taking such action.
  5. Where title to a premises subject to an installment payment agreement is sold or transferred, and the permittee is the owner of said property, the entire unpaid balance of the charge shall immediately become due and payable and the permittee and the new owner of the property shall be jointly and severally liable for said amount. The installment payment agreement shall provide for the creation of a lien against the subject property to secure payment to the City, at time of sale, of the unpaid balance of the Sewerage Facilities Charge and any accrued penalty charges. The lien shall be recorded with the County Recorder by means of a covenant executed by the parties.
  6. In the event the permittee is a lessee on the property, the entire unpaid balance of the charge shall immediately become due and payable upon termination of the leasehold interest for whatever reason, including termination of the lease or assignment of the leasehold interest, and the permittee shall be liable for said amount. The installment payment agreement shall provide for the creation of a lien against the leasehold interest of the lessee to secure payment to the City of the unpaid balance of the Sewerage Facilities Charge and any accrued penalty charges at the time of termination of the leasehold interest. Such lien requirement shall not be imposed, however, if the lessee would violate the lease agreement in so doing, or is unable to obtain the consent of the lessor where such is required by the lease. The lien shall be recorded with the County Recorder by means of a covenant executed by the parties. In the event of leasehold termination, the permittee or may assume the obligation of payment of the unpaid balance under the installment payment agreement but will be required to comply with all provisions of this section which are applicable to owners who are permittees.
  7. Delinquent charges and all penalties thereon as to any permittee, whether lessee or owner, shall constitute a lien on the real property served when recorded as provided in Section 54355 of the Government Code of the State of California and such lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor.
  8. All or part of any unpaid plan amount may be paid in advance at any time.
  9. When all moneys under the plan have been paid in full, a Sewer Facilities Charge certificate of payment will be issued.
- (g) ~~((f) Relettered (g) by Ord. No. 171,036, Eff. 6/6/96.)~~ Where the applicant is a charitable hospital, it shall be exempt from sewerage facilities charges. A hospital is charitable, for the purpose of this subsection if:
1. It is not operated for profit;
  2. No part of its assets inures to the benefit of any private shareholder or individual;
  3. Its assets are irrevocably dedicated for a charitable purpose;
  4. Upon dissolution, its assets shall be distributed to an organization exempt for charitable purposes from taxation under the Revenue and Taxation Code or the Internal Revenue Code.
  5. The applicant has obtained a charitable purpose tax exemption determination from the California Franchise Tax Board.

**(h) ((g) Relettered (h) by Ord. No. 171,036, Eff. 6/6/96.)**

1. Where the Board finds that an applicant presently discharging, as of the date of this ordinance, into the Los Angeles Harbor has been ordered by a State and/or Federal agency to so cease discharging and, as a result, must therefore connect to the City sewer system, the Board may permit the applicant to defer payment of such sewerage facilities charge for a two year period from the date of the application for the sewer connection permit. If at the end of such two year period the property which was connected to the City's sewer system pursuant to such deferment of payment is no longer so connected no sewerage facilities charge will be imposed. The granting of such deferment of payment is subject to the applicant entering into an agreement to pay the amount deferred if the subject property is still connected to the City's sewer system at the end of the two year period. (Para. numbered 1., Amended by Ord. No. 153,056, Eff. 10/29/79.)

2. (Added by Ord. No. 153,056, Eff. 10/29/79.) As to any applicant granted such a deferment as provided above the Board may grant a deferment for an additional eighteen month period provided at the time application is made for such extension the applicant is actively seeking permission from the appropriate authorities to be permitted to discharge into the Los Angeles Harbor. If at the end of such eighteen month extension the property which was connected to the City's sewer system pursuant to such deferment of payment is no longer so connected no sewerage facilities charge will be imposed. The granting of such extended deferment is subject to the applicant entering into an agreement, or amending its existing agreement, with the City to pay the amount deferred if the subject property is still connected to the City's sewer system at the end of the eighteen month extension period.

(i) ((h) Relettered (i) by Ord. No. 171,036, Eff. 6/6/96.) The sewerage facilities charge fees applicable to single family dwellings as of September 1, 1986, shall be applicable to a sewer connection by a single family dwelling to a sewer when:

1. The sewer was installed pursuant to an assessment proceeding where the petition therefore was on file with the City as of September 1, 1986; and
2. The connection is made within one year after acceptance of the completed sewer by the Board.

(j) ((i) Relettered (j) by Ord. No. 171,036, Eff. 6/6/96.) Where the applicant is a non-profit corporation it shall be exempt from sewerage facilities charges required for a dwelling structure it is constructing, or substantially rehabilitating, to serve low-income elderly and/or handicapped families or individuals if the construction or rehabilitation of said structure is being government funded and the dwelling is on property being leased from the city, or on property which has been, or will be, acquired from the City with the City having an option to re-acquire the property. A corporation is non-profit, for the purpose of this section, if:

- (1) The purposes of the corporation include the promotion of the welfare of elderly and/or handicapped families and/or individuals;
- (2) No part of the net earnings of the corporation may inure to the benefit of any private shareholder, contributor or individual; and
- (3) The corporation is not controlled by, or under the direction of, persons or firms seeking to derive profit or gain therefrom.

(k) ((j) Relettered (k) by Ord. No. 171,036, Eff. 6/6/96.) (Repealed by Ord. No. 170,083, Eff. 11/26/94, Oper. 7/1/94.)

(l) (Added by Ord. No. 169,042, Eff. 9/14/93.) Where an alcohol retail business was damaged or destroyed in the 1992 civil disturbance, the sewerage facilities charge shall be waived where the specific site, or an area encompassing the specific site, where such business was or is located, is to be converted to another use not involving the sale of alcoholic beverages. In case the new use is to be a non-industrial laundromat, such waiver will be to the extent of the use of a maximum of sixty (60) washing machines; provided, however, if the new use is something other than a laundromat, the waiver available shall be equivalent to the amount of the sewerage facilities charge payable for a laundromat containing sixty (60) washing machines. As a condition to obtaining such a waiver of the sewerage facilities charge, the alcohol

retail licensee must submit proof of the cancellation of the license issued by the State Alcoholic Beverage Control Department for the particular alcohol retail business which was damaged or destroyed, at the time of the issuance of the certificate of occupancy.

Such conversion to a new use having occurred, if there should be a further or different conversion then the credit utilized in determining the appropriate sewerage facilities charge shall be based upon the applicable sewerage facilities flow credit prior to the 1992 civil disturbance.

This section shall be non-operative two (2) years after its effective date.

(m) (Added by Ord. No. 171,036, Eff. 6/6/96.) Notwithstanding Subsection (a) of this section, where the application is for the connection of a temporary field office at a construction site to a sewer, no Sewerage Facilities Charge shall be collected.

**SEC. 64.16.2. TRANSFER OF INDUSTRIAL FLOW SEWERAGE FACILITIES CHARGE CREDITS WITHIN OR BETWEEN REVITALIZATION, ENTERPRISE OR EMPOWERMENT ZONES.**

(Added by Ord. No. 169,347, Eff. 3/12/94.)

Manufacturing and industrial businesses, including laundromats, where the estimated quantity of discharge for Sewerage Facilities Charge purposes is based upon the process used or number of machines and have an existing City of Los Angeles industrial flow Sewerage Facilities Charge credit may transfer all or part of this credit within or between a Revitalization, Enterprise or Empowerment Zone(s) or into a Revitalization, Enterprise or Empowerment Zone as defined in State or Federal law subject to the following conditions:

- (a) A Sewerage Facilities Charge credit for the empty building shell(s) or most recent improvements if the land is vacant shall remain with the donor site.
- (b) A Sewerage Facilities Charge must be paid or already exist for the building shell(s) at the receiver site.
- (c) Local sewer availability and capacity at the receiver site to handle the transferred sewage flow must be verified by the City Engineer. An additional mainline sewer must be constructed at no cost to the City to a point of available capacity as determined by the City Engineer if local capacity does not exist.
- (d) Only one transfer from a donor site to a receiver site shall be permitted and no transfer from a receive site back to a donor site shall be permitted.
- (e) Any increase in sewer discharge at either the donor or receiver site over the adjusted sewer discharge flows established after the transfer at either site, shall require the payment of additional Sewerage Facilities Charge at the rate in effect at the time of the flow increase.
- (f) A current Title Report must be submitted to the City Engineer verifying the ownership of the donor site from which flow credits are to be taken.
- (g) If the person(s) requesting the transfer of flow credit is not the owner of the donor site, a notarized assignment of sewer discharge credits from the property owner to the person(s) requesting the transfer of the sewer discharge credits is required. This assignment can not be executed until it has been approved and signed by the City Engineer. Falsification of these documents will invalidate the transfer request and may result in referral to the City Attorney or District Attorney for prosecution.
- (h) A non-refundable fee of \$250 must be paid to initiate and document the transfer of Sewerage Facilities Charge credits. This fee shall be deposited directly into the Sewer Construction and Maintenance Fund. The fee herein shall be adjusted, if required, in order to recover the City's administrative costs, and adopted in the same manner as provided in Section 12.37-1.1 of the Los Angeles Municipal Code for establishing fees.



(i) The transfer of the sewer discharge must be initiated by submitting construction plans to the Department of Building and Safety for the receiver site within one year of approval of the transfer request. A written request to the City Engineer may be made for an additional one-year time extension. If the plans have not been submitted within two years, a new application for transfer of sewer discharge rights must be made.

**S.C. 64.17. SEWER CONNECTION REGULATIONS.**

No person having obtained a permit from the Board shall construct, alter, or repair any house connection sewer or any portion of any house connection sewer, or makes a connection to any public sewer, or house connection sewer, pursuant to any such permit, at any place other than that designated thereon, or fail, refuse or neglect to comply with any such requirement contained or referred to in this section.

At all times, while the work under any such permit is in progress, the original of such permit must be kept at the place of the work and must, on demand be exhibited to the Board or to any of its inspectors, agents or representatives, or to any police officer.

(a) In those streets and alleys included in that portion of this City, designated by Chapter 8 of this Code as the Central Traffic District, when an excavation is commenced, the making of the excavation, the work to be done therein and the refilling of the excavation, shall be prosecuted diligently and continuously until completed, so as not to obstruct the street or other public place or travel thereon, more than is actually necessary.

(b) The construction of all house connection sewers, and all repairs to such house connection sewers, shall be as follows:

1. All pipe shall be clay, cement, cast iron, ABS and PVC plastic pipe or asbestos cement and have a minimum internal diameter of six inches. **(Amended by Ord. No. 152,157, Eff. 5/13/79)**
2. House connection sewers in easements over private property shall be constructed of only clay pipe with flexible joints, ABS and PVC plastic pipe or cast iron pipe, and may have an internal diameter of four or six inches. **(Amended by Ord. No. 152,157, Eff. 5/13/79)**
3. Upon proper application to the Board, the Board may permit the increase in the internal diameter of house connection sewers to not more than two inches less than the internal diameter of the public sewer to which it is connected, if such increased diameter is in accordance with good engineering practice.
4. The quality of the pipe, the type of joint and other materials used, the manner of constructing house connection sewers, the backfilling of the trench, except where specifically provided for herein, or by the Board, shall be the same as is required by the latest specifications and standard plans for the construction of sanitary sewers in this City.

(c) Whenever, in connection with the construction or repair of a sewer connection, a hazardous excavation must be made or an excavation is to be made by tunneling under the surface of a street or alley, the Board may adopt such regulations and require such special inspections as it may deem necessary. The cost of such special inspection shall be estimated by the Board and paid as outlined in Section 64.15.

(d) All house connection sewers, unless otherwise authorized by the Board, shall be laid on a uniform grade of not less than two per cent, with a depth, measured to the invert, at the property line, of not less than four feet below the top of the existing curb or proposed curb at the nearest point. If there is no existing or proposed curb, then such house connection sewers shall be laid on a uniform grade of not less than two per cent, with a depth, measured to the invert, not less than four feet below the surface of the roadway, sidewalk or alley at the property line, unless a greater depth is required to serve such property.

(e) (None)

(f) Where a building is on or immediately adjacent to the property line, to which a sewer connection must be constructed, and an existing house sewer from said building ends at such property line at a depth of less than the depth

required in this section for the upper end of a house connection sewer to be constructed to such property line; or where an earth bank over 4 feet in height exists adjacent to the curb line or property line, the Board shall adopt such regulations, for the construction of that portion of the house connection sewer between the curb line and property line, if in a street, and between the main sewer and the property line, if in an alley, walk or other public place improved or to be improved out a curb, which will meet such conditions better than the method of construction herein prescribed.

Where a main sewer exceeds 14 feet in depth the manner of constructing a house connection sewer from such a sewer shall be regulated by the Board.

(g) (Amended by Ord. No. 142,123, Eff. 7/31/71.) Persons making an excavation in any street or sidewalk for any of the purposes mentioned in Sections 64.12 to 64.22 inclusive, must maintain free access to all fire hydrants and water gates. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. If any excavation is made across any street or alley, at least one safe crossing must be maintained at all times for vehicles and pedestrians. Where required to keep traffic lanes and sidewalk passageways clear, tight board fences shall be used to hold excavated material. All gutters must be maintained free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. All work shall be performed in accordance with the latest adopted manual entitled "Work Area Traffic Control", the latest adopted "Standard Specifications for Public Works Construction", any required plans and special specifications and shall be performed to the satisfaction of the Board.

If the warning signs, lights and devices required under this section are not promptly provided, the Board may provide them; the cost of such work performed by the Board may be billed to the permittee.

(h) Any excavation made for the purpose of making a house connection to a sewer shall be refilled in the manner required by this article within three days after inspection of the pipe by the Board, or within three days after the date of the completion of the excavation if no work is done therein. Nothing in this article contained shall be construed to allow a longer period of time therefor.

The top surface of the backfill shall conform closely enough to the level of the adjoining street or sidewalk surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the surface of the backfill in a condition safe for pedestrian and vehicular traffic until the said surface has been repaired by the Board, and said permittee shall be responsible for all accidents which may occur due to pedestrians traveling over or upon the site of the excavation as well as vehicles crossing said site at a legal rate of speed, until said surface has been so repaired. (Amended by Ord. No. 142,123, Eff. 7/31/71.)

If it is impracticable to maintain the surface of the backfill in safe condition for pedestrian travel or vehicular traffic, subject to concurrence by the inspector, then the permittee shall maintain barriers and lights around it in accordance with Subsection (g) hereof until the sidewalk and street pavements have been repaired. (Added by Ord. No. 142,123, Eff. 7/31/71.)

(i) The street surface excavated or damaged shall be replaced by the Board, and the cost thereof shall be recovered by the Board in accordance with the provisions of Section 62.05 of this Code. (Amended by Ord. No. 121,900, Eff. 6/4/62.)

(j) In all cases where the public records of a public sewer, or house connection sewer, do not correctly represent the existing condition of or conditions surrounding such sewer, or where, in the opinion of the Board, the physical conditions are such that strict compliance with the provisions of Section 64.12 to Section 64.22, inclusive, is unnecessary or unreasonable, the Board is granted the power to make modifications for individual cases, and determine the procedure to be followed, and its decision shall be final.

(k) No person shall connect a 4-inch house sewer to a 6-inch house connection sewer without first installing a 6-inch or 4-inch by 4-inch increaser tee on the end of the 6-inch house connection sewer, or a six-inch by 4-inch increaser followed by a 4-inch by 4-inch by 4-inch tee branch.

(Repealed by Ord. No. 140,189 and reenacted by Ord. No. 140,190, Eff. 5/11/70.)

(a) Any person desiring a permit to connect or to construct a Special House Connection Sewer or Bonded Sewer House Connection Sewer shall make a written application to the Board, giving such information as the Board may require. Board may issue a permit to make such sewer connection upon payment of fees provided in Section 64.15 of this Code, and in addition thereto payment of a charge per front foot of the lot sought to be connected, if said lot is rectangular and has an ordinary area of approximately 6,500 square feet.

Such charge shall be determined and adopted in the same manner as provided in Section 12.37-1,1 of the Los Angeles Municipal Code for establishing fees. (Amended by Ord. No. 163,803, Eff. 9/15/88.)

(b) When the shape of a lot is other than the usual rectangular shape or unusual in area, and the strict adherence to the above mentioned provision would require a property owner to pay amount not commensurate with the benefits to be received, the provisions of this section as to the limits of the frontage of a lot to be assessed may be modified by the Board.

(c) Nothing in this section shall be deemed or construed to apply to the issuing of a permit for the construction of Bonded Sewer House Connection Sewers if the property sought to be connected, although abutting on a Bonded Sewer, has been duly assessed for a public sewer constructed in the front, rear or at the side of each property.

(d) Upon giving such information as the Board may require on forms to be furnished for the purpose, payment of the charges presently prescribed by Subsection (a) of this section, may be made in advance of the application for, or the issuance of, the permit to make such connection to any bonded sewer, and, upon such payment having been made, the applicant for the permit to connect shall be entitled to such permit upon payment of the fees prescribed in Sections 64.11.2, 64.15 and 64.16.1 hereof.

(e) All fees collected pursuant to this section shall be deposited into the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code, such monies to be expended for purposes set forth in said section and to provide for appropriate refunds relative to such fees. (Added by Ord. No. 153,238, Eff. 1/26/80.)

#### SEC. 64.19. REFUND OF SEWER FEES.

(a) (Amended by Ord. No. 146,426, Eff. 9/22/74.) Any money collected or received by the City in accordance with Section 64.11.2, 64.16.1 or 64.18 may be refunded as herein provided, and not otherwise if a verified claim in writing is filed with the City Clerk accompanied by the original receipt or certificate for the fees collected. If said receipt or certificate cannot be located, an affidavit must be filed with the claim which satisfactorily explains why it cannot be located. Such refund shall be made only on the following conditions:

1. Where payment was made per Section 64.11.2 and tract proceedings have expired or been abandoned, the claim must be filed within one year from the date said proceedings expired or were abandoned.
2. Where payment was made per Section 64.11.2 and a refund is due because the amount paid was more than that required for the developed property pursuant to Section 64.11.3, the claim must be filed after and within one year from the date the property was fully developed.
3. Where payment was made per Section 64.16.1 or 64.18 and a house connection permit to connect improvements to the public sewer was obtained per Section 64.12 and where the house connection permit expired or was cancelled and said payment is no longer required, the claim must be filed within one year from the date said permit expired or was cancelled.
4. Where payment was made per Section 64.16.1 or 64.18 and no house connection permit to connect improvements to the public sewer was obtained, and said payment is not required, the claim must be filed within one year after expiration of the building permit, as such expiration is determined by Section 98.0602 of this Code. (Amended by Ord. No. 168,533, Eff. 3/1/93.)

5. Where payment was made per Section 64.16.1 or 64.18 and no house connection permit to connect improvements to the public sewer was obtained, the time for a plan check, including any extension, pursuant to Section 98.0603 of this Code, has expired, and no payment is required the claim must be filed within one year after the date of such expiration. (Added by Ord. No. 168, 533, Eff. 3/1/93.)

6. (Amended by Ord. No. 171,036, Eff. 6/6/96.) Where payment was made per Section 64.16.1 for a new building and later a demolition occurs on the same lot or parcel, a refund shall be allowed for the demolished building subject to the following:

(i) The demolition must occur within two years of the payment of the Sewerage Facilities Charge for the new building.

(ii) The written application for refund must be made within one year of said demolition and must be accompanied by proof of demolition satisfactory to the City Engineer.

The amount of the refund shall be the amount of monetary credit calculated per Section 64.16.1, Subsection (c), applicable to the demolished building at the time of sign-off of the Demolition Certificate but shall not exceed the amount of the charge which has been paid for the new building on the same lot or parcel.

7. (Former Subdiv. 6 Renumbered by Ord. No 168,533, Eff. 3/1/93.) Where payment was made per Section 64.18 and thereafter a public sewer is constructed to serve such property and the property is assessed for the construction thereof, the claim must be filed within one year from the date notice is mailed to the last address of the owner of the land that the City Council has confirmed the final assessments for said sewer.

8. (Former Subdiv. 7 Renumbered by Ord. No 168,533, Eff. 3/1/93.) Where payment was made per any of the above sections and such amount was collected wholly or partially in error, or was in excess of that required by said sections, the claim must be filed within one year from the date the error was discovered or should have been discovered by any owner of the property for which payment was made.

9. (Former Subdiv. 8 Renumbered by Ord. No 168,533, Eff. 3/1/93.) Where payment has been made pursuant to Section 64.11.2 or Section 64.16.1 subsequent to December 15, 1981, and sewage from the subject property is or will be treated in the facilities of a Los Angeles County Sanitation District, the permittee or person making such payment may apply for a refund of 85% of the fee specified in Section 64.11.2 or the applicable charge specified in Section 64.11.3. The claims must be filed within one year from the date the payment is made or within one year from the effective date of the ordinance adding Subdivision 8 to Subsection (n) of this section, whichever period is longer. (Added by Ord. No. 157,145, Eff. 11/22/82.)

10. Where payment was made between May 8, 1988 and June 21, 1991, per Section 64.16.1 or Section 64.18, and the project was subsequently canceled, the claim must be filed within one year of the effective date of this ordinance. (Added by Ord. No. 168,946, Eff. 9/2/93.)

No refund shall be made of money collected pursuant to Section 64.18 hercof, which must be paid to a school district or a department of this City, other than the Department of Public Works, in accordance with any ordinance of this City.

(b) (Amended by Ord. No. 171,036, Eff. 6/6/96.) The right to any refund under this section is payable to the permittee. After the time provided in this section to apply for a refund expires, the right to the credit runs with the land.

(c) Where a refund due under this section does not exceed the sum of \$25,000 the Board is hereby authorized to make such refund without the necessity of first receiving the approval of the City Council, and to cause a demand to be drawn on the general fund or any other fund in which the fees being refunded may have been deposited. (Amended by Ord. No. 165,365, Eff. 1/29/90.)

(d) The provisions of this section shall not relieve any person from compliance with the provisions of Sections 363, 376 and 376.1 of the Charter relating to the presentation of claims prior to the bringing of a suit or action thereon, or be deemed to limit or qualify the lawful right of any person to bring or maintain any action or proceeding based upon the

general law of this State for any remedy provided by that law. (Amended by Ord. No. 146,426, Eff. 9/22/74.)

#### **SEC. 64.19.1. SEWERAGE FACILITIES FUND.**

(a) There is hereby created a fund within the Board of Public Works Trust Fund to be known as the Sewerage Facilities Fund. (Amended by Ord. No. 140,190, Eff. 5/11/70.)

(b) The Board is hereby authorized to use monies available in the Sewerage Facilities Fund in the Board of Public Works Trust Fund for financing the construction of outlet sewers for which the City is obligated by accepting charges in accordance with Section 64.11.2. (Amended by Ord. No. 140,190, Eff. 5/11/70.)

(c) The current and future unencumbered balances on completed projects in the Sewerage Facilities Fund are hereby transferred to the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code. (Added by Ord. No. 140,190, Eff. 5/11/70.)

#### **SEC. 64.19.2. SEWER CONSTRUCTION AND MAINTENANCE FUND.**

**(Amended by Ord. No. 162,864, Eff. 11/22/87.)**

There is hereby established a special fund in the City Treasury entitled Sewer Construction and Maintenance Fund. The Council shall designate by ordinance those monies which shall be deposited on a regular basis into the Fund. All monies received from the sale of sewage derived energy shall also be deposited into the Fund as shall operation and maintenance payments received by the City from contracting agencies for sewer services provided by the City. Monies deposited into the fund shall not be subject to reversion to the Reserve Fund.

Monies deposited into the Fund shall be expended only for sewer and sewage-related purposes including but not limited to industrial waste control and water reclamation purposes and including, but not limited to, funding of the Wastewater System Revenue Bonds Funds created by Section 5.168.1 of the Los Angeles Administrative Code.

Expenditures shall be made from the Fund as provided in the General City Budget or by Council resolution unless provided otherwise by ordinance, except however that monies in the fund which were received by the City subject to any limitations on their use may only be expended in accordance with those limitations.

The Board of Public Works shall cause the necessary demands to be drawn upon monies approved for expenditure pursuant to the section except that expenditures for deposit into (a) the Wastewater System Revenue Bonds Funds shall be made as provided in Section 5.168.2 of the Los Angeles Administrative Code and; (b) the Sewer Operation and Maintenance Fund and Sewer Capital Fund shall be made as provided for in Sections 64.19.3 and 64.19.4 of this Code, without such demands

#### **SEC. 64.19.3. SEWER OPERATION AND MAINTENANCE FUND.**

**(Title and Section amended by Ord. No. 162,864, Eff. 11/22/87.)**

There is hereby established a special fund in the City Treasury entitled Sewer Operation and Maintenance Fund. Monies shall be transferred by the Treasurer from the Sewer Construction and Maintenance Fund to the Sewer Operation and Maintenance Fund, on or before the twenty-fifth day of each month commencing on November 25, 1987, for the purpose of paying the operation and maintenance costs of the City's wastewater system, as directed by the Director of the Bureau of Accounting, Department of Public Works, with the concurrence of the Controller. Monies deposited in this Fund shall not be subject to reversion to the Reserve Fund. Such monies shall also be available, if needed, to fund the Wastewater System Revenue Bonds Funds created by Section 5.168.1 of the Los Angeles Administrative Code. Amounts may be advanced to the Sewer Capital Fund, if required, as directed by the Director of the Bureau of Accounting, Department of Public Works, with the concurrence of the Controller.

#### **64.19.4. SEWER CAPITAL FUND.**

**(Added by Ord. No. 162,864, Eff. 11/22/87.)**

There is hereby established a special fund in the City Treasury entitled Sewer Capital Fund. All monies received as capital payments from contracting agencies for sewer services and grant receipts shall be deposited into this Fund. Monies shall be transferred by the Treasurer from the Sewer Construction and Maintenance Fund to the Sewer Capital Fund, on or before the twenty-fifth day of each month commencing on November 25, 1987, provided there are otherwise sufficient

monies available to make that month's transfers as required by Section 5.168.2 of the Los Angeles Administrative Code, for the purpose of funding capital projects of the City's wastewater system, as directed by the Director of the Bureau of Accounting, Department of Public Works, with the concurrence of the Controller. Monies deposited in this Fund shall not be subject to reversion to the Reserve Fund. Such monies shall also be available, if needed, to fund the Wastewater System Revenue Bonds Funds created by Section 5.168.1 of the Los Angeles Administrative Code. Amounts may be advanced to the Sewer Operation and Maintenance Fund, if required, as directed by the Director of the Bureau of Accounting, Department of Public Works, with the concurrence of the Controller.

#### SEC. 64.20. TAPPING SEWERS, STORM DRAINS AND CATCH BASINS.

(a) When any person finds it necessary to construct any connection to a sewer, storm drain or catch basin at a point where no structural opening exists for such connection, he shall apply to the Board for authorization to make or have such connection made, accompanying such application with the fee hereinafter specified.

(b) Whenever the Board finds it necessary for any person to construct any storm drain or catch basin connection at a point where no structural connection currently exists for it, an additional fee of \$55.00 shall be paid for each connection. Unless otherwise specified by the Board, the connection shall be made in the presence of an inspector acting under the authority of the Board, and shall conform to any special instructions of the City Engineer or inspector. (Amended by Ord. No. 178,131, Eff. 1/18/07.)

(c) (Amended by Ord. No. 180,158, Eff. 10/4/08.) Whenever the Board finds that it is necessary for any such person to construct a connection to any sewer greater than fifteen (15) inches in diameter where no "Wye" or "Tee" spur branch or other structural opening exists, the contractor or person doing such work shall excavate to the sewer at the point where the connection is to be made, and sewer maintenance forces from the City shall then cut the required hole in the top of the sewer and install an approved sewer saddle provided by the contractor for the connection.

Whenever the Board finds that it is necessary for any such person to construct a connection to any sewer fifteen (15) inches or less in diameter where no "Wye" or "Tee" spur branch or other structural opening exists, the Bureau of Engineering in consultation with the Bureau of Sanitation may authorize the contractor or person doing such work to cut the hole in the top of the sewer and furnish and install an approved saddle after paying for Special Inspection by the Inspector of Public Works as part of the required permit.

(d) All work herein referred to shall be done in a good workmanlike manner under the supervision, and to the satisfaction, of the Board. (Amended by Ord. No. 157,681, Eff. 6/13/83.)

(e) The provisions of Subsections (c) of this section shall be applicable only to connections authorized by permits issued in accordance with Section 64.12 of this chapter. (Amended by Ord. No. 157,681, Eff. 6/13/83.)

(f) All fees collected by the City pursuant to the provisions of this section shall be deposited into the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code, such monies to be expended for the purposes set forth in said section and to provide for appropriate refunds relative to such fees. (Former Subsec. (g) Redesignated (f), Ord. No. 157,681, Eff. 6/13/83.)

#### SEC. 64.21. EMERGENCY WORK.

Nothing in this article shall be construed to prevent any person maintaining any house connection sewer in any street, by virtue of any law, ordinance or permit, from making such excavation as may be necessary for the preservation of life or property, when such necessity arises during such hours as the offices of the City are closed; provided, that the person making such excavation shall obtain a permit therefor within four (4) hours after the offices of the City are first opened subsequent to the making of such excavation.

#### SEC. 64.22. BOARD TO KEEP ACCOUNTS.

(a) The Board shall keep in proper books an accurate account of all money received and resurfacing charges due the City pursuant to Sections 64.12 to 64.22 inclusive, and shall pay all moneys received by it into the City Treasury upon the following business day.

(i) The Board shall mail a statement to every person or to his designated agent on or before the last day of the month following the month in which the charges are determined showing the amount due the City for all work performed by the City under the provisions of Sections 64.12 to 64.22, inclusive, of this Code.

Said amount due shall be paid within 15 days from the date on which the statement is mailed. (Amended by Ord. No. 112,719, Eff. 2/28/59.)

(c) The decision of the Board, as to the cost of any work done, or repairs made by it, under its direction, pursuant to the provisions of Section 64.17 shall be final and conclusive as to the cost thereof.

(d) If it is found that a refund or an additional charge should be made pursuant to the provisions of Sections 64.11.2 to 64.22, inclusive, of this Code, such refund shall be made from the General Fund. (Amended by Ord. No. 140,189, Eff. 5/11/70.)

#### SEC. 64.22.1. PERMIT FEE EXEMPTIONS.

(a) **Waiver of Fees – War Purposes Only.** Whenever any officer, agency or instrumentality of the United States of America, engaged in the performance of duties directly related to the prosecution of the war in which the United States is engaged, applies to the Board for a permit for any of the purposes mentioned in Sections 64.12 to 64.22 inclusive, the Board shall waive the payment of any permit or inspection fees, deposits or special charges otherwise required by this article, and may modify the requirements of Section 64.17, if the Board finds that the proposed installation is designed and intended to be used to serve premises or facilities owned or operated by the Federal Government and used principally for purposes directly related to the prosecution of the war.

(b) **Effect of Grant.** The grant of permission to make any such installation, extended under this section, shall not be construed to confer any permanent or vested right to the use of the streets or public property of this City, or to maintain, for a period of more than six months after the termination of the war, any installation made hereunder or any connection with a public sewer, except with the consent of the City Council which may be withdrawn, or extended, upon such terms as the Council may then or at any time thereafter impose. The use, directly or indirectly of any installation made pursuant to this section by anyone other than the applicant and those persons, firms or corporations which have equitably participated with the Federal Government in the cost of said sewer construction or installation as determined by the Board from certified copies of existing contracts between said parties and the Federal Government, shall be subject to such terms and conditions as the City Council may at any time impose.

(c) **Conveyance of Title to Right of Way – Public Sewer.** In the event that the Federal Government and the other parties in interest, as mentioned in Subsection (b) above, shall offer to convey all their respective right, title and interest to any sewer constructed hereunder, including all necessary rights of way for sewer purposes, without cost to the City of Los Angeles, and if the Board finds that the sewer may properly be used as a public sewer, to the substantial advantage of the City, then the Board is authorized to accept said sewer as a public sewer at such time as the Council has accepted all necessary easements therefor and the parties in interest, abovementioned, will be entitled to continue to use said sewer facilities without the payment to the City of any permit or other special fees or charges except those required by Section 64.15.

(d) **City Engineer Approval Required.** No permit shall be granted hereunder unless plans and specifications of the proposed installation have first been submitted to and approved by the City Engineer.

#### SEC. 64.23. DRAINS, SEWERS, ETC. – NOTICE OF ABANDONMENT.

(a) **Notice of Contents Thereof.** When any zanja, drain, storm drain, storm water channel, watercourse, sewer, pipe or conduit which is the property of or under the control of this City is abandoned or the use thereof discontinued by the City, the Board is hereby authorized to give written notice thereof to the owners of or the persons in possession of all property served by or in any manner connected to or with any such zanja, drain, storm drain, storm water channel,

watercourse, sewer, pipe or conduit, which notice may order, with regard to such zanja, drain, storm drain, storm water channel, watercourse, sewer, pipe or conduit, (1) that the use of any existing connections be discontinued and disconnected; (2) that the placing or discharging therein of any water waste matter articles, substance or material of any kind or nature whatsoever, or other use, be discontinued; and (3) any necessary work or repairs required to be done by owners or persons in possession after such disconnection or discontinuance, which order shall designate the materials to be used and specify the manner in which said work shall be done and the time when such work or repairs shall be commenced and completed. Such notice may be served by delivering the same personally to said owners or persons in possession, or by posting the same upon said property.

(b) **Owner's Compliance with Notice.** Any owner, agent or occupant of any such premises within seven days after service of the notice as provided in Subsection (a) of this section, shall comply with the provisions of said notice or order and shall commence the necessary work of disconnection, repair or reconstruction, and shall do the same in a manner, with the materials and within the time specified in said notice.

(c) **Failure to Comply with Notice.** No person who is the owner, agent or occupant of any such premises where notice is given, as provided in this section, shall fail, refuse or neglect to disconnect any connections and to discontinue the use of any such zanja, drain, storm drain, storm water channel, watercourse sewer, pipe or conduit in any manner, or fail, refuse or neglect to begin the work required in said notice within the time given, or having begun such work to fail refuse or neglect to prosecute said work to completion in the manner, with the materials and within the time specified in said notice, unless a permit for a variance therefrom in writing shall have first been obtained from the Board.

(d) **Discharge into Abandoned Drains.** No persons shall place or discharge any water, waste matter, or any article, substance or material of any kind whatsoever in any zanja, drain, storm drain, storm water channel, watercourse, sewer, pipe or conduit, which has been abandoned or the use of which has been discontinued, or make or maintain any connection with or to any such zanja, drain, storm drain, storm water channel, watercourse, sewer, pipe or conduit, unless a permit in writing shall have first been obtained from the Board.

(e) **Tampering with Drain.** No person shall in any manner tamper with, open, cut, break or destroy any zanja, drain, storm drain, storm water channel, watercourse, sewer, pipe or conduit, whether abandoned, in use, or otherwise, unless a permit in writing shall first have been obtained from the Board.

#### SEC. 64.25. INVESTIGATION ON PRIVATE PROPERTY.

The Board of Public Works or any of its authorized representatives may make such inspections or investigations as said Board deems necessary at any reasonable time, in any building, premises or lot for any of the purposes set forth in this section. No person shall interfere with, prevent or refuse to permit the entry of said Board or any of its authorized representatives into or upon any building, premises or lot for any of the purposes set forth in this section. (Amended by Ord. No. 113,953, Eff. 8/23/59.)

- (a) To determine the size, depth and location of any sewer or storm drain connection.
- (b) To determine the outlet of any sewer or storm drain connection by depositing testing materials in any plumbing fixture attached thereto and flushing the same, if necessary.
- (c) To determine by measurements and samples the quantity and nature of sewage or waste water being discharged into any sewer, storm drain or water course.
- (d) To inspect, test, and sample the discharge of any device used to prevent the discharge into any sewer, storm drain or water course of illegal waste or illegal quantities of waste, such as floor drains, sand boxes, grease traps or other clarifiers, also, of those devices used to grind, shred, pulverize, or otherwise treat garbage or industrial waste, before discharging same into a sewer or storm drain.
- (e) To determine the location of roof, swimming pool and surface drains, and whether they are connected to a street gutter, storm drain or sewer.



(f) To determine the nature and quantity of flow in any open water course or storm drain.

(g) To locate, inspect, test, and sample the discharges to, from and within a PSDS. (Added by Ord. No. 160,388, Eff. 10/21/85.)

**SEC. 64.26. MANDATORY ABANDONMENT OF PRIVATE SEWAGE DISPOSAL SYSTEMS.**

(Added by Ord. No. 160,388, Eff. 10/21/85.)

**A. General Provisions.**

1. **Purpose.** The purpose of this section is to protect and preserve the water quality of the groundwater basins located generally in the San Fernando Valley and certain adjacent areas by phasing out the use of private sewage disposal systems employed by commercial and industrial uses, and in multiple residential units. The continued use of private sewage disposal systems by commercial and industrial uses in the San Fernando Valley and certain adjacent areas is declared to be a threat to the quality of the ground water and to the public health. Therefore, the City is providing a systematic method of requiring both the connection to public sewers and permanent abandonment of private sewage disposal systems.

2. **Scope.** This section shall apply to all private sewage disposal systems in the City of Los Angeles located northerly of the boundary line described as follows:

Beginning from the west at the intersection of Mulholland Highway and the City boundary, thence along Mulholland Highway in a northerly direction to the intersection with Mulholland Drive, thence along Mulholland Drive in an easterly direction to the intersection of Mulholland Drive and Laurel Canyon Boulevard, thence northerly along Laurel Canyon Boulevard to the intersection of Laurel Canyon Boulevard and the Los Angeles River, thence along the Los Angeles River in an easterly and then southerly direction to the intersection of the Los Angeles River and the Glendale Freeway, thence along the Glendale Freeway in a northerly direction to the City boundary.

**B. Definitions.** For purposes of this section, "Notice to Connect" shall mean a notice to connect to a public sewer and to abandon a Private Sewage Disposal System (PSDS) as defined at Number 42.5 in Section 64.00 of this Code.

**C. Issuance Of Notice To Connect To The Public Sewer And To Abandon A PSDS.**

1. **Issuance by Director.** When connection to a public sewer is available or becomes available for a lot upon which a PSDS is located, the Director shall issue a Notice to Connect to the owner of the lot as identified on the Los Angeles County equalized assessment roll or as known to the City Clerk. The Director may, in addition, issue a copy of a Notice to Connect to any person using or maintaining the PSDS.

(a) **When Sewer is "Available".** A public sewer is available when it is located in any public street or easement abutting a lot.

(b) **Phasing.** The Board shall adopt standards for the issuance of Notices to Connect to be administered on a phased basis. The standards shall permit the Director to give priority to lots located in areas where the Department of Water and Power has determined the underlying groundwater has been contaminated by industrial chemicals.

(c) **Exemption.** If a PSDS is in compliance with all applicable laws, rules, and regulations, and is located on a lot occupied by four or fewer units which are used solely for residential purposes, it shall be exempt from the requirements of this section and the Director shall not issue a Notice to Connect for such PSDS.

2. **Time for Compliance.** The Notice to Connect shall be fully complied with no later than one year from the date of issuance of the Notice to Connect, provided however, that if the Director finds that a PSDS is not in compliance with any applicable law, rule, or regulation, the Notice to Connect shall provide for full compliance within 30 days of the issuance of the Notice to Connect.

3. **Contents of a Notice to Connect.** A Notice to Connect shall;

- (a) identify, by address, the property to which it is directed;
- (b) state that the Director has determined that a public sewer is available for that lot;
- (c) require discontinued use of the PSDS after the time specified in the notice and connection to a public sewer, or vacation of the premises;
- (d) require full compliance within the time limit specified in the Notice;
- (e) describe the procedures whereby an application for variance may be filed within 90 days of the date of issuance of the Notice to Connect; and
- (f) advise that failure to comply may result in discontinuance of water service and referral to the City Attorney for appropriate criminal and/or civil action.

The Notice to Connect may also include references to the payment of fees and the procedures for obtaining any required permits for connection to a public sewer and abandonment of the PSDS.

At the time of issuance of the Notice to Connect, the Director shall provide to the person to whom the Notice is issued a document which briefly explains the purpose and scope of the program and its system of administration, and indicates whom to contact for further information.

4. **Subsequent Notices.** The Director shall issue the following subsequent notices in cases where the Notice to Connect provides for full compliance within one year:

- (a) **Reminder Notice.** If full compliance with the requirements of a Notice to Connect has not been achieved four months prior to the date specified for such full compliance in the Notice to Connect, the Director shall issue a Reminder Notice which shall repeat the deadline for compliance and the possible sanctions for failure to comply;
- (b) **Final Notice.** If full compliance with the requirements of a Notice to Connect has not been achieved one month prior to the date specified for such full compliance in the Notice to Connect, the Director shall issue a Final Notice which shall repeat the deadline for compliance and the possible sanctions for failure to comply.

5. **Service of Notices.** Each of the Notices described in this section shall be either personally delivered or sent by certified mail with return receipt requested.

6. **Effect of Failure To Issue or Receive Subsequent Notices.** Failure to issue or receive a Reminder Notice, Final Notice, or Notice of Violation shall not relieve any owner or person using or maintaining a PSDS from the duty to comply with the Notice to Connect and shall not be a defense to a criminal or civil enforcement action.

**D. Compliance With Notice To Connect:** Every owner of a lot upon which a PSDS is located, and every person using or maintaining a PSDS, shall comply with the requirements of a Notice to Connect, or Notice to Connect modified by any variance granted in accordance with Subsection E of this section which is issued for that PSDS. Notwithstanding any other provision of this Code to the contrary, no person shall permit or cause the discharge of any wastewater to a PSDS after the compliance date specified in a Notice to Connect issued for that PSDS, as modified by any variance granted in accordance with Subsection E of this section.

**E. Variances**

1. **Application to Director.** Any person who owns, uses, or maintains a PSDS which is in compliance with all applicable laws, rules, and regulations who has received a Notice to Connect, upon payment of a fee of \$100, may file with the Director within 90 days of the date of issuance of the Notice to Connect, an application for a variance from the requirements of this section.

2. **Discretion of Director.** The Director may grant a variance from the requirements of this section, including an extension of the deadline for compliance specified in a Notice to Connect, if the Director finds that the applicant has demonstrated that:

(a) the strict application of the requirements of this section will result in extreme hardships unessential to the overall purpose of such requirements; and

(b) the continued operation of the subject PSDS will not have any significant adverse effect upon water quality in the groundwater basin of concern.

The determination of the Director shall be supported by written findings of fact. The Director may impose reasonable conditions upon the granting of a variance, including a requirement that connection to a public sewer and disconnection and abandonment of a PSDS occur within 60 days or a change of ownership of the property.

The effective period of any variance granted to an applicant shall not exceed two years. Renewal of a variance shall be required by the applicant in writing and shall be at the discretion of the Director in accordance with the provisions of this subsection.

The Director shall act upon an application for a variance within 60 days of its filing.

3. **Appeal to Board.** An appeal from a determination by the Director may be filed with the Board by the applicant or any person aggrieved by the determination upon payment of a fee of \$100, or by any officer, board, department or bureau of the City. Appeals shall be filed with the Secretary of the Board within fifteen days of the Director's action on the application for variance. The Board, after notice duly given, shall hear and act upon the appeal, within 90 days of its filing. If the Board fails to act within 90 days of the filing of an appeal, the decision of the Director shall be deemed affirmed. In considering appeals the Board shall be subject to the same limitations as are applicable to the Director under Paragraph 2 of this subsection.

4. **Appeal to Council.** If the applicant for a variance or any other person aggrieved, or any officer, board, department or bureau of the City is dissatisfied with the Board's determination; or if the Board has failed to act within 90 days of the filing of an appeal, a new appeal may be taken to the City Council upon payment of a fee of \$100. Appeals to the City Council shall be filed with the City Clerk within 15 days of the Board's determination or the close of the 90 days in which the Board may act, whichever comes first. The City Council shall act upon the appeal within 90 days of its filing. If the City Council fails to act within 90 days of the filing of an appeal either the decision of the Board shall become final or, if the Board failed to act within 90 days, the decision of the Director shall become final. In considering appeals the Council shall be subject to the same limitations applicable to the Director under Paragraph 2 of this subsection.

5. **Fee Waiver.** Notwithstanding any other provisions of this Code to the contrary, no department, bureau, officer or board of this City shall pay any fee required by this section for appeal.

F. **Rules And Regulations.** The Board may adopt rules or regulations governing the procedures to be followed in carrying out the provisions of this section.

#### G. Enforcement.

1. If full enforcement with the requirements of this section has not been achieved by the deadline for full compliance provided in the Notice to Connect, as modified by any variance, the Director shall do all of the following:

(a) issue a Notice of Violation to the owner of the affected property and the person using or maintaining the PSDS.

(b) provide to the City Attorney copies of the applicable Notice to Connect, Reminder Notice, Final Notice, and Notice of Violation, and proof that such notices were delivered or mailed, together with any responses to such notices which may have been received by the Director, and the records concerning any application for variance and any appeal therefrom which may have been filed.

(c) provide to the Department of Water and Power a copy of the Notice of Violation. A written request that water service be discontinued at the affected property may also be filed with said department if deemed appropriate by the Director; and

(d) provide to the Superintendent of Building a copy of the Notice of Violation. Any building which is the subject of a Notice of Violation is hereby declared to be a public nuisance and the Director may request the Superintendent of Building to order that the subject building be vacated and remain vacated until full compliance with the Notice to Connect has been achieved.

2. Upon receipt of the Notice of Violation and request described in this subsection, the Department of Water and Power shall initiate procedures to discontinue water services, if specified by the Director, after providing reasonable notice thereof to the occupying party and the owner of the property, and the Department of Building and Safety. Upon receipt of notification from the Director that compliance has been achieved, the Department of Water and Power shall act to reinstitute normal water service.

3. Notwithstanding any provision of this Code to the contrary, upon receipt of the Notice of Violation and notice that the Department of Water and Power intends to discontinue water service, the Superintendent of Building shall order the subject building to be vacated in accordance with the procedures set forth in Section 91.8903 of this Code.

#### SEC. 64.30. INDUSTRIAL WASTEWATER DISPOSAL.

(Amended In Entirety by Ord. No. 173,980, Eff. 7/1/01.)

##### A. General Provisions.

1. **Policy.** It is the policy of the City of Los Angeles to assure that the highest and best use of the Publicly Owned Treatment Works (POTW) is for the collection, treatment and disposal of domestic wastewater. The use of this system for industrial wastewater is a privilege which is subject to the requirements of this section.

2. **Objectives.** This section sets forth uniform requirements for direct and indirect dischargers to the POTW. Through a permit and inspection program administered under the jurisdiction of the Board, the City seeks to comply with all applicable State and Federal laws.

As a part of the permit and inspection program provided herein, the Board and the Director shall have the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all laws and lawful standards and orders, or special orders, to assure the implementation of the following objectives:

- (a) Prevent any discharge into the POTW which may interfere with the operations thereof;
- (b) Prevent any discharge into the POTW which will pass through the POTW, inadequately treated, into receiving waters, land or the atmosphere or otherwise be incompatible with the POTW;
- (c) Protect the POTW, from damage by any pollutants;
- (d) Provide the opportunity to recycle and reclaim sludges and wastewater from the POTW;
- (e) Provide for recovery of costs, including administration, implementation and enforcement of the program established herein, associated with the discharge of wastewater to the POTW;
- (f) Protect the life, health, and safety of operating and maintenance personnel;
- (g) Preserve hydraulic capacity in the POTW;
- (h) Insure the health, safety and welfare of the public.

3. **Scope.** This section provides for the regulation of dischargers to the POTW through the issuance of Industrial Wastewater Permits containing specific discharge requirements and through enforcement of general discharge prohibitions; authorizes monitoring and enforcement activities; imposes reporting requirements on specific permittees; and sets fees for the recovery of program costs. This section shall apply to all dischargers within the City of Los Angeles to all persons outside the City of Los Angeles who discharge to the City's POTW except as otherwise provided herein, the Director of the Bureau of Sanitation under the jurisdiction of the Board of Public Works shall administer, implement and enforce the provisions of this section.

## **B. Regulations.**

### **1. Prohibitions:**

(a) **Discharge Prohibitions.** Except as expressly allowed in an Industrial Wastewater Permit, no person shall discharge, permit the discharge, cause the discharge or contribute to the discharge of the following to the POTW:

(1) Gasoline, mercury, total identifiable chlorinated hydrocarbons, kerosene, naphtha, benzene, toluene, xylene, others, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, solvents, pesticides or jet fuel.

(2) Any liquids, solids or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive, or radioactive, or by interaction with other materials could result in fire, explosion or injury.

(3) Any solid or viscous materials which could cause obstruction to the flow or operation of the POTW.

(4) Any toxic pollutants in sufficient quantity to injure or interfere with any wastewater treatment process, including private pretreatment systems, to constitute a hazard or cause injury to human, animal, plant or fish life, or to exceed any limitation set forth in this Section.

(5) Any noxious or malodorous liquids, gases, or solids in sufficient quantity either singly or by interaction with other materials to create a public nuisance, hazard to life, or to prevent entry of any person to the POTW.

(6) Any material of sufficient quantity to interfere with any POTW treatment plant process or to render any product thereof unsuitable for reclamation and reuse.

(7) Any material in sufficient quantity to cause the POTW to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations in conjunction with Section 405 of the Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuaries Act, or State criteria (including those contained in any state sludge management plan prepared pursuant to Title II of SWDA) applicable to the biosolids management method being used.

(8) Any material which will cause the POTW to violate its NPDES Permit, applicable Federal and State statutes, rules or regulations.

(9) Any wastewater containing pigment which is not removed in the ordinary POTW treatment process and which creates a visual contrast with the material appearance of the POTW discharge observable at the point of POTW discharge.

(10) Any wastewater having a heat content in such quantities that the temperature of the wastewater at the introduction into the POTW Collection system exceeds 140 degrees Fahrenheit, or at the introduction into the POTW treatment plant exceeds 104 degrees Fahrenheit.

(11) Any pollutants, including oxygen demanding pollutants, released at a flow rate or pollutant concentration which cause or contribute to interference, as that term is defined in Section 64.00.

(12) Any storm water collected and discharged to the POTW, except as specifically authorized by the Director.

(13) Single pass cooling water in excess of 200 gallons per day discharged to the POTW. However, the blowdown or bleedoff from cooling towers or other evaporative coolers may be accepted into the POTW.

(14) Any wastewater which constitutes a hazard or causes injury to human; animal, plant or fish life or creates a public nuisance.

(15) Recognizable portions of the human or animal anatomy.

(16) Floatable material which is readily removable.

(b) **Prohibitions Against Interference, Hazard, or Injury to Human, Animal, Plant, or Fish Life.** Except as expressly allowed in an Industrial Wastewater Permit, no person shall discharge, permit the discharge to, cause the discharge or contribute to the discharge to the POTW, any material of sufficient quantity which, singly or by interaction with other materials, interferes with the POTW treatment plant process or renders any product thereof unsuitable for reclamation and reuse, causes the POTW to be in noncompliance as that term is used with respect to provisions listed in Paragraph (a)(7) above, or which constitutes a hazard to or which may cause injury to human, animal, plant or fish life. In the provision hereof, assuming violation of no other provision hereof, the violator shall be subject only to imposition of further permit conditions, administrative orders, permit suspension or revocation.

## 2. Pollutant Limitations.

(a) **Specific Pollutant Limits.** No person shall introduce wastewater to the POTW that exceeds the following limitations:

Arsenic	3 mg/L
Cadmium	15 mg/L
Copper	15 mg/L
Cyanide (Total)	10 mg/L
Cyanide (Free)	2 mg/L
Dissolved Sulfides	0.1 mg/L
Lead	5 mg/L
Nickel	12 mg/L
pH Range	5.5-11
Silver	5 mg/L
Total chromium	10 mg/L
Zinc	25 mg/L
Dispersed oil and grease (Total)	600 mg/L
Floatable oil and grease	None Visible

The above limitations shall not apply where more restrictive limitations are imposed by permit or National Categorical Pretreatment Standards.

(b) **Radioactive Wastes.** No person shall discharge radioactive wastes except in accordance with the State of California Administrative Code, Title 17, Public Health, Regulations of the Bureau of Radiological Health.

(c) **Infectious Wastes.** No person shall discharge infectious waste, unless such waste is ground in a grinder which meets the Board's fineness of grind requirements as set forth in Paragraph (c) of this Subdivision 2 and is discharged into the POTW. Entry to the grinding mechanism shall be restricted to a 6-inch by 9-inch opening. The material shall be segregated from other solid wastes and shall be contained in plastic bags or other suitable disposable containers which

shall not exceed five (5) gallons capacity and shall be colored red for identification. Container and contents shall be weighed and recorded prior to disposal. These records shall be made available to the Board for inspection.

(d) **Human or Animal Anatomy.** Recognizable portions of the human or animal anatomy shall not be ground or harged to the POTW.

(c) **Grinder Wastes. (Amended by Ord. No. 174,047, Eff. 8/5/01.)** The use of garbage grinder to discharge food wastes from commercial kitchens, markets, or food plants to the POTW is prohibited unless expressly allowed by the Director. When the use of a grinder is allowed, the following fineness of grind requirements shall be met at all times.

(1) At least 40% shall pass a No. 8 sieve.

(2) At least 65% shall pass a No. 3 sieve.

(3) 100% shall pass a 1/2-inch screen.

(d) **Sharps.** No person shall discharge sharps unless ground in an approved grinder capable of meeting the Board's fineness of grind requirements set forth in Paragraph (c) of this subdivision, and discharged to the POTW. Sharps shall be ground by an approved grinder not exceeding five (5) horsepower.

### 3. National Categorical Pretreatment Standards (NCPS).

(a) **Standards.** Upon the promulgation of mandatory NCPS for any industrial category, the NCPS, if more restrictive than limitations otherwise imposed under this section, shall apply. A discharger shall comply with applicable NCPS as set forth in 40 CFR Part 401 *et seq.*

(b) **Compliance Schedule.** The Director may impose a phased compliance schedule to ensure that affected industries meet the NCPS. Failure to meet the phased compliance schedule may result in permit revocation.

4. **Dilution.** No discharger shall use any water to dilute any pollutant to achieve compliance with the discharge limitations contained in this section.

### 5. Uncontrolled Discharges.

(a) **Containment of Uncontrolled Discharges.** Upon written notification by the Director, dischargers shall provide spill containment for uncontrolled discharges of prohibited material or other substances regulated by this section. Facilities to contain spills shall be provided and maintained at the discharger's own cost and expense. Dischargers so notified shall provide detailed spill containment plans, including facilities and operating procedures, to the Director for review. Such plans shall be approved by the Director before commencement of construction of the facility. Construction shall be completed within the time period designated by the Director. Review and approval of spill containment plans and operating procedures shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this section.

(b) **Notification of Uncontrolled Discharges.** In the event of an uncontrolled discharge, the discharger shall immediately notify the Director of the incident by telephone. The notification shall include location of discharge, type of material, concentration and volume, and corrective actions taken.

(c) **Written Report Describing Uncontrolled Discharges.** Within ten (10) days following the uncontrolled discharge, the discharger shall submit to the Director a detailed written report describing the cause of the discharge, corrective action taken, and measures to be taken to prevent future occurrences. Such notification shall not relieve the discharger of liability or fines incurred as a result of this uncontrolled discharge.

(d) **Notice to Employees; Notification to Director of Uncontrolled Discharge.** A legible, understandable and conspicuously placed notice shall be permanently posted on the discharger's bulletin board or other prominent place advising employees to call the Director, in the event of an uncontrolled discharge, as soon as possible or within one hour

of the discharge, and to provide at least the information listed below. In the event of a substantial number of the discharger's employees use a language other than English as a primary language, the notice shall be worded in both English and the language or languages involved. The notice shall set forth the current phone number of the Director, and shall identify the following as the minimum necessary information which is to be provided to the Director:

(1) Time, location, type, concentration and volume of discharge.

(2) Corrective action taken. Employers shall insure that all employees in a position to cause or allow an uncontrolled discharge to occur are advised of this notification procedure.

**C. Administration.**

**1. Industrial Wastewater Permit.**

(a) **Application.** No person shall discharge industrial wastewater to the POTW without permission as provided in an Industrial Wastewater Permit. The permit shall not be issued until determination has been made by the Board that the wastewater to be discharged shall not violate any provisions of this Code, the Board's Rules and Regulations, the water quality objectives for receiving waters established by the California Water Quality Control Board, Los Angeles Region, or any applicable federal or state statutes, rules or regulations. Such determination shall be made from the information set forth in the application for permit.

(b) **Permit Information.** A separate permit shall be required for each point of discharge to the POTW. In connection therewith, the applicant may be required to furnish the following:

(1) **(Amended by Ord. No. 177,614, Eff. 7/19/06.)** The name and address of the applicant;

(2) The name and address of the discharger;

(3) The address or location of the premises where the discharge will take place;

(4) The Standard Industrial Classification (SIC) of the discharger;

(5) Information with respect to constituents and characteristics of wastewater proposed to be discharged, including, but not limited to, those referred to in Subsection B of this section. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended, and by laboratories certified by the State of California. In the absence of a State certification process, the Director may certify a laboratory to perform necessary sampling and analysis;

(6) Time and duration of the proposed discharge or discharges;

(7) Average daily and 5-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(8) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and storm drains, connections and appurtenances by their size, location and elevation.

(9) Description of activities, facilities and plant processes on the applicant's premises, including all pollutants which could be discharged.

(10) Detailed plans showing pretreatment facilities, sampling facilities, uncontrolled discharge containment facilities, and operating procedures.

(11) Identification of the nature and concentration of any pollutant located at the premises of the discharger (and/or applicant if different) if that pollutant is prohibited from discharge under Subdivision 1 of Subsection B of this section, or any proposed discharge which is regulated as provided in Subdivision 2 of Subsection B of this section, plus a statement specifying whether the specific limitations set forth in said Subdivision 2 are being met, and, if not, what additional



Operation and Maintenance (O & M) or pretreatment is proposed by the discharger to cause compliance;

(12) The shortest time schedule by which the discharger shall provide the necessary additional pretreatment, if additional pretreatment or O & M will be required to meet the regulations in Subsection B of this section. Any completion in such a proposed schedule shall not be later than the compliance date established by the applicable regulation.

(13) The schedule shall provide for reporting increments in progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment necessary for the discharger to meet the applicable regulation (e.g., hiring an engineer, completing preliminary and final plans, executing contract for major components, commencing construction, completing construction).

(14) After permit issuance, progress reports shall be submitted subject to the same limitations set forth in Subparagraph (7) of Paragraph (h) of Subdivision 2 of this Subsection C, except that time limits specified pursuant to this section for reporting, commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to meet the applicable regulations may be extended by mutual consent of the discharger and the Director, and provided however, that in no event shall any such date be extended beyond the compliance date established by the applicable regulation.

(15) Each product of the discharger by type, amount, and rate of production;

(16) Type and amount of raw materials processed by the discharger (average and maximum per day);

(17) Number of employees, hours of operation of plant, and hours of operation of the proposed pretreatment system;

(18) Copies of any current City Business License, NPDES Permit, South Coast Air Quality Management District Permit, Regional Water Quality Control Board Permit and State Department of Health Services Permit for the subject premises;

(19) The name, business address, and motor vehicle driver's license number of the authorized representative;

(20) Any other information deemed by the Director to be necessary to evaluate the permit application.

(21) The application shall be signed under penalty of perjury by the authorized representative of the discharger. After evaluation and acceptance of the data furnished, the Board may issue an Industrial Wastewater Permit subject to the terms and conditions imposed by the Director pursuant to Paragraph (c) of this Subdivision as stated herein. Granting of the permit shall not relieve the discharger from the responsibility for compliance with all provisions of this section. By acceptance of a permit, the applicant thereby delegates authority to the Director to enter the premises of the applicant as necessary for purposes of inspection and maintenance with respect to any wastewater discharge therefrom.

(c) **Exemptions.** An Industrial Wastewater Permit is not required for the following dischargers or discharges to the POTW:

(1) **(Amended by Ord. No. 177,614, Eff. 7/19/06.)** An FSE that does not potentially generate waste FOG during food preparation processes, and does not significantly affect the POTW, as determined by the Director, provided that the FSE has implemented and demonstrates compliance with BMP requirements as specified in the Rules and Regulations;

(2) Bleed-off or blowdown from cooling towers, evaporation condensers or other recirculating water devices with rated capacity of 25 tons or less,

(3) Self-service laundries with washing machines of 20 pounds maximum capacity, with further allowance that the facility may also have a maximum of two machines with maximum 50-pound capacity of each,

(4) Discharges from establishments wherein the industrial wastewater discharge is less than 200 gallons per day (gpd) and pretreatment is not required.

(d) **Permit Conditions.** Industrial Wastewater Permits shall be subject to all provisions of this Code, all other applicable statutes, rules and regulations, and fees and charges established by the City. The Director shall have authority to impose permit conditions including the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics;
- (2) Limits on average and maximum rate and time of discharge;
- (3) Limits regarding the discharge of specific pollutants;
- (4) Requirements for installation and maintenance of inspection and sampling facilities and uncontrolled discharge containment facilities;
- (5) Requirements, which may include specific sampling locations, frequency of sampling, times of sampling, number, types, test standards and reporting schedules, for monitoring programs;
- (6) Compliance schedules;
- (7) Requirements for submission of technical or discharge reports;
- (8) **(Amended by Ord. No. 174,047, Eff. 8/5/01.)** Requirements for maintaining and affording City access to plant records relating to discharges, including hauled waste records and manifests;
- (9) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents;
- (10) Requirements for notification of slug discharges;
- (11) **(New Subpara. 11 Added by Ord. No. 174,047, Eff. 8/5/01.)** The Director may require all industrial users to install pretreatment systems, upgrade existing pretreatment systems and/or install additional pretreatment systems, implement Best Management Practices, and any other conditions deemed appropriate to achieve the objectives of this ordinance as defined in Subsection A Subdivision 2 of LAMC [64.30](#).
- (12) **(Subpara. 11 Renumbered Subpara. 12 by Ord. No. 174,047, Eff. 8/5/01.)** Other conditions deemed appropriate by the Director to ensure compliance with this section.

(e) **Change of Ownership or Location.** An Industrial Wastewater Permit shall not be transferable, by operation of law or otherwise, either from one location to another, or from one person to another. For purposes of this subdivision, statutory mergers or name changes shall not constitute a transfer or a change in ownership. Following a change in ownership, and upon application for a new Industrial Wastewater Permit, a temporary permit may be issued by the Director for a period of no more than 180 days pending the issuance of such new permit.

(f) **Delayed Commencement of Discharge.** All permitted discharges must commence within 180 days from the effective date of the Industrial Wastewater Permit or the permit is deemed void.

(g) **Duration of Industrial Wastewater Permit.** Except as otherwise provided herein, Industrial Wastewater Permits may be issued for a specified time period and may be subject to expiration and renewal as determined by the Director. Industrial Wastewater Permits for Significant Industrial Users shall have a duration or effective life not to exceed three (3) years from the date of initial issuance or reissuance.

(h) **Permit Renewal.** Applications for permit renewal shall be filed with the Director a minimum of ninety (90) days prior to the permit expiration date.

(i) **Administrative Permit Cancellation.** As part of permit administration, the Director may cancel any Industrial Wastewater Permit with the express written consent of the permittee or upon verification that one or more of the

following conditions exist:

- (1) The permittee is not a batch treatment discharger and has permanently ceased the discharging of industrial wastewater to the POTW; or changes in the industrial process or reduction of discharge levels occur such that an Industrial Wastewater Permit is no longer required as provided by the exemption provisions of this subsection; or
- (2) Changes in industrial process or reduction of discharge levels occur such that an Industrial Wastewater Permit is no longer required as provided by the exemption provisions of this subsection; or
- (3) Change of business ownership; or
- (4) Change or abandonment of the site or location described by the permit.

(j) **Permit Reinstatement.** Notwithstanding any other provisions of this Code, a permit which has been administratively canceled pursuant to Paragraph (i) of this subdivision, shall be reinstated upon the written request of the permittee and upon approval by the Director. Request for reinstatement under this paragraph must be made within 180 days from the effective date of cancellation. Administrative permit cancellation, pursuant to Paragraph (i) of this subdivision, shall not be used in lieu of the enforcement remedy set forth for permit suspension or revocation, as provided in Subsection E of this section.

(k) **Private Septage Disposal Facilities (PSDF).** PSDFs discharging to the POTW shall be subject to all provisions of this Section including the following specific requirements.

- (1) PSDF's shall be required to maintain an Industrial Wastewater Permit. Exemptions under Paragraph (c) of Subdivision 1 of Subsection C of this Section shall not apply to private septage disposal facilities.
- (2) All waste discharged through a PSDF shall be subject to discharge prohibitions under Subdivision 1 of Subsection B of Section 64.30 and specific pollutant limitations under Subdivision 2 of Subsection B of Section 64.30.
- (3) In cases where hauled septage is discharged at a facility in addition to any discharge from any other industrial operations performed at that site, a separate industrial wastewater permit shall be required specifically for the discharge of hauled septage in addition to any other required industrial wastewater permit(s).
- (4) (Amended by Ord. No. 174,047, Eff. 8/5/01.) Additional regulations regarding the operation of PSDFs are specified in the Board's Rules and Regulations. All PSDFs shall be required to comply with these Rules and Regulations.

(l) **Food Service Establishment (FSE) Requirements.** (Amended by Ord. No. 177,614, Eff. 7/19/06.) All FSEs must implement and demonstrate compliance with Best Management Practices (BMP) requirements as specified in the Board's Rules and Regulations.

FSEs that are required to maintain an Industrial Wastewater Permit are also required to install, operate, and maintain an approved type and adequately sized, remotely located and readily accessible, grease interceptor, unless a conditional waiver is granted by the Director.

All FSEs to be newly constructed are subject to grease interceptor requirements and shall not qualify for a conditional waiver unless exempt as specified in Section C.1.(c)(1). Existing FSEs with planned modifications having a building permit valuation of \$100,000 or more are also subject to grease interceptor requirements and shall not qualify for a conditional waiver unless exempt as specified in Section C.1.(c)(1).

Additional regulations regarding FSEs are specified in the Board's Rules and Regulations. All food service establishments are required to comply with these Rules and Regulations.

- (1) **Grease Interceptor Specifications.** All grease interceptors must meet the specifications as set forth in Sections 94.1014.0 through 94.1017.3 of the City of Los Angeles Plumbing Code.

(2) **Conditional Waiver from Grease Interceptor Installation Requirements.** Under the sole discretion of the Director, an FSE determined to have no immediate adverse impact on the POTW may be granted a conditional waiver from grease interceptor installation requirements. The Director may, at any time, revoke this conditional waiver and require the FSE to install a grease interceptor.

(3) **Variance to Allow Alternative Grease Removal Devices.** If an FSE can demonstrate that installation of a grease interceptor is not feasible due to space constraints or other considerations, the Director may issue a variance from grease interceptor requirements and authorize the installation of alternative grease removal devices. Alternative grease removal devices include, but are not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the POTW. All alternative grease removal devices must be approved by the Director, on a case-by-case basis. The FSE must also demonstrate that BMPs have been implemented.

## 2. Reporting Requirements.

(a) **Federal Reporting Requirements and Additional Reporting Requirements.** Notwithstanding the reporting requirements set forth in 40 CFR Part 403, including, but not limited to, the requirements as set forth in 40 CFR §403.12, the Director may impose additional reporting requirements by permit or otherwise.

(b) **Reporting by Dischargers Subject to NCPS.** Unless required more frequently or otherwise specified by the Director, dischargers which are subject to NCPS shall submit, to the Director, semi-annually, a Periodic Compliance Report which shall contain, at a minimum, the information required by 40 CFR §403.12(c). The Director may require a discharger to submit such reports on a more frequent basis and may base such decision upon the amount of discharge or other site-specific concerns the Director may have pertaining to the discharge. In addition, dischargers that are subject to NCPS shall submit Baseline Monitoring Reports (BMRs) and Reports on Compliance (RC) in accordance with the General Pretreatment Regulations for Existing and New Sources of Pollution (Title 40, Code of Federal Regulations, Part 403.12).

(c) **Reporting by SIUs not Subject To NCPS.** Unless required more frequently by the Director, dischargers which are Significant Industrial Users but are not subject to NCPS shall submit to the Director semi-annually a report indicating the nature, concentration and flow of pollutants in the effluent which are required to be reported by the Director. At a minimum, the report shall contain the information required by 40 CFR § 403.12(h).

(d) **Production Data.** The Director may require any discharger to submit production data. At a minimum, dischargers subject to equivalent mass or concentration limits or subject to production-based NCPS shall report production data as follows:

(1) Dischargers subject to NCPS in which equivalent mass or concentration limits are established by the Director in accordance with 40 CFR §403.6(e) shall report a reasonable measure of long term production rate (based upon the criteria used for developing the discharger's effluent limitations) in its Report on Compliance and its Periodic Compliance Reports, as applicable. In addition, such dischargers shall notify the Director in accordance with Paragraph (e) of this Subdivision after the discharger has a reasonable basis to know that the production level will significantly change within the next calendar month.

(2) All other dischargers subject to NCPS expressed in terms of allowable pollutant discharge per unit of production (or other measure of production) shall include information on the actual production during the sampling period in its Report on Compliance and its Periodic Compliance Reports, as applicable.

### (c) Notification of Changed Discharge.

(1) All industrial dischargers shall provide written notification to the Director before any planned change, including physical alterations or additions to the permitted facility, production increases and anticipated process changes which will result in a substantial change in the volume or character of pollutants to be discharged, including notification of changes in the listed or characteristic hazardous wastes for which the discharger has submitted initial notification under 40 CFR §403.12(p). Notice shall be provided at least ninety (90) days before the change, except if such notice is not feasible, the discharger shall provide the Director notice as soon as the information becomes available.

(2) No wastewater discharge shall be commenced, without notification to and approval by the Director, in which there has been a substantial change in the volume or characteristic which causes it to be different from that expressly allowed under the permit issued. Upon such notification, the Director, in his/her discretion, may require that a new application be filed and a new permit obtained before any wastewater discharge involving the changed characteristic takes place.

(f) **Signatory/Certification for Baseline Monitoring Reports, Reports on Compliance, and Periodic Compliance Reports.** Baseline Monitoring Reports, Reports on Compliance and Periodic Compliance Reports submitted by dischargers subject to NCPS shall be signed by an authorized representative of the discharger and shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision 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 or persons who manage the system, or those persons 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.

(g) **Signatory/Certification for Other Reports.** The Director, at his/her discretion, may require other reports or information submitted by dischargers subject to NCPS, or any other discharger, to meet signatory/certification requirements as the Director deems appropriate.

(h) **Adoption of New City Specific Pollutant Limitations.** Within 180 days after promulgation of a new City Specific Pollutant Limitation and notification thereof by the Board to specific dischargers affected thereby, any discharger subject to such limitations shall submit to the Director a report containing:

- (1) The name and address of the discharger;
- (2) The address or location of the premises where the discharge does or will take place;
- (3) The nature, average production rate, and Standard Industrial Classification of the operations carried out by the discharger;
- (4) The average and maximum flow of the discharge in gallons per day;
- (5) The nature and concentration of pollutants in the discharge from each regulated process and identification of applicable limitations. The concentration shall be reported as a maximum or average as provided in applicable limitations. If equivalent concentration limits have been calculated in accordance with the limitation, this adjusted concentration limit shall also be submitted;
- (6) A statement, reviewed by an authorized representative and certified under penalty of perjury by a person with primary responsibility for the operation which contributes to the discharge, indicating whether the limitations are being met, and, if not, what operation and maintenance improvements or additional pretreatment is required for compliance;
- (7) The shortest schedule under which any additional pretreatment or operation and maintenance improvements required as a result of the new limitations or requirements imposed pursuant to Paragraph (a) of Subdivision 1 of Subsection C of this section will be completed.
  - (i) The completion date in such a schedule shall not be later than the compliance date established for the applicable limitation.
  - (ii) The schedule shall provide for reporting increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of any additional pretreatment necessary (e.g., hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing construction, completing construction).

(iii) The discharger shall also submit a written progress report to the Director, not later than 14 days following each increment of progress date in the schedule and the final date for compliance. That report shall state whether the discharger is in compliance with the scheduled increment of progress. If compliance was not achieved, the report shall state the date by which the discharger expects to comply with the scheduled increment of progress, the reason for the failure to comply, the steps being taken by the discharger to maintain the established compliance schedule.

(iv) The time limit specified in this paragraph for operation or maintenance improvements or additional pretreatment may be extended by the Board.

3. **Monitoring Facilities.** The Director may require to be provided, operated and maintained at the discharger's expense, separate and secured monitoring facilities to allow inspection, sampling, and flow measurement of the discharge. The monitoring facilities ordinarily shall be situated on the discharger's premises and in said event the Director shall be granted total and unrestricted access thereto and use thereof by the discharger as a condition of that discharger's permit; however, at its discretion the Board may allow monitoring facilities to be constructed off-premises.

#### 4. **Monitoring and Sampling.**

(a) **Pre-Notification.** Any discharger may be required by the Director, by permit or otherwise, to engage in periodic monitoring and sampling of its discharge. Where a discharger is required to monitor or sample, the discharger shall notify the Director by telephone at least 48 hours in advance of any monitoring or sampling to be performed. Notification shall include the date, time and location of proposed monitoring and sampling. Monitoring and sampling shall be carried out during a period of normal operations. Prior to the commencement of any sampling or monitoring, the Director may request that the discharger furnish to the Director a split sample and all supporting data (i.e., methodology, flow measuring data, strip chart recordings, and other pertinent information). The Director reserves the right to refuse any data developed from the monitoring or sampling activity if the discharger fails to comply with the pre-notification procedure.

(b) **Notification of Discharge Violations and Resampling.** If sampling performed by a discharger indicates a violation, the discharger shall notify the Director within 24 hours of becoming aware of the violation. The discharger shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation, except the discharger is not required to resample if:

(1) The Director performs sampling at the discharger's facility at a frequency of at least once per month, or

(2) The Director performs sampling at the discharger's facility between the time when the discharger performs its initial sampling and the time the discharger receives the results of this sampling.

(c) **Representative Samples.** Samples shall represent the normal wastewater flow to the POTW over a 24-hour period. Composite samples shall be collected according to time or flow as specified by the Director, with at least one sample collected hourly. The Director may require grab samples or continuous monitoring as deemed appropriate (e.g. pH and flow). Samples may be collected either manually or by automatic integrated sampling equipment approved by the Director.

(d) **Sample Analysis.** The handling, storage, and analysis of all samples taken for the determination of the characteristics of wastewater discharged shall be performed by laboratories certified by the State of California and shall be in accordance with the procedures established by the EPA pursuant to Section 304(a) of the Act and contained in 40 CFR, Part 136, as amended. In the absence of a State certification process, the Director may approve of a laboratory to perform any necessary sampling and analysis.

#### 5. **Inspection and Sampling.**

(a) **Inspections to Enforce Local, State, and Federal Laws.** Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this section or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the Director is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed

upon the Director by this section or other applicable law provided that:

(1) If the property is occupied, the Director shall first present proper credentials to the occupant and request entry explaining the reasons therefore and;

(2) If the property is unoccupied the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining the reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

(b) **Inspections to Safeguard the Public Health or Safety.** Notwithstanding the foregoing, if the Director has reasonable cause to believe that wastewater discharge conditions on or emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the Director shall have the right to immediately enter and inspect the property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained. If the property is occupied, the Director shall first present proper credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

(c) **Penalty for Refusal to Permit Director to Make Inspections.** No person shall fail or refuse, after proper demand has been made upon that person as provided in Paragraph (b) of this Subdivision 5, to promptly permit the Director to make any inspection provided for by said Paragraph (b). Any person violating this subdivision shall be guilty of a misdemeanor.

(d) **Consent and Agreement to Enter Premises.** The applicant, by accepting any permit issued pursuant to this section, does thereby consent and agree to the entry upon the premises, described in the permit, by Department personnel for the following purposes as required by this section or other applicable laws. The City shall be afforded access at all reasonable times:

(1) for the purposes of inspection, sampling, flow measurement, examination of records in the performance of other authorized duties;

(2) to set up on the discharger's property such devices as are necessary to conduct sampling inspections, compliance-monitoring, flow measuring or metering operations;

(3) to inspect and copy any records, reports, test results or other information required to carry out the provisions of this section; and

(4) to photograph any waste, waste container, vehicle, waste treatment process, discharge location, or violation discovered during an inspection.

(e) **Entry of Premises with Security Measures.** Where a discharger has instituted security measures requiring proper identification and clearance before entry onto the premises, the discharger shall make all necessary arrangements with its security guards in order that, upon presentation of such identification, City personnel shall be permitted to enter the premises without delay for the purpose of performing their authorized duties.

6. **Public Access to Information.** Discharge and effluent data provided to the City by the discharger shall be available to the public without restriction. Other information may be subject to a claim of confidentiality by the discharger. All information which is submitted to the City by the discharger shall be available to the public, at least to the extent provided by 40 CFR 2.302. With the exception of governmental agencies, any person requesting this information from the City shall be required, prior to the receipt of the requested information, to pay the reasonable cost of said data gathering, reproduction and transmission incurred by the City.

7. **Confidentiality.** All information, except for discharge and effluent data, submitted to the City pursuant to this section may be claimed by the discharger to be confidential. Any such claim must be asserted at the time of submission of

the information or data to the City. The claim may be asserted by stamping the words "Confidential Business Information" on each page containing such information or by other means, however, if no claim is asserted at the time of submission, the City may make the information available to the public without further notice. If such a claim is asserted, the information will be treated in accordance with the procedures set forth in 40 CFR Part 2 (Public Information).

8. **Falsifying Information.** No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed with the Director or required to be maintained pursuant to this section, or tamper with or knowingly render inaccurate any monitoring device required under this section.

9. **Rules and Regulations.** The Board shall adopt rules and regulations consistent with this section to effectuate its purpose and intent.

#### D. Fees and Charges.

1. **Purpose and Disposition.** It is the purpose of this subsection to provide for the recovery of City costs associated with the discharge of wastewater to the POTW. With the exception of Wastewater Sampling and Analysis Fees, all fees and money collected by the City pursuant to the provisions of this section shall be deposited into the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code. Monies required hereunder to be deposited into that Fund shall be expended for the purposes set forth in said section and to provide for any appropriate refunds relative to such fees.

2. **Application Fees.** The Board shall require payment of an initial fee of \$356.00 for each application for an Industrial Wastewater Permit. No permit shall be deemed valid until the initial fee has been duly paid and received by the City.

#### 3. Inspection and Control Fees.

(a) **Purpose of Inspection and Control Fees.** All permitted facilities must pay an annual Inspection and Control (I & C) Fee as a function of their assigned Inspection Classification Number. Inspection and Control Fees are part of the City's approved wastewater revenue program and pay for the basic level of services which include the following:

- Permitting,
- Inspection,
- Sampling,
- Providing laboratory analytical services,
- Monitoring facilities self monitoring program,
- Inventory control and development,
- Systems development and data management,
- Reporting to local, State and Federal authorities.

(b) **Inspection and Control Fee Schedule.** The Inspection and Control (I & C) Fee shall be paid quarterly in arrears by each permittee, except permittees in the Class I SubClass group as specified in Subsection D.3(c), in possession of a valid Industrial Wastewater Permit in accordance with the following schedule:

I&C Class	Annual Fee	Quarterly Fee
Class I	\$ 244.00	\$ 61.00



Class 2	\$ 488.00	\$ 122.00
Class 3	\$ 732.00	\$ 183.00
Class 4	\$ 976.00	\$ 244.00
Class 5	\$1,220.00	\$ 305.00
Class 12	\$2,928.00	\$ 732.00

(c) **Class I SubClasses.** A Subclass of Class I described above may be established by the Board to apply to certain groups of permittees under Class I that qualify for reduced inspection and control services. The Board may group permittees for this purpose based on the amount and type of discharges and based on the viability of implementing Best Management Practices as an effective control mechanism that merits reduced inspection and control services. Consequently, the annual fee will be a portion of the Class I annual fee and in the amount proportional to the cost of inspection and control services provided for that group of permittees and as specified in Table I of the Board's Rules and Regulations.

(d) **I & C Fee Payment Schedule.** Each permittee, except the Class I Subclass group, shall make quarterly payments in arrears on the first of April, July, October or January, following the first permit anniversary date.

(e) **Class I Subclass Fee Payment Schedule.** Permittees under the Class I SubClass group shall commence making annual payments on the first of April, July, October or January, following the first quarterly period in which their permit becomes effective.

#### 4. Quality Surcharge Fee.

(a) **Quality Surcharge Fee Requirement.** The Sewer Service Charge (SSC), as established under Sections 64.41 of the Code, recovers the cost of treatment of domestic strength wastes discharged to the POTW for treatment. The SSC is paid by all of the users of the POTW. However, industrial wastewater discharged by Industrial Users (IUs) can vary significantly in strength from that of domestic sewage. Industrial wastewater strength can be higher or lower than that of the domestic sewage. A permittee whose discharge is determined to contain BOD or SS, as defined in Subsection A of Section 64.00 of this Code, with concentrations in excess of the designated BOD and SS values in the Board Rules and Regulations shall pay a quality surcharge fee.

(b) **Quality Surcharge Fee Determination.** A fee based on the quality/strength of the Wastewater discharged into the POTW shall be paid quarterly in arrears by all Industrial User or permittees in possession of a valid Industrial Wastewater Permit where the Wastewater of said permittees is found to be subject to the City's Quality Surcharge Fee and which is treated in a City treatment plant. The permittee may choose to be billed for the City's Quality Surcharge Fee based on either the provisions of Subsections 64.30D4(b)(1) or 64.30D4(b)(2) below.

(1) Permittees whose discharge is determined to contain BOD or SS, as defined in Subsection A of Section 64.00 of this Code, with concentrations in excess of the designated BOD and SS values in the Board Rules and Regulations shall pay a Quality Surcharge Fee (QSF) according to the following formula and provisions.

The Quality Surcharge Fee, for these permittees, shall be determined pursuant to the following formula:

$$C = V [ a(SS-DSS) + b(BOD-DBOD)]k$$

where:

"C" is the Quality Surcharge Fee.

"V" is the average daily volume of wastewater discharged in gallons and shall be deemed (1) the volume of water supplied to the premises, adjusted as determined by the Board to account for water not discharged into the POTW (2) the metered volume of wastewater discharged into the POTW, in accordance with a measuring device approved by the Board, or (3) a figure determined by the Board, based upon any other equitable method.

"SS" is the suspended solids as defined in Subdivision 75 of Subsection A of Section 64.00 of this Code, expressed in milligrams per liter.

"BOD" is the biochemical oxygen demand of the wastewater as defined in Subdivision 6 of Subsection A of Section 30 of this Code, expressed in milligrams per liter.

"DSS" is the suspended solids concentration designated by the Board in the Board Rules and Regulations.

"DBOD" is the biochemical oxygen demand concentration designated by the Board in the Board Rules and Regulations.

"a", is the verifiable cost assessed for each pound of suspended solids, as determined by the Board.

"b", is the verifiable cost assessed for each pound of biochemical oxygen demand, as determined by the Board.

"k" is  $(365 \times 8.34)/1,000,000$ , a dimensional constant to convert C to dollars.

If the term containing SS or BOD is negative, a value of zero shall be used for the term.

(i) In determining the amount of Quality Surcharge Fee to be paid by various industrial users, the Board may establish industry-wide averages for SS and BOD values. The Board may group permittees into appropriate discharge volume ranges each of which shall be represented by an average discharge volume. Where sampling and volume measurements of any permittee are not practical for physical, economic or other reasons, these averages may be used in establishing such permittee's Quality Surcharge Fee.

(ii) Any permittee whose fee has been determined in the above manner who is not satisfied that the averages are applicable to its discharge, may submit appropriate engineering data to the Board for its consideration. If the Board finds such permittee's discharge differs significantly from the averages established, it may determine the fee on a more appropriate basis.

(2) Permittees whose discharge is determined to contain BOD or SS, as defined in Subsection A of Section 64.00 of this Code, with concentrations less than the designated BOD and SS values in the Board Rules and Regulations may petition the Board to pay a Low-Strength SSC Rate as defined in Section 64.41.01(n), of the Code. Upon qualification, such permittee may be allowed to pay a Low-Strength SSC Rate where the Low-Strength SSC Rate excludes the cost component associated with the domestic sewage strength included in the SSC rate. However, should such a permittee petition and be allowed to pay a Low-Strength SSC Rate, such permittee shall simultaneously become subject to the Zero-Based Quality Surcharge Fee (QSF) as defined in Subsection 64.30D4(c) below. This fee is to recover the treatment cost associated with removal of BOD and SS, as defined below, in the permittee's discharge. This fee is also representative of and a replacement for the strength cost component of the Sewer Service Charge (SSC) not included in the Low-Strength SSC Rate as defined in Section 64.41.01(n) of the Code.

The Quality Surcharge Fee, for these permittees, shall be determined pursuant to the following formula:

$$C = V [ a(SS) + b(BOD)]k$$

where:

C, V, a, b, k, BOD and SS are defined under Section 64.30, Subsection D4(b) above.

(c) **Zero-Based Quality Surcharge Fee Qualifications and Requirements.** Any discharger, in possession of a valid Industrial Wastewater Permit, that petitions to pay a Low-Strength SSC Rate and a Zero-Based QSF, shall meet the following qualifications and requirements:

(1) The discharger, if not in possession of a valid Industrial Wastewater Permit, must apply for and obtain an industrial wastewater discharge permit as defined under Subsection 64.30.C.1. of the Code.

- (2) The permittee must petition, in writing, to the Board to be placed on the Zero-Based Quality Surcharge Fee;
- (3) The permittee must submit analytical data of its discharge, at the time of and with its petition, to demonstrate that the strength of its discharge does qualify for the Low-Strength SSC Rate;
- (4) The permittee shall become subject to self-monitoring of its discharge, per Industrial Waste Management Division policies and also as defined and established in Section 9 of the Board's Rules and Regulations and,
- (5) The permittee shall install a sampling facility, for the purposes of self-monitoring, in accordance to the requirements set forth by the Director.

(d) **Determination of Surcharge Fees for Ground Solid Wastes.** Where ground solid wastes such as garbage, market refuse, food plant wastes and hospital wastes are discharged to the POTW, their weights shall be recorded prior to disposal or may be estimated by the Board, and a dry weight loading calculated for determination of surcharges. Food processors which grind food plant wastes for discharge to the POTW and hospitals which grind infectious wastes for discharge to the POTW may be required to report quarterly the total weight of material ground for surcharge determination.

5. **Private Septage Disposal Facility (PSDF) Fees.** Subject to the provisions of this Subsection, all PSDFs shall pay, quarterly in arrears, the following fees and discharge user rates:

- (a) **PSDF Inspection and Control Fee.** An annual Inspection and Control (I & C) Fee, in the amount corresponding to the I and Classification Number as set forth in Table 1 of the Board's Rules and Regulations and;
- (b) **PSDF Treatment Cost Recovery User Fee.** A per gallon Treatment Cost Recovery User Fee as determined by the Board. This fee shall be applied to the full-tank capacity of each vehicle discharging at the PSDF.

6. **Determination of Fees and Charges.** When necessary as determined by the Board of Public Works, the Board with the concurrence of the Office of Administrative and Research Services (OARS) shall ascertain the verifiable costs applicable to the Quality Surcharge Costs set forth in Subdivision 4 of Subsection D of Section 64.30 and the PSDF Treatment Cost Recovery User Fee set forth above.

7. **Fee Schedule.** Upon adoption of a schedule of verified costs by the Board as provided herein, the Board shall transmit copies of the Board order to the Mayor and to the City Council. At any time within 30 days after receipt of the Board order, the Mayor, by writing, or the Council, by majority vote, may disapprove the Board order. If neither the Mayor nor the City Council disapproves the Board order within the 30-day period, the schedule shall become effective, and the Board shall collect fees and charges according to the new schedule.

8. **Wastewater Sampling and Analysis Fee.** The Board may charge a fee of \$100 for each analysis performed by or on behalf of the Bureau of Sanitation or the Department of General Services, on wastewater samples taken from the discharger. Monies collected pursuant to this Subdivision 5 shall be deposited into the General Fund to the account of the Department of General Services.

9. **Significant Industrial User Fee.** In addition to any fees and charges required by this Subsection, Significant Industrial Users (SIUs), as defined in Section 64.00A67, of this Code shall be charged additional fees in accordance with the following schedule for each applicable Industrial Wastewater Permit:

SIU GROUP	GROUP IDENTIFICATION	AMOUNT OF FEE
I	Categorical Industrial Users with an average discharge equal to or greater than 10,000 gallons per day	\$4,191
II	Categorical Industrial Users other than Electroplaters with an average discharge less than 10,000 gallons per day	\$4,054

III	Category 413 Industrial Users (Electroplaters) with an average discharge less than 10,000 gallons per day	\$2,219
IV	Non-Categorical Industrial Users with an average discharge of equal to or greater than 250,000 gallons per day	\$3,466
V	Non-Categorical Industrial Users with an average discharge of equal to or greater than 40,000 gallons but less than 250,000 gallons per day	\$2,516
VI	Non-Categorical Industrial Users with an average discharge of equal to or greater than 25,000 gallons but less than 40,000 gallons per day, OR; any industrial user that is designated by the Director to have a reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standards or requirement.	\$2,359

#### 10. Due Dates.

(a) **Fee Due Dates for other than I & C Class I SubClass Fees.** Fees subject to the provisions of this subdivision, Inspection and Control Fees, Quality Surcharge Fees, Private Septage Disposal Facility Fees, and Significant Industrial User Fees shall be due in quarterly installments payable on the first day of January, April, July and October, with each such payment applicable to the immediately preceding quarter.

#### (b) Class I SubClasses Fee Due Dates.

(1) **I & C Fees.** Class I SubClass permittees shall commence making annual payments on the first of April, July, October or January, following the first quarterly period in which their permit becomes effective. The following outlines the billing schedule for Class I SubClasses permittees:

#### Permit Effective Period Bill Due Date

Jul-Sept.	October 1
Oct-Dec.	Jan 1
Jan-March	April 1
Apr-Jun.	July 1

(2) **Quality Surcharge Fees.** Class I SubClass permittees subject to Quality Surcharge Fees shall be subject to the same schedule of payments set forth in the provisions of Subsections 64.30D4(10)(a) above.

11. **Cost Recovery For Sewer Maintenance.** (New Subdiv. (11) Added by Ord. No. 174,047, Eff. 8/5/01.) The Board may charge any discharger for the cost of sewer maintenance resulting from its wastewater discharge.

#### 12. Delinquency - Penalty Charges. (Amended by Ord. No. 174,817, Eff. 11/2/02.)

(a) **Delinquency - Penalties.** If the fees are not paid on or before the last day of the quarter in which they are due, a penalty equal to 2.5% of any outstanding fees, but not less than \$10.00, shall be added to the fees. The fees, including penalty, shall become a part of the fees required by this section and be payable for that quarter. Any fees remaining unpaid after the last day of the quarter shall be added and carried over to the amount owing for the next quarter and become part of the fees owing for that quarter.

(b) **Continued Delinquency.** All principal charges, excluding accrued penalties, carried over from a prior quarter

shall be assessed an additional penalty in the amount of 2.5% if not paid on or before the last day of each quarter until paid in full. All charges carried over into the next quarter shall continue being carried over and added to charges accruing for the following quarter, if any, without limitation and all outstanding principal charges shall be subject to continued penalties as provided here for each quarter in which they remain unpaid. These charges and penalties shall continue to accrue quarterly until paid regardless of whether the permit is revoked as provided here.

(c) **Delayed billing.** If the invoices for any fees due, pursuant to this section, are not mailed before the due date, these fees shall not become delinquent until 35 days following the invoice mailing date, at which time, the fees shall become delinquent and the charges and time payment factors as provided above shall apply.

(d) **Revocation.** If the total invoiced amount is not paid by the last day of the month of any quarter in which there is an amount owing from a previous quarter, the permit shall be subject to revocation as provided in Subsection E below. Before the Board may grant any new permit, all outstanding delinquent fees and penalties must be paid.

**13. Liability for Costs of Correction Arising from Unlawful Discharge. (Subdiv. (12) Renumbered (13) by Ord. No. 174,047, Eff. 8/5/01.)** Whenever any discharger introduces or causes to be introduced wastewater in violation of this section and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, said discharger shall be liable to the City for reasonable costs necessary to correct that discharge, detriment or adverse effect, including, but not limited to labor, material, inspection, transportation, overhead, and incidental; expenses associated with the corrective action. The discharger shall additionally be liable to the City for the reasonable costs of investigation by the City arising from the unlawful discharge.

## **E. Enforcement**

### **1. Suspension of Industrial Wastewater Permit.**

(a) **Permit Suspension Criteria.** The Director may suspend an Industrial Wastewater Permit when such a suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety or welfare, to the local environment, or which either singly or by interaction with other discharges, is an imminent hazard to the POTW or places the City in violation of its NPDES permit.

(b) **Discharger Response to Suspension Notification.** Any discharger notified of a suspension of that discharger's Industrial Wastewater Permit shall immediately cease and desist the discharge of all industrial wastewater into the POTW. Any discharger notified of a suspension of that discharger's Industrial Wastewater Permit issued for a private sewage disposal system shall immediately cease and desist the discharge of industrial wastewater into both the private sewage disposal system and the POTW.

(c) **Failure of Discharger to Comply with a Suspension Order.** In the event of a failure of a discharger to comply voluntarily with a suspension order, the Board may take such steps as are reasonably necessary to ensure compliance. These include, but are not limited to, immediate blockage or disconnection of the discharger's connection to the POTW, and a request to the Department of Water and Power that it discontinue water service of the affected property until full compliance with the Notice to Comply has been achieved.

(d) **Notice of an Intended Order of Suspension.** The Director in the event of violation of this section, may serve the discharger with a notice of an intended order of suspension, stating the reasons therefor, the opportunity for a hearing with respect thereto, and the proposed effective date of the intended order.

(e) **Order of Suspension Board Hearing.** Any discharger suspended or served with a notice of an intended order of suspension may file with the Secretary of the Board a request for a Board hearing with respect thereto. Filing of such request shall not stay a suspension. In the event a suspension of a permit due to imminent hazard related to continued discharge, the discharger may request a hearing, and the Board or a hearing examiner designated by the Board for that purpose, shall conduct a hearing within three days of receipt of the request. In the event of hearing requests, for other than an imminent hazard suspension, the Board shall hold a hearing on the suspension within 14 days of receipt of the request. At the close of the hearing the Board shall make its determination whether to terminate, or conditionally terminate the suspension imposed by the Director, or the Board may cause the permit to be revoked. Except in the case of a hearing

within three days being required as above provided, reasonable notice of the hearing shall be given to the suspended discharger in the manner provided for in Subdivision 6 of Subsection E of this section.

(f) **Stay of Order of Suspension.** In the event that the Board fails to meet within the time set forth above or fails to make a determination within 72 hours after the close of the hearing, the order of suspension shall be stayed until a Board determination is made with respect to the action of the Director.

(g) **Reinstatement of Industrial Wastewater Permit.** The Director shall reinstate the Industrial Wastewater Permit upon proof of compliance which ends the emergency nature of the hazard created by the discharge that had been cause for the Director to initiate the suspension, provided that the Director is satisfied that all discharge requirements of this section, the Board's Rules and Regulations, and any Board order will be implemented.

2. **Revocation of Industrial Wastewater Permit.** The Board may revoke an Industrial Wastewater Permit upon a finding that the discharger has violated any provision of this section or the Board's Rules and Regulations. No revocation shall be ordered until a notice and hearing on the question has been held by the Board as provided in Subdivisions 4 and 5 of this Subsection E of Section 64.30.

3. **Additional Emergency Remedial Measures.** The Director shall have full power and authority to take any necessary precautions including but not limited to, decontamination, sewer closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent further damage resulting from a condition that is likely to result in a discharge which presents an imminent hazard to the public health, safety or welfare; or which either singly or by interaction with other discharges, is an imminent hazard to the POTW; or which places the City in violation of its NPDES permit. In the pursuit of such an operation, City personnel, any party contracting with the City, or duly authorized representative of another governmental agency shall have immediate access to the premises. The Director may prohibit approach to the scene of such emergency by any person vehicle, vessel or thing, and all persons not actually employed in the extinguishment of the condition or the preservation of lives and property in the vicinity thereof.

#### 4. **Board Hearing.**

(a) **Appointment of Hearing Examiner.** With respect to permit revocation or suspension hearings, the Board may conduct the hearing or may appoint one or more examiners or designate one or more of its members to serve as hearing examiners and to conduct a hearing with respect to any appeal or protest filed. At such hearing the discharger may appear personally or through counsel, cross-examine witnesses and present evidence in the discharger's behalf.

(b) **Board Decision.** The hearing examiner or examiners, if other than the Board, shall submit a written report and recommendations to the Board together with a brief summary of the evidence considered and conclusions reached with respect thereto. The Board, after considering evidence presented at such a hearing, and any report submitted to it with respect to such a hearing, or after any hearing which it conducts, shall adopt findings supported by evidence, and may adopt, reject, or modify in whole or in part, make its decision, and issue its order. If the Board's order is to revoke the discharger's Industrial Wastewater Permit, the order may be effective forthwith, or at a later specified date. The discharger shall be notified in writing of the Board's action.

(c) **Compliance with Order of Revocation.** Any discharger whose Industrial Wastewater Permit has been revoked shall immediately cease and desist all discharge of any wastewater covered by the Permit. The Board may disconnect or permanently block the discharger's connection if such action is necessary to ensure compliance with the order of revocation.

(d) **Conditions for Resumption of Discharge after Permit Revocation.** After revocation of a discharger's Industrial Wastewater Permit, there shall be no further discharge of industrial wastewater by that discharger into the POTW unless there has been a new application filed, all fees and charges that would be required upon an initial application and all delinquent fees, charges, penalties and other sums owed by the discharger and/or the applicant to the City have been paid to the City, and a new Industrial Wastewater Permit has been issued. Any costs incurred by the City, including administrative costs and investigative fees, in revoking the Permit and disconnecting the connection if necessary, shall also be paid for by the discharger before issuance of a new Industrial Wastewater Permit.

5. **Notice.** Notice of the hearing shall be given to the discharger at least ten (10) days prior to the date of hearing. Unless otherwise provided herein, any notice required to be given by the Director under this section shall be in writing and served in person or by registered or certified mail addressed to the addressee's last known address with request for return receipt. Where no address is known, service may be made upon the owner of record of the property upon which the violation occurred or by posting the notice conspicuously on the property.

Notice shall be deemed to have been given at the time the written notice is deposited, postage prepaid, in the United States mail at Los Angeles, California.

6. **Public List of Significant Noncompliant Industrial Dischargers.** The Director shall identify a discharger as meeting one or more of the Significant Noncompliance (SNC) criteria listed in 40 CFR Section 403.8(f)(2)(vii) and shall publish notice in the largest daily newspaper published in the City of such status. The criteria for SNC shall be as follows:

- (a) Sixty-six percent (66%) or more of wastewater measurements taken during a 6 month period exceed the discharge limit for the same pollutant parameter by any amount;
- (b) Thirty-three percent (33%) or more of the wastewater measurements taken during a 6 month period for each pollutant equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, oil and grease, and 1.2 for all other pollutants except pH);
- (c) Any other effluent violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of pollutants that has caused imminent endangerment to the public, human health or welfare or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a permit or Administrative Order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 30 days after the due date, any required reports such as 90 day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations that the Director determines will adversely affect the operation or implementation of its pretreatment program.

## 7. Penalties for Violations.

(a) **Criminal Penalty.** Except as expressly provided, violation of this section or any order issued by the Board or the Director as authorized by this section is a misdemeanor punishable by a fine not to exceed \$1,000.00 per violation per day or by imprisonment in the County jail for a period of not more than six (6) months, or by both such fine and imprisonment.

(b) **Injunctive Relief.** Whenever a discharger of wastewater is in violation of this section or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Board or the Director may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, restraining order, or other order, as may be appropriate in restraining the continuance of such discharge.

(c) **Civil Liability.** Any person who violates any provision of this section or any term or condition of any permit issued pursuant to this section or plan approval which prohibits or limits the discharge of any waste imposes any treatment requirement shall be civilly liable to the City in the maximum sum provided by law for each day in which such violation occurs.

F. **Conflict.** Provisions of this section shall prevail over any other inconsistent or conflicting provisions of this

chapter.

**SEC. 64.30.L. INDUSTRIAL WASTES TREATED BY COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY (CSDLA).**

**(Amended In Entirety by Ord. No. 173,980, Eff. 7/1/01.)**

(a) **Industrial Wastewater.** For purposes of this section "industrial wastewater" shall mean all water carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of nonhuman origin.

(b) **Dischargers in the City whose Wastewater is Treated by CSDLA.** Dischargers of industrial wastewater whose wastewater is treated and disposed of in wastewater treatment facilities owned and operated by the County Sanitation Districts of Los Angeles County, and who are in the City of Los Angeles but not in a County Sanitation District shall comply with all ordinances and regulations of said districts which would be applicable to such dischargers if they had been in a district.

(c) **Fees and Charges.** Such dischargers shall pay, to the districts, charges equivalent to those imposed by the districts pursuant to the Districts Industrial Wastewater Treatment Surcharge as if the discharge were within a district using the same sewer system.

(d) **Districts Responsibilities.** The district shall have the responsibility to bill and serve all such charges. It shall have the right to sue and collect in its own name any such charges that may be delinquent.

**SEC. 64.31. SEPTAGE DISPOSAL CONTROL.**

**(Added by Ord. No. 172,118, Eff. 8/31/98.)**

**A. General Provisions.**

1. **Objectives.** This section sets forth regulations and requirements for accepting septage for discharge to the City's Publicly Owned Treatment Works (P.O.T.W.). Through a Permit, monitoring and an inspection program, the City seeks to ensure compliance with all applicable Federal and State regulations and seeks to assure implementation of the following objectives:

- (a) To protect the health, safety and welfare of the public;
- (b) To protect the health and safety of the P.O.T.W. operating and maintenance personnel;
- (c) To protect the P.O.T.W. and its operations and treatment processes from harmful pollutants;
- (d) To prevent any hazardous wastes from being discharged to the P.O.T.W.;
- (e) To provide cost recovery for its services, including wastewater treatment administration, operations, maintenance, expense and equipment expenditures, implementation and enforcement of the program established herein.

2. **Scope.** This section provides for the regulation of the discharge of septage to the City's P.O.T.W., through the issuance of Septage Disposal Permits, enforcement of discharge prohibitions, designation of discharge sites, requirements for waste tracking and load manifesting. This section further establishes fees for the recovery of all program costs. Except as otherwise provided herein, the Director of the Bureau of Sanitation (Director) under the jurisdiction of the Board of Public Works (Board) shall administer, implement and enforce the provisions of this section. This section applies to all Septage Haulers who discharge septage to the City's P.O.T.W.

**B. Septage Disposal Rules and Regulations.** The Board shall adopt Rules and Regulations consistent with the provisions of this section, to effectuate its intent and purpose in regulating the discharge of septage to the City's P.O.T.W.



and to administer the operations of any designated discharge site. These Rules and Regulations shall be titled "**RULES AND REGULATIONS GOVERNING DISPOSAL OF SEPTAGE INTO THE P.O.T.W. OF THE CITY OF LOS ANGELES**", herein referred to as the Board's Septage Disposal Rules and Regulations.

**C. Septage Disposal Permit.** No person may discharge or cause to be discharged any septage to the City's P.O.T.W. without first obtaining a Septage Disposal Permit in writing from the Director. A separate Septage Disposal Permit shall be required for each vehicle used to haul septage for discharge to the City's P.O.T.W.

**1. Permit Application.** To obtain a Septage Disposal Permit, an application must be filed with the Director in the prescribed form and must be accompanied by the applicable fees. The applicant must submit the following information for evaluation:

- (a) Name, address of any and all principals, owners, major shareholders of the company applying for the Permit (whichever is applicable).
- (b) State Vehicle License Number and Vehicle Identification Number (VIN) of the septage hauling vehicle to be permitted.
- (c) Copy of the applicant company's City Business Tax Registration Certificate (BTRC).
- (d) Copy of the applicant company's Los Angeles County Health Department License and vehicle registration number.
- (e) The total septage hauling capacity, in gallons, and that of each compartment in the vehicle, to be permitted.
- (f) Any other information deemed by the Director to be necessary to evaluate the applicant's Permit application.

**2. Permit Conditions.** Septage Disposal Permits are subject to all provisions of this Code, all applicable statutes, rules and Regulations, fees and charges established by the City. This Permit must be kept on the permitted vehicle used to haul septage and available for immediate inspection at all times. The Director has the authority to impose additional Permit conditions as follows:

- (a) Prohibitions and/or "discharge limitations" for discharge of specific pollutants.
- (b) Requirements for maintaining, submitting and affording City access to waste hauling records or Septage Manifests.
- (c) Requirements for wastewater sampling and analysis.
- (d) Other Permit conditions deemed appropriate and as recommended by the Director to ensure compliance with this section.

**3. Duration of Permit.** A Septage Disposal Permit is valid for one year. A Permit may be issued for a period less than a year or may be stated to expire on a specific date, not to exceed one year from the date of Permit issuance.

**4. Renewal of Permit.** Applications for Permit renewal must be filed with the Director a minimum of sixty (60) days prior to the Permit's expiration date. A permittee must pay any delinquent fees or charges, in full, prior to Permit renewal.

**5. Non-Transferability.** A Septage Disposal Permit, identification decal or card and any site access card or key shall be issued to a specific permitted vehicle and is not transferable from one business or vehicle to another.

**D. Prohibitions and Limitations.** The following prohibitions and limitations shall apply to all persons discharging septage to the City's P.O.T.W.

## 1. Discharge Prohibitions

(a) Except as expressly allowed through a Septage Disposal Permit, Septage Haulers are subject to the "discharge prohibitions" specified in Section 64.30, Subsection B1 of the Code for all loads discharged to the City's P.O.T.W.

(b) Discharge of septage to any portion of the City's storm drain system or the Waters of the State is expressly prohibited.

(c) No person may discharge, attempt to discharge or cause the discharge of septage, directly or indirectly to the City's P.O.T.W. through any sewer maintenance hole or through any other sewer connection not specifically approved as a designated discharge site.

(d) Discharge of septage consisting of materials mixed from different types of septage is prohibited as specified under Section 5 of the Board's Septage Disposal Rules and Regulations.

2. **Specific Pollutant Limitations.** Septage Haulers are subject to specific pollutant limitations specified in Section 64.30, Subsection B2 of the Code for all loads discharged to the City's P.O.T.W., except when discharging domestic septage, other than portable toilet waste, to the City's P.O.T.W.

E. **Septage Manifests.** As part of a septage tracking system, a manifest, in a form prescribed by the Director, must be completed and submitted by every Septage Hauler for each generator or source of septage to be discharged to the City's P.O.T.W.

The manifest for each load being transported must be fully completed and be available, in the transport vehicle, for inspection by the City inspector at the time of discharge of such loads at the designated discharge sites. The manifest must be completed and submitted according to the provisions of the Board's Septage Disposal Rules and Regulations.

F. **Industrial Wastewater Permit.** Upon determination by the Director, a generator of Industrial Wastewater or non-domestic septage, who intends to discharge such wastes at a designated discharge site, may be required to obtain an Industrial Wastewater Permit, per the requirements of Section 64.30, Subsection C1 of the Code.

G. **Physical or Chemical Analysis.** The Director may require physical and chemical analysis of any septage hauled by any Septage Hauler before permission is granted to discharge to the City's P.O.T.W. The Director may also collect and analyze samples of septage to determine its compliance with any applicable wastewater discharge pollutant limitations or requirements.

H. **Right to Reject.** The Director may reject septage from any Septage Hauler if there is reason to believe that the septage may contain hazardous waste, industrial waste or any other waste which may require a chemical analysis to determine its quality and therefore acceptability for discharge to the City's P.O.T.W.

I. **Discharge Sites.** The Board shall designate discharge sites and may establish the hours of operation where properly permitted Septage Haulers shall be allowed to discharge properly manifested septage.

J. **Service Area.** Service Area shall mean the County of Los Angeles. The City shall not accept any septage originating from outside the County of Los Angeles unless specifically permitted by the Director as part of the Septage Disposal Permit provisions.

K. **Fees and Charges.** Septage Haulers shall pay all applicable Septage Disposal Permit fees and charges established in this section. All fees and charges collected from Septage Haulers shall be deposited in the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code. Monies collected are to be expended for the purposes set forth in the above Subsection A1(e) and to provide for any appropriate refunds relative to such fees.

1. **Determination of Fees and Charges.** When necessary, as determined by the Board, the Board with the concurrence of the Director of the Office of Administrative and Research Services (Amended by Ord. No. 173,363, Eff. 7/29/00, Oper. 7/1/00.) shall propose an appropriate and revised schedule of fees and charges. The Board shall then

transmit the schedule of fees and charges, to the Mayor and to the City Council for their approval and adoption.

2. **Permit Fee.** An Annual Permit Fee of \$ 2000.00 is required for each Septage Hauler vehicle that is permitted to discharge septage to the City's P.O.T.W. This fee shall be paid annually at the time of submittal of each application for issuance or renewal of a Septage Disposal Permit.

3. **User Fees.** The following user fee rates are to be applied to the full tank capacity of the Septage Haulers' vehicle, for each vehicle as permitted by the Director; and, by the septage origin, as follows:

(a) Septage generated inside the City: \$0.0256 per gallon

(b) Septage generated outside the City: \$0.0496 per gallon

(c) **Commingled Septage:** Septage Haulers discharging commingled septage, shall identify and report the composition of the commingled load on the Septage Manifest form to be submitted at the time of discharge. The Septage Hauler must identify, as a percentage of the total volume, the volume of septage subject to each of the above two rate categories "Septage generated inside the City" and "Septage generated outside the City". The City shall charge the Septage Hauler accordingly by applying the appropriate rate to the volume of each type of septage as identified by the Septage Hauler. All reported information on each commingled load shall be subject to verification by the City.

(d) **Emergency/Special Event Use Fee.** An Emergency or Special Event Use Fee shall be charged to any Septage Hauler requesting access to any designated septage discharge site during non-business hours. This fee will be determined by the Director and will be equal to the City's costs to provide such a service. This fee shall recover all direct and indirect City costs and shall include, at a minimum; City costs equal to the overtime salary rate of an Industrial Waste Inspector for three (3) hours. This fee will be billed to the Septage Hauler and will be charged in addition to the applicable user fees according to and as defined hereunder in Subdivision 5 of this Subsection K.

4. Each load of septage delivered and discharged to the City's P.O.T.W. must be accompanied by a Septage Manifest clearly indicating the type and volume of the septage being discharged as required in Subsection E.

5. **Application of the Rates During an Emergency or Special Event.** In the case of a major rain storm or earthquake, or other emergency as determined by the Director, or during a Special Event, as declared by the City Council, a Septage Hauler may discharge septage resulting from such emergency or Special Event at a designated septage discharge site. The Director shall screen such septage before it may be discharged to ensure that such a discharge will not adversely affect the City's P.O.T.W., or violate any of the City's "discharge limitations". The Director shall bill the Septage Hauler the appropriate User Fee according to Subdivision 3 of this Subsection K.

6. **Payment Method and Due Dates - Billing of Fees and Charges.** Subject to the provisions of this subsection, all user fees and charges shall be due in quarterly installments payable on the first day of January, April, July and October, with each such payment applicable to the immediately preceding quarter. This billing method will not be available to those Septage Haulers that become delinquent with the payment of their fees and charges as defined hereunder in Subdivision 7 of Subsection K of this section. Delinquent Septage Haulers will no longer be invoiced, following the date on which they become delinquent, and will be required to pay in guaranteed form, prior to discharge, the payment required for the discharge of each load of septage the Septage Hauler intends to discharge, in accordance with Subdivision 8(a) of Subsection K of this section.

7. **Delinquency - Additional Charge.** If the user fees are not paid on or before the last day of the month in which they are due, the Septage Hauler shall be deemed delinquent and will be issued a delinquent notice by the Director. Additionally, a delinquency charge equal to ten percent (10%) of the required user fees, but not less than \$10.00, shall be added to said user fees, and such additional charges shall become a part of the user fees required by this section and be payable for said period.

If the invoices for said user fees are not postmarked before the due date, such user fees shall not become delinquent until 35 days following the invoice mailing date, at which time, such user fees shall become delinquent and the additional charges and time payment factors as provided above shall apply.

8. **Failure to pay user fee or charge.** Failure to pay any user fee or charge payable under this section within 10 days after issuance of the delinquent notice by the Director shall constitute grounds for the suspension or revocation of the Permit(s) held by such Septage Hauler or for the issuance of an order by the Director under the provisions of Section 64.311F. For purposes of this subsection, failure to pay includes a payment which has been dishonored.

(a) Notwithstanding any other provision in this Code:

(a) Pending a final determination by the Director to suspend or revoke a Septage Hauler's permit(s) for failure to pay; or,

(b) Pending payment in full of all unpaid user fees or charges pursuant to an agreement to pay such user fees or charges, any Septage Hauler deemed delinquent under this subsection may, at the discretion of the Director, discharge septage to the City's P.O.T.W. on a load-by-load basis on the condition that all user fees applicable for the load to be discharged are paid prior to discharge. All payments of applicable user fees and charges under this subsection shall be by way of money order, cashier's check or other guaranteed form of payment.

(c) Payments made under this subsection will be accepted during normal business hours at one or more locations approved by the Director.

(d) The remedies provided by this section are cumulative to each other and to all other remedies and penalties available to the City under law. This section shall not be construed to prevent the Director from suspending or revoking any Septage Disposal Permit for any reason set forth in Subsection F of this section.

**L. Enforcement.** Violation of this Code, any term or condition of a Septage Disposal Permit, the Board's Rules and Regulations, or any order issued by the Director, may subject the Septage Hauler to enforcement action as provided herein.

**1. Cause for Enforcement Action.** An enforcement action may be initiated against a permittee for any of the following reasons:

(a) When a discharge, singly, or by interaction with other discharges, may cause interference, pass through, or otherwise pose a significant risk of causing the City to violate its NPDES wastewater Permit requirements;

(b) When a discharger obtains its Septage Disposal Permit by misrepresentation or fails to disclose fully all relevant facts in either the Permit application or any report, including falsification of self-monitoring reports or manifests or tampering with monitoring equipment;

(c) When a discharger fails to provide timely access to its records;

(d) When a discharger fails to timely pay applicable fees;

(e) When a discharge, singly, or by interaction with other discharges, may have an adverse effect on public health, safety or welfare; on the P.O.T.W., its personnel, or on the environment;

(f) When a discharger exceeds effluent "discharge limitations";

(g) When a discharger fails to provide a complete and accurate Septage Manifest;

(h) When a discharger violates any term or condition of its Septage Disposal Permit, this section, the Board's Rules and Regulations, or any order issued hereunder; and/or

(i) When the Director determines that a permittee has acted in any manner inconsistent with the intent of this Code, the Septage Disposal Permit or the laws governing the operation of the City's P.O.T.W.

Enforcement actions as provided herein may include any or all of the following:

## 2. Notice of Violation.

(a) **Scope of Notice of Violation.** The Director may serve upon a Septage Hauler a written Notice of Violation. The Notice of Violation may require the Septage Hauler to promptly respond to the Director within a specified time period and to identify the reason(s) and cause(s) for the violation(s) and a plan for the satisfactory correction and prevention of future violations.

(b) **Effect of Notice of Violation.** Submission of the response by a Septage Hauler to a Notice of Violation does not relieve the Septage Hauler of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, whether or not a Notice of Violation has been issued.

## 3. Administrative Orders.

(a) **Scope of Administrative Orders.** The Director may issue Administrative Orders containing such terms and requirements as deemed necessary by the Director for determining the compliance status of the Septage Hauler; requiring the Septage Hauler to achieve compliance; and/or suspending the Permit(s) and requiring the cessation of discharge in whole or in part.

### (b) Effect of Administrative Order.

(1) Failure of a Septage Hauler to comply with any condition or requirement set forth in any Administrative Order issued hereunder is a violation of this section and is independently enforceable for each day of a violation. An Administrative Order has the full force of law and is enforceable in a court of law. Administrative Orders shall become effective and final upon issuance by the Director.

(2) A Septage Hauler's compliance with the requirements of an Administrative Order shall not relieve the Septage Hauler of liability for any violation of a Septage Disposal Permit, this section, the Board's Rules and Regulations or other legally applicable requirements occurring before or after receipt of the Administrative Order.

(3) Nothing in this section shall limit the authority of the Director to take any action, including emergency actions, or any other enforcement action, whether or not an Administrative Order has been issued.

(c) **Description of Administrative Orders.** Administrative orders which the Director may issue include, but are not limited to, the following:

(1) **Consent Orders.** The Director and discharger may enter into a Consent Order establishing an agreement for achieving compliance with discharger requirements. Consent Orders reflect the agreement of the Director and discharger and are not appealable to the Board or otherwise subject to administrative or judicial appeal.

(2) **Cease and Desist Orders.** The Director may issue Cease and Desist Orders requiring dischargers, among other things, to cease and desist all such violations and directing the user to:

(A) Immediately comply with all Permit, Rules and Regulations and Code requirements, and;

(B) 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 or preventing further discharges.

(3) **Compliance Orders.** The Director may issue Compliance Orders requiring dischargers, among other things to:

(A) Comply with interim and/or final dates and steps for achieving compliance;

(B) Submit and implement a plan of corrective actions to be taken to maintain consistent and permanent compliance;

(C) Submit and implement a pollution prevention plan;

- (D) Conduct additional self-monitoring; and/or
- (E) Pay all delinquent fees and charges.

4) **Permit Suspension Order.** The Director may issue Permit Suspension Orders suspending the right of the Septage Hauler to discharge septage to the City's P.O.T.W. A Permit Suspension Order may be issued due to the Septage Hauler's failure to pay applicable fees or penalties or for other good cause, including causes as specified in Subdivision 1 of this Subsection I. of this section.

#### 4. Suspension of Septage Disposal Permit(s).

(a) **Notice of Intended Permit Suspension Order.** The Director may serve the Septage Hauler with a Notice of Intended Permit Suspension stating the reasons therefor and the opportunity for a Show Cause Permit Suspension Hearing before the Director with respect thereto. After such hearing, the Director shall make a final determination whether to issue the Permit Suspension Order or take other enforcement action. In cases where a Septage Hauler holds multiple Septage Disposal Permits and upon determination by the Director, the Permit Suspension Order may suspend all of the Septage Hauler's permits.

(b) **Cessation of Discharge.** Any Septage Hauler notified of suspension of its Septage Disposal Permit(s) shall immediately cease and desist the discharge of all septage previously authorized by the Permit(s) to the P.O.T.W. It is unlawful for a Septage Hauler to continue to discharge any septage to the P.O.T.W. after the Septage Hauler's permit(s) has been suspended.

(c) **Reinstatement of Suspended Permit(s).** The Director shall require that all deficiencies, violations and causes which led to the suspension of the Septage Hauler's permit(s), be removed and corrected and/or require that the Septage Hauler pay all of the delinquent fees, charges, penalties and other sums owed by the Septage Hauler to the City, or reach an agreement with the Board to pay such fee and charges before a suspended Permit is reinstated. Suspension of the Permit(s) does not relieve the Septage Hauler of its obligation to pay all applicable fees.

(d) **Failure to Correct as Cause for Revocation.** Failure of the Septage Hauler to take the necessary corrective actions and request reinstatement of the suspended Permit(s) within ninety (90) days following issuance of a Permit(s) Suspension Order shall be grounds for Permit(s) revocation and service termination according to Subsection 5 of this section.

#### 5. Revocation of Septage Disposal Permit(s).

(a) **Notice of Intended Permit Revocation.** The Director, in the event of:

(i) a violation of a Septage Disposal Permit, this Code, the Board's Rules and Regulations, any order issued hereunder; and/or

(ii) The Septage Hauler's failure to pay applicable fees or penalties; and/or

(iii) for other good cause (including causes as specified in Paragraph (d) of Subdivision 4 of this subsection, may serve the Septage Hauler with a Notice of Intended Permit Revocation, stating the reasons therefore and the opportunity for a Show Cause Permit Revocation Hearing before the Director with respect thereto. After such hearing, the Director shall make a final determination whether to revoke the Permit(s) or take other enforcement action. In cases where a Septage Hauler holds multiple Septage Disposal Permits, the Director may revoke all of the Septage Hauler's permits.

(b) **Cessation of Discharge.** Any Septage Hauler notified of the revocation of its Permit(s) shall immediately cease and desist the discharge of all septage previously authorized by the Permit(s) to the P.O.T.W. It is unlawful for a Septage Hauler to continue to discharge any septage to the P.O.T.W. after Permit(s) has been revoked.

(c) **Issuance of New Septage Disposal Permit Subsequent to Revocation.** After revocation of a Septage Hauler's permit(s), there shall be no further discharge of any septage by the Septage Hauler to the P.O.T.W., unless there has been

a new application filed, all fees and charges that would be required upon an initial application and all delinquent fees, charges, penalties and other sums owed by the Septage Hauler and/or the applicant to the City have been paid to the City, or the Septage Hauler has reached an agreement with the Board to pay such charges and fees, and a new Septage Disposal Permit has been issued. Any costs incurred by the City, including administrative costs and investigative fees, in revoking Septage Disposal Permit(s) shall also be paid for by the Septage Hauler before issuance of new Septage Disposal Permit(s).

## 6. Appeals and Hearings.

(a) **Appeals.** Upon the issuance of an Administrative Order or notification of Permit revocation by the Director, a Septage Hauler may, within 14 days from service of the Director's order or notice, submit a written request to the Secretary of the Board for a Board hearing to appeal said order or notice.

The filing of said appeal does not act to stay any enforcement action or time set for compliance nor does said filing of an appeal in any way relieve the Septage Hauler from any liability or responsibility for the violation which is the subject of the appeal. Nothing in this section shall act to limit the authority of the Director to take any action, including emergency actions or any other enforcement actions, whether or not a request for appeal has been made. Failure of the Septage Hauler to request a hearing within the specified time or failure to pay any required filing fees shall be deemed a waiver of request for such a hearing.

In the event of a hearing request to consider an Administrative Order or notification of Permit Revocation as determined by the Director, the Board, or a hearing examiner designated by the Board for that purpose, upon written request by the Septage Hauler, shall conduct the hearing to consider the appeal of said order or notice within a reasonable period of time with consideration shown for the convenience and necessity of all parties and their representatives.

### (b) Hearings.

(1) At the hearing the Director shall submit, for the record, evidence to support the issuance of the Administrative Order or notification of Permit Revocation which is the subject of the appeal. The Septage Hauler shall have the opportunity prior to the hearing to examine the evidence to be submitted by the Director. The Septage Hauler or counsel should be present at the hearing and will be given the opportunity to present any relevant evidence or witnesses, and ask questions or make comments concerning the Director's evidence and testimony. Failure of the Septage Hauler or the Septage Hauler's representative to appear at the hearing after receiving notice of the hearing shall be deemed a waiver of hearing rights.

(2) At the conclusion of the hearing, the Board shall make findings and determine whether the evidence presented at the hearing supports the issuance of the Administrative Order or notification of Permit Revocation which is the subject of the appeal.

(c) **Notification.** Only those persons who request a hearing need be notified of the date and time of the hearing. The Board Secretary shall make said notification at least ten (10) days prior to the date of the hearing by certified mail, postage prepaid, return receipt requested, to the address as shown on the hearing request.

(d) **Continuances.** The Board may grant continuances; however when a hearing examiner has been assigned to such hearing, no continuances may be granted except by that hearing examiner, for good cause shown, so long as the matter remains before the hearing examiner.

(e) **Reporting.** The proceedings at the hearing shall be reported by an electronic recording if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the prescribed fee therefor.

(f) **Oaths-Certification.** In any proceedings under this division, the Board, any Board member, the secretary of the board or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

(g) **Appointment of Hearing Examiner(s).** Whenever an appeal or protest is made to the Board pursuant to this

section, the Board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners, and direct such hearing examiner or examiners to consider all or part of such appeal or protest or to conduct all or part of such hearing and to submit a report or reports thereon as hereafter provided. Hearing examiners may, be appointed from among the officers or employees of the City.

(h) **Report of Hearing Examiner.** Within such period as may be fixed by the Board, the hearing examiner shall submit a written report to the Board. Such report shall contain a brief summary of the evidence considered and shall state the hearing examiner's conclusions and recommendations, and if the matter is then ready for decision, the report shall contain a proposed decision, in such form that it may be adopted by the Board as its decision in the case, and a brief statement of the hearing examiner's reasons therefor. All hearing examiner's reports shall be filed by the secretary of the Board as public records. A copy of each proposed decision so filed shall then be mailed by the Secretary of the Board to each party.

(i) **Consideration of Report by Board.** The Board shall fix a time when the Board will consider the report of the hearing examiner. Notice thereof shall be mailed by the Board Secretary to each party not less than ten (10) days prior to the date fixed, unless otherwise stipulated. Not later than five (5) days before such date any party may file written exceptions to any part or all of the hearing examiner's report.

(j) **Disposition by Board.**

(1) After considering the hearing examiner's report and any exceptions, proposals, and arguments submitted, the Board may adopt, reject, or modify such report in whole or in part. If the matter is then ready for decision, the Board may proceed to make its decision.

(2) If the Board does not decide the matter upon the hearing examiner's report, the Board may itself consider the matter either in whole or in part, upon the record, including the transcript, or may decide the matter after itself receiving the whole or any part of the evidence or may refer part or all of the matter to the same or another hearing examiner. If part of the matter is so referred to an hearing examiner, such hearing examiner shall prepare and submit to the Board a report, including a proposed decision as provided in this section, upon the evidence heard by such hearing examiner, and the papers, records, and reports which are part of the record of the prior hearing, and thereafter the matter shall proceed as heretofore provided in the case of an original hearing examiner's report. If additional evidence is received by the Board itself, no member thereof may vote on the matter unless the member has heard the additional testimony or has read a reporter's transcript of the same, or if there was other additional evidence, unless the member has considered such other additional evidence. The Board shall give such notice of its decision as is provided or required in cases where it makes no reference to a hearing examiner.

(k) **Duty to Exhaust Administrative Remedies.** A Septage Hauler has the legal obligation to exhaust administrative remedies. Failure of a Septage Hauler to pursue its appeal rights hereunder or to appeal the Director's decision is a waiver of such rights. Accordingly, any action of the Director which was subject to review by the Board under this subdivision, but was not appealed to the Board, shall not be subject to judicial review in any civil proceeding.

**7. Judicial Enforcement Remedies.**

(a) **Injunctive Relief.** Whenever a Septage Hauler has violated or continues to violate the provisions of a Septage Disposal Permit, this section, Board's Rules and Regulations or any order issued hereunder, the Director, through the City Attorney, may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the order or other standard or requirement imposed by this section on activities of the Septage Hauler. The Director may also seek such other relief as may be appropriate including a requirement for the Septage Hauler to conduct environmental remediation. The petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a Septage Hauler.

(b) **Civil Liability.** Pursuant to Section 54740 of the Government Code, any person who violates conditions of a Septage Disposal Permit, this section, the Board's Rules and Regulations, any order issued hereunder, or any other provision as identified in Section 54739(a) of the Government Code, may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) a day for each violation. The local agency may petition the superior court to



impose, assess, and recover such sums.

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under division 8 of this section.

(c) **Criminal Liability.** It shall be unlawful for any person to violate any condition of a Septage Disposal Permit, this section, the Board's Rules and Regulations, or any order issued hereunder. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, the Board's Rules and Regulations or, any order issued by the Director pursuant to this Code shall be guilty of a misdemeanor and said violation shall be punishable by a fine of not more than \$1,000.00 for each offense or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of a Septage Disposal Permit, this Code the Board's Rules and Regulations, or any order issued hereunder, by such person, and each such violation shall be punishable accordingly. Nothing in this Code shall prohibit the payment of investigative costs by any person so convicted of violating any of the mandatory requirements of this Code, the Board's Rules and Regulation or, any order issued by the Director pursuant to this Code, to the Bureau of Sanitation, to reimburse said agency for all costs expended to investigate and/or enforce the requirements of this Code, the Board's Rules and Regulations or, any order issued by the Director pursuant to this Code.

#### SEC. 64.32. PRIVIES – PROHIBITED.

(Added by Ord. No. 127,508, Eff. 6/29/64.)

No privy shall be used or maintained within the City of Los Angeles except as follows: A temporary, sanitary approved-type pit latrine may be used in demonstrations of basic sanitation by recognized groups such as civil defense organizations, when the location and conditions of such use have been inspected and approved by the health officers.

When abandoned, all privy vaults must be filled with clean earth.

#### SEC. 64.33. TESTING AND ANALYSIS OF MATERIALS, PRODUCTS, SERVICES, PROCESSES AND TECHNOLOGIES.

(Added by Ord. No. 162,868, Eff. 11/22/87.)

Any person or firm seeking the approval of or the testing and analysis by the Department of Public Works of any material, product, service, process or technology relating to this chapter shall first obtain a Class "B" permit pursuant to Sections 62.106, 62.108 and 62.110, and shall be required to pay the total costs incurred by the City for any such testing and analysis.

## ARTICLE 4.1 SEWER SERVICE CHARGE

(Added by Ord. No. 143,605, Eff. 8/3/72.)

### Section

64.41.01 Definitions.

64.41.03 Charges.

64.41.05 Billing – Collection – Payment of Charges – Delinquency Penalties.

64.41.07 Adjustments – Exemptions – Appeals.