

**ORDINANCE NO. 2024-71, NEW SERIES**

**AN ORDINANCE OF THE CITY OF MORGAN HILL  
AMENDING SECTION 13.20.030 (DEFINITIONS) AND  
SECTION 13.20.090 (SPECIFIC POLLUTANT  
LIMITATIONS) OF CHAPTER 13.20 (SEWERS AND  
INDUSTRIAL WASTE) OF TITLE 13 (PUBLIC SERVICES),  
TO REGULATE SEWER USE AND SET UNIFORM  
REQUIREMENTS FOR DISCHARGES INTO THE  
WASTEWATER COLLECTION AND TREATMENT SYSTEM.**

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 13.20.030 (Definitions) of Chapter 13.20 (Sewers and Industrial Waste) of Title 13 (Public Services) is hereby amended to read as follows:

**13.20.030 - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. "Categorical Pretreatment Standards or Categorical Standards" means National Pretreatment Standards or Pretreatment Standard.
3. "City certified contractor" means a contractor that is certified by an accredited agency along with the City of Morgan Hill to perform inspection and repair on private sewer lateral and sanitary sewer collection system.
4. "Common interest development" means a development managed or governed by a homeowners' association. Examples of common interest developments may include condominium projects (in which the individual units are owned), planned unit developments, community apartment projects (in which the individual units are leased to tenants), and stock cooperatives.
5. "Domestic waste" means a combination of liquid or water containing human waste, conducted away from residences, business buildings, and institutions.

6. "Environmental Protection Agency (USEPA)" means the U.S. Environmental Protection Agency; or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
7. "Garbage," "refuse" and all other terms used in this chapter shall have the same meaning given to them in Section Code 13.28.010.LLL
8. "Homeowners' association" means a non-profit corporation or unincorporated association created for the purpose of managing or governing a common interest development and that operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as a homeowners' association.
9. Indirect Discharge or Discharge: The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) and (c) or (d) by the Act, into the Plant (including holding tank waste discharged into the system).
10. Industrial User (or User): Any contributor of industrial waste or wastewater or a source of indirect discharge.
11. "Industrial waste" means a combination of liquid or water-carried waste resulting from the manufacturing process employed in commercial or industrial establishments, including washing, cleaning, or drain water from such processes.
12. "Inspector" means the authorized inspector or representative of the city engineer.
13. "Interceptor" means a device or trap to prevent the amount of grease, sand, oil or other solids or semi-solids from entering the sewer system.
14. "Interference " means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or

permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act

15. "National Pretreatment Standard, Pretreatment Standard, or Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to [§ 403.5](#).
16. "National Prohibitive Discharge Standard" or "prohibitive discharge standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 Codified Federal Regulations (CFR), Section 403.5.
17. "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard.
18. "Permittee" means the person to whom a wastewater permit has been issued pursuant to this chapter.
19. "Person" means an individual, firm, partnership, corporation, or government agency, and their heirs, assigns or agents.
20. "Pretreatment" or "standard" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants' properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
21. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on a user.
22. "Private sanitary sewer collection system" shall mean any sanitary sewer pipe originating or located at least partially on a common interest

development collecting wastewater from more than one building sanitary sewer, including, but not limited to: apartment buildings, business complexes, mobile home parks, condominiums, or townhomes. This excludes single-family residential property with an accessory dwelling unit.

23. "Private sewer lateral" means the sewer pipeline from the plumbing of a building to a public sewer collection line, including portions that extend across public rights-of-way and the Saddle, wye or other physical connection to the collection line. Private sewer laterals are privately owned and maintained.
24. "Public sewer" means a main or collector sanitary sewer dedicated to public use.
25. "Qualified contractor" means, for the purposes of private sewer lateral inspection or repair and private sanitary sewer collection system inspection or repair, a licensed plumbing contractor with a City of Morgan Hill business license and an active pipeline or lateral assessment certification from the National Association of Sewer Service Companies.
26. "Sale of property" means a change in ownership by purchase or otherwise involving a transfer of legal title to real property, except for any transfer excluded from property tax reassessment by Revenue and Taxation Code Section 60 et seq. and/or as determined by the Santa Clara County assessor.
27. "Significant industrial user" means any industrial user of the city's wastewater disposal system who (a) has a discharge flow of ten thousand gallons or more per average workday; or (b) has a flow greater than five percent of the flow in the city's wastewater treatment system; or (c) has wastes which are toxic pollutants as defined pursuant to Section 307 of the Act or State of California Statutes and rules; or (d) is found by the city, state control agency or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system; or (e) is subject to categorical pretreatment standards

**Section 2.** Section 13.20.090 (Specific Pollutant Limitations) of Chapter 13.20 (Sewers and Industrial Waste) of Title 13 (Public Services) is hereby amended to read as follows:

**13.20.090 - Specific pollutant limitations.**

It unlawful for any user to discharge wastewater containing in excess of:

610 mg/L	BOD
1000 mg/L	TSS
100 mg/L	Grease and oil as petroleum hydrocarbons
40 degrees C.	Temperature
6.5 to 11.0 pH units	pH
0.88 mg/L	Arsenic
0.01 mg/L	Cadmium
5.1 mg/L	Total chromium
1.8 mg/L	Copper
1.8 mg/L	Cyanide
0.5 mg/L	Lead
0.03 mg/L	Mercury
2.7 mg/L	Nickel
4.2 mg/L	Silver
1.4 mg/L	Zinc
2,900 mg/L	Chloride
2,500 mg/L	Sodium
9,500 mg/L	Total dissolved solids
Trace mg/L	Total identifiable chlorinated hydrocarbons

Trace mg/L	Toxic organic compounds (priority pollutants as defined by the EPA)
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Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metals unless indicated otherwise.

The administrator may impose mass limitations in addition to or in place of the concentration-based limitations above.

### **Section 3. Severability**

If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The city council hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

### **Section 4. Effective Date; Posting.**

This Ordinance shall take effect 30 days after adoption by Council. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.