

ORDINANCE NO. 113

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT
AMENDING SECTIONS 1.02, 5.01, 5.03 AND REFERENCES TO “PREMISES” TO CORRECT AND CLARIFY
REGULATIONS RELATING TO SEWER SERVICE CHARGE AND WASTE HAULER FEES**

WHEREAS, on March 31, 2021, the Napa Sanitation District (“NapaSan”) Board of Directors duly adopted Ordinance No. 112 pursuant to Health and Safety Code Section 5470, et. seq. and Article XIII D of the California Constitution and its enacting statutes; and

WHEREAS, Ordinance No. 112 amended certain sections of the Napa Sanitation District Code (“District Code”) to update the methodology used to calculate sewer service charges and fees for hauling of fats, oils and grease (“FOG”); and

WHEREAS, District staff has since identified needed corrections to the amendments made by Ordinance No. 112 to define acronyms, clarify the method used for calculating average annual water consumption, clarify the method used to set FOG hauler charges, and capitalize the defined term “Premises”; and

WHEREAS, the amendments to the District Code enacted by this ordinance do not increase any sewer service charge rates or impose any new sewer service charge, and this action is not a rate increase that implicates Propositions 218 or 26 related to imposing and setting charges; and

WHEREAS, the District Board of Director now desires to adopt such changes to the District Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT AS FOLLOWS:

SECTION 1. Section 1.02.20, entitled Commonly Used Acronyms, of Title 1 of the Napa Sanitation District Code is hereby amended as follows (additions in underline, deletions in strikethrough):

1.02.0~~1020~~ Commonly Used Acronyms

ADU	Accessory Dwelling Unit
BMP	Best Management Practices
BMR	Baseline Monitoring Report
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
CAC	California Administrative Code
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWF	Combined Wastestream Formula
DFU	Drainage Fixture Unit Values
EDU	Equivalent Dwelling Unit

EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
FOG	Fats, Oil and Grease
FSE	Food Service Establishments
FWA	Flow-Weighted Averaging Formula
<u>FY</u>	<u>Fiscal Year</u>
<u>FYE</u>	<u>Fiscal Year End</u>
<u>GPD</u>	<u>Gallons Per Day</u>
IU	Industrial User
JADU	Junior Accessory Dwelling Unit
LC	Lethal Toxicity or Lethal Concentration
LEL	Lower Explosion Limit
MBAS	Methylene Blue Active Substances (Detergent)
MSDS	Material Safety Data Sheet
NPDES	National Pollutant Discharge Elimination System
NSD	Napa Sanitation District
O&M	Operation and Maintenance
PAH	Polynuclear Aromatic Hydrocarbons
POC	Pollutant of Concern
POTW	Publically Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SRO	Single Room Occupancy Unit
SU	Standard Unit
SWA	Solid Water Act
TICH	Total Identifiable Chlorinated Hydrocarbons
TOMP	Toxic Organic Management Plan
TRC	Technical Review Criteria
TSS	Total Suspended Solids
TTO	Total Toxic Organics
UPC	Uniform Plumbing Code
USC	United States Code
VOC	Volatile Organic Compounds

SECTION 2. Section 5.01.030, entitled Water Metered Commercial, Public Agency Facilities, of Title 5 of the Napa Sanitation District Code is hereby amended as follows (additions in underline, deletions in strikethrough):

5.01.030 Water Metered Commercial, Public Utilities and Public Agency Facilities

Using a single family dwelling as a standard, ~~the following designated any~~ premises identified in the following table (“Designated Premises”) shall be charged based upon average annual water consumption, calculated based on annual water consumption of the three prior years, and the strength factor designated below.

Business Category	Strength Factor
Automobile Sales & Service	1.00
Bakeries/Candy/Ice Cream Manufacturing	2.25
Banks/Business Offices	1.00
Bars/Nightclubs/Wine Tasting/Beer Tasting	1.00
Bed and Breakfast Inns	1.00
Café/Coffee Shop	1.29
Car Wash	0.80
Carpet & Rug Cleaners	1.29
Churches	1.00
Convalescent/Care Homes/Hospitals	1.00
Daycare Facilities/Schools (Private)	1.00
Delicatessen (no cooking)	1.29
Delicatessen (cooking)	1.82
Dry Type Industries	1.00
Funeral Homes	2.35
Hotels/Motels (without restaurants)	1.00
Hotels/Motels (with restaurants)	1.82
Laundries-Commercial	1.29
Laundries-Self Service	0.86
Markets (with food service)	2.35
Markets (without food service), Convenience Stores	1.29
Membership Organizations, with kitchens	2.25
Membership Organizations, without kitchens	1.00
Merchandising/Department/Retail Stores	1.00
Mixed Use (1 water meter)	1.29
Physicians/Medical/Dental Offices	1.00
Printers/Newspapers	1.00
Repair Shops/Service Stations	1.00
Restaurants and Caterers	2.25
Service Related Enterprises/Hair Salons	1.00
Theaters	1.00

A Designated Premises that was not charged by the District for sewer services within twelve (12) months prior to the calculation of sewer service charges because no sewer services were rendered will be charged a minimum sewer service charge set by the General Manager based on a reasonable estimation of projected water consumption. Charges to a Designated Premises that have had a change of use within twelve (12) months prior to the calculation of sewer service charges will be calculated based on water consumption by the lot, parcel of land, building, or establishment of the Designated Premises for the preceding twelve (12) months.

A Designated Premises with more than one year of actual water consumption but less than three years, including Designated Premises with a change of use, will be charged based on the average annual water consumption for the year(s) available. Notwithstanding the foregoing, where a Designated Premises is a substantially similar use as the immediately preceding prior use, annual water consumption information may be used to calculate the sewer service charge. The General Manager is authorized to determine whether an immediately preceding use is substantially similar for the purpose of calculating annual water consumption.

Any Designated Premises that has paid a sewer service charge that was calculated based on at least one year but less than three years of actual water consumption may, within thirty (30) days of receiving notice of the first sewer service charge calculated based on the average actual water consumption of the three prior years, apply to the General Manager for an accounting of the sewer service charges previously paid compared to the first three-year average based on actual use. Upon such request, the District shall refund any sewer service charge previously paid that exceeds the first three-year average.

The strength factors ~~in this section noted below~~ were calculated based upon State Water Resources Control Board Revenue Program Guidelines strength and flow factors and the flow, BOD and TSS assumptions shown in Section 5.01.010 and using Step 2 of the formula shown in Section 5.01.060.

For commercial facilities with mixed uses, or uses that are not included in the above table, the General Manager shall assign a strength factor based on his/her best professional judgment, an estimate of loading from the facility and/or a comparison of similar types of uses.

SECTION 3. Section 5.03.020, entitled Fats, Oils and Grease Hauler Fees, of Title 5 of the Napa Sanitation District Code is hereby amended as follows (additions in underline, deletions in strikethrough):

5.03.020 Fats, Oils and Grease Hauler Fees

- ~~A.—Fees for the acceptance of hauled FOG shall be invoiced to permitted haulers monthly and shall be subject to the District's policies for collection of revenues and delinquent accounts receivable.~~
- ~~B.—The fee shall be charged based on the maximum carrying capacity of the truck making delivery of the FOG to the District.~~
- ~~C.—The fees shall be calculated as follows:~~
 - ~~1) From the initial date of facility operations through June 30, 2013, the fee shall be 10.0 cents per gallon.~~

- ~~2) The per-gallon fee shall increase annually on July 1, starting in 2013, based on the annual percentage increase in the Sewer Service Charges as calculated by Section 801 of the Sewer Use Ordinance, or at any other rate approved by the Board of Directors in a resolution.~~
- ~~3) The per-gallon fee shall be rounded to the nearest one-tenth of a cent.~~
- ~~4) The minimum charge for any delivery shall be equivalent to a 500-gallon truck delivery.~~
- The District shall establish rates for FOG haulers based on market rates and post the rates on the District's website.

SECTION 4. All uses of the word "premises" in Title 5, entitled Rates and Charges, of the Napa Sanitation District Code are hereby replaced with the capitalized word "Premises."

SECTION 5.

1. **Effective Date.** This Ordinance shall take effect and be enforced July 1, 2021 or thirty (30) days following final action, whichever is later.
2. **Severability.** If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.
3. **Publishing.** Within 15 days of adoption, this Ordinance shall be published in the Napa Valley Register, pursuant to California Health and Safety Code Sec. 4766 and California Government Code Section 25124.
4. **Adoption.** Following a first reading of the title of this ordinance, which occurred at the regular meeting of the District Board, held on May 5, 2021, the foregoing ordinance was duly:

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PASSED AND ENACTED at a regular meeting of the Board of Directors of Napa Sanitation District
duly held on the _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Sedgley, Chair
Napa Sanitation District

ATTEST:

Cheryl Schuh, Secretary
Napa Sanitation District
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