

PORT ORDINANCE NO. 4839
ORDINANCE AMENDING AND ADOPTING THE SANITARY SEWER
STANDARDS AS CHAPTER 10.07 OF THE PORT OF OAKLAND
ADMINISTRATIVE CODE (POAC), AND FINDING THAT THE
PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated April 23, 2026, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to exercise various powers and duties relating to the Port's jurisdiction, including, but not limited to, the power and duty to "adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities" (City Charter, Sec. 706(27)); and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby:

A. Approves, amends, and adopts the Sanitary Sewer Standards as Chapter 10.07 of the Port of Oakland Administrative Code ("POAC"), as reflected in **Attachment A**, and as further described in the Agenda Report.

B. Repeals all former Port ordinances and/or resolutions containing the Sanitary Sewer Standards, including, without limitation, Port Ordinance No. 4113.

C. Authorizes the Executive Director or her designee to take all actions necessary to implement this adoption into the POAC, provided that such actions do not materially differ from the terms and conditions

set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, April 23, 2026. Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Myres, Wong and President Cluver - 6. Noes: 0. Excused: Commissioner Muhammad - 1.

Daria Edgerly,

Secretary of the Board

Attachment A

Chapter 10.07 Sanitary Sewer Standards

Section 10.07.010 Purpose

The purpose of this Chapter is to regulate the design, construction, inspection, testing, and abandonment of the Sanitary Sewer System, and to define the allowable and prohibited discharges to the Sanitary Sewer System. This Chapter shall not supersede any existing or future statute, rule, regulation, or ordinance of any public agency (besides the Port), State, or Federal regulatory body governing Wastewater and water discharges into the Sanitary Sewer System.

Section 10.07.020 Definitions

As used in this Chapter, the following words and phrases shall be construed and defined as follows.

“Contamination” means an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease, including any equivalent effect resulting from the disposal of Wastewater, whether or not waters of the State are affected.

“Director” means the Executive Director or their designated representative.

“EBMUD” means the East Bay Municipal Utility District.

“Engineer” means the Director of Engineering of the Port or their designated representative.

“Lateral” means the particular Sanitary Sewer which lies between the building or structure it serves, to and including its connection with the Sanitary Sewer System and which carries Wastewater and liquid wastes from the serviced building or structure to the Sanitary Sewer System.

“Misfeisor” means any Person who causes or allows to be caused a Nuisance under this Chapter.

“Nuisance” has the meaning set forth in California Water Code § 13050(m), as such section may be amended or superseded, as well as any violation of, noncompliance with, or refusal to comply with any of the Provisions of this Chapter, or any of the provisions incorporated herein.

“Pollution” means an alteration of the quality of the waters of the State by waste to a degree that unreasonably affects (A) such waters for beneficial use or (B) facilities that serve such beneficial uses.

“Private Sewer” means a pipe, conduit, or channel, not maintained by the Port, used to carry Wastewater.

“Public Sewer” means a pipe, conduit, or channel, maintained by the Port and used to carry Wastewater.

“Sanitary Sewer” means any building sewer, Private Sewer, or Public Sewer used to carry Wastewater.

“Sanitary Sewer System” means either the entire network or a portion of that network of publicly and privately maintained pipes, conduits, channels, manholes, pump stations, and all appurtenances thereto, under the jurisdiction of the Port, used to collect, store, and transport Wastewater.

“Wastewater” means water carrying waste from residences, commercial, and industrial establishments, or any combination of such wastes, but excluding storm water when conveyed in a separate storm water system.

“Wastewater Control Ordinance” means EBMUD Ordinance Number 355-11, as such ordinance may be amended or superseded.

“Wastewater Treatment Plant” means the EBMUD Main Wastewater Treatment Plant.

Section 10.07.030 Authority to Develop Design, Construction, Inspection, and Testing Standards

The Board has approved and authorized the Engineer for and on behalf of the Board to develop, publish, and enforce standards for the design, construction, inspection, testing, and abandonment of the Sanitary Sewer System and for updating the standards from time to time. Such standards shall apply to all Sanitary Sewers under Port jurisdiction regardless of whether they are Public Sewers or Private Sewers.

Section 10.07.040 Allowable Discharges

Wastewater may be discharged into the Sanitary Sewer System provided that it does not violate the limitations established in this Chapter and further provided that the discharger obtains permission of the Port, EBMUD, and City, as applicable, to discharge into the Sanitary Sewer System.

Section 10.07.050 Prohibited Discharges

A. General Prohibition

The discharge of Wastewater into the Sanitary Sewer System that results in Contamination, Pollution, or a Nuisance is prohibited.

B. Prohibited Effects

Wastewater or a substance of any kind shall not be discharged or otherwise deposited into the Sanitary Sewer System in such quantities or qualities which, either alone or by interaction with other wastewater, cause or threaten to cause any of the following:

1. Danger to the life or safety of any person, including but not limited to the presence of toxic gases, fumes, or vapors in quantities that endanger the health and safety of Port personnel.
2. Damage to Port facilities.

3. Interference with the operation or capacity of the Sanitary Sewer System.
4. Obstruction of flow in Sanitary Sewers.
5. Interference with the Wastewater treatment and disposal process.
6. Flammable or explosive conditions.
7. Interference with the ability for reclamation and reuse of Wastewater.
8. Any noxious or malodorous gas or substance capable of creating a Nuisance.
9. Violation of receiving water quality limitations.
10. Violation of any Law governing Wastewater and water discharges into the Sanitary Sewer System.
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C. Prohibited Substances

No Person shall discharge, by either direct or indirect means, any of the following into the Sanitary Sewer System, or any substance for which discharge is prohibited by the City Municipal Code or by the EBMUD Wastewater Control Ordinance:

1. Any storm water or other unpolluted water that meets the requirements for and is acceptable for discharge to storm drains or receiving waters of the State.
2. Any unpolluted industrial process water.
3. Any substance that creates a fire or explosion hazard.
4. Any liquid or vapor having a temperature detrimental to the Sanitary Sewer System.
5. Any water or waste, which contains excessive amounts of fats, oil, and/or grease.
6. Any garbage, except garbage from dwellings and establishments where food is prepared and consumed on the premises, and which has been ground to such a degree that all particles will be carried freely under the flow conditions prevailing in the Sanitary Sewer System.
7. Any heavy solid, viscous substance, or other matter of such a nature as to obstruct the flow in Sanitary Sewers or cause interference with the proper operation of the Sanitary Sewer System, including, but not limited to, sand, cement, lime, plaster,

cinders, ashes, metal, glass, straw, shavings, animal hair, feathers, paunch manure, fibrous matter, tar, asphalt, resins, or plastics.

8. Any substance having a corrosive property capable of causing damage or other hazard to structure, equipment, or personnel.

9. Any toxic or poisonous substances in sufficient quantity to constitute a hazard to humans, animals, or fish, or to create a hazard in the waters receiving effluent from the Wastewater Treatment Plant.

10. Any water or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials in the Sanitary Sewer System or at the Wastewater Treatment Plant.

D. Prohibition on Dilution Waters

No user shall increase the use of process water, or in any other way attempt to dilute a discharge to meet applicable pretreatment standards or to comply with this Chapter or any other applicable Law, unless otherwise allowed by Law.

E. Radioactive Limits

No Person shall discharge or cause to be discharged any radioactive Wastewater into any Sanitary Sewer, unless the Person is authorized to use radioactive material by the United States Nuclear Regulatory Commission or other governmental agency empowered to regulate the use of radioactive materials, the Wastewater is discharged in strict conformity with United States Nuclear Regulatory Commission regulations and recommendations for safe disposal, and the discharge is in compliance with all Laws.

F. Wastewater Strength Limits

No user shall discharge Wastewater into a Lateral or otherwise introduce into the Sanitary Sewer System Wastewater that exceeds the numerical limits established in the Wastewater Control Ordinance, as such ordinance may be amended or superseded, or the City Municipal Code, whichever is more stringent.

G. Wastewater Flow Rate Limits

No Person shall discharge Wastewater into any Sanitary Sewer in such a quantity or at such a rate of flow as to overload or have a harmful or adverse impact on Port facilities or the Wastewater Treatment Plant.

Section 10.07.060 Right of Entry

Duly authorized representatives of the Director may enter and inspect any building, structure, or premises within Port jurisdiction to secure compliance with, or prevent a violation of, any provision of this Chapter under the following conditions:

A. Whenever the Director shall have reasonable cause to believe that conditions which do not conform to this Chapter exist in a particular building, structure, or premises.

B. Whenever the Director authorizes and directs the inspection of all buildings, structures, or premises subject to the provisions of this Chapter in a defined area of the Port.

C. Whenever the Director authorizes and directs inspections of buildings, structures, or premises as a part of a routine spot check.

D. Whenever the Director authorizes the performance of needed maintenance or repair activities.

E. No premises shall be inspected until reasonable notice is given to the discharger or occupant, or to the agent of either.

Section 10.07.070 Policies for Violation

A. Notice of Violation

Whenever the Director finds that any Misfeasor is causing or allowing to be caused a Nuisance, the Director shall serve notice on the Misfeasor stating the existence of the Nuisance, requiring abatement of the Nuisance, and specifying the measures necessary for abatement. Such notice shall be served personally on the Misfeasor or by mailing such notice to the Misfeasor by U.S. Mail, and by posting a copy of such notice on the Property whereupon the Nuisance is being caused.

B. Abatement by Misfeasor

It shall be the duty of the Misfeasor to abate the Nuisance within one hundred eighty (180) days of personal service or mailing of such notice.

C. Abatement by the Port

If the Misfeasor should neglect or refuse to abate the Nuisance pursuant to such notice, the Director may abate the Nuisance at the expense of the Port and the Port may recover the amount of such expense, including the costs of inspection, enforcement, and correction, to the full extent permitted by California Government Code § 54988, as such section may be amended or superseded.

D. Recovery of Attorneys' Fees and Costs

The Port may, in its discretion, commence legal actions and/or equitable proceedings in a court of competent jurisdiction to abate the Nuisance and/or to collect and recover Port abatement costs. If the Port prevails in such action and/or proceeding, it shall be entitled to recover costs and attorneys' fees in addition to any taxes, fees, assessments, penalties, and interest. The remedies provided for herein shall be cumulative and not exclusive, and shall not preclude the Port from any other relief which otherwise is available.

E. Abatement Costs Made Nuisance Abatement Lien or Special Assessment Lien

Notwithstanding any other Provision of this Chapter, the costs incurred by the Port in the abatement of a Nuisance subject to the provisions of this Chapter may be placed against any privately owned and affected Property as either a nuisance abatement lien or a special assessment lien pursuant to California Government Code § 38771, et seq., as such section may be amended or superseded, or a lien pursuant to California Government Code § 54988, as such section may be amended or superseded. The Port may enforce a lien under this Chapter in any manner permitted by Law, including filing a civil action to either foreclose on its liens, or to obtain a money judgment, or both, or pursuing non-judicial foreclosure. The Port may elect, upon thirty (30) days' notice to all known and record owners of the privately owned and affected Property, to convert any nuisance abatement lien authorized by this Chapter to a special assessment lien, or vice versa. Costs recoverable under this Chapter shall include those categories of costs and fees set forth in California Civil Code § 3496, as such section may be amended or superseded, regardless of the type of nuisance involved.

F. Protest Filing Procedure

Any alleged Misfeasor desiring to protest the Director's determination that the alleged Misfeasor is causing or allowing to be caused a Nuisance may file with the Director a protest in writing within ten (10) days after receiving notice to abate the Nuisance. Any Misfeasor desiring to protest the costs incurred by the Port in abating a Nuisance may file with the Director a protest in writing within ten (10) days after receiving notice of the cost incurred by the Port in abating the Nuisance.

G. Protest Hearing

Upon the filing of a protest, the Director shall conduct a public hearing. At such hearing, the Director may affirm, modify, or reverse the prior determination. The Director's decision at the end of such hearing shall be final.

H. Criminal Penalties

Every Person who violates, disobeys, or refuses to comply with any of the provisions of this Chapter, or any of the provisions incorporated therein, shall, upon conviction, be punishable by fine and penalty, not exceeding Five Hundred Dollars (\$500.00) or six (6) months' imprisonment, or both. Each day constitutes a separate violation.