

ORDINANCE NO. 1022 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 14.08.040 AND CHAPTER 14.10 OF THE MUNICIPAL  
CODE REGARDING SEPTAGE AND HAULED WASTE

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WHEREAS, the Municipal Code of the City of El Paso de Robles currently defines and regulates users of the City's sewer system and Publicly Owned Treatment Works ("POTW"); and

WHEREAS, due to the high demand for a hauled waste disposal location in the North San Luis Obispo area, the City installed a state-of-the-art hauled waste receiving station as part of a major upgrade to its wastewater treatment plant located at 3200 Sulphur Springs Road; and

WHEREAS, the upgraded treatment plant will have capacity to treat up to approximately 18,000 gallons of septage per day and other hauled waste, adjusted based upon actual performance of the treatment process; and

WHEREAS, the existing provisions of the City's Municipal Code do not provide adequate authority to regulate waste haulers; and

WHEREAS, the City Council therefore desires to amend the Municipal Code in order to provide the necessary authority to begin receiving hauled waste at the upgraded wastewater treatment plant and to appropriately regulate waste haulers and the types of allowable waste to be received.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Section 14.08.040 of the Paso Robles Municipal Code is hereby revised in its entirety to read as set forth in Exhibit A attached hereto and incorporated by this reference.

SECTION 2. Chapter 14.10 of the Paso Robles Municipal Code is hereby revised in its entirety to read as set forth in Exhibit B attached hereto and incorporated by this reference.

SECTION 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Introduced at a regular meeting of the City Council held on January 5, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on the 19<sup>th</sup> day of January, 2016 by the following roll call vote, to wit:

AYES: Gregory, Strong, Hamon, Reed, Martin  
NOES:  
ABSTAIN:  
ABSENT:

  
\_\_\_\_\_  
Steve W. Martin, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristen L. Buxkemper, Deputy City Clerk

## EXHIBIT A

### 14.08.040 Definitions

**Acreage** means a parcel of land that is the gross acres of said parcel before existing improved streets have been deducted.

**Act** means the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) (33 U.S.C. § 1251, et seq.) and any amendments thereto including the Clean Water Act of 1977, as well as any regulations, guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.

**Applicant** means the person applying for a permit for a sewer or plumbing installation and shall be the owner or authorized agent of the premises to be served by the sewer for which a permit is requested.

**Approval Authority** means the State Water Resources Control Board.

**Authorized or Duly Authorized Representative of the User** means:

(1) If the User is a corporation:

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

(b) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including the explicit or implicit duty to make major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; has the ability to ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a federal, state or local governmental facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(4) The individuals described in paragraphs 1 through 3 of this subsection may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for either the overall operation of the facility from which the discharge originates or the overall environmental matters of the company, and the written authorization is submitted to the City.

**Beneficial Uses** means uses of the waters of the state that may be protected against quality degradation including, but not limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, athletic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible, as specified by federal or state law.

**Best Management Practices (BMPs)** means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 14.10.040(A) and (C). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Biochemical Oxygen Demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in terms of weight and concentration (milligrams per liter).

**Building** means any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

**Building Sewer** means that portion of any sewer beginning at the building drain, 2' from the building, of any building or facility and running to the City sewer main, or to a private sewage disposal system, or to a public right-of-way or easement.

**Capacity Charge** means the amount charged for connection to the City Sewer System for the purposes of mitigation of impacts of new development. A reasonable relationship must be demonstrated between the use of the fee and the type of development on which the fee is imposed.

**Categorical Industrial User** means an Industrial User subject to a Categorical Pretreatment Standard or categorical standard.

**Categorical Pretreatment Standard or Categorical Standard** means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of Industrial Users, including those standards promulgated in 40 CFR Chapter I, Subchapter N, as amended from time to time.

**Cesspool** means an unlined excavation in the ground that receives the discharge of a drainage system or part thereof, so designed as to retain the organic matter and solids discharging therein, but permitting the liquids to seep through the bottom and sides.

**City** means the City of El Paso de Robles in the County of San Luis Obispo, State of California.

**City Attorney** means an attorney appointed by the City Council to represent the City.

**City Council** means the five (5) City Council members elected at large from within the City boundaries and empowered as a group acting in public meetings to legislate in all matters related to the City's jurisdiction established by the laws of the State of California.

**City Engineer** means the engineer appointed by, and acting for, the City Council. The City Engineer shall be a registered civil engineer.

**City Inspector** means the inspector acting for the City Council and may be the engineer or inspector appointed by the Director of Public Works.

**Code of Federal Regulations (CFR)** means a document of the United States government presenting federal agency rules, regulations and guidelines.

**Commercial Establishment** means any building used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic wastes, but may also contain some industrial wastes.

**Connector** means any owner or renter of any premises connected to the sewer system.

**Contractor** means an individual firm, corporation, partnership, or association duly licensed by the State of California to perform the type of work to be done under the permit.

**Control Authority** means The City of El Paso de Robles.

**Conventional Pollutants** means pollutants which are usually found in domestic and/or commercial wastes such as suspended solids, biological oxygen demand, and oil and grease of animal or vegetable origin.

**Cooling Water** means the blow-down or bleed water from cooling towers, water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

**County** means the County of San Luis Obispo in the State of California.

**Director** means the Public Works Director of the City of El Paso de Robles or his or her authorized representative.

**Discharge** means to pump, to place, to deposit, to permit or to cause to flow.

**Domestic Septage** is the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that holds only domestic sewage. Domestic septage does not include liquid or solid material removed from these systems that receives either commercial process wastewater or industrial wastewater and does not include grease removed from a restaurant grease trap.

**Domestic Wastes** means liquid waste and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.

**Dwelling Unit** means a single unit providing complete, independent living facilities for one or more persons, which may include permanent provisions for living, sleeping, eating, cooking and sanitation.

**EPA or Environmental Protection Agency** means the United States Environmental Protection Agency.

**Existing Source** means any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**Garbage** means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

**Grab Sample** means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

**Hauled Waste** means domestic septage, as defined above, commercial wastewater pumped from a septic tank that is similar in character to domestic waste, high organic strength winery or brewery waste, and recreational vehicle waste pumped from a septic tank.

**Hazardous Waste** means a waste defined in Section 66261.3 of Title 22, of the California Code of Regulations. "Hazardous waste" includes extremely hazardous waste, acutely hazardous waste, RCRA hazardous waste, non-RCRA hazardous waste, and special waste.

**Health Department** means a State or County health department.

**Indirect Discharge** means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

**Industrial User (IU)** means any non-domestic source of indirect discharge including Significant Industrial Users.

**Industrial Wastewater** means any non-domestic liquid or solid wastes from any commercial, industrial or institutional establishment. Industrial waste is distinct from domestic waste.

**Infectious Waste** means waste which contains pathogenic organisms that can invade the tissues of the body and cause disease.

**Instantaneous Limit** means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Interference** means any discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits, disrupts, or damages the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City'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 any of the following statutory/regulatory provisions or permits issued thereunder, or any 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); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**Lateral** means a privately owned, operated, and maintained sewer line connecting a building or private facility to the City's main sewer. The lateral includes that portion of the line located within the public right-of-way.

**Leach Field** means a conventional septic effluent treatment and absorption system which consists of a network of perforated pipes buried in gravel-filled trenches.

**Local Limit** means the specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

**Main Sewer** means a public sewer designated to accommodate more than one lateral sewer, in which all owners of abutting properties have equal rights and is controlled by public authority.

**Medical Waste** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**Monthly Average** means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**Monthly Average Limit** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**NPDES Permit or National Pollutant Discharge Elimination System Permit** means the regulatory agency document issued by either a federal or state agency which is designed to control all discharges of pollutants from point sources.

**Natural Outlet** means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**New Source** means:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)(b) or (c) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous onsite construction program
  - i. Any placement, assembly, or installation of facilities or equipment; or
  - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**Noncontact Cooling Water** means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**Non-Significant Categorical Industrial User.** See definition of Significant Industrial User under this section.

**Pass Through** means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

**Permit** means any written authorization required pursuant to this Chapter or Chapter 14.10 or any other rule, regulation or ordinance of the City for the installation of any sewage facilities.

**Person** means 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. This definition includes all federal, state, and local governmental entities.

**pH** means the scale of 1 to 14 which measures acidity and alkalinity; 7.0 being neutral, 0 - 6.9 being acidic, and 7.1 – 14 being basic or alkaline. Technically, it is the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in pH units.

**Plumbing System** means all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three (3) feet outside the building wall.

**Pollutant** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**Pretreatment** means 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 harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

**Pretreatment Requirements** means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on a User.

**Pretreatment Standard or Standards** means any prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

**Private Sewer** means a sewer serving a private developed property and which accommodates one or more buildings and is connected with a public sewer main.

**Private Wastewater Disposal System** means a water-tight receptacle that receives the discharge of wastewater, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank into a leach field.

**Prohibited Discharge Standards or Prohibited Discharges** means absolute prohibitions against the discharge of certain substances. These prohibitions appear in Sections 14.10.040 – 14.10.060 of Chapter 14.10.

**POTW or Publicly Owned Treatment Works** is defined by the Act and includes any devices and systems owned by the City and used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances that convey wastewater to a treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to, and the discharges from, such a treatment works.

**Septage** means Domestic Septage, as defined above.

**Sewage** means wastewater.

**Sewage System or Sewerage System** means all City facilities for the collection, pumping, treatment and disposal of sewage.

**Sewer** means a pipe or conduit that transports wastewater, into which storm, surface, and ground waters are not intentionally admitted.

**Shall** means mandatory.

**Significant Industrial User (SIU)** means any User of the City's sewerage system that is:

- (1) A User subject to Categorical Pretreatment Standards; or
- (2) A User that:

- (a) Discharges an average of twenty-five thousand (25,000) gallons or more per day of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater), or
  - (b) Contributes a process waste stream which makes up five (5) percent or more of the average daily dry weather hydraulic or organic capacity of the POTW treatment plant, or
  - (c) Is classified as a categorical industry as regulated under Federal Categorical Pretreatment Standards, or
  - (d) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The City may determine that a User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a SIU on a finding that the User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (a) The User, prior to City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - (b) The User annually submits the certification statement required in Section 14.10.430(B) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
  - (c) The User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in subsection 2 of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

**Slug Load or Slug** means any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Sections 14.10.040 – 14.10.060 of Chapter 14.10. A slug discharge is any discharge of nonroutine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTWs's regulations, local limits or permit conditions.

**Standard Industrial Classification (SIC)** means the compilation of industrial groups and their economic activities which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

**Storm Water** means any flow occurring during or immediately following any form of natural precipitation.

**Street** means any public highway, road, street, avenue, alley way, place, easement or right-of-way.

**Suspended Solids or Total Suspended Solids** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

**User** means any person, domestic or non-domestic, who discharges, or causes a discharge of waste or wastewater directly or indirectly into the City's sewer system.

**Waste** includes sewage and any and all other water substances, liquid, solid, gaseous or radioactive substances associated with human habitation, or of human or animal origin, or

from any production, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purpose of, disposal.

**Wastewater** means the liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged into, or permitted to enter, the City's sewer system.

**Wastewater Constituents and Characteristics** means the individual chemical, physical, bacteriological and radiological parameters including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

**Wastewater Treatment Plant or Treatment Plant** means that portion of the POTW that is designated to provide treatment of municipal sewage and industrial waste.

**Water Quality Control Board** means a state or regional office of the California Water Quality Control Board.

**Watercourse** means a channel in which a flow of water occurs either continuously or intermittently.

**Waters of the State** means all 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 or any portion thereof.

## **EXHIBIT B**

### **CHAPTER 14.10 SEWER USE**

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- 14.10.020 Establishing Rules and Regulations
- 14.10.030 Definitions

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- 14.10.510 Industrial User Classification
- Article X Liability and Enforcement**
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- 14.10.530 Public Nuisances
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## **Article I Purpose and Policy**

### **14.10.010 Application, Purpose, and Scope**

A. This Chapter shall apply to all Users of the Publicly Owned Treatment Works (POTW) of the City of El Paso de Robles (City).

B. This Chapter authorizes the issuance of waste hauler permits for the discharge of allowable hauled waste and wastewater discharge permits to Industrial Users (IUs), provides for monitoring, compliance, and enforcement activities, and requires Significant Industrial User (SIU) reporting.

C. This Chapter sets forth uniform requirements for IUs of the POTW and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [Act] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403). The objectives of this Chapter are:

1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
2. To prevent the introduction of pollutants into the POTW that will pass through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the system;
3. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from the POTW;
5. To enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

D. Conflict with State Law. Any provision in this Chapter that conflicts with the provisions of the California Health and Safety Code, Streets and Highways Code, Government Code, or any other California Code shall be automatically superseded by the provisions in said Code until such time as this Chapter can be revised.

E. The City will begin inspecting and permitting Class II 14.10.510 Industrial Users (as defined in Section 14.10.510) with high salinity discharges (e.g., commercial laundry facilities, hotels) on January 1, 2011. If the Industrial User must improve Best Management Practices or Pretreatment to comply with this Chapter, the Industrial User may request a compliance schedule by submitting a proposed schedule to the Director. The compliance schedule shall meet the requirements set forth in Section 14.10.340. The compliance schedule may not exceed three years.

#### **14.10.020 Establishing Rules and Regulations**

Except as provided otherwise, the Director of Public Works shall administer, implement, and enforce the provisions of this Chapter. The Director is hereby authorized to establish any rules and regulations necessary for the enforcement of this Chapter, and may delegate and appoint employees of the City to act on his or her behalf.

#### **14.10.030 Definitions**

Terms in this Chapter shall have the meanings set forth in Section 14.08.040 of Chapter 14.08.

### **Article II Prohibitions and Limits on Discharges**

#### **14.10.040 Prohibited Discharge Standards**

A. No IU shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater to the POTW without a permit.

B. No IU shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater that will cause pass through or interference at the POTW whether or not the IU is subject to national Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.

C. Specific Prohibitions. No User, domestic or industrial shall contribute or cause to be contributed the following substances to the POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. This includes, but is not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

2. Any waste having a pH less than 6 or more than 9 or having any corrosive property capable of causing damage or hazards to structures, equipment, and/or POTW personnel. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances that will react with water to form acidic products;

3. Solid or viscous wastes in amounts which will, or may, obstruct the flow in the City sewer or POTW resulting in interference with the proper operation of the City's sewage system. Prohibited materials include, but are not limited to, fats, oils or grease of animal or vegetable origin, debris, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood and/or components, feathers, ashes, cinders, sand, spent lime, concrete or concrete slurry, stone or marble, dust, metal, glass, straw, shavings, grass clippings, cut roots, rags, spent grains, spent

hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud and glass grinding or polishing wastes;

4. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a slow rate and/or pollutants with a concentration that either alone or by interaction with other pollutants, will cause interference with the POTW;
5. Any wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (sixty-six degrees Celsius) into the sewer, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction of the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Oils and grease in excess of one hundred (100) mg/L, whether emulsified or not, shall not be discharged into the public sewer system. Oils and greases may be from living or nonliving sources or contain substances that may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit at the point of discharge into the system or in amounts that will cause interference or pass through;
8. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
9. Noxious or malodorous solids, liquids or gases, or other wastewater which, either singularly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or prevent entry into sewers for maintenance or repair;
10. Hazardous Waste. All Users are prohibited from discharging hazardous waste;
11. Wastewater which imparts color not removable by the treatment process, including but not limited to, inks, dyes and tanning solutions, which consequently impart color to the treatment plant's effluent;
12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state and federal regulations;
13. Any trucked or hauled wastes; except at discharge points designated by the City, with City pre-approval, and in accordance with Article III of this Chapter;
14. Infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices, mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and associated articles (whether ground or not); recognizable portions of the human anatomy; solid wastes generated in the rooms of patients

who are isolated because of a suspected or diagnosed communicable disease; wastes excluded by other provisions of this Chapter except as specifically permitted for; or any other waste defined by the health officer of San Luis Obispo County as being infectious;

15. Any wastewater containing toxic substances in sufficient quantity, either singularly or by interaction with other substances, to injure or to interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW or to exceed the limitations set forth in Categorical Pretreatment Standards or of this section. A toxic pollutant shall include, but need not be limited to, any pollutant identified in Section 307(a) of the Federal Clean Water Act;

16. Any wastewater which is capable of causing either alone or by interaction with other substances, the POTW effluent or any other product of the treatment process, residuals, or biosolids to be unsuitable for reclamation or reuse or to interfere with the reclamation process;

17. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;

18. Draining of swimming pools and spas.

a. The contents of a salt water swimming pool (including electrolytic cell backwash) shall not be discharged to the sanitary sewer, storm drain system or natural water way.

b. The contents of chlorinated swimming pools and/or spas (including filter backwash from swimming pools and/or spas) shall not be discharged into the sewer system without first applying for and receiving written permission from the Director. Such approved discharge must be accomplished in the manner specified herein.

i. The water is discharged by pumping and shall not exceed the capacity of the line.

ii. Each swimming pool discharging to a sewer system pursuant to a permit shall be equipped with an indirect waste connection to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

19. Discharges from water softening. Portable exchange water softening systems should be used instead of on-site regeneration water softening units. Discharges from commercial, industrial, and residential on-site regeneration water softening units must comply with the following:

a. Commercial or Industrial Users discharging water-softening brine shall not exceed the limits listed in Section 14.10.060(B) of this Chapter. A

commercial operation not in compliance with the local limits shall be deemed an IU and will be required to obtain an industrial wastewater discharge permit.

b. High-efficiency reverse osmosis units do not generate salt and are the best technology available for water softening. Commercial or Industrial Users that use high-efficiency reverse osmosis units instead of on-site regeneration water softening units may be eligible for User-specific exceptions to the local limits listed in Section 14.10.060(B) of this Chapter.

c. New residential housing and replacement water softener units shall meet the following requirements:

i. On-site regeneration water softener units must be equipped with salt efficiency controls to regenerate on hardness demand or other approved techniques.

ii. Salt efficiency control units shall be a sealed tamper-proof type that controls the most efficient regeneration setting or a portable exchange unit.

20. Shredded garbage. Discharges containing improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under normal flow conditions in the public sewers or with any particle greater than one-half inch in any dimension are not allowed. Acceptable discharges from garbage grinders are as follows:

a. Wastes generated in preparation of food in a residence;

b. Where a nonresidential IU has an existing garbage grinder or a proposed new grinder and has approval for that specific use from the City. Such grinders must be kept in proper working order. Prohibited discharges from garbage grinders are as follows:

i. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, garden refuse or waste products resulting from the handling, storage and sale of fruit and vegetables in wholesale and retail produce establishments and wastes from entities engaged in the preparation, processing or preserving of food not intended primarily for immediate consumption.

c. The City reserves the right to prohibit the use of garbage grinders in commercial applications if this waste creates excessive problems in the sewerage system.

21. Rain, storm water, surface water, ground water, seepage, roof runoff, street or yard drainage, subsurface drainage, ponds or lawn sprays or the uncontaminated

water or water added for the purpose of diluting wastes which exceed maximum concentration limitations;

22. It shall be unlawful to discharge to any storm drain or natural outlet any wastewater derived from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, including domestic sewage, and industrial wastewater petroleum products, or otherwise polluted water;

23. Outdoor connections, drains and/or wash racks connected to the City sewer shall be covered and bermed to prevent the inflow of storm water and shall be equipped with sand-oil interceptor approved by the Director.

#### **14.10.050 National Categorical Pretreatment Standards**

A. National Categorical Pretreatment Standards shall be in addition to prohibited discharge standards cited in Sections 14.10.040 and 14.10.060 of this Chapter.

B. All applicable federal pretreatment standards that specify quantities or concentrations of pollutants that may be discharged by a specific industrial category will be enforced by the City as required by Section 309(e) and (f) et seq. of the Federal Clean Water Act.

C. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial category, the federal standard, if more stringent than limitations and prohibitions imposed under this Chapter for a source in that category, shall immediately supersede the limitations imposed under this Chapter.

D. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

#### **14.10.060 Local Limits**

A. Pursuant to 40 CFR 403.5(c) the City reserves the right to establish, by ordinance or resolution, more stringent standards or prohibitions on discharges to the POTW consistent with this Chapter if:

1. The City determines that the limitations and prohibitions in this Chapter or other City Codes or resolutions may not be sufficient to protect the operation of the POTW; or
2. The City determines that the limitations and prohibitions in this Chapter or other City Codes or resolutions, may not be sufficient to enable the POTW to comply with water quality standards or effluent limitations specified in the City's POTW NPDES permit.

B. The following pollutant limits are established to protect against pass through and interference. No User shall discharge wastewater containing in excess of the following:

<b>Constituent</b>	<b>Concentration Limit</b>
Ammonia	20.0 mg/L
Boron	5.00 mg/L
Cadmium	0.10 mg/L
Chromium	3.70 mg/L
Copper	0.30 mg/L
Cyanide	0.01 mg/L
Nickel	1.90 mg/L
Molybdenum	1.10 mg/L
Selenium	0.27 mg/L
Zinc	4.00 mg/L
Sulfate	200 mg/L
Total Dissolved Solids (TDS).	1000 mg/L
Sodium	200 mg/L
Chloride	150 mg/L
Biological Oxygen Demand (BOD)	360 mg/L
Total suspended solids (TSS)	360 mg/L
Oil and Grease	100 mg/L

(All concentrations for metallic substances are for “total” metal unless indicated otherwise.)

C. The Director may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements in Section 14.10.040.

D. Maximum concentrations of pollutants allowable in wastewater discharges to the POTW are established by the Director and shall be adopted by the City Council by resolution to insure compliance with the POTW's NPDES requirements or more restrictive pretreatment standards prescribed by the California Regional Water Quality Control Board or the EPA.

#### **14.10.070 Limitation on Point of Discharge**

A. No User or IU shall discharge any substances directly into a manhole or other opening in a public sewer, other than through an approved building sewer, without the City's prior approval.

B. Wastes prohibited by this Chapter shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must be permanently sealed or discharged to the IU's pretreatment facility before connecting with the POTW.

#### **14.10.080 Dilution Prohibited**

No User or IU shall ever increase the use of potable or process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with any specific discharge limitation or requirement.

### **Article III Hauled Waste**

#### **14.10.090 Discharge of Hauled Waste**

A. No User shall discharge or cause to be discharged to a private lateral, public sewer, or POTW, any Hauled Waste except as authorized by this Article.

B. Hauled Waste shall be discharged into the POTW only at locations designated by the Director, with the Director's prior consent.

#### **14.10.100 Allowable Hauled Waste**

Allowable Hauled Waste which may be discharged into the POTW includes:

A. Domestic Septage as defined in Chapter 14.08, Section 14.08.040.

B. Commercial wastewater pumped from a septic tank that is similar in character to domestic waste, with prior written approval from the Director.

C. High strength winery or brewery waste pumped from a septic tank of industrial origin, only with prior written approval from the Director.

D. Recreational vehicle wastes pumped from a septic tank.

#### **14.10.110 Prohibited Hauled Waste**

Hauled Waste that does not conform to Section 14.10.100 or that violates Section 14.10.040 of this Chapter or any other requirements established by the City is prohibited. Additionally, the following types of Hauled Waste are prohibited:

A. Hauled Waste from grease interceptors.

B. Non-domestic wastewater from commercial kitchens and processes or Industrial Users.

C. Wastewater directly from individual Recreational Vehicles.

#### **14.10.120 Waste Hauler Permit Required**

A. It shall be unlawful for any User to discharge Hauled Waste to the POTW without first obtaining a waste hauler permit from the City. Any person wishing to discharge Hauled Waste to the POTW must complete a waste hauler permit application and submit the following supplementary information:

1. Proof of workers' compensation insurance, general liability insurance, and auto liability insurance, in the form and amounts specified by the City.
2. Proof that trucks have a current and valid County of San Luis Obispo Health Permit.

B. Any person granted a waste hauler permit must thereafter submit proof of insurance and County of San Luis Obispo Health Permit annually.

C. The Director will evaluate a submitted waste hauler permit application and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the waste hauler for revision.

D. After evaluation and acceptance of a waste hauler permit application, the Director may issue a waste hauler permit subject to the terms and conditions provided herein.

E. A denial of a permit application may be appealed pursuant to the procedures in Section 14.10.650.

#### **14.10.130 Permit Conditions**

Waste hauler permits shall be subject to all provisions of this Chapter and all other applicable regulations, including any charges and fees established by the City. Every permitted waste hauler discharging Hauled Waste to the POTW must comply with the conditions and contents of its waste hauler permit, which shall include, but is not limited to:

1. The type of Hauled Waste permitted to discharge;
2. The hauler's obligation to submit Hauled Waste Disclosures;
3. The hauler's obligation to timely pay to the City its Hauled Waste discharge fees, pursuant to Section 14.10.210;
4. The waste hauler agrees to the liability and indemnification provisions contained in Section 14.10.520, including for any and all damage and expenses which may be suffered by reason of any or all acts done by the waste hauler and/or its employees in the course of the hauling and discharge of Hauled Waste.
5. The waste hauler will, in the event of spills or leakage of Hauled Waste on the City's property caused by the waste hauler's actions or faulty equipment, appropriately clean the area involved.

#### **14.10.140 Permit Expiration, Changes and Renewal**

A. Waste hauler permits shall be issued for a specified term, not to exceed three (3) years from the effective date of the permit. If the waste hauler does not notify the City that it wishes to renew the permit 30 days prior to the expiration of the permit, the permit will expire, and the waste hauler must submit a new application for a waste hauler permit.

B. The terms and conditions of a waste hauler permit shall be subject to modification and changes by the Director during the permit term for good cause, including but not limited to, the following reasons:

1. To incorporate new or revised federal, state or local standards or requirements;
2. To correct typographical errors in the waste hauler permit;
3. To address misrepresentations or omissions of relevant facts in the waste hauler permit application.

C. A waste hauler shall be notified, in writing, of any proposed changes to the permit at least thirty (30) days prior to the effective date of the change.

#### **14.10.150 Permit Transfer**

Waste hauler permits are issued to a specific hauler for a specific operation. The permit may not be reassigned, transferred, or sold to a new owner or new hauler. The City shall be immediately notified of any change in ownership or operations of a waste hauler, and the City may require the submission of a new waste hauler permit.

#### **14.10.160 Permit Revocation**

The Director may revoke any waste hauler permit if the waste hauler is found to be in violation of the permit conditions, this Chapter, or any State or Federal laws and

regulations. Before revoking a permit, the Director shall issue to the waste hauler a Notice of Violation pursuant to the procedures set forth in Section 14.10.550. If the waste hauler does not correct the violation within the time period specified in the Notice, the Director shall revoke the permit. A waste hauler may appeal revocation of its permit pursuant to the procedures specified in Section 14.10.650.

#### **14.10.170 Discharge Location of Hauled Waste**

A. Unless instructed otherwise, allowable Hauled Waste shall be discharged only into the POTW at the septage receiving station located at:

Paso Robles Wastewater Treatment Plant  
3200 Sulphur Springs Road  
Paso Robles, Ca, 93446

Hauled Waste may be discharged at this location on the days and hours specified in the waste hauler permit.

B. The Director may designate an alternative location for discharging Hauled Waste in emergency conditions or for certain haulers of high strength Hauled Waste.

C. The discharge of Hauled Waste into any City facility, manhole or other location not approved by the Director shall be considered unlawful and the person responsible for such discharge shall be subject to the penalties and remedies set forth in Article X of this Chapter.

#### **14.10.180 Limit on Amount and Type of Hauled Waste Accepted Daily**

The Director has the right to specify the type of Hauled Waste allowed to be discharged, the location, days and hours that Hauled Waste is accepted, and the total amount of Hauled Waste that can be discharged daily into the POTW. The Director has the right to accept or reject Hauled Waste based on these specifications and the daily operation and capacity of the wastewater treatment plant and septage receiving station.

#### **14.10.190 Hauled Waste Disclosures and Samples**

A. Each permitted waste hauler discharging Hauled Waste must first submit at the designated location of the septage receiving station a completed Hauled Waste Disclosure which lists the source(s) and nature of the Hauled Waste. The Hauled Waste Disclosure shall be on a form provided by the City.

B. The City has the right to sample any load of Hauled Waste to be discharged at the septage receiving station. If the Hauled Waste is found to be in violation of any State, Federal or City law or regulation, the waste hauler shall not be permitted to discharge the Hauled Waste load. The Director shall issue a Notice of Violation as specified in Section 14.10.160. The waste hauler may be subject to future testing to determine compliance; upon such additional testing, a finding of violation may result in permit revocation. A waste hauler that attempts or permits the discharge of prohibited Hauled Waste into the

POTW shall be liable for any resulting expense, loss or damage to the City's wastewater system as set forth in Section 14.08.030(H).

C. At the time of discharge, the waste hauler will receive a receipt issued by the City.

#### **14.10.200 Right to Refuse Hauled Waste**

The City has the right to automatically refuse to accept the discharge of any prohibited Hauled Waste set forth in Section 14.10.110. Additionally, if City staff determines that the Hauled Waste could cause operational or maintenance problems to City POTW facilities, is detrimental to the health of POTW staff, or violates or could cause violations of the City's NPDES permit or any other City, State, or Federal law or regulation, the City may refuse to accept the discharge of the Hauled Waste in addition to any permit revocation procedures set forth in Section 14.10.160.

#### **14.10.210 Fees for Discharge of Hauled Waste**

Waste haulers discharging allowable Hauled Waste to the POTW shall pay a discharge fee as established in Section 14.10.500. In addition to those costs identified in Section 14.10.500, the discharge fee may be based on the volume of Hauled Waste discharged.

#### **14.10.220 Penalties and Remedies**

Unless otherwise specified in this Article, the procedures, penalties, and other remedies for enforcement set forth in Article X of this Chapter shall apply to waste haulers. The requirements for discharging Hauled Waste set forth in this Article III are in addition to, and not in place of, any other requirements or permits that may apply to waste haulers under this Chapter or other City, State, or Federal law.

### **Article IV – Industrial Wastewater Discharge Permits**

#### **14.10.230 Industrial Wastewater Discharge Permit Required**

It shall be unlawful for any IU to connect to, or to discharge to, the City sewer without first obtaining an industrial wastewater discharge permit from the City if the Director determines a permit is required.

#### **14.10.240 Permit Duration**

Permits shall be issued for a specified time, not to exceed five (5) years from the effective date of the permit. A permit may be issued for a period of less than five (5) years or may be stated to expire on a specific date.

#### **14.10.250 Permit Modification**

A. The Director may modify any industrial wastewater discharge permit for good cause, including but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the IU's operation, processes, or wastewater volume or character since the time of the industrial wastewater discharge permit issuance;
3. To add information indicating that the permitted discharge poses a threat to the City's POTW, personnel, or the receiving waters;
4. In light of a violation of any terms or conditions of the industrial wastewater discharge permit;
5. In light of misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;
6. To correct typographical or other errors in the industrial wastewater discharge permit.

B. An IU shall be informed of any proposed changes in its permit at least thirty (30) calendar days prior to the effective date of the change.

#### **14.10.260 Permit Transfer**

A. Industrial wastewater discharge permits are issued to a specific IU for a specific operation. An industrial wastewater discharge permit shall not be reassigned, transferred, nor sold to a new owner, new IU, different premises, or a new or changed operation. Any succeeding owner or IU shall immediately notify the City of the change of ownership and complete an industrial wastewater discharge permit application and shall comply with the terms and conditions of the existing permit until a new permit is issued.

B. Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to an IU are void upon the issuance of a new industrial wastewater discharge permit to that IU.

#### **14.10.270 Permit Application.**

A. All IUs required to obtain a wastewater discharge permit shall complete and file an industrial wastewater discharge permit application with the City within thirty (30) days of receiving a notice to apply. Proposed new IUs shall apply ninety (90) days prior to actual connection to the municipal sewer.

B. In support of its application, the applicant must submit the information requested in the application form issued by the City.

C. The Director will evaluate the data furnished by the IU and may require additional information. Incomplete or inaccurate applications will not be processed and will be

returned to the IU for revision. After evaluation and acceptance of the information furnished, the Director may issue an industrial wastewater discharge permit subject to the terms and conditions provided herein.

D. All industrial wastewater discharge permit applications, IU reports, and certification statements must be signed by an Authorized Representative of the IU and contain the certification statement set forth in Section 14.10.450(A).

E. If the designation of an Authorized Representative is no longer accurate because a different individual or position has assumed responsibility either for the overall operation of the facility or for the overall environmental matters of the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to, or together with, any reports to be signed by an Authorized Representative.

F. A denial of a permit application may be appealed pursuant to the procedures in Section 14.10.650.

#### **14.10.280 Permit Conditions**

Industrial wastewater discharge permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, and IU charges and fees established by the City. The conditions of the permit shall be uniformly enforced in accordance with this Chapter and applicable state and federal regulations. Permit contents and requirements may include, but are not limited to, the following:

1. A statement that indicates the industrial wastewater discharge permit issuance date, expiration date, and effective date;
2. A statement that the industrial wastewater discharge permit is nontransferable;
3. Effluent limits, which may include numerical limits or Best Management Practices based on applicable Pretreatment Standards;
4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or Best Management Practices to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. Requirements to control slug discharges, if determined by the Director to be necessary;
6. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 14.10.360(B);
7. Any grant of the monitoring waiver by the Director pursuant to Section 14.10.360(B);

8. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
9. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
10. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
11. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
12. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
13. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit;
14. Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter and state and federal laws, rules, and regulations; and
15. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

#### **14.10.290 Permit Violation**

A. When it is determined that a specific condition and/or discharge is in violation of this Chapter or any permit condition, or any limit imposed, enforcement actions shall be initiated as provided in this Chapter. Discharge violations include, but are not limited to, the following:

1. Unlawful discharges of wastewater and compounds prohibited by this Chapter;
2. Discharges violating permit conditions or limitations;
3. Discharges in violation of this Chapter;
4. Discharges endangering the environment or the public's health, safety and/or welfare;
5. Discharges endangering the City's sewerage system, and/or City personnel;

B. Nondischarge violations constitute noncompliance with the City's rules and regulations and may also create a nuisance or have severe impacts on the City's ability to serve the public. This includes noncompliance with City Standard Details and Specifications.

### **14.10.300 Permit Revocation**

A. An industrial wastewater discharge permit may be revoked for violating permit conditions or provisions of this Chapter. Violations include, but are not limited to, the following:

1. Failure to notify the Director of significant changes to the IU's operations, systems, or wastewater prior to the changed discharge;
2. Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;
3. Falsifying self monitoring reports and certification statements;
4. Tampering with monitoring equipment;
5. Refusing to allow the Director timely access to facility premises and records;
6. Failure to meet effluent limitations;
7. Failure to pay fines;
8. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
9. Failure to meet compliance schedules; or
10. Violation of any Pretreatment Standard or Requirement, or of any terms of the industrial wastewater discharge permit or of this Chapter.

B. Before revoking a permit, the Director shall issue to the IU a Notice of Violation in accordance with Section 14.10.550. If the IU does not correct the violation within the time period specified in the notice, the Director shall revoke the permit. An IU whose permit has been revoked may appeal the Director's action pursuant to the procedures in Section 14.10.650.

## **Article V - Pretreatment**

### **14.10.310 Pretreatment of Wastewater**

A. IUs shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all applicable Categorical Pretreatment Standards, local limits, and the prohibitions set out in this Chapter within the time limitations specified by the EPA, the state, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained in good working order, at the IU's expense.

B. In the construction of new facilities, all domestic wastewaters from restrooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters

until the industrial wastewaters have passed through any required pretreatment system or device and the industrial wastewater monitoring facility or stations.

C. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The City's review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter. Any subsequent proposed changes to the pretreatment facilities or methods of operation shall be reported to, and be approved by, the City prior to the IU's implementation of the changes.

D. Grease, oil and sand interceptors or gravity separating devices shall be installed when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential dwelling units. All interception units shall be of a type and capacity approved by the Director in accordance with the California Plumbing Code and shall be of a capacity sufficient to provide the appropriate quality of effluent per this Chapter and shall be located where it would be easily accessible for cleaning and inspection. Interceptors shall be maintained at the owner's expense, in continuous efficient operating condition, and shall provide for the periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.

1. Food establishments shall install an approved grease interceptor. Requirements for the installation of a grease interceptor shall be determined by the City using the California Plumbing Code as a guide.
2. Each business establishment for which a grease interceptor is required shall implement grease reducing practices and have an interceptor which shall serve only that business establishment.
3. All car washes, vehicle/equipment wash areas, service stations, and garages shall be required to install a gravity separating device designed to prevent the discharge of sand, silt, oil, and grease to the municipal sewer. Gravity separating devices located outdoors shall be covered and bermed to prevent the inflow of storm water.
4. If the City finds that a grease interceptor or gravity separating device installed prior to the effective date of this Chapter is incapable of adequately retaining the grease, sand or oil in the wastewater effluent, an adequate grease interceptor or gravity separating device shall be installed at the owner's expense within the time period specified in a written notice from the City.

E. Discharges from commercial grinders must be treated independently of any grease interceptor, at the owner's expense, to reduce the suspended solids daily flow or objectionable characteristics or constituents to comply with the limits contained in this Chapter.

## **Article VI-Compliance Monitoring**

### **14.10.320 Right to Inspect and Monitor**

The Director, through a program of inspection and sampling, shall ensure compliance with the provisions of this Chapter, the IU's wastewater discharge permit and all applicable federal and state laws and regulations. The City may inspect the facilities of any person to ascertain whether the purpose of this Chapter is being met and all prohibitions, limitations and requirements are being complied with. Upon presentation of proper identification, persons or occupants of premises where waste or wastewater is created or discharged shall allow the City ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, records examination, evidence gathering or in the performance of any of its other duties. In addition, the City may enter an IU's property at any hour under emergency circumstances involving the City's sewerage system.

1. During the inspection and compliance monitoring activities, the City shall observe all reasonable security, safety and sanitation measures. In addition, the City shall observe reasonable precautionary measures specified by the IU. Where an IU has security measures in force, which would require proper identification and clearance before entry onto the IU's premises, the IU shall make necessary arrangements with its security guards so that upon presentation of suitable identification, City personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
2. The City may sample the wastewater from any IU or require the IU to sample the wastewater at the IU's own expense to ascertain whether the intent of this ordinance is being met and that the User is complying with all requirements.
3. The City shall have the right to set up on the IU's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.
4. The Director may require the IU to furnish and install, at the IU's own expense, a control manhole in the building sewer or monitoring equipment as necessary and of a design and location approved by the City to facilitate inspection, sampling and flow measurements. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at the frequency described in the industrial wastewater discharge permit to ensure their accuracy. The IU shall provide the City with unrestricted access to the sampling station at all times.
5. If the City requires or the IU chooses to install monitoring equipment, the equipment shall be calibrated, as recommended by the manufacturer and approved by the City. This must be done by qualified personnel. A photocopy of the calibration results and/or certificate shall be sent to the City.

6. Where pretreatment or monitoring facilities are required, prior to discharging wastewater to the sewerage system, detailed plans showing the pretreatment facility and operating procedures shall be submitted to the City for review and shall be approved by the City before construction of the facility. All such plans and construction shall be done at the IU's expense. The review and approval of such plans and operating procedures will in no way relieve the IU from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter, and the IU shall remain responsible for compliance with all applicable ordinances, Codes, regulations and orders of any governmental authority. Any subsequent proposed changes in the pretreatment facilities or methods of operation shall be reported to, and be approved by, the City prior to the IU's implementation of the changes.
7. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the IU.
8. Unreasonable delays in allowing the Director access to the IU's premises shall be a violation of this section.

## **Article VII - Reporting Requirements**

### **14.10.330 Baseline Monitoring Reports.**

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to, or scheduled to discharge to, the POTW shall submit to the Director a report containing the information listed in Section 14.10.330(C), below.
- B. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report containing the information listed in Section 14.10.330(C), below. A new source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
- C. IUs described above shall submit the information set forth below:
  1. Identifying Information. The IU shall submit the name and address of the facility including the name of the operator and owners;
  2. Permits. The IU shall submit a list of any environmental control permits held by or for the facility;

3. Description of Operations. The IU shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such IU. This description shall include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. The IU shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - a. Regulated process streams; and
  - b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e). The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
5. Measurement of Pollutants.
  - a. The IU shall identify the pretreatment standards applicable to each regulated process; and
  - b. The IU shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.
  - c. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The City may waive flow-proportional composite sampling for any IU that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the IU demonstrates that this will provide a representative sample of the effluent being discharged.
  - d. The IU shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this section.
  - e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment facility exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the IU shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration has

been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City.

f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Director determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties, and approved by the Director.

g. The City may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

h. The baseline report shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. Compliance Certification. The IUs shall submit a statement, reviewed by an authorized representative of the IU (as defined in Section 14.08.040 and certified to by a qualified professional) indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O and M) and/or additional pretreatment is required for the IU to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the IU shall submit the shortest schedule by which the IU will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule shall meet the requirements set forth in Section 14.10.340 of this Chapter.

8. All baseline monitoring reports must be certified in accordance with Section 14.10.450(A) of this Chapter and be signed by an Authorized Representative as defined in Section 14.08.040.

#### **14.10.340 Compliance Schedule**

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The IU shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance, including in such progress report, at a minimum, whether it complied with the increment of progress, the reason for any delay, and if appropriate, the steps taken by the IU to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between submissions of such progress reports to the Director.

#### **14.10.350 Reports on Compliance with Categorical Pretreatment Standard Deadline.**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in 40 CFR 403.12(d).

#### **14.10.360 Periodic Compliance Reports**

A. All SIUs must, at a frequency determined by the Director, submit no less than twice per year, in June and December or on other dates specified, reports indicating the nature and concentration of pollutants in the discharge that are limited by Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the SIU must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the SIU. The Director may modify the months during which the above reports are to be submitted.

B. The City may authorize a SIU subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the SIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the SIU [See 40 CFR 403.12(e)(2)]. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than five (5) years. The

SIU must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.

3. In demonstrating that a pollutant is not present, the SIU must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed by an Authorized Representative as defined in Section 14.08.040, and must include the certification statement in Section 14.10.450(C).
5. Non-detectable sample results may be used to demonstrate that a pollutant is not present only if the EPA-approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Director must be included as a condition in the SIU's permit. The reasons supporting the waiver and any information submitted by the SIU in its request for the waiver must be maintained by the City for three (3) years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the SIU's permit by the Director, the SIU must certify on each report with the statement in Section 14.10.450(C) that there has been no increase in the pollutant in its waste stream due to activities of the SIU.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the SIU's operations, the SIU must immediately notify the Director and comply with the monitoring requirements of Section 14.10.360(A), or other more frequent monitoring requirements imposed by the Director.
9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

C. All periodic compliance reports must be signed and certified in accordance with Section 14.10.450(A) of this Chapter.

#### **14.10.370 Reports of Changed Conditions**

- A. All IUs must promptly notify the Director in advance of any substantial changes to the IU's operations or system which might alter the nature, quality, or volume of its wastewater.
- B. SIUs are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge.

#### **14.10.380 Accidental Discharge and Slug Control Plan**

A. Each IU shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter. Facilities shall be provided to prevent accidental discharges of prohibited materials and shall be maintained at the IU's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted by the IU when requested, to the City for the City's review, and shall be approved by the Director before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the IU from the responsibility to modify its facility as necessary to meet the requirements of this Chapter or of any other applicable rule, regulation, order or ordinance of a governmental authority.

B. Any direct or indirect connection to the IU's plumbing or drainage system that allows the discharge of wastes to the public sewer system in violation of this Chapter, shall be eliminated. Where such action is impractical or unreasonable, as determined by the City, the IU shall appropriately label such entry points to warn against discharge of such wastes.

C. The Director shall evaluate whether each IU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Director may require any IU to develop, submit for approval, and implement such a plan or to take such other action necessary to control slug discharges. Alternatively, the Director may develop such a plan for any IU. An accidental discharge/slug discharge control plan shall address, at minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures to immediately notify the Director of any accidental or slug discharge;
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

D. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the IU shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the IU.

E. Within five (5) days following such discharge, the IU shall submit a detailed written report to the Director describing the cause(s) of the discharge and the measures to be

taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

F. A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who could cause such a discharge to occur, of the emergency notification procedure.

#### **14.10.390 Representative Wastewater Samples**

All wastewater samples must be representative of the IU's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an IU to keep its monitoring facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of its discharge.

#### **14.10.400 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by the EPA.

#### **14.10.410 Sample Collection**

A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analyses performed during the period covered by the report and be representative of conditions occurring during the reporting period.

B. Except as indicated in subsections C and D below, the IU must collect wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Director. Where time proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved

EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

D. For sampling required in support of baseline monitoring reports and 90-day compliance reports pursuant to Sections 14.10.330 and 14.10.350 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Section 14.10.360 (40 CFR 403.12(e) and 403.12(h)), the IU is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

E. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures set forth in Section 14.10.360, the results of this monitoring shall be included in the report.

F. All required sampling shall be done at the IU's expense.

#### **14.10.420 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by an IU indicates a violation, the IU must notify the Director within twenty four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days of becoming aware of the violation. Where the City has performed the sampling and analysis in lieu of the IU, the City must perform the repeat sampling and analysis unless it notifies the IU of the violation and requires the IU to perform the repeat analysis. Resampling is not required if:

1. The City performs sampling for the IU at a frequency of at least once per month, or
2. The City performs sampling for the IU between the time the initial sampling was conducted and the time the IU or the City receives the results of this sampling.

#### **14.10.430 Date of Receipt of Reports**

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, from a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

#### **14.10.440 Recordkeeping**

Any IUs subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any

monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the IU independent of such requirements, and documentation associated with Best Management Practices established under Section 14.10.060(C). Records shall include the date, exact place, method, time of sampling, the name(s) of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years or during the pendency of any litigation.

#### **14.10.450 Certification Statements**

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver — The following certification statement is required to be signed and submitted by IUs submitting baseline monitoring reports pursuant to Section 14.10.330, SIUs submitting reports in compliance with the categorical Pretreatment Standard deadlines pursuant to Section 14.10.310, IUs submitting periodic compliance reports required by Section 14.10.360(A-C), and IUs submitting an initial request to forego sampling of a pollutant on the basis of Section 14.10.360(B). The following certification statement must be signed by an Authorized Representative as defined in Section 14.08.040, definitions:

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.

B. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined by the Director to be a Non-Significant Categorical Industrial User pursuant to the definition of Significant Industrial User in Section 14.08.040 [40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in Section 14.08.040:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as defined in Section 14.08.040 [40 CFR 403.3(v)(2)];

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

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C. Certification of Pollutants Not Present. IUs that have an approved monitoring waiver based on Section 14.10.360(B) must certify on each report, with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the IU [40 CFR 403.12(e)(2)(v)]:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 14.10.360(B).

#### **14.10.460 Confidential Information**

All information and data on an IU obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies, unless the IU specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the IU furnishing a report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. Information accepted by the City as confidential in accordance with the provisions of 40 CFR Part 2, entitled "Confidentiality of Business Information," shall not be transmitted to the general public by the City until and unless prior and adequate

notification is given to the IU. Governmental agencies such as the EPA and the state shall have immediate access to all information collected by the City under its source control program.

## **Article VIII-Public Participation**

### **14.10.470 Publication of Industrial Users in Significant Noncompliance**

A. The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the IUs which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all SIUs (or any other IU that violates paragraphs (3), (4) or (8) of this section) and shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in Sections 14.10.040 – 14.10.060;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by Sections 14.10.040 - 14.10.060 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as described in Sections 14.10.040 – 14.10.060 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent danger to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for commencing construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

## **Article IX- Fees, Rates and Charges**

### **14.10.500 Charges and Fees**

The City may adopt fees for the reimbursement of costs for setting up and operating the City's pretreatment program and septage receiving station. Said fees shall be set by resolution, subject to review by the City Council and will be reviewed periodically to ensure that the fees charged reasonably cover the associated costs. Said fees may include the following:

1. Fees for waste hauler and industrial wastewater discharge permit applications, including the cost of processing such applications.
2. Fees for discharging Hauled Waste into the POTW.
3. Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing a waste hauler or IU's discharge, and reviewing monitoring reports submitted by IUs.
4. Fees for reviewing and responding to accidental discharge procedures and construction.
5. Fees for filing for a show of cause hearing or appeals.

### **14.10.510 Industrial User Classification**

All IUs shall be classified by assigning each one to a user classification category, according to the principal activity conducted on the IU's premises. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of IU charges and IU wastewater permit fees which will ensure an equitable recovery of the City's cost for operation of the pretreatment program. The User classifications are as follows:

1. Class I, not defined as a SIU that may discharge animal and vegetable-based oil and grease or other conventional pollutants to the POTW.
2. Class II, not defined as a SIU, that has materials and/or wastes on site that if discharged to the sewer has the potential to impact the POTW. These materials and wastes include, but are not limited to, those in Sections 14.10.040 and 14.10.060.
3. Class III, an IU defined as a SIU in Section 14.08.040.

## **Article X-Liability and Enforcement**

### **14.10.520 Liability**

A. Liability. The City and its officers, agents and employees shall not be liable for any injury or death to any person, or damage to any property during, or growing out of, the performance of any work by any Person. Each Person shall be liable for, and shall hold the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending the same or in seeking to enforce this provision. Every Person shall be solely liable for any defects in the performance of their work or for any failure that may result from the performance of such work.

B. Liability for Violation. Any Person violating any of the provisions of this Chapter shall be liable to the City for any expense, loss or damage occasioned by reason of such violation.

### **14.10.530 Public Nuisances**

Any violation of the provisions of this Chapter or of any order of the City Council, continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this Chapter or of any other rule or regulation of the City, shall be considered a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance may be charged with a misdemeanor and the Director may refer the matter to the City Attorney for prosecution and such person shall be responsible for reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

### **14.10.540 Violations**

A. It shall be unlawful for any User or person to violate any provision of this Chapter, and the orders, rules, regulations and permits issued under this Chapter. Each day in which a violation occurs or continues shall be deemed a separate and distinct offense.

B. All persons shall be held strictly liable for any and all acts of their agents or employees under the provisions of this Chapter or any other rule or regulation of the City. Upon being notified by the City, pursuant to Section 14.10.550, of any defect arising in any sewer or of any violation of this Chapter, the person or persons having charge of said work shall immediately correct the defect or violation. The City may cause proceedings to be brought for the abatement of the occupancy of the building or facility during the period of such violation.

### **14.10.550 Notice of Violation**

A. When the Director finds that a User has violated or continues to violate, any provision of this Chapter, a wastewater discharge permit, waste hauler permit or order issued hereunder, or any other pretreatment standard or wastewater requirement of the City, state or federal government, or is found to have improperly used or maintained sewers,

the City shall serve upon that User a written Notice of Violation. The notice shall state the nature of the violation and shall direct that the violation be corrected within such time as specified in the notice, as the Director may deem reasonable. A User who has been so notified shall cease all acts deemed to be violations within the time specified in the notice.

B. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without issuing a Notice of Violation; however, such Notice of Violation shall be issued as soon as possible.

#### **14.10.560 Consent Orders**

The Director may enter into consent orders, assurances of compliance, or other similar agreements with any User responsible for noncompliance. Such agreement shall include specific actions to be taken by the User to correct the noncompliance within the time period specified in the agreement.

#### **14.10.570 Compliance Orders**

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit, waste hauler permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, water service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation.

#### **14.10.580 Cease and Desist Orders**

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit, waste hauler permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

#### **14.10.590 Permit Revocation**

Subject to the provisions of this Chapter regarding Notice of Violation and right to appeal, the Director may revoke any wastewater discharge permit pursuant to Section 14.10.300 or waste hauler permit pursuant to Section 14.10.160, or cause water service to be terminated to any premises if a violation of this Chapter or a wastewater discharge permit is found to exist, or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this Chapter, or for any condition that presents an imminent danger to the environment or to the health or welfare of persons, or that threatens to interfere with the operation of the POTW, or that violates applicable federal or state regulations. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment.

#### **14.10.600 Authority to Disconnect**

Whenever a User or IU has violated or continues to violate any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the User may be disconnected. When service has been disconnected as provided, the cost or estimated cost of disconnection and reconnection to the system shall be deposited by the User with the City before such User is reconnected to the system. The City shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

#### **14.10.610 Civil Penalties**

A. Any User or IU who has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit, waste hauler permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$25,000.00 but not less than \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The City may recover reasonable attorneys' fees, fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

#### **14.10.620 Criminal Penalties**

A. A User or IU who willfully or negligently violates any provision of this Chapter, a wastewater discharge permit, waste hauler permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

B. A User or IU who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, a wastewater discharge permit, waste hauler permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall,

upon conviction, be punished by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year or both.

C. In the event of a second conviction the User or IU shall be punished by a fine not to exceed \$3,000 per violation, per day.

#### **14.10.630 Injunction**

Whenever a discharge of wastewater or Hauled Waste violates this Chapter, causes or threatens to cause a condition of contamination, pollution or nuisance, or in the case of nondischarge violations or other such noncompliance with the rules and regulations set forth herein, the City Attorney, upon request of the Director, may petition the superior court for a restraining order or a preliminary or permanent injunction, or any or all of these, as may be appropriate.

#### **14.10.640 Show of Cause Hearing**

A. Any User that is subject to a proposed enforcement action may request a hearing, in writing, within ten (10) days of receiving notification of such proposed enforcement action.

B. A notice shall be served on the User or IU specifying the time and place of the hearing, the proposed enforcement action, the reason why the proposed action is to be taken, and directing the User or IU to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested. The notice shall be served at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

C. The Director, or his or her assignee, may conduct the hearing and take the evidence to:

1. Issue, in the name of the City, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Prepare a written report of the evidence and hearing; and
4. Determine if there is good cause for the enforcement action.

D. At any hearing held pursuant to this Chapter, testimony taken must be under oath and recorded stenographically. The recorded transcript will be made available to any member of the public or to any party to the hearing upon payment of the usual charges.

#### **14.10.650 Appeal Hearing**

A. Any User, IU, permit applicant, or permittee affected by any decision, action or determination, taken or issued by the Director, may file with the City Manager a written request for an appeal hearing. The request must be received by the City within fifteen (15) calendar days of such decision, action, or determination of the City to the appellant. The request for hearing shall set forth in detail all the facts supporting the appellant's request.

B. The City Manager shall within fifteen (15) days of receiving the request for appeal designate an impartial hearing officer to hear the appeal and provide written notice to the appellant of the hearing date, time and place. Employees of the City shall not be eligible to serve as the hearing officer.

C. The City Manager shall set the time and place for hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date.

D. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the Director's decision shall be deemed final.

E. The scope of the hearing shall be limited to the technical evidence regarding the alleged violation(s) and proposed enforcement action(s). The hearing officer shall have no authority to waive any requirement of the Municipal Code.

F. At the hearing the appellant shall have the opportunity to present information supporting its position concerning the Director's decision, action or determination.

G. After the conclusion of the hearing, the hearing officer shall submit a written report to the City Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the Director's original decision, action or determination. Upon receipt of the written report the City Manager shall make a determination and shall issue a decision and order within thirty (30) calendar days of the hearing by his designee. The written decision and order of the City Manager shall be sent by certified mail to the appellant at the appellant's business address, or to the address of appellant's legal counsel/representative.

H. The decision of the City Manager shall be the final decision, and no action by the City Council shall be required.

I. A fee, as provided for under this sub-section, shall accompany an application for a hearing before any hearing date. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process. Appeal fees shall be set by resolution, subject to review by the City Council. Appeal fees will be reviewed

periodically to ensure that the fees charged cover the costs associated with the appeals process.

J. If the appellant wishes to have the hearing transcribed, the appellant may request that a court reporter be present at the hearing. The appellant shall bear all costs and expenses of the transcription.

#### **14.10.660 Severability**

If any section, subsection, sentence, clause or phrase in this Chapter or Chapter 14.08 is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these chapters. The City Council hereby declares that it would have passed the ordinance codified in this Chapter and Chapter 14.08, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter or Chapter 14.08 would be subsequently declared invalid or unconstitutional.