

ORDINANCE NO. 09-961 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
REPEALING CHAPTER 14.08 SEWERAGE SYSTEM OPERATIONS. AND
ESTABLISHING A REVISED MUNICIPAL CODE, CHAPTER 14.08 AND NEW
CHAPTER 14.10

WHEREAS, the City's Wastewater Treatment Plant discharge permit requires the City to implement a Source Control/Industrial Waste program; and

WHEREAS, the proposed industrial waste discharge ordinance would be consistent with the Federal Pretreatment Streamlining Rule adopted October 14, 2005; and

WHEREAS, the Federal Code of Regulations requires Publicly Owned Treatment Works to develop and enforce limits of the character and volume of pollutants being discharged into their wastewater treatment system; and

WHEREAS, on May 2, 2006, the State Water Resources Control Board adopted General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ; and

WHEREAS, the Statewide Order requires all sewerage entities to develop and implement a Sewer System Management Plan and to develop a Fats, Oils, and Grease Program; and

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

SECTION 1. Repeal Chapter 14.08 in entirety; and

SECTION 2: Replace with the attached Chapter 14.08 and insert new Chapter 14.10, Discharge of Industrial (Non-Domestic) Waste.

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

SECTION 5. Publication. This Ordinance shall be published once 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 October 6, 2009, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of October 2009 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David,
Deputy City Clerk

Attachments: Revised Municipal Code Chapter 14.08 and new Chapter 14.10

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Article I General Provisions

34 **14.08.010 Authority—Code Adopted.**

35 A. Sections 50022.1 to 50022.8 of the California Government Code define procedures for the City
36 to adopt state and federal codes by reference.

37 B. This Chapter and Chapter 14.10 shall supplant all prior Code provisions, amendments thereto,
38 and policy statements relating to the rules and regulations for the operation of the City of El Paso
39 de Robles sewer system and matters incidental thereto.

40 **14.08.020 Purpose**

41 The wastewater discharge regulations in this Chapter and in Chapter 14.10 set uniform
42 requirements for discharges of domestic and industrial waste in the City sewer system to
43 enable the City to comply with the administrative provisions of the clean water regulations,
44 water quality requirements set by the Water Quality Control Board and the applicable
45 effluent limitations, national standards of performance, pretreatment effluent standards,
46 and any other discharge criteria that are required or authorized by state and federal law,
47 and to derive the maximum public benefit by regulating the quality and quantity of
48 wastewater discharged into those systems.

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

54 B. Constitutionality. If any provision of this Chapter or the application thereof to any person or
55 circumstance is held invalid, the remainder of the Chapter or application of such provision to other
56 persons or circumstances shall not be affected.

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

61 **14.08.030 General Regulations.**

62 A. It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary
63 manner upon public or private property within the City, or in any area under the jurisdiction of the
64 City, any domestic or industrial sewage.

65 B. It is unlawful to discharge to any waters of the state any sewage, industrial wastes or other
66 polluted waters, except where suitable treatment has been provided in accordance with
67 provisions of this Chapter.

68 C. It is unlawful for any person to dump or discharge into the City sewer system any raw or
69 chemically treated wastewater from septic tanks or chemically treated wastewater from portable
70 toilets, or any raw or chemically treated sewage from any industrial or unidentified liquid waste or
71 any hazardous waste except as provided by Chapter 14.10.

72 D. Except as provided in Article III of this Chapter, it is unlawful to construct or maintain any privy,
73 privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of
74 sewage except for permitted and approved septic tank, leach-field and seepage pit systems.

75 E. No building, industrial facility or other structure shall be occupied until the owner of the
76 premises has complied with all rules and regulations of the City. Any industrial or commercial
77 facility is prohibited from discharging pollutants which may: (1) pass through an individual
78 disposal system, and is untreated or partially treated; (2) interfere with any individual disposal
79 system treatment works; and/or (3) contaminate any individual disposal system's sludge.

80 F. All privately owned building laterals and private sewage disposal systems and appurtenances
81 from all points of the property to the City sewer, shall be maintained by the property owner in a
82 safe and proper operating condition; and all devices or safeguards which are required by this
83 Chapter for the operation thereof shall be maintained in good working order.

84 1. To determine compliance with this Chapter the City may require any plumbing system,
85 new or existing, to be reinspected.

86 2. The Director may require a property owner to submit to the City a video of the private
87 lateral and appurtenances. If the City determines that the private lateral or any portion
88 thereof, has become unsanitary or a threat to health or property, the City shall order in
89 writing that plumbing be removed or placed in a safe and sanitary condition. Any such
90 order shall fix a reasonable time limit for compliance. No person shall use or maintain
91 defective plumbing after receiving such notice.

92 G. All Users of the sewer system shall prevent the discharge of prohibited substances as
93 described in Sections 14.10.040 – 14.10.060 of Chapter 14.10 into the laterals or other sewer
94 lines connected with the City sewer and sewer treatment system and all Users shall take such
95 reasonable and necessary measures as may from time to time be prescribed by the City Council
96 to make effective enforcement of this prohibition. More stringent requirements imposed by the
97 Water Quality Control Board shall be controlling.

98 H. Excessive Sewer Maintenance/Damage to Facilities. Any person(s) who discharge or
99 causes to be discharged into the City's sewerage facilities either directly or indirectly, any
100 waste or wastewater which is prohibited, creates a blockage, breakage, permanent
101 reductions to sewer capacity, causes excessive maintenance expenses, creates
102 detrimental effects to the POTW, causes the violation of a discharge requirement or
103 regulation imposed by a regulatory agency, or causes any other damage to City facilities,
104 shall be liable for all damages and costs occasioned thereby, including any penalty

105 assessed by a regulatory agency. The damages, cost, or penalty assessed shall be
106 deemed a debt to the City and shall be charged to the User.

107 **14.08.040 Definitions**

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

110 **Act** means the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) (33
111 U.S.C. § 1251, et seq.) and any amendments thereto including the Clean Water Act of
112 1977, as well as any regulations, guidelines, limitations and standards promulgated by the
113 United States Environmental Protection Agency pursuant to the Act.

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

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

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

119 1. If the User is a corporation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

177 **City Council** means the five (5) City Council members elected at large from within the City
178 boundaries and empowered as a group acting in public meetings to legislate in all matters related

179 to the City's jurisdiction established by the laws of the State of California.
180 **City Engineer** means the engineer appointed by, and acting for, the City Council. The City
181 Engineer shall be a registered civil engineer.
182 **City Inspector** means the inspector acting for the City Council and may be the engineer or
183 inspector appointed by the Director of Public Works.
184 **Code of Federal Regulations (CFR)** means a document of the United States government
185 presenting federal agency rules, regulations and guidelines.
186 **Commercial Establishment** means any building used for conducting private or public wholesale
187 or retail transactions involving the exchange of services, commodities or financial business. Such
188 facilities normally produce domestic wastes, but may also contain some industrial wastes.
189 **Connector** means any owner or renter of any premises connected to the sewer system.
190 **Contractor** means an individual firm, corporation, partnership, or association duly licensed
191 by the State of California to perform the type of work to be done under the permit.
192 **Control Authority** means The City of El Paso de Robles.
193 **Conventional Pollutants** means pollutants which are usually found in domestic and/or
194 commercial wastes such as suspended solids, biological oxygen demand, and oil and
195 grease of animal or vegetable origin.
196 **Cooling Water** means the blow-down or bleed water from cooling towers, water
197 discharged from any use such as air conditioning, cooling or refrigeration, during which the
198 only pollutant added to the water is heat.
199 **County** means the County of San Luis Obispo in the State of California.
200 **Director** means the Public Works Director of the City of El Paso de Robles or his or her
201 authorized representative.
202 **Discharge** means to pump, to place, to deposit, to permit or to cause to flow.
203 **Domestic Wastes** means liquid waste and solid waterborne wastes derived from the
204 ordinary living processes of humans of such character as to permit satisfactory disposal,
205 without special treatment, into the public sewer or by means of a private disposal system.
206 **Dwelling Unit** means a single unit providing complete, independent living facilities for one or
207 more persons, which may include permanent provisions for living, sleeping, eating, cooking and
208 sanitation.
209 **EPA or Environmental Protection Agency** means the United States Environmental Protection
210 Agency.
211 **Existing Source** means any source of discharge, the construction or operation of which
212 commenced prior to the publication by the EPA of proposed Categorical Pretreatment Standards,
213 which will be applicable to such source if the standard is thereafter promulgated in accordance
214 with Section 307 of the Act.

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

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

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

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

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

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

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

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

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

234 **Interference** means any discharge that, alone or in conjunction with a discharge or discharges
235 from other sources, inhibits, disrupts, or damages the POTW, its treatment processes or
236 operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the
237 City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the
238 prevention of sewage sludge use or disposal in compliance with any of the following
239 statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local
240 regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) including
241 Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); any
242 state regulations contained in any state sludge management plan prepared pursuant to Subtitle D
243 of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection,
244 Research and Sanctuaries Act.

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

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

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

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

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

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

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

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

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

268 **New Source** means:

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

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

275 (b) The building, structure, facility, or installation totally replaces the process or production
276 equipment that causes the discharge of pollutants at an Existing Source; or

277 (c) The production or wastewater generating processes of the building, structure, facility, or
278 installation are substantially independent of an Existing Source at the same site. In
279 determining whether these are substantially independent, factors such as the extent to
280 which the new facility is integrated with the existing plant, and the extent to which the new
281 facility is engaged in the same general type of activity as the Existing Source, should be
282 considered.

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

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

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

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

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

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

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

309 **Person** means any individual, partnership, co-partnership, firm, company, corporation,
310 association, joint stock company, trust, estate, governmental entity, or any other legal entity; or
311 their legal representatives, agents, or assigns. This definition includes all federal, state, and local
312 governmental entities.

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

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

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

324 **Pretreatment** means the reduction of the amount of pollutants, the elimination of pollutants or the
325 alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in
326 lieu of discharging or otherwise introducing such pollutants into the City's sewerage system. The
327 reduction or alteration can be obtained by physical, chemical or biological processes, or by
328 process changes, except by diluting the concentration of the pollutants unless allowed by an
329 applicable Pretreatment Standard.

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

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

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

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

340 **Prohibited Discharge Standards or Prohibited Discharges** means absolute prohibitions
341 against the discharge of certain substances. These prohibitions appear in Sections 14.10.040 –
342 14.10.060 of Chapter 14.10.

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

349 **Septage** means sludge produced in individual on-site wastewater disposal systems such as
350 septic tanks and cesspools.

351 **Septic Tank Waste** means any sewage from holding tanks such as vessels, chemical toilets,
352 campers, trailers, and septic tanks.

353 **Sewage** means wastewater.

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

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

358 **Shall** means mandatory.

359 **Significant Industrial User (SIU)** means any User of the City’s sewerage system that is:
360 1. A User subject to Categorical Pretreatment Standards; or
361 2. A User that:
362 a. Discharges an average of twenty-five thousand (25,000) gallons or more per day of
363 process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler
364 blow down wastewater), or
365 b. Contributes a process waste stream which makes up five (5) percent or more of the
366 average daily dry weather hydraulic or organic capacity of the POTW treatment plant, or
367 c. Is classified as a categorical industry as regulated under Federal Categorical
368 Pretreatment Standards, or
369 d. Is designated as such by the City on the basis that it has a reasonable potential for
370 adversely affecting the POTW’s operation or for violating any pretreatment standard or
371 requirement.
372 3. The City may determine that a User subject to Categorical Pretreatment Standards is a
373 Non-Significant Categorical Industrial User rather than a SIU on a finding that the User never
374 discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding
375 sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in
376 the Pretreatment Standard) and the following conditions are met:
377 a. The User, prior to City’s finding, has consistently complied with all applicable Categorical
378 Pretreatment Standards and Requirements;
379 b. The User annually submits the certification statement required in Section 14.10.430(B)
380 [see 40 CFR 403.12(q)], together with any additional information necessary to support
381 the certification statement; and
382 c. The User never discharges any untreated concentrated wastewater.
383 4. Upon a finding that a User meeting the criteria in subsection 2 of this section has no
384 reasonable potential for adversely affecting the POTW’s operation or for violating any
385 pretreatment standard or requirement, the City may at any time, on its own initiative or in
386 response to a petition received from a User, and in accordance with procedures in 40 CFR
387 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

388 **Slug Load or Slug** means any discharge at a flow rate or concentration that could cause a
389 violation of the prohibited discharge standards in Sections 14.10.040 – 14.10.060 of Chapter
390 14.10. A slug discharge is any discharge of nonroutine, episodic nature, including but not limited
391 to an accidental spill or a non-customary batch discharge, which has a reasonable potential to
392 cause interference or pass through, or in any other way violate the POTW’s regulations, local
393 limits or permit conditions.

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

396 Industrial Classification Manual.
397 **Storm Water** means any flow occurring during or immediately following any form of natural
398 precipitation.
399 **Street** means any public highway, road, street, avenue, alley way, place, easement or right-of-
400 way.
401 **Suspended Solids or Total Suspended Solids** means the total suspended matter that floats on
402 the surface of, or is suspended in, water, wastewater or other liquids and which is removable by
403 laboratory filtering.
404 **User** means any person, domestic or non-domestic, who discharges, or causes a discharge of
405 wastewater directly or indirectly into the City's sewer system.
406 **Waste** includes sewage and any and all other water substances, liquid, solid, gaseous or
407 radioactive substances associated with human habitation, or of human or animal origin, or from
408 any production, manufacturing, or processing operation of whatever nature, including such waste
409 placed within containers of whatever nature prior to, and for the purpose of, disposal.
410 **Wastewater** means the liquid and water-carried wastes and sewage from residential dwellings,
411 commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or
412 untreated, which are discharged into, or permitted to enter, the City's sewer system.
413 **Wastewater Constituents and Characteristics** means the individual chemical, physical,
414 bacteriological and radiological parameters including volume and flow rate and such other
415 parameters that serve to define, classify or measure the contents, quality, quantity and strength of
416 wastewater.
417 **Wastewater Treatment Plant or Treatment Plant** means that portion of the POTW that is
418 designated to provide treatment of municipal sewage and industrial waste.
419 **Water Quality Control Board** means a state or regional office of the California Water Quality
420 Control Board.
421 **Watercourse** means a channel in which a flow of water occurs either continuously or
422 intermittently.
423 **Waters of the State** means all streams, lakes, ponds, marshes, watercourses, waterways,
424 wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other
425 bodies or accumulations of water, surface or underground, natural or artificial, public or
426 private, which are contained within, flow through, or border upon the state or any portion
427 thereof.

428 **Article II. Sewer Connection**

429 **14.08.050 Sewer Connection Required**

430 A. Occupancy Prohibited. No building, industrial facility or other structure shall be occupied
431 until the owner of the premises has complied with all City rules and regulations.

432 B. Sewer Required. All new buildings shall connect to the City sewerage system and all
433 land development projects shall include provisions for the connection of future buildings to
434 the City sewerage system.

435 1. Exceptions will be allowed only when the City Council approves a private wastewater
436 disposal system permit in accordance with Article III of this Chapter.

437 2. Individual sewer lateral. An individual lateral sewer shall be provided for each building,
438 except when a building is located in the rear of another building on an interior lot,
439 permission may be granted by the City to construct a private sewer, provided the buildings
440 are under the same ownership or controlled by sufficient agreement to assure compliance
441 by each building with the provisions of this Chapter.

442 C. Clean-Outs. All plumbing systems or building sewers shall be maintained with clean-
443 outs installed pursuant to the applicable provisions of this Code. Each premise shall install
444 and leave in place a Test-Y clean-out at the public easement abutting the premises. All
445 clean-outs shall meet the standard specifications of the City and shall be maintained to be
446 water tight.

447 **14.08.060 Connection Permit**

448 A. No person shall uncover, make any connections with or opening into, use, alter or disturb any
449 public sewer or appurtenance, or perform any work on any plumbing or drainage system within
450 the City's public right-of-way, without first obtaining an encroachment permit from the City
451 Engineer.

452 B. No person shall construct a sewer lateral or make a connection with any public sewer without
453 first obtaining a plumbing permit from the City Building Division and paying all required capacity
454 and reimbursement fees.

455 **14.08.070 Manholes**

456 Any licensed contractor who undertakes to pave, resurface, regrade or do any work on
457 any street that contains City sewers shall not cover up or conceal any manholes or
458 structure, or their covers; every care must be taken to protect them. In the event said work
459 results in damage to, or a change of grade in, the area of the manhole or structure, the
460 contractor performing the work shall be responsible, at his own expense, for repairing or
461 modifying the manhole or structure to meet the new grade. Before any work is performed
462 to City manholes or structures, the City's Public Works Department shall be contacted and
463 all work shall be done under an encroachment permit at the direction of the City Engineer,
464 and in accordance with City standards.

465

466 **14.08.080 Contractor's Requirements.**

467 It shall be unlawful for any person who is not a licensed contractor under the State
468 Contractor's License Law to install or construct any sewer for connection to the City's
469 sewer system, or to otherwise make a connection to said system. All contractors must
470 obtain an encroachment permit from the City Engineer prior to commencing or carrying out
471 any such work within the City.

472 **14.08.090 Standard Specifications and Details.**

473 The City has adopted Standard Specifications and Details for the construction of sewers
474 and appurtenances, which is available in the office of the City Engineer and on the City's
475 web site at www.PRCity.com. Said Standard Specifications and Details are incorporated
476 herein by reference.

477 **14.08.100 Plans, Profiles and Specifications Required.**

478 The application for an encroachment permit for public sewer construction shall be
479 accompanied by complete plans, profiles and specifications showing all details of the
480 proposed work, and which shall be approved by the City Engineer, and which shall comply
481 with all applicable City rules and regulations. Plans shall be prepared by a registered civil
482 engineer licensed in the State of California.

483 **14.08.110 Record drawings**

484 Drawings showing the actual location of all mains, structures, laterals and clean-outs shall
485 be filed with the City Engineer prior to acceptance of the work.

486 **14.08.120 Master Plan.**

487 An adopted official master plan for trunk systems within the City shall be on file in the
488 office of the Director of Public Works, and shall be incorporated herein by reference.

489 **14.08.130 Authorization for Construction of Sewers.**

490 Authorization to construct new sewer mains in the public right-of-way must be obtained
491 from the City Engineer acting under the authority of the Director. Request for authorization
492 shall be made to the City Engineer. All construction shall be in accordance with the City's
493 Standard Specifications and Details.

494 **14.08.140 Backflow Device Required.**

495 A. To assist in the protection of health and property, a backflow valve or overflow device
496 shall be installed in the sewer serving any building where the lowest floor elevation
497 (containing plumbing fixtures) will be less than one foot above the rim of the upstream
498 manhole or flushing inlet.

499 B. When an overflow device is installed, the elevation of discharge of said installation shall
500 be at least one foot below the lowest floor elevation containing a plumbing fixture
501 system, building sewer or lateral sewer and may include a back-up check valve wherever
502 and whenever the City may deem advisable.

503 **14.08.150 Reimbursement for Master Planned Sewers**

504 The City may require, as a condition of development, that a developer install oversized
505 sewer improvements to serve adjacent properties consistent with the City's Sewer Master
506 Plan. In such event, the City may provide that such developer be reimbursed for a portion
507 of the cost of such oversized improvements.

508 **14.08.160 Capacity Charges**

509 A capacity charge shall be charged for each connection to the City sewer at a rate
510 established by City resolution.

511 **14.08.170 Reimbursement Agreements for Sewer Extensions**

512 A. A reimbursement agreement may be prepared by the City Engineer for consideration by
513 the City Council where a property owner has installed sewer lines and appurtenances
514 beyond his or her property line and the sewer line is subject to probable future use by
515 other properties.

516 B. Funds for reimbursement of sewer extensions are obtained from future connections to
517 said sewer. Reimbursements occur semi-annually. Distribution to the property owner shall
518 be limited to an amount equal to total excess costs approved by the City Council.

519 Agreements shall terminate ten (10) years from date of acceptance by the City Council,
520 unless extended by the City Council.

521 **14.08.180 Sewers Outside City Limits**

522 It shall be the City's policy to deny sewer permits for any property outside the City, except
523 where exceptional circumstances warrant such permit and where the City, in its sole
524 discretion, determines it will benefit from providing such sewer service outside the City
525 limits. If such permit is approved by the City Council, the applicant must enter into a
526 written contract with the City whereby the applicant shall bind himself, his heirs, his
527 successors and assigns to abide by all City ordinances, rules and regulations in regard to
528 the manner in which such sewer shall be used, the manner of connecting such sewer, the
529 plumbing and drainage in connection therewith, and to pay all specified fees and charges.
530 The granting of a permit for sewer service outside the City limits, and the scope of such
531 permit, shall be within the sole discretion of the City Council.

532 **14.08.190 Annexation Requirements**

533 A. Conditions. As a condition of annexation to the City, the owners of property petitioning
534 for annexation shall, as a condition precedent thereto, pay to the City the following:

- 535 1. Processing Costs. The actual cost of preparation of maps, legal descriptions,
536 publication charges, and any and all other applicable charges pertaining to the
537 sewerage system.
- 538 2. Fees. Amounts fixed by the City as contribution of such areas annexed or serviced
539 toward the costs of the City's then existing sewerage system.

540 B. Payment of Processing Costs and Fees. The fees shall be paid prior to the issuance of
541 a permit as required by this Chapter.

542 C. Additional Terms and Conditions. The City Council reserves the right to or to provide for
543 additional terms and conditions.

544 **14.08.200 Authority to Disconnect.**

545 In the event of a failure to pay sewer service charges, the City shall have authority to
546 disconnect the water service. When service has been disconnected as provided, the cost
547 or estimated cost of disconnection and reconnection to the system shall be deposited by
548 the User within the City before such User is reconnected to the system. The City shall
549 refund any part of the deposit remaining after payment of all costs of disconnection and
550 reconnection.

551 During the period of such disconnection, habitation of such premises by human beings
552 shall constitute a public nuisance, whereupon the City shall cause proceedings to be
553 brought for the abatement of the occupancy of said premises by human beings during the
554 period of such disconnection. In such event, and as a condition of reconnection, there is to
555 be paid to the City reasonable attorney's fee and cost of suit arising in said action.

556 The City declares that the foregoing procedures are established as a means of
557 enforcement of the terms and conditions of its Code, rules and regulations, and not as a
558 penalty.

559 **14.08.210 Adjustments and Exceptions.**

560 The City Council retains the right to grant adjustments and exceptions to the provisions of
561 this Chapter in order to vary and modify the strict application thereof in cases in which
562 there are practical difficulties or unnecessary hardships. Application for any adjustment or
563 exception shall be made to the City Council in the form of a written application submitted
564 to the City Manager. However, no such adjustment or exception shall be allowed to
565 contravene state or federal standards or the City's technically-based local limit standards.

566

567

Article III. Private Wastewater Disposal Systems

568 14.08.220 General Provisions.

569 It shall be the goal of the City to make available the City's sewage system to all premises
570 within the boundaries of the City. Permission to construct a private wastewater disposal
571 system may be granted only when the provisions of this Code have been met.

572 14.08.230 Permit for Private Wastewater Disposal System

573 When it has been determined by the City Council that sewers are not reasonably available
574 to serve a given property (generally more than two hundred (200) feet from the property)
575 within the City, the owner of said property, meeting provisions of this Chapter, may request
576 of the City Council a permit for the construction of a private wastewater disposal system.
577 The granting of such permit shall not overrule any negative action as may be formally
578 issued against such installation by either the California Water Quality Control Board or the
579 San Luis Obispo County Health Department.

580 14.08.240 Conditions of Permit.

- 581 A. The property owner shall enter into an agreement with the City in a form acceptable to
582 the City Attorney. The agreement shall be recorded in the County Recorder's Office and
583 shall include the following provisions:
- 584 1. Consent to future formation of an assessment district if said district is established by
585 the City Council for the purpose of constructing sewers to serve said property.
 - 586 2. Connect said property to the City sewer system, obtain appropriate permits and pay
587 connection fees and special fees as applicable, when available and when directed to do so
588 by the Director of Public Works. Such connection shall be completed within six (6) months
589 of the date of receipt of said notification.
 - 590 3. Construct septic tank and appurtenances in accordance with requirements of the
591 California Water Quality Control Board, Central Coast Basin Plan, County Health
592 Department, California Plumbing Code as modified within Title 17 of this Code, and City's
593 Standard Details and Specifications.
 - 594 4. Operate and maintain the private wastewater disposal system and facilities in a safe
595 and sanitary manner at all times, at no expense to the City.
 - 596 5. Grant to the City authority to enter premises for periodic inspection to ensure proper
597 operation and maintenance. Said authority shall be conveyed in writing by the owner of the
598 property and shall be binding upon all future owners, heirs, lessees, or occupants.
 - 599 6. Grant to the City authority to enter premises in the event of an emergency involving the
600 system or a nuisance created by the system, which, in the sole opinion of the City, County
601 Health Department or California Water Quality Control Board creates a hazard that

602 threatens the health and safety of the citizens. The owner shall follow the instructions of
603 the City and any service rendered pursuant to such instructions shall be paid for by the
604 owner. When a health hazard or nuisance is determined to exist or water quality is
605 threatened, the City may revoke certificates of occupancy for buildings utilizing the private
606 wastewater disposal system.

607 7. Upon connection to the City sewer, abandon the septic tank and leach field per Code
608 requirements when an order to do so has been issued by the City Council or its
609 designated representative, and within the time set forth in such order.

610 8. For private wastewater disposal systems that are approved for use for five (5) years or
611 longer, dual leach fields shall be installed with initial construction. A diverter valve shall be
612 installed to control drainage into either or both leach fields. Each leach field shall be
613 designed to handle one hundred (100) percent of the design flow. For private wastewater
614 disposal systems where use can be reasonably demonstrated to be five (5) years or less,
615 only one (1) leach field may be required. However, an additional area shall be designated,
616 tested for adequacy as a leach field for use, and maintained free from any installation
617 which could inhibit the potential use of said area as a leach field should the first leach field
618 installed be determined by the state, county, or city to have failed or to be inadequate in
619 any way.

620 **14.08.250 Failure of Private Wastewater Disposal System**

621 A. If a private wastewater disposal system fails and a City sewer is determined to be
622 reasonably available, the City Engineer shall direct the owner to connect to the City sewer
623 pursuant to Section 14.08.240 (A)(2). The owner shall pay to the City all applicable
624 connection fees and reimbursements and shall cause the property to be connected to the
625 City's sewer system in a timely manner.

626 B. The City Engineer shall notify the property owner, in writing, of such determinations, the
627 amount of fees and special fees that must be paid, and any other requirements regarding
628 the connection to the City sewer system.

629 **Article IV. Violations and Penalties**

630 **14.08.260 Violations**

631 A. Except as this Chapter may otherwise permit, following its effective date, it shall be
632 unlawful for any person to connect to the City sewerage system except in the manner
633 provided in this Chapter. Any person found to be violating any provision of this Chapter
634 shall be served by the Director or other authorized person with written notice stating the
635 nature of the violation and providing a reasonable time limit for the satisfactory correction
636 thereof. The offender shall, within the period of time stated in such notice, permanently

637 cease all violations. All persons shall be held strictly liable for any and all acts of agents or
638 employees under the provisions of this Chapter. Upon receiving notice of any defect
639 arising in any sewer or of any violation of this Chapter, the person or persons having
640 charge of said work shall immediately correct the defect or violation.

641 B. Continued habitation of any building or continued operation of any facility in violation of the
642 provisions of this Chapter or of any other rule or regulation of the City is declared to be a public
643 nuisance. The City may cause proceedings to be brought for the abatement of the occupancy of
644 the building or facility during the period of such violation.

645 **14.08.270 Penalties**

646 Any person violating the provisions of this Chapter shall be deemed guilty of a
647 misdemeanor unless otherwise deemed to be an infraction by City ordinance or resolution
648 and shall, upon conviction thereof, be punished by a fine consistent with the maximum fine
649 provided for a misdemeanor, or by a fine set as an infraction, or by imprisonment in the
650 county jail.

651 Each and every connection or occupancy in violation of this Chapter shall be deemed a
652 separate violation, and each and every day and part of a day a violation of this Chapter
653 continues shall be deemed a separate offense hereunder and shall be punishable as such.

654

Chapter 14.10 Discharge of Industrial (Non-Domestic) Waste

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716

Article I Purpose and Policy

717 **14.10.010 Application, Purpose, and Scope**

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

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

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

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

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

739 E. The City will begin inspecting and permitting Class II Industrial Users (as defined in Section
740 14.10.470) with high salinity discharges (e.g., commercial laundry facilities, hotels) on January 1,
741 2011. If the Industrial User must improve Best Management Practices or Pretreatment to comply
742 with this Chapter, the Industrial User may request a compliance schedule by submitting a
743 proposed schedule to the Director. The compliance schedule shall meet the requirements set
744 forth in Section 14.10.320. The compliance schedule may not exceed three years.

745 **14.10.020 Establishing Rules and Regulations**

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

750 **14.10.030 Definitions**

751 Terms in this Chapter shall have the meanings set forth in Section 14.08.040 of Chapter
752 14.08.

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

754 **14.10.040 Prohibited Discharge Standards**

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

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

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

763 1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be,
764 sufficient either alone or by interaction with other substances to cause a fire or explosion
765 or be injurious in any other way to the POTW or to the operation of the POTW. This
766 includes, but is not limited to, wastestreams with a closed-cup flashpoint of less than 140
767 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR
768 261.21;

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

774 3. Solid or viscous wastes in amounts which will, or may, obstruct the flow in the City
775 sewer or POTW resulting in interference with the proper operation of the City's sewage
776 system. Prohibited materials include, but are not limited to, fats, oils or grease of animal or
777 vegetable origin, debris, garbage with particles greater than one-half inch in any
778 dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings,
779 entrails, whole blood and/or components, feathers, ashes, cinders, sand, spent lime,
780 concrete or concrete slurry, stone or marble, dust, metal, glass, straw, shavings, grass
781 clippings, cut roots, rags, spent grains, spent hops, waste paper, wood, plastics, tar,
782 asphalt residues, residues from refining or processing of fuel or lubricating oil, mud and
783 glass grinding or polishing wastes;

784 4. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a slow
785 rate and/or pollutants with a concentration that either alone or by interaction with other
786 pollutants, will cause interference with the POTW;

- 787 5. Any wastewater having a temperature greater than one hundred fifty degrees
788 Fahrenheit (sixty-six degrees Celsius) into the sewer, or which will inhibit biological activity
789 in the treatment plant resulting in interference, but in no case wastewater that causes the
790 temperature at the introduction of the treatment plant to exceed one hundred four degrees
791 Fahrenheit (forty degrees Celsius);
- 792 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts
793 that will cause interference or pass through;
- 794 7. Oils and grease in excess of one hundred (100) mg/L, whether emulsified or not, shall
795 not be discharged into the public sewer system. Oils and greases may be from living or
796 nonliving sources or contain substances that may solidify or become viscous at
797 temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit at the
798 point of discharge into the system or in amounts that will cause interference or pass
799 through;
- 800 8. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW
801 in a quantity that may cause acute worker health and safety problems;
- 802 9. Noxious or malodorous solids, liquids or gases, or other wastewater which, either
803 singularly or by interaction with other wastes, are capable of creating a public nuisance or
804 hazard to life or prevent entry into sewers for maintenance or repair;
- 805 10. Hazardous Waste. All Users are prohibited from discharging hazardous waste;
- 806 11. Wastewater which imparts color not removable by the treatment process, including but
807 not limited to, inks, dyes and tanning solutions, which consequently impart color to the
808 treatment plant's effluent;
- 809 12. Wastewater containing any radioactive wastes or isotopes except in compliance with
810 applicable state and federal regulations;
- 811 13. Any trucked or hauled pollutants; except at discharge points designated by the City,
812 with City pre-approval, and in accordance with Section 14.10.90 of this Chapter;
- 813 14. Infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices,
814 mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and
815 associated articles (whether ground or not); recognizable portions of the human anatomy;
816 solid wastes generated in the rooms of patients who are isolated because of a suspected
817 or diagnosed communicable disease; wastes excluded by other provisions of this Chapter
818 except as specifically permitted for; or any other waste defined by the health officer of San
819 Luis Obispo County as being infectious;
- 820 15. Any wastewater containing toxic substances in sufficient quantity, either singularly or
821 by interaction with other substances, to injure or to interfere with any wastewater treatment
822 process, to constitute a hazard to humans or animals, to create a toxic effect in the
823 receiving waters of the POTW or to exceed the limitations set forth in Categorical

824 Pretreatment Standards or of this section. A toxic pollutant shall include, but need not be
825 limited to, any pollutant identified in Section 307(a) of the Federal Clean Water Act;
826 16. Any wastewater which is capable of causing either alone or by interaction with other
827 substances, the POTW effluent or any other product of the treatment process, residuals,
828 or biosolids to be unsuitable for reclamation or reuse or to interfere with the reclamation
829 process;

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

832 18. Draining of swimming pools and spas.

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

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

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

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

843 19. Discharges from water softening.

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

847 a. Commercial or Industrial Users discharging water-softening brine shall not exceed the
848 limits listed in Section 14.10.060(B) of this Chapter. A commercial operation not in
849 compliance with the local limits shall be deemed an IU and will be required to obtain an
850 industrial wastewater discharge permit.

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

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

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

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

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

- 867 a. Wastes generated in preparation of food in a residence;
- 868 b. Where a nonresidential IU has an existing garbage grinder or a proposed new grinder
869 and has approval for that specific use from the City. Such grinders must be kept in proper
870 working order. Prohibited discharges from garbage grinders are as follows:

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

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

878 21. Rain, storm water, surface water, ground water, seepage, roof runoff, street or yard
879 drainage, subsurface drainage, ponds or lawn sprays or the uncontaminated water or
880 water added for the purpose of diluting wastes which exceed maximum concentration
881 limitations;

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

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

889 **14.10.050 National Categorical Pretreatment Standards**

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

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

895 C. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular
896 industrial category, the federal standard, if more stringent than limitations and prohibitions

897 imposed under this Chapter for a source in that category, shall immediately supersede the
 898 limitations imposed under this Chapter.
 899 D. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater
 900 not regulated by the same standard, the Director shall impose an alternate limit in accordance
 901 with 40 CFR 403.6(e).

902 **14.10.060 Local Limits**

903 A. Pursuant to 40 CFR 403.5(c) the City reserves the right to establish, by ordinance or
 904 resolution, more stringent standards or prohibitions on discharges to the POTW consistent
 905 with this Chapter if:
 906 1. The City determines that the limitations and prohibitions in this Chapter or other City
 907 Codes or resolutions may not be sufficient to protect the operation of the POTW; or
 908 2. The City determines that the limitations and prohibitions in this Chapter or other City
 909 Codes or resolutions, may not be sufficient to enable the POTW to comply with water
 910 quality standards or effluent limitations specified in the City's POTW NPDES permit.
 911 B. The following pollutant limits are established to protect against pass through and interference.
 912 No User shall discharge wastewater containing in excess of the following:
 913

Constituent	Concentration Limit
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

Constituent	Concentration Limit
Total suspended solids (TSS)	360 mg/L
Oil and Grease	100 mg/L

914 (All concentrations for metallic substances are for "total" metal unless indicated otherwise.)

915 C. The Director may develop Best Management Practices (BMPs), by ordinance or in
 916 wastewater discharge permits, to implement local limits and the requirements in Section
 917 14.10.040.

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

923 **14.10.070 Limitation on Point of Discharge**

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

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

931

932 **14.10.80 Dilution Prohibited**

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

936 **Article III Hauled Waste**

937 **14.10.90 Hauled Waste**

938 A. Hauled waste may be introduced into the POTW only at locations designated by the
 939 Director, with the Director's prior consent, and at such times as established by the
 940 Director. Such waste shall not violate Sections 14.10.040 -14.10.060 of this Chapter or
 941 any other requirements established by the City.

942 B. The Director may require haulers of industrial waste to obtain wastewater discharge
 943 permits. The Director may prohibit the disposal of hauled industrial waste.

944 C. The hauler shall provide the Director with waste analysis of any load prior to discharge.
945 The Director may collect samples of each hauled load to ensure compliance with
946 applicable standards.
947 D. Industrial waste haulers must provide a waste-tracking form for every load. This form
948 shall include, at a minimum, the name and address of the industrial waste hauler, permit
949 number, truck identification, names and addresses of sources of waste, and volume and
950 characteristics of waste.

951

952

Article IV – Discharge Permits

953 14.10.210 Wastewater Discharge Permit Required

954 It shall be unlawful for any IU to connect to, or to discharge to, the City sewer without first
955 obtaining an industrial wastewater discharge permit from the City.

956 14.10.220 Permit Duration

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

960 14.10.230 Permit Modification

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

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

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

977 14.10.240 Permit Transfer

- 978 A. Industrial wastewater discharge permits are issued to a specific IU for a specific
979 operation. An industrial wastewater discharge permit shall not be reassigned, transferred,
980 nor sold to a new owner, new IU, different premises, or a new or changed operation. Any
981 succeeding owner or IU shall immediately notify the City of the change of ownership and
982 complete an industrial wastewater discharge permit application and shall comply with the
983 terms and conditions of the existing permit until a new permit is issued.
- 984 B. Industrial wastewater discharge permits shall be voidable upon cessation of operations or
985 transfer of business ownership. All industrial wastewater discharge permits issued to an IU are
986 void upon the issuance of a new industrial wastewater discharge permit to that IU.

987 **14.10.250 Permit Application.**

- 988 A. All IUs required to obtain a wastewater discharge permit shall complete and file an
989 industrial wastewater discharge permit application with the City within thirty (30) days of
990 receiving a notice to apply. Proposed new IUs shall apply ninety (90) days prior to actual
991 connection to the municipal sewer.
- 992 B. In support of its application, the applicant must submit the information requested in the
993 application form issued by the City.
- 994 C. The Director will evaluate the data furnished by the IU and may require additional
995 information. Incomplete or inaccurate applications will not be processed and will be
996 returned to the IU for revision. After evaluation and acceptance of the information
997 furnished, the Director may issue an industrial wastewater discharge permit subject to the
998 terms and conditions provided herein.
- 999 D. All industrial wastewater discharge permit applications, IU reports, and certification
1000 statements must be signed by an Authorized Representative of the IU and contain the
1001 certification statement set forth in Section 14.10.430(A).
- 1002 E. If the designation of an Authorized Representative is no longer accurate because a
1003 different individual or position has assumed responsibility either for the overall operation of
1004 the facility or for the overall environmental matters of the company, a new written
1005 authorization satisfying the requirements of this section must be submitted to the Director
1006 prior to, or together with, any reports to be signed by an Authorized Representative.
- 1007 F. A denial of a permit application may be appealed pursuant to the procedures in Section
1008 14.10.610.

1009 **14.10.260 Permit Conditions**

- 1010 Industrial wastewater discharge permits shall be expressly subject to all provisions of this
1011 Chapter and all other applicable regulations, and IU charges and fees established by the
1012 City. The conditions of the permit shall be uniformly enforced in accordance with this

1013 Chapter and applicable state and federal regulations. Permit contents and requirements
1014 may include, but are not limited to, the following:

- 1015 1. A statement that indicates the industrial wastewater discharge permit issuance date, expiration
1016 date, and effective date;
- 1017 2. A statement that the industrial wastewater discharge permit is nontransferable;
- 1018 3. Effluent limits, which may include numerical limits or Best Management Practices based on
1019 applicable Pretreatment Standards;
- 1020 4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These
1021 requirements shall include an identification of pollutants or Best Management Practices to be
1022 monitored, sampling location, sampling frequency, and sample type based on federal, state, and
1023 local law;
- 1024 5. Requirements to control slug discharges, if determined by the Director to be necessary;
- 1025 6. The process for seeking a waiver from monitoring for a pollutant neither present nor expected
1026 to be present in the discharge in accordance with Section 14.10.340(B);
- 1027 7. Any grant of the monitoring waiver by the Director pursuant to Section 14.10.340(B);
- 1028 8. Limits on the average and/or maximum rate of discharge, time of discharge, and/or
1029 requirements for flow regulation and equalization;
- 1030 9. Requirements for the installation of pretreatment technology, pollution control, or construction
1031 of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of
1032 pollutants into the treatment works;
- 1033 10. Requirements for the development and implementation of spill control plans or other special
1034 conditions including management practices necessary to adequately prevent accidental,
1035 unanticipated, or nonroutine discharges;
- 1036 11. Development and implementation of waste minimization plans to reduce the amount of
1037 pollutants discharged to the POTW;
- 1038 12. Requirements for installation and maintenance of inspection and sampling facilities and
1039 equipment, including flow measurement devices;
- 1040 13. A statement that compliance with the industrial wastewater discharge permit does not relieve
1041 the permittee of responsibility for compliance with all applicable federal and state pretreatment
1042 standards, including those which become effective during the term of the industrial wastewater
1043 discharge permit;
- 1044 14. Other conditions as deemed appropriate by the Director to ensure compliance with this
1045 Chapter and state and federal laws, rules, and regulations; and
- 1046 15. A statement of applicable civil and criminal penalties for violation of pretreatment
1047 standards and requirements, and any applicable compliance schedule. Such schedule
1048 may not extend the time for compliance beyond that required by applicable federal, state,
1049 or local law.

1050 **14.10.270 Permit Violation**

1051 A. When it is determined that a specific condition and/or discharge is in violation of this Chapter
1052 or any permit condition, or any limit imposed, enforcement actions shall be initiated as provided in
1053 this Chapter. Discharge violations include, but are not limited to, the following:

- 1054 1. Unlawful discharges of wastewater and compounds prohibited by this Chapter;
- 1055 2. Discharges violating permit conditions or limitations;
- 1056 3. Discharges in violation of this Chapter;
- 1057 4. Discharges endangering the environment or the public's health, safety and/or welfare;
- 1058 5. Discharges endangering the City's sewerage system, and/or City personnel;

1059 B. Nondischarge violations constitute noncompliance with the City's rules and regulations and
1060 may also create a nuisance or have severe impacts on the City's ability to serve the public. This
1061 includes noncompliance with City Standard Details and Specifications.

1062 **14.10.280 Permit Revocation**

1063 A. An industrial wastewater discharge permit may be revoked for violating permit conditions or
1064 provisions of this Chapter. Violations include, but are not limited to, the following:

- 1065 1. Failure to notify the Director of significant changes to the IU's operations, systems, or
1066 wastewater prior to the changed discharge;
- 1067 2. Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater
1068 discharge permit application;
- 1069 3. Falsifying self monitoring reports and certification statements;
- 1070 4. Tampering with monitoring equipment;
- 1071 5. Refusing to allow the Director timely access to facility premises and records;
- 1072 6. Failure to meet effluent limitations;
- 1073 7. Failure to pay fines;
- 1074 8. Failure to provide advance notice of the transfer of business ownership of a permitted
1075 facility;
- 1076 9. Failure to meet compliance schedules; or
- 1077 10. Violation of any Pretreatment Standard or Requirement, or of any terms of the industrial
1078 wastewater discharge permit or of this Chapter.

1079 B. Before revoking a permit, the Director shall issue to the IU a Notice of Violation in accordance
1080 with Section 14.10.510. If the IU does not correct the violation within the time period specified in
1081 the notice, the Director shall revoke the permit. An IU whose permit has been revoked may
1082 appeal the Director's action pursuant to the procedures in Section 14.10.610.

1083 **Article V - Pretreatment**

1084 **14.10.290 Pretreatment of Wastewater**

1085 A. IUs shall provide wastewater treatment as necessary to comply with this Chapter and
1086 shall achieve compliance with all applicable Categorical Pretreatment Standards, local
1087 limits, and the prohibitions set out in this Chapter within the time limitations specified by
1088 the EPA, the state, or the Director, whichever is more stringent. Any facilities necessary
1089 for compliance shall be provided, operated, and maintained in good working order, at the
1090 IU's expense.

1091 B. In the construction of new facilities, all domestic wastewaters from restrooms, showers,
1092 drinking fountains, etc., shall be kept separate from all industrial wastewaters until the
1093 industrial wastewaters have passed through any required pretreatment system or device
1094 and the industrial wastewater monitoring facility or stations.

1095 C. Detailed plans describing such facilities and operating procedures shall be submitted to
1096 the City for review, and shall be acceptable to the City before such facilities are
1097 constructed. The City's review of such plans and operating procedures shall in no way
1098 relieve the IU from the responsibility of modifying such facilities as necessary to produce a
1099 discharge acceptable to the City under the provisions of this Chapter. Any subsequent
1100 proposed changes to the pretreatment facilities or methods of operation shall be reported
1101 to, and be approved by, the City prior to the IU's implementation of the changes.

1102 D. Grease, oil and sand interceptors or gravity separating devices shall be installed when,
1103 in the opinion of the Director, they are necessary for the proper handling of wastewater
1104 containing excessive amounts of grease and oil, or sand; except that such interceptors
1105 shall not be required for residential dwelling units. All interception units shall be of a type
1106 and capacity approved by the Director in accordance with the California Plumbing Code
1107 and shall be of a capacity sufficient to provide the appropriate quality of effluent per this
1108 Chapter and shall be located where it would be easily accessible for cleaning and
1109 inspection. Interceptors shall be maintained at the owner's expense, in continuous
1110 efficient operating condition, and shall provide for the periodic removal of the accumulated
1111 grease. No such collected grease shall be introduced into any drainage piping or public or
1112 private sewer.

1113 1. Food establishments shall install an approved grease interceptor. Requirements for
1114 the installation of a grease interceptor shall be determined by the City using the California
1115 Plumbing Code as a guide.

1116 2. Each business establishment for which a grease interceptor is required shall implement
1117 grease reducing practices and have an interceptor which shall serve only that business
1118 establishment.

1119 3. All car washes, vehicle/equipment wash areas, service stations, and garages shall be
1120 required to install a gravity separating device designed to prevent the discharge of sand,

1121 silt, oil, and grease to the municipal sewer. Gravity separating devices located outdoors
1122 shall be covered and bermed to prevent the inflow of storm water.
1123 4. If the City finds that a grease interceptor or gravity separating device installed prior to
1124 the effective date of this Chapter is incapable of adequately retaining the grease, sand or
1125 oil in the wastewater effluent, an adequate grease interceptor or gravity separating device
1126 shall be installed at the owner's expense within the time period specified in a written notice
1127 from the City.
1128 E. Discharges from commercial grinders must be treated independently of any grease
1129 interceptor, at the owner's expense, to reduce the suspended solids daily flow or
1130 objectionable characteristics or constituents to comply with the limits contained in this
1131 Chapter.

1132 **Article VI-Compliance Monitoring**

1133 **14.10.300 Right to Inspect and Monitor**

1134 The Director, through a program of inspection and sampling, shall ensure compliance with the
1135 provisions of this Chapter, the IU's wastewater discharge permit and all applicable federal and
1136 state laws and regulations. The City may inspect the facilities of any person to ascertain whether
1137 the purpose of this Chapter is being met and all prohibitions, limitations and requirements are
1138 being complied with. Upon presentation of proper identification, persons or occupants of premises
1139 where waste or wastewater is created or discharged shall allow the City ready access, at all
1140 reasonable times, to all parts of the premises for the purposes of inspection, sampling, records
1141 examination, evidence gathering or in the performance of any of its other duties. In addition, the
1142 City may enter an IU's property at any hour under emergency circumstances involving the City's
1143 sewerage system.

- 1144 1. During the inspection and compliance monitoring activities, the City shall observe all
1145 reasonable security, safety and sanitation measures. In addition, the City shall observe
1146 reasonable precautionary measures specified by the IU. Where an IU has security measures in
1147 force, which would require proper identification and clearance before entry onto the IU's
1148 premises, the IU shall make necessary arrangements with its security guards so that upon
1149 presentation of suitable identification, City personnel will be permitted to enter, without delay, for
1150 the purposes of performing their specific responsibilities.
- 1151 2. The City may sample the wastewater from any IU or require the IU to sample the wastewater
1152 at the IU's own expense to ascertain whether the intent of this ordinance is being met and that the
1153 User is complying with all requirements.
- 1154 3. The City shall have the right to set up on the IU's property such devices as are necessary to
1155 conduct sampling, inspection, compliance monitoring and/or metering operations.

- 1156 4. The Director may require the IU to furnish and install, at the IU's own expense, a control
1157 manhole in the building sewer or monitoring equipment as necessary and of a design and
1158 location approved by the City to facilitate inspection, sampling and flow measurements. The
1159 facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper
1160 operating condition by the IU at its own expense. All devices used to measure wastewater flow
1161 and quality shall be calibrated at the frequency described in the industrial wastewater discharge
1162 permit to ensure their accuracy. The IU shall provide the City with unrestricted access to the
1163 sampling station at all times.
- 1164 5. If the City requires or the IU chooses to install monitoring equipment, the equipment shall be
1165 calibrated, as recommended by the manufacturer and approved by the City. This must be done
1166 by qualified personnel. A photocopy of the calibration results and/or certificate shall be sent to the
1167 City.
- 1168 6. Where pretreatment or monitoring facilities are required, prior to discharging wastewater to the
1169 sewerage system, detailed plans showing the pretreatment facility and operating procedures shall
1170 be submitted to the City for review and shall be approved by the City before construction of the
1171 facility. All such plans and construction shall be done at the IU's expense. The review and
1172 approval of such plans and operating procedures will in no way relieve the IU from the
1173 responsibility of modifying the facility as necessary to produce an effluent acceptable to the City
1174 under the provisions of this Chapter, and the IU shall remain responsible for compliance with all
1175 applicable ordinances, Codes, regulations and orders of any governmental authority. Any
1176 subsequent proposed changes in the pretreatment facilities or methods of operation shall be
1177 reported to, and be approved by, the City prior to the IU's implementation of the changes.
- 1178 7. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected
1179 and/or sampled shall be promptly removed by the IU at the written or verbal request of the
1180 Director and shall not be replaced. The costs of clearing such access shall be borne by the IU.
- 1181 8. Unreasonable delays in allowing the Director access to the IU's premises shall be a violation
1182 of this section.

1183

Article VII - Reporting Requirements

1184

14.10.310 Baseline Monitoring Reports.

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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 14.10.310(C), below.

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1190 B. At least ninety (90) days prior to commencement of their discharge, new sources, and
1191 sources that become Categorical Industrial Users subsequent to the promulgation of an
1192 applicable categorical standard, shall submit to the Director a report containing the
1193 information listed in Section 14.10.310(C), below. A new source shall report the method of
1194 pretreatment it intends to use to meet applicable Categorical Standards. A new source
1195 shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

1196 C. IUs described above shall submit the information set forth below:

1197 1. Identifying Information. The IU shall submit the name and address of the facility including the
1198 name of the operator and owners;

1199 2. Permits. The IU shall submit a list of any environmental control permits held by or for the
1200 facility;

1201 3. Description of Operations. The IU shall submit a brief description of the nature, average rate of
1202 production, and Standard Industrial Classification of the operation(s) carried out by such IU. This
1203 description shall include a schematic process diagram that indicates points of discharge to the
1204 POTW from the regulated processes.

1205 4. Flow Measurement. The IU shall submit information showing the measured average daily and
1206 maximum daily flow, in gallons per day, to the POTW from each of the following:

1207 a. Regulated process streams; and

1208 b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR
1209 403.6(e). The City may allow for verifiable estimates of these flows where justified by cost or
1210 feasibility considerations.

1211 5. Measurement of Pollutants.

1212 a. The IU shall identify the pretreatment standards applicable to each regulated process; and

1213 b. The IU shall submit the results of sampling and analysis identifying the nature and
1214 concentration of regulated pollutants in the discharge from each regulated process. Both daily
1215 maximum and average concentration shall be reported. The sample shall be representative of
1216 daily operations.

1217 c. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and
1218 grease, sulfide, and volatile organics. For all other pollutants, twenty-four (24) hour composite
1219 samples must be obtained through flow-proportional composite sampling techniques where
1220 feasible. The City may waive flow-proportional composite sampling for any IU that demonstrates
1221 that flow-proportional sampling is infeasible. In such cases, samples may be obtained through
1222 time-proportional composite sampling techniques or through a minimum of four (4) grab samples
1223 where the IU demonstrates that this will provide a representative sample of the effluent being
1224 discharged.

1225 d. The IU shall take a minimum of one (1) representative sample to compile the data necessary
1226 to comply with the requirements of this section.

1227 e. Samples should be taken immediately downstream from pretreatment facilities if such exist or
1228 immediately downstream from the regulated process if no pretreatment facility exists. If other
1229 wastewaters are mixed with the regulated wastewater prior to pretreatment, the IU shall measure
1230 the flows and concentrations necessary to allow use of the combined wastestream formula of 40
1231 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an
1232 alternate concentration has been calculated in accordance with 40 CFR 403.6(e) this adjusted
1233 limit along with supporting data shall be submitted to the City.

1234 f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40
1235 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or
1236 analytical techniques for the pollutant in question, or where the Director determines that the part
1237 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling
1238 and analyses shall be performed by using validated analytical methods or any other applicable
1239 sampling and analytical procedures, including procedures suggested by the City or other parties,
1240 and approved by the Director.

1241 g. The City may allow the submission of a baseline report that utilizes only historical data so long
1242 as the data provides information sufficient to determine the need for industrial pretreatment
1243 measures.

1244 h. The baseline report shall indicate the time, date, and place of sampling, and methods of
1245 analysis, and shall certify that such sampling and analysis is representative of normal work cycles
1246 and expected pollutant discharges to the POTW.

1247 6. Compliance Certification. The IUs shall submit a statement, reviewed by an authorized
1248 representative of the IU (as defined in Section 14.08.040 and certified to by a qualified
1249 professional) indicating whether pretreatment standards are being met on a consistent basis, and,
1250 if not, whether additional Operation and Maintenance (O and M) and/or additional pretreatment is
1251 required for the IU to meet the pretreatment standards and requirements.

1252 7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the
1253 pretreatment standards, the IU shall submit the shortest schedule by which the IU will provide
1254 such additional pretreatment and/or O and M. The completion date in this schedule shall not be
1255 later than the compliance date established for the applicable pretreatment standard. A
1256 compliance schedule shall meet the requirements set forth in Section 14.10.320 of this Chapter.

1257 8. All baseline monitoring reports must be certified in accordance with Section 14.10.430(A) of
1258 this Chapter and be signed by an Authorized Representative as defined in Section 14.08.040.

1259 **14.10.320 Compliance Schedule**

1260 A. The schedule shall contain progress increments in the form of dates for the
1261 commencement and completion of major events leading to the construction and operation
1262 of additional pretreatment required for the IU to meet the applicable Pretreatment
1263 Standards (such events include, but are not limited to, hiring an engineer, completing

1264 preliminary and final plans, executing contracts for major components, commencing and
1265 completing construction, and beginning and conducting routine operation);
1266 B. No increment referred to above shall exceed nine (9) months;
1267 C. The IU shall submit a progress report to the Director no later than fourteen (14) days
1268 following each date in the schedule and the final date of compliance, including in such
1269 progress report, at a minimum, whether it complied with the increment of progress, the
1270 reason for any delay, and if appropriate, the steps taken by the IU to return to the
1271 established schedule; and
1272 D. In no event shall more than nine (9) months elapse between submissions of such
1273 progress reports to the Director.

1274 **14.10.330 Reports on Compliance with Categorical Pretreatment Standard Deadline.**

1275 Within ninety (90) days following the date for final compliance with applicable Categorical
1276 Pretreatment Standards, or in the case of a New Source, following commencement of the
1277 introduction of wastewater into the POTW, any User subject to such Pretreatment
1278 Standards and Requirements shall submit to the Director a report containing the
1279 information described in 40 CFR 403.12(d).

1280 **14.10.340 Periodic Compliance Reports**

1281 A. All SIUs must, at a frequency determined by the Director, submit no less than twice per
1282 year, in June and December or on other dates specified, reports indicating the nature and
1283 concentration of pollutants in the discharge that are limited by Pretreatment Standards,
1284 and the measured or estimated average and maximum daily flows for the reporting period.
1285 In cases where the Pretreatment Standard requires compliance with a Best Management
1286 Practice or pollution prevention alternative, the SIU must submit documentation required
1287 by the Director or the Pretreatment Standard necessary to determine the compliance
1288 status of the SIU. The Director may modify the months during which the above reports are
1289 to be submitted.

1290 B. The City may authorize a SIU subject to a Categorical Pretreatment Standard to forego
1291 sampling of a pollutant regulated by a Categorical Pretreatment Standard if the SIU has
1292 demonstrated through sampling and other technical factors that the pollutant is neither
1293 present nor expected to be present in the discharge, or is present only at background
1294 levels from intake water and without any increase in the pollutant due to activities of the
1295 SIU [See 40 CFR 403.12(e)(2)]. This authorization is subject to the following conditions:

1296 1. The waiver may be authorized where a pollutant is determined to be present solely due
1297 to sanitary wastewater discharged from the facility provided that the sanitary wastewater is
1298 not regulated by an applicable Categorical Standard and otherwise includes no process
1299 wastewater.

- 1300 2. The monitoring waiver is valid only for the duration of the effective period of the
1301 wastewater discharge permit, but in no case longer than five (5) years. The SIU must
1302 submit a new request for the waiver before the waiver can be granted for each subsequent
1303 wastewater discharge permit.
- 1304 3. In demonstrating that a pollutant is not present, the SIU must provide data from at least
1305 one (1) sampling of the facility's process wastewater prior to any treatment present at the
1306 facility that is representative of all wastewater from all processes.
- 1307 4. The request for a monitoring waiver must be signed by an Authorized Representative
1308 as defined in Section 14.08.040, and must include the certification statement in Section
1309 14.10.430(C).
- 1310 5. Non-detectable sample results may be used to demonstrate that a pollutant is not
1311 present only if the EPA-approved method from 40 CFR Part 136 with the lowest minimum
1312 detection level for that pollutant was used in the analysis.
- 1313 6. Any grant of the monitoring waiver by the Director must be included as a condition in
1314 the SIU's permit. The reasons supporting the waiver and any information submitted by the
1315 SIU in its request for the waiver must be maintained by the City for three (3) years after
1316 expiration of the waiver.
- 1317 7. Upon approval of the monitoring waiver and revision of the SIU's permit by the Director,
1318 the SIU must certify on each report with the statement in Section 14.10.430(C) that there
1319 has been no increase in the pollutant in its wastestream due to activities of the SIU.
- 1320 8. In the event that a waived pollutant is found to be present or is expected to be present
1321 because of changes that occur in the SIU's operations, the SIU must immediately notify
1322 the Director and comply with the monitoring requirements of Section 14.10.340(A), or
1323 other more frequent monitoring requirements imposed by the Director.
- 1324 9. This provision does not supersede certification processes and requirements
1325 established in Categorical Pretreatment Standards, except as otherwise specified in the
1326 Categorical Pretreatment Standard.
- 1327 C. All periodic compliance reports must be signed and certified in accordance with
1328 Section 14.10.430(A) of this Chapter.

1329 **14.10.350 Reports of Changed Conditions**

- 1330 A. All IUs must promptly notify the Director in advance of any substantial changes to the
1331 IU's operations or system which might alter the nature, quality, or volume of its
1332 wastewater.
- 1333 B. SIUs are required to notify the Director immediately of any changes at its facility
1334 affecting the potential for a slug discharge.

1335 **14.10.360 Accidental Discharge and Slug Control Plan**

1336 A. Each IU shall provide protection from accidental discharge of prohibited materials or
1337 other wastes regulated by this Chapter. Facilities shall be provided to prevent accidental
1338 discharges of prohibited materials and shall be maintained at the IU's expense. Detailed
1339 plans showing facilities and operating procedures to provide this protection shall be
1340 submitted by the IU when requested, to the City for the City's review, and shall be
1341 approved by the Director before construction of the facility. Review and approval of such
1342 plans and operating procedures shall not relieve the IU from the responsibility to modify its
1343 facility as necessary to meet the requirements of this Chapter or of any other applicable
1344 rule, regulation, order or ordinance of a governmental authority.

1345 B. Any direct or indirect connection to the IU's plumbing or drainage system that allows
1346 the discharge of wastes to the public sewer system in violation of this Chapter, shall be
1347 eliminated. Where such action is impractical or unreasonable, as determined by the City,
1348 the IU shall appropriately label such entry points to warn against discharge of such
1349 wastes.

1350 C. The Director shall evaluate whether each IU needs an accidental discharge/slug
1351 discharge control plan or other action to control slug discharges. The Director may require
1352 any IU to develop, submit for approval, and implement such a plan or to take such other
1353 action necessary to control slug discharges. Alternatively, the Director may develop such
1354 a plan for any IU. An accidental discharge/slug discharge control plan shall address, at
1355 minimum, the following:

- 1356 1. Description of discharge practices, including nonroutine batch discharges;
- 1357 2. Description of stored chemicals;
- 1358 3. Procedures to immediately notify the Director of any accidental or slug discharge;
- 1359 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such
1360 procedures include, but are not limited to, inspection and maintenance of storage areas,
1361 handling and transfer of materials, loading and unloading operations, control of plant site
1362 runoff, worker training, building of containment structures or equipment, measures for
1363 containing toxic organic pollutants, including solvents, and/or measures and equipment for
1364 emergency response.

1365 D. In the case of any discharge, including, but not limited to, accidental discharges,
1366 discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug
1367 discharge or slug load, that might cause potential problems for the POTW, the IU shall
1368 immediately telephone and notify the Director of the incident. This notification shall
1369 include the location of the discharge, type of waste, concentration and volume, if known,
1370 and corrective action taken by the IU.

1371 E. Within five (5) days following such discharge, the IU shall submit a detailed written
1372 report to the Director describing the cause(s) of the discharge and the measures to be

1373 taken by the IU to prevent similar future occurrences. Such notification shall not relieve
1374 the IU of any expense, loss, damage, or other liability which might be incurred as a result
1375 of damage to the POTW, natural resources, or any other damage to person or property;
1376 nor shall such notification relieve the IU of any fines, penalties, or other liability which may
1377 be imposed pursuant to this Chapter.

1378 F. A notice shall be permanently posted on the IU's bulletin board or other prominent
1379 place advising employees who could cause such a discharge to occur, of the emergency
1380 notification procedure.

1381 **14.10.370 Representative Wastewater Samples**

1382 All wastewater samples must be representative of the IU's discharge. Wastewater
1383 monitoring and flow measurement facilities shall be properly operated, kept clean, and
1384 maintained in good working order at all times. The failure of an IU to keep its monitoring
1385 facility in good working order shall not be grounds for the IU to claim that sample results
1386 are unrepresentative of its discharge.

1387 **14.10.380 Analytical Requirements**

1388 All pollutant analyses, including sampling techniques, to be submitted as part of a
1389 wastewater discharge permit application or report shall be performed in accordance with
1390 the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise
1391 specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does
1392 not contain sampling or analytical techniques for the pollutant in question, or where the
1393 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for
1394 the pollutant in question, sampling and analyses shall be performed by using validated
1395 analytical methods or any other applicable sampling and analytical procedures, including
1396 procedures suggested by the Director or other parties approved by the EPA.

1397 **14.10.390 Sample Collection**

1398 A. Samples collected to satisfy reporting requirements must be based on data obtained
1399 through appropriate sampling and analyses performed during the period covered by the
1400 report and be representative of conditions occurring during the reporting period.

1401 B. Except as indicated in subsections C and D below, the IU must collect wastewater
1402 samples using twenty-four (24) hour flow proportional composite sampling techniques,
1403 unless time proportional composite sampling or grab sampling is authorized by the
1404 Director. Where time proportional composite sampling or grab sampling is authorized by
1405 the Director, the samples must be representative of the discharge. Using protocols
1406 (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA
1407 guidance, multiple grab samples collected during a twenty-four (24) hour period may be

1408 composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the
1409 samples may be composited in the laboratory or in the field; for volatile organics and oil
1410 and grease, the samples may be composited in the laboratory. Composite samples for
1411 other parameters unaffected by the compositing procedures as documented in approved
1412 EPA methodologies may be authorized by the City, as appropriate. In addition, grab
1413 samples may be required to show compliance with Instantaneous Limits.

1414 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
1415 volatile organic compounds must be obtained using grab collection techniques.

1416 D. For sampling required in support of baseline monitoring reports and 90-day compliance
1417 reports pursuant to Sections 14.10.310 and 14.10.330 [40 CFR 403.12(b) and (d)], a
1418 minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and
1419 grease, sulfide and volatile organic compounds for facilities for which historical sampling
1420 data do not exist; for facilities for which historical sampling data are available, the Director
1421 may authorize a lower minimum. For the reports required by Section 14.10.340 (40 CFR
1422 403.12(e) and 403.12(h)), the IU is required to collect the number of grab samples
1423 necessary to assess and assure compliance with applicable Pretreatment Standards and
1424 Requirements.

1425 E. If an IU subject to the reporting requirement in this section monitors any regulated
1426 pollutant at the appropriate sampling location more frequently than required by the
1427 Director, using the procedures set forth in Section 14.10.380, the results of this monitoring
1428 shall be included in the report.

1429 F. All required sampling shall be done at the IU's expense.

1430 **14.10.400 Notice of Violation/Repeat Sampling and Reporting**

1431 If sampling performed by an IU indicates a violation, the IU must notify the Director within
1432 twenty four (24) hours of becoming aware of the violation. The IU shall also repeat the
1433 sampling and analysis and submit the results of the repeat analysis to the City within thirty
1434 (30) days of becoming aware of the violation. Where the City has performed the sampling
1435 and analysis in lieu of the IU, the City must perform the repeat sampling and analysis
1436 unless it notifies the IU of the violation and requires the IU to perform the repeat analysis.
1437 Resampling is not required if:

- 1438 1. The City performs sampling for the IU at a frequency of at least once per month, or
- 1439 2. The City performs sampling for the IU between the time the initial sampling was
1440 conducted and the time the IU or the City receives the results of this sampling.

1441 **14.10.410 Date of Receipt of Reports**

1442 Written reports will be deemed to have been submitted on the date postmarked. For
1443 reports that are not mailed, postage prepaid, from a mail facility serviced by the United
1444 States Postal Service, the date of receipt of the report shall govern.

1445 **14.10.420 Recordkeeping**

1446 Any IUs subject to the reporting requirements of this Chapter shall retain, and make
1447 available for inspection and copying, all records of information obtained pursuant to any
1448 monitoring activities required by this Chapter, any additional records of information
1449 obtained pursuant to monitoring activities undertaken by the IU independent of such
1450 requirements, and documentation associated with Best Management Practices
1451 established under Section 14.10.060(C). Records shall include the date, exact place,
1452 method, time of sampling, the name(s) of the person(s) taking the samples; the dates
1453 analyses were performed; who performed the analyses; the analytical techniques or
1454 methods used; and the results of such analyses. These records shall remain available for
1455 a period of at least three (3) years or during the pendency of any litigation.

1456 **14.10.430 Certification Statements**

1457 A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver —The
1458 following certification statement is required to be signed and submitted by IUs submitting baseline
1459 monitoring reports pursuant to Section 14.10.310, SIUs submitting reports in compliance with the
1460 categorical Pretreatment Standard deadlines pursuant to Section 14.10.330, IUs submitting
1461 periodic compliance reports required by Section 14.10.340(A-C), and IUs submitting an initial
1462 request to forego sampling of a pollutant on the basis of Section 14.10.340(B). The following
1463 certification statement must be signed by an Authorized Representative as defined in Section
1464 14.08.040, definitions:

1465 I certify under penalty of law that this document and all attachments were prepared under my
1466 direction or supervision in accordance with a system designed to assure that qualified
1467 personnel properly gather and evaluate the information submitted. Based on my inquiry of
1468 the person or persons who manage the system, or those persons directly responsible for
1469 gathering the information, the information submitted is, to the best of my knowledge and
1470 belief, true, accurate, and complete. I am aware that there are significant penalties for
1471 submitting false information, including the possibility of fine and imprisonment for knowing
1472 violations.

1473 B. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined by
1474 the Director to be a Non-Significant Categorical Industrial User pursuant to the definition of
1475 Significant Industrial User in Section 14.08.040 [40 CFR 403.3(v)(2)] must annually submit the

1476 following certification statement signed in accordance with the signatory requirements in Section
1477 14.08.040:

1478 Based on my inquiry of the person or persons directly responsible for managing
1479 compliance with the Categorical Pretreatment Standards under 40 CFR ____, I
1480 certify that, to the best of my knowledge and belief that during the period from
1481 _____, _____ to _____, _____ [months, days, year]:

1482 (a) The facility described as _____ [facility name] met the
1483 definition of a Non-Significant Categorical Industrial User as defined in Section
1484 14.08.040 [40 CFR 403.3(v)(2)];

1485 (b) The facility complied with all applicable Pretreatment Standards and requirements
1486 during this reporting period; and

1487 (c) The facility never discharged more than 100 gallons of total categorical
1488 wastewater on any given day during this reporting period.

1489 This compliance certification is based on the following information:

1490

1491 _____

1492

1493 _____

1494

1495 C. Certification of Pollutants Not Present. IUs that have an approved monitoring waiver based
1496 on Section 14.10.340(B) must certify on each report, with the following statement, that there has
1497 been no increase in the pollutant in its wastestream due to activities of the IU [40 CFR
1498 403.12(e)(2)(v)]:

1499

1500 Based on my inquiry of the person or persons directly responsible for managing compliance
1501 with the Pretreatment Standard for 40 CFR _____ [specify applicable National
1502 Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there
1503 has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the
1504 activities at the facility since filing of the last periodic report under Section 14.10.340(B).

1505 **14.10.440 Confidential Information**

1506 All information and data on an IU obtained from reports, questionnaires, permit applications,
1507 permits, monitoring programs, and inspections shall be available to the public or other
1508 governmental agencies, unless the IU specifically requests, and is able to demonstrate to the
1509 satisfaction of the Director, that the release of such information would divulge information,
1510 processes, or methods of production entitled to protection as trade secrets under applicable State
1511 law. Any such request must be asserted at the time of submission of the information or data.
1512 When requested and demonstrated by the IU furnishing a report that such information should be

1513 held confidential, the portions of the report which might disclose trade secrets or secret processes
1514 shall not be made available for inspection by the public, but shall be made available immediately
1515 upon request to governmental agencies for uses related to the NPDES program or pretreatment
1516 program, and in enforcement proceedings involving the person furnishing the report. Wastewater
1517 constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be
1518 recognized as confidential information and shall be available to the public without restriction.
1519 Information accepted by the City as confidential in accordance with the provisions of 40 CFR Part
1520 2, entitled "Confidentiality of Business Information," shall not be transmitted to the general public
1521 by the City until and unless prior and adequate notification is given to the IU. Governmental
1522 agencies such as the EPA and the state shall have immediate access to all information collected
1523 by the City under its source control program.

1524 **Article VIII-Public Participation**

1525 **14.10.450 Publication of Industrial Users in Significant Noncompliance**

1526 A. The Director shall publish annually, in a newspaper of general circulation that provides
1527 meaningful public notice within the jurisdictions served by the POTW, a list of the IUs which, at
1528 any time during the previous twelve (12) months, were in Significant Noncompliance with
1529 applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall
1530 be applicable to all SIUs (or any other IU that violates paragraphs (3), (4) or (8) of this section)
1531 and shall mean:

- 1532 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six
1533 percent (66%) or more of all the measurements taken for the same pollutant parameter taken
1534 during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or
1535 Requirement, including instantaneous limits as defined in Sections 14.10.040 – 14.10.060;
- 1536 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent
1537 (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)
1538 month period equals or exceeds the product of the numeric Pretreatment Standard or
1539 Requirement including instantaneous limits, as defined by Sections 14.10.040 - 14.10.060
1540 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other
1541 pollutants except pH);
- 1542 3. Any other violation of a Pretreatment Standard or Requirement as described in Sections
1543 14.10.040 – 14.10.060 (daily maximum, long-term average, instantaneous limit, or narrative
1544 standard) that the Director determines has caused, alone or in combination with other discharges,
1545 interference or pass through, including endangering the health of POTW personnel or the general
1546 public;

- 1547 4. Any discharge of a pollutant that has caused imminent danger to the public or to the
1548 environment, or has resulted in the Director's exercise of its emergency authority to halt or
1549 prevent such a discharge;
- 1550 5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule
1551 milestone contained in a wastewater discharge permit or enforcement order for commencing
1552 construction, completing construction, or attaining final compliance;
- 1553 6. Failure to provide within forty-five (45) days after the due date, any required reports, including
1554 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard
1555 deadlines, periodic self-monitoring reports, and reports on compliance with compliance
1556 schedules;
- 1557 7. Failure to accurately report noncompliance; or
- 1558 8. Any other violation(s), which may include a violation of Best Management Practices,
1559 that the Director determines will adversely affect the operation or implementation of the
1560 local pretreatment program.

1561 **Article IX- Fees, Rates and Charges**

1562 **14.10.460 Pretreatment Charges and Fees**

1563 The City may adopt fees for the reimbursement of costs for setting up and operating the
1564 City's pretreatment program. Said fees shall be set by resolution, subject to review by the
1565 City Council and will be reviewed periodically to ensure that the fees charged reasonably
1566 cover the associated costs. Said fees may include the following:

- 1567 1. Fees for wastewater discharge permit applications, including the cost of processing
1568 such applications.
- 1569 2. Fees for monitoring, inspection, and surveillance procedures, including the cost of
1570 collecting and analyzing an IU's discharge, and reviewing monitoring reports submitted by
1571 IUs.
- 1572 3. Fees for reviewing and responding to accidental discharge procedures and
1573 construction.
- 1574 4. Fees for filing for a show of cause hearing or appeals.

1575 **14.10.470 Industrial User Classification**

1576 All IUs shall be classified by assigning each one to a user classification category,
1577 according to the principal activity conducted on the IU's premises. The purpose of such
1578 classification is to facilitate the regulation of wastewater discharges based on wastewater
1579 constituents and characteristics to provide an effective means of source control, and to
1580 establish a system of IU charges and IU wastewater permit fees which will ensure an

1581 equitable recovery of the City's cost for operation of the pretreatment program. The User
1582 classifications are as follows:

- 1583 1. Class I, not defined as a SIU that may discharge animal and vegetable-based oil and
1584 grease or other conventional pollutants to the POTW.
- 1585 2. Class II, not defined as a SIU, that has materials and/or wastes on site that if
1586 discharged to the sewer has the potential to impact the POTW. These materials and
1587 wastes include, but are not limited to, those in Sections 14.10.040 and 14.10.060.
- 1588 3. Class III, an IU defined as a SIU in Section 14.08.040.

1589 **Article X-Liability and Enforcement**

1590 **14.10.480 Liability**

- 1591 A. Liability. The City and its officers, agents and employees shall not be liable for any
1592 injury or death to any person, or damage to any property during, or growing out of, the
1593 performance of any work by any such applicant or agent of applicant. The applicant shall
1594 be liable for, and shall hold the City and its officers, agents and employees harmless from
1595 any liability imposed by law upon the City or its officers, agents or employees, including all
1596 costs, expenses, fees and interest incurred in defending the same or in seeking to enforce
1597 this provision. Applicant shall be solely liable for any defects in the performance of
1598 applicant's work or for any failure that may result from the performance of such work.
- 1599 B. Liability for Violation. Any person violating any of the provisions of this Chapter shall be
1600 liable to the City for any expense, loss or damage occasioned by reason of such violation.

1601 **14.10.490 Public Nuisances**

1602 Any violation of the provisions of this Chapter or of any order of the City Council, continued
1603 habitation of any building or continued operation of any industrial facility in violation of the
1604 provisions of this Chapter or of any other rule or regulation of the City, shall be considered a
1605 public nuisance and shall be corrected or abated as directed by the Director. Any person creating
1606 a public nuisance may be charged with a misdemeanor and the Director may refer the matter to
1607 the City Attorney for prosecution and such person shall be responsible for reimbursing the City for
1608 any costs incurred in removing, abating, or remedying said nuisance.

1609 **14.10.500 Violations**

- 1610 A. It shall be unlawful for any User or person to violate any provision of this Chapter, and
1611 the orders, rules, regulations and permits issued under this Chapter. Each day in which a
1612 violation occurs or continues shall be deemed a separate and distinct offense.
- 1613 B. All persons shall be held strictly liable for any and all acts of their agents or employees
1614 under the provisions of this Chapter or any other rule or regulation of the City. Upon being

1615 notified by the City, pursuant to Section 14.10.510, of any defect arising in any sewer or of
1616 any violation of this Chapter, the person or persons having charge of said work shall
1617 immediately correct the defect or violation. The City may cause proceedings to be brought
1618 for the abatement of the occupancy of the building or facility during the period of such
1619 violation.

1620

1621 **14.10.510 Notice of Violation**

1622 A. When the Director finds that a User has violated or continues to violate, any provision
1623 of this Chapter, a wastewater discharge permit or order issued hereunder, or any other
1624 pretreatment standard or wastewater requirement of the City, state or federal government,
1625 or is found to have improperly used or maintained sewers, the City shall serve upon that
1626 User a written Notice of Violation. The notice shall state the nature of the violation and
1627 shall direct that the violation be corrected within such time as specified in the notice, as the
1628 Director may deem reasonable. A User who has been so notified shall cease all acts
1629 deemed to be violations within the time specified in the notice.

1630 B. Nothing in this section shall limit the authority of the Director to take any action,
1631 including emergency actions or any other enforcement action, without issuing a Notice of
1632 Violation; however, such Notice of Violation shall be issued as soon as possible.

1633 **14.10.520 Consent Orders**

1634 The Director may enter into consent orders, assurances of compliance, or other similar
1635 agreements with any User responsible for noncompliance. Such agreement shall include
1636 specific actions to be taken by the User to correct the noncompliance within the time
1637 period specified in the agreement.

1638 **14.10.530 Compliance Orders**

1639 When the Director finds that a User has violated, or continues to violate, any provision of
1640 this Chapter, a wastewater discharge permit, or order issued hereunder, or any other
1641 Pretreatment Standard or Requirement, the Director may issue an order to the User
1642 responsible for the discharge directing that the User come into compliance within a
1643 specified time. If the User does not come into compliance within the time provided, water
1644 service may be discontinued unless adequate treatment facilities, devices, or other related
1645 appurtenances are installed and properly operated. Compliance orders may also contain
1646 other requirements to address the noncompliance, including additional self-monitoring and
1647 management practices designed to minimize the amount of pollutants discharged to the
1648 sewer. A compliance order may not extend the deadline for compliance established for a

1649 Pretreatment Standard or Requirement, nor does a compliance order relieve the User of
1650 liability for any violation, including any continuing violation.

1651 **14.10.540 Cease and Desist Orders**

1652 When the Director finds that a User has violated, or continues to violate, any provision of
1653 this Chapter, a wastewater discharge permit, or order issued hereunder, or any other
1654 Pretreatment Standard or Requirement, or that the User's past violations are likely to
1655 recur, the Director may issue an order to the User directing it to cease and desist all such
1656 violations and directing the User to:

- 1657 1. Immediately comply with all requirements; and
1658 2. Take such appropriate remedial or preventative action as may be needed to properly
1659 address a continuing or threatened violation, including halting operations and/or
1660 terminating the discharge.

1661 **14.10.550 Permit Revocation**

1662 Subject to the provisions of this Chapter regarding Notice of Violation and right to appeal,
1663 the Director may revoke any wastewater discharge permit pursuant to Section 14.10.280,
1664 or cause water service to be terminated to any premises if a violation of this Chapter or a
1665 wastewater discharge permit is found to exist, or if a discharge of wastewater causes or
1666 threatens to cause a condition of contamination, pollution or nuisance as defined in this
1667 Chapter, or for any condition that presents an imminent danger to the environment or to
1668 the health or welfare of persons, or that threatens to interfere with the operation of the
1669 POTW, or that violates applicable federal or state regulations. This provision is in addition
1670 to other statutes, rules or regulations authorizing termination of service for delinquency in
1671 payment.

1672 **14.10.560 Authority to Disconnect**

1673 Whenever a User or IU has violated or continues to violate any provision of this Chapter, a
1674 wastewater discharge permit, or order issued hereunder, or any other pretreatment
1675 standard or requirement, water service to the User may be disconnected. When service
1676 has been disconnected as provided, the cost or estimated cost of disconnection and
1677 reconnection to the system shall be deposited by the User with the City before such User
1678 is reconnected to the system. The City shall refund any part of the deposit remaining after
1679 payment of all costs of disconnection and reconnection.

1680 **14.10.570 Civil Penalties**

1681 A. Any User or IU who has violated, or continues to violate, any provision of this Chapter,
1682 a wastewater discharge permit, or order issued hereunder, or any other Pretreatment

1683 Standard or Requirement shall be liable to the City for a maximum civil penalty of
1684 \$25,000.00 but not less than \$1,000.00 per violation, per day. In the case of a monthly or
1685 other long-term average discharge limit, penalties shall accrue for each day during the
1686 period of the violation.

1687 B. The City may recover reasonable attorneys' fees, fees, court costs, and other
1688 expenses associated with enforcement activities, including sampling and monitoring
1689 expenses, and the cost of any actual damages incurred by the City.

1690 **14.10.580 Criminal Penalties**

1691 A. A User or IU who willfully or negligently violates any provision of this Chapter, a
1692 wastewater discharge permit, or order issued hereunder, or any other pretreatment
1693 standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by
1694 a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than
1695 one (1) year, or both.

1696 B. A User or IU who knowingly makes any false statements, representations, or
1697 certifications in any application, record, report, plan, or other documentation filed, or
1698 required to be maintained, pursuant to this Chapter, wastewater discharge permit or order
1699 issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any
1700 monitoring device or method required under this Chapter shall, upon conviction, be
1701 punished by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not
1702 more than one (1) year or both.

1703 C. In the event of a second conviction the User or IU shall be punished by a fine not to
1704 exceed \$3,000 per violation, per day.

1705 **14.10.590 Injunction**

1706 Whenever a discharge of wastewater violates this Chapter, causes or threatens to cause a
1707 condition of contamination, pollution or nuisance, or in the case of nondischarge violations
1708 or other such noncompliance with the rules and regulations set forth herein, the City
1709 Attorney, upon request of the Director, may petition the superior court for a restraining
1710 order or a preliminary or permanent injunction, or any or all of these, as may be
1711 appropriate.

1712 **14.10.600 Show of Cause Hearing**

1713 A. Any User that is subject to a proposed enforcement action may request a hearing, in
1714 writing, within ten (10) days of receiving notification of such proposed enforcement action.

1715 B. A notice shall be served on the User or IU specifying the time and place of the hearing,
1716 the proposed enforcement action, the reason why the proposed action is to be taken, and
1717 directing the User or IU to show cause why the proposed enforcement action should not

1718 be taken. The notice of the hearing shall be served personally or by registered or certified
1719 mail, return receipt requested. The notice shall be served at least ten (10) days before the
1720 hearing. Service may be made on any agent or officer of a corporation.

1721 C. The Director, or his or her assignee, may conduct the hearing and take the evidence
1722 to:

1723 1. Issue, in the name of the City, notices of hearings requesting the attendance and
1724 testimony of witnesses and the production of evidence relevant to any matter involved in
1725 such hearings;

1726 2. Take the evidence;

1727 3. Prepare a written report of the evidence and hearing; and

1728 4. Determine if there is good cause for the enforcement action.

1729 D. At any hearing held pursuant to this Chapter, testimony taken must be under oath and
1730 recorded stenographically. The recorded transcript will be made available to any member
1731 of the public or to any party to the hearing upon payment of the usual charges.

1732 **14.10.610 Appeal Hearing**

1733 A. Any User, IU, permit applicant, or permittee affected by any decision, action or
1734 determination, taken or issued by the Director, may file with the City Manager a written
1735 request for an appeal hearing. The request must be received by the City within fifteen (15)
1736 calendar days of such decision, action, or determination of the City to the appellant. The
1737 request for hearing shall set forth in detail all the facts supporting the appellant's request.

1738 B. The City Manager shall within fifteen (15) days of receiving the request for appeal
1739 designate an impartial hearing officer to hear the appeal and provide written notice to the
1740 appellant of the hearing date, time and place. Employees of the City shall not be eligible
1741 to serve as the hearing officer.

1742 C. The City Manager shall set the time and place for hearing the appeal, and a notice of
1743 the time and place of the hearing shall be published in a newspaper of general circulation
1744 in the City, and notice shall also be given to the appellant by mailing, postage prepaid, at
1745 the address provided by the appellant in the letter of appeal at least ten (10) working days
1746 before the hearing date.

1747 D. The hearing date shall not be more than thirty (30) days from the mailing of such notice
1748 by certified mail to the appellant unless a later date is agreed to by the appellant. If the
1749 hearing is not held within said time due to actions or inactions of the appellant, then the
1750 Director's decision shall be deemed final.

1751 E. The scope of the hearing shall be limited to the technical evidence regarding the
1752 alleged violation(s) and proposed enforcement action(s). The hearing officer shall have no
1753 authority to waive any requirement of the Municipal Code.

1754 F. At the hearing the appellant shall have the opportunity to present information
1755 supporting its position concerning the Director's decision, action or determination.
1756 G. After the conclusion of the hearing, the hearing officer shall submit a written report to
1757 the City Manager setting forth a brief statement of facts found to be true, a determination
1758 of the issues presented, conclusions, and a recommendation whether to uphold, modify or
1759 reverse the Director's original decision, action or determination. Upon receipt of the
1760 written report the City Manager shall make a determination and shall issue a decision and
1761 order within thirty (30) calendar days of the hearing by his designee. The written decision
1762 and order of the City Manager shall be sent by certified mail to the appellant at the
1763 appellant's business address, or to the address of appellant's legal counsel/representative.
1764 H. The decision of the City Manager shall be the final decision, and no action by the City
1765 Council shall be required.
1766 I. A fee, as provided for under this sub-section, shall accompany an application for a
1767 hearing before any hearing date. The purpose of the fee shall be to cover those costs
1768 incurred by the City to provide for the appeals process. Appeal fees shall be set by
1769 resolution, subject to review by the City Council. Appeal fees will be reviewed periodically
1770 to ensure that the fees charged cover the costs associated with the appeals process.
1771 J. If the appellant wishes to have the hearing transcribed, the appellant may request that
1772 a court reporter be present at the hearing. The appellant shall bear all costs and expenses
1773 of the transcription.

1774 **14.10.620 Severability**

1775 If any section, subsection, sentence, clause or phrase in this Chapter or Chapter 14.08 is
1776 for any reason held to be invalid or unconstitutional by a decision of any court of
1777 competent jurisdiction, such decision shall not affect the validity of the remaining portions
1778 of these chapters. The City Council hereby declares that it would have passed the
1779 ordinance codified in this Chapter and Chapter 14.08, and each and every section,
1780 subsection, sentence, clause or phrase not declared invalid or unconstitutional without
1781 regard to whether any portion of this Chapter or Chapter 14.08 would be subsequently
1782 declared invalid or unconstitutional.