

Lompoc Municipal Code
Title 13 PUBLIC SERVICES
Chapter 13.16 SEWER SYSTEM
Article 1. General Provisions

13.16.010 Title.

This Chapter shall be known as the "Sewer System Ordinance of the City of Lompoc."
~~(Prior code § 3332)~~

13.16.020 Purpose and Policy.

This Chapter shall apply to ~~the discharge of all users of wastes to~~ the City's sewerage system, and shall provide for regulation of wastewater discharge in accordance with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are~~40 CFR Part 403.2., Objectives of General Pretreatment Regulations,~~ to:

- A. Prevent the introduction of pollutants which will interfere with the operation of the City's wastewater system, including interference with its use or disposal of municipal sludge;
- B. Prevent the introduction of pollutants which will pass through the treatment works or otherwise be incompatible with such works;
- C. Improve other opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; ~~and~~
- ~~D. Protect City personnel, who may be affected by wastewater and sludge in~~D. Prevent the course exposure of their employment, and the general public;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the treatment works; and
- F. To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater system is subject.~~workers to chemical hazards. (Prior code § 3333)~~

13.16.030 Definitions and Abbreviations.

A. —Abbreviations. —The following abbreviations shall have the designated meanings:

Act	Clean Water Act
ASPP	Accidental spill prevention plan
<u>BMP</u>	<u>Best management practice</u>
<u>BMR</u>	<u>Baseline monitoring report</u>
BOD	Biochemical oxygen demand

CCR	California Code of Regulations (California Administrative Code)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)
CFR	Code of Federal Regulations
<u>CIU</u>	<u>Categorical industrial user</u>
EO	Enforcement order
EPA	United States Environmental Protection Agency
Et seq.	And following
<u>FSE</u>	<u>Food service establishment</u>
<u>FOG</u>	<u>Fats, oils, and grease</u>
Gal/d	Gallons per day
IU	Industrial user
LEL	Lower explosive limit
Mg/L	Milligrams per liter <u>Liter</u>
<u>NAICS</u>	<u>North American Industry Classification System</u>
NPDES	National Pollutant Discharge Elimination System
NOV	Notice of violation
NPS	National Pretreatment Standard
<u>NSCIU</u>	<u>Non-significant categorical industrial user</u>
O&M	Operations and maintenance
POTW	Publicly owned treatment works
Ppm	Parts per million
RCRA	Resource Conservation and Recovery Act (42 USC 6901 et seq.)
RWQCB	The California Regional Water Quality Control Board
SIC	Standard Industrial Classification
SIU	Significant industrial user
SNC	Significant noncompliance
<u>SSO</u>	<u>Sanitary sewer overflow</u>
SWDA	Solid Waste Disposal Act (42 USC 3251 et seq.)
SWRCB	California State Water Resources Control Board
TRC	Technical review criteria
TOMP	Toxic organics management plan
TSCA	Toxic Substances Control Act (15 USC 2601 et seq.)
TSS	Total suspended solids
UPC	Uniform Plumbing Code
USC	United States Code

- B. Definitions. Unless the particular provision or the context otherwise requires, definitions and provisions contained in this Section shall govern the construction, meaning, and application of words and phrases used in this Chapter. The definition of each word or phrase shall constitute, to the extent applicable, the

definition of each word or phrase which is derived from it, or from which it is a derivative, as the case may be.

“25% RULE” (The “25 Percent Rule”) is a benchmark for FOG interceptor servicing when the combined fats, oils, and grease and solids accumulation in the interceptor equals 25 percent of its design hydraulic depth.

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 22 USC 1251, et seq.

“Administrative hearing” means a due process hearing at a specified time, date, and place at which a user, authorized representatives of the user, and/or interested persons shall have the opportunity to submit statements, documentary evidence, and/or arguments orally and/or in writing.

“Applicable regulations, standards and limitations” means all local, State, and Federal regulations, standards, and limitations to which a discharge or related activity is subject under the Act, effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 304, 306-308, 403, and 405 of the Act.

“Authorized or duly authorized representative of the industrial user” means ~~either of the following~~:

1. If a. — A principal executive officer of at least the User level of vice-president if the IU is a corporation;

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

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

2. If the user b. — A general partner or proprietor, if the IU is a partnership or sole proprietorship: a general partner or proprietor, , respectively;

3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or e. — A duly authorized representative of the individual

designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position if such representative is responsible for the overall operation of the facility/facilities from which the discharge originates, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

“Best management practices or BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement general and specific discharge prohibitions. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius (58 degrees Fahrenheit). The laboratory determination shall be made in accordance with procedures established by the EPA and specified in 40 CFR Part 136, as amended.

“Building sewer lateral” means the sewer from the premises of a user to the public sewer main.

“Bypass” means the intentional diversion of wastestreams from any portion of a user’s treatment facility.

“Categorical industrial user” means an industrial user subject to a categorical pretreatment standard or categorical pretreatment standard.

“Categorical pretreatment standard” means NPS or pretreatment standard, as defined herein, which applies to a specified industrial category.

“Chlorine requirement” means the amount of chlorine, in mg/L, which must be added to wastewater to produce a specified residual chlorine content or other specified objective.

“City” means the City of Lompoc or the City Council of the City of Lompoc.

“City sewer” means a sewer owned and operated by the City, which is tributary to the wastewater treatment plant.

“Class I user” means any ~~user~~ who discharges 10,000 gal/d (average annual daily flow) or more of process wastewater or is otherwise determined to be ana SIU as defined herein. ~~Waste haulers, as defined herein, shall also be Class I users.~~

“Class II user” means any user who discharges ~~industrial wastes of~~ less than 10,000 gal/d (average annual daily flow) of process wastewater and whose discharge may:

- a. Contain unusual amounts of compatible pollutants, or
- b. Exceed applicable regulations, standards or limitations, or
- c. Contain incompatible pollutants, or
- d. Be judged to have any other special characteristics requiring site-specific discharge limits.

“Compatible pollutant (compatible constituent)” means a combination of BOD, TSS, pH, coliform bacteria, plus other pollutants in amounts the wastewater treatment plant is designed to accept and/or remove. Some otherwise compatible pollutants may be considered incompatible when discharged in excessive quantities

“Composite sample” means a series of grab samples collected at equal intervals and combined proportional to flow, or a sample collected continuously proportional to flow, or a series of equal volume grab samples taken at varying time intervals, in order to determine the average pollutant concentration during the compositing period.

“Cooling water” means the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

“De minimis” with regard to the FOG Control Program (Article 9 of this chapter) and Section 13.16.370, as applied to discharge of FOG by restaurants and other food service establishments, means those restaurants and other food service establishments engaged only in reheating, hot holding, assembly, or mixing of ready-to-eat food products.

“Director” means the City of Lompoc ~~Utility~~Utilities Director or designated representative(s).

“Discharger” means any person or entity introducing pollutants into the wastewater system from any non-domestic source regulated under Section 307(b), 307(c), or 307(d) of the Act. For the purposes of this Chapter, Discharger also means any person or entity introducing industrial waste to the wastewater system.

“Domestic wastes or sewage” means waste and wastewater generated from the ordinary living processes of humans or household operations, and of such character as to allow satisfactory disposal to, and treatment in, the POTW or by means of a private disposal system.

~~“Domestic wastewater” means wastewater from residences and other premises derived from personal use of water for washing or sanitary purposes.~~

“EPA” means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of the EPA.

“Equalization of discharge” means the control of flow rate in a manner designed to protect the wastewater system.

“Existing source” means any source of discharge that~~which~~ is not a “new source.”

“Extra strength concentration” means any wastewater discharges containing concentrations of TSS or BOD greater than 300 mg/L.

“Fats, oils, and grease” (“FOG”) means any non-polar or polar fats, oils, and grease substance, such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, that turns or may turn viscous or solidifies with a change in temperature or other conditions or has the potential to cause interference with or obstruction to the publicly owned treatment works.

“Fixture” means any appurtenance connected to a building sewer lateral.

“FOG control device” means any FOG interceptor, FOG trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect FOG prior to it being discharged into the sewer system. A FOG control device may also include any other proven mechanism to reduce FOG subject to the approval of the Director.

“FOG control program” means the FOG Control Program adopted by the City setting forth, among other things, the Best Management Practices for FSEs and establishing appropriate standards and specifications for FOG control devices.

“FOG interceptor” means a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between an FSE and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next.

“FOG trap” means a FOG control device that is used to serve individual fixtures and have limited effect and is only used in situations where the use of a FOG interceptor or other FOG control device is determined to be impossible or impractical.

“Fomites” means any inanimate objects that can carry disease-causing organisms.

“Food service establishment” (FSE) means a food facility as defined in the California Uniform Retail Food Facility Law (CURFFL), Health & Safety Code (HSC) § 113789, which includes any operation where food is consumed on or off the premises, public and private school cafeterias, restricted food service facilities, licensed health care

facilities, commissaries, mobile food facilities, mobile support units, temporary food facilities, vending machines, certified farmers' markets, and farm stands. Note that food facilities as defined under HSC § 113789 exclude private homes and specific food service events or premises. In addition, the definition of FSE includes any commercial or public entity within the boundaries of the City's jurisdiction, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG.

“Grab sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period without consideration of time not to exceed fifteen (15) minutes.

“Hazardous Substance” means any substance capable of creating imminent endangerment to health or the environment including, but not limited to, those substances defined under Section 309 (c) of the Act (33 USC 1251 et seq.) as follows:

- a. Any substance designated under 40 CFR Part 116 pursuant to Section 311(b)(2)(A) of the Act;
- b. Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the CERCLA;
- c. Any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of (41 U.S.C. 3251 et seq.) but not including any waste the regulation of which under the SWDA has been suspended by the Act;
- d. Any toxic pollutant listed under Section 307(a) of the Act;
- e. Any imminently hazardous chemical substance or mixture with respect to which the EPA has taken action pursuant to Section 7 of the TSCA (15 USC 2601 et seq.); and
- f. Any waste determined to be hazardous or extremely hazardous in accordance with Title 22 of the CCR, as amended.

“Helminth” means a worm classified as a parasite, i.e., a disease-causing organism that lives on or in a human or another animal and derives its nourishment from its host.

“Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

“Incompatible pollutant/incompatible constituent” means any pollutant which is not a compatible pollutant as defined herein.

“Indirect discharge” means the introduction of pollutants into the wastewater system from any non-domestic source. regulated under Section 307(b), 307(c), or 307(d)

~~of the Act.~~ For the purposes of this Chapter, indirect discharge also means the introduction of any industrial waste to the wastewater system.

“Industrial user” means, generally, any discharger of industrial waste, or a source of indirect discharge.

“Industrial waste” means any solid, liquid or gaseous substance discharged or permitted to flow into a City sewer from any industrial, manufacturing, agricultural, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource, other than domestic wastewater.

“Infectious waste” means:

- a. Laboratory wastes, including cultures of etiologic agents, which pose a substantial threat to health due to their volume and virulence;
- b. Pathologic specimens, including human or animal tissues, blood elements, excreta, and secretions which contain etiologic agents, and attendant disposable fomites;
- c. Surgical specimens, including human or animal parts and tissues removed surgically or at autopsy which contain etiologic agents, and attendant disposable fomites;
- d. Equipment, instruments, utensils, and other disposable materials, which are reasonably believed to transmit etiologic agents from the rooms of humans, or the enclosures of animals, which have been isolated because of suspected or diagnosed communicable disease;
- e. Human dialysis solid waste materials, including arterial lines and dialyzable membranes;
- f. Carcasses of animals infected with etiologic agents, which may present a substantial hazard to public health if improperly managed; or
- g. Any other material, which in the determination of the Director presents a significant danger of infection because it is contaminated with or may reasonably be expected to be contaminated with, etiologic agents (etiologic agent” means, for the purposes of this Chapter, a type of micro-organism, helminth, or virus which causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings).

“Instantaneous maximum” means the highest allowable pollutant/constituent concentration to be discharged at in any timesingle grab sample.

“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. a.—Inhibits or disrupts the City’s wastewater sewerage system, its treatment processes or operations, or its sludge processes, uses or disposal; and
2. b.—Therefore, is a cause of a violation of the City’s NPDES permit (including an increase in the magnitude or duration of the violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local

regulations): Section 405 of the Act; ~~(33 USC 1345)~~ the Solid Waste Disposal Act, SWDA including Title II, ~~more~~ commonly referred to as the Resource Conservation RCRA, and Recovery Act (RCRA); ~~any~~ including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, SWDA, the Clean Air Act; the Toxic Substances Control Act, TSCA and the Marine Protection, Research, and Sanctuaries Act.

“Local limit” means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement general and specific discharge prohibitions.

“Lower explosive limit (LEL)” means the minimum concentration of a combustible gas or vapor in air which will ignite if an ignition source is present.

“Major operational change” means a physical change or operational change causing generation of an amount of FOG that exceeds the current amount of FOG discharge to the sewer system by an FSE in an amount that alone or collectively causes or creates a potential for SSOs to occur.

“Mass emission rate” means the weight of material discharged to the sewerage system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a specific pollutant.

“Maximum allowable headworks loading” means the calculated maximum quantity of a given pollutant (generally expressed in pounds per day) which can be accepted by the City’s wastewater treatment plant without the occurrence of interference or pass through.

“Maximum daily limit” means the maximum allowable discharge limit of a pollutant during a calendar day. Where maximum daily limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where maximum daily limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

“Medical facility” means any hospital, clinic, medical laboratory, office of a doctor or dentist, convalescent home or related medical or therapeutic facility.

“Medical waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, X-ray processing wastes, and radioactive waste.

“Milligram per liter (mg/L)” means a unit of the concentration of a water or wastewater pollutant. It is 0.001 grams of the pollutant in one liter of water, generally considered equivalent to ppm.

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

“Monthly average limit” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“National Pollutant Discharge Elimination System Permit” or “NPDES Permit” means a permit issued to a POTW pursuant to Section 402 of the Act (33 USC 1342).

“National Pretreatment Standard (NPS)” or “pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 14347), which applies to IUs. NPS includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5, and categorical standards specified in 40 CFR Parts 401-471.

“National Prohibitive Discharge Standard” or “prohibitive discharge standard” means any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR Part 403.5.

“New source” means:

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

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

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

Section 307(c). The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (1)(b) or (c) above

but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

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

“Noncontact cooling water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“Non-significant categorical industrial user (NSCIU)” means an industrial user, subject to categorical pretreatment standards that never discharges more than 100 gal/d of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

- a. The user, prior to the City’s finding as an NSCIU, has consistently complied with all applicable categorical pretreatment standards and requirements;
- b. The user annually submits the certification statement required in Subdivision 13.16.170.E.4 [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
- c. The user never discharges any untreated concentrated wastewater.

Upon a finding that a user meeting the above three criteria has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in the provisions of 40 CFR 403.8(f)(6), determine that such user should not be considered a Significant Industrial User. Part 403.3 (k).

“North American Industry Classification System” means the system developed by the U.S. Office of Management and Budget (in cooperation with Statistics Canada and Mexico's Instituto Nacional de Estadística, Geografía e Informática) that is used to

classify business establishments. NAICS replaced the Standard Industrial Classification (SIC) system in 1998.

“Pass through” means a discharge which exits the City’s wastewater treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Permit” means wastewater discharge permit issued by the City, unless otherwise indicated by context.

“Person” means any individual, partnership, firm, company, trust, estate, governmental entity, or any other legal entity, or their respective legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

“pH” means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter of solution. It is used in expressing both acidity and alkalinity on a scale ranging from zero to 14 where seven represents neutrality, numbers lower than seven represent increasing acidity, and numbers higher than seven represent increasing alkalinity.

“Pollutant” means any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, high-temperature waste, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural ~~wasteswaste discharged into water~~, or any pollutant or characteristic of wastewater on which a discharge limitation may be imposed either by the City or by other regulatory agencies (e.g., pH, temperature, turbidity, color, toxicity, odor).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system.

“Pretreatment requirement” means any substantive or procedural requirement related to pretreatment, other than a ~~National~~ Pretreatment Standard, imposed on a useran IU.

“Pretreatment standards or standards” means prohibited discharge standards, categorical pretreatment standards, and local limits.

“Process wastewater” means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

“Publicly owned treatment works (POTW)” means a treatment works as defined by Section 212 of the Act, (33 USC Section 1292), including any sewers that convey wastewater to the POTW treatment plant, and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature (see also wastewater system).

“POTW treatment plant” means that portion of the POTW which is designed to provide treatment (including recycling and reclamation of municipal sewage and industrial waste). (See also wastewater treatment plant.)

“Public sewer” means the City sewer.

“Regulatory agencies” means those agencies having jurisdiction to regulate the operation of, and having appropriate jurisdiction over the City’s wastewater system and/or usersU, including but not limited to the EPA, the SWRCB, and the RWQCB.

“Sanitary sewer” means a sewer that conveys sewage or industrial wastes or a combination of both, but into which storm, surface, or ground waters or other unpolluted waters are not intentionally admitted.

“Sanitary sewer overflow” (SSO) means untreated or partially treated sewage overflows from a sanitary sewer collection system.

“Service charge” means those charges specified in the City’s wastewater service rates and charges for furnishing the service of wastewater collection and disposal, and includes charges for extra-strength sewage (TSS and BOD greater than 300 mg/L) but does not include additional fees such as noncompliance fees and administrative penalties, which may be imposed upon any userU discharging wastewater in violation of this Chapter.

“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“Sewage” means wastewater.

“Sewer” means a pipe or conduit for conveying domestic and/or industrial wastewater.

“Sewer main” means a portion of the public sewer lying in a public easement or street and does not mean a building sewer lateral.

“Sewerage system” means the systems of sewers and appurtenances for the collection, transportation, and pumping of sewage.

“Significant industrial user (SIU)” means any user that:

- a. Is subject to Federal categorical pretreatment standards; or
- b. Discharges 25,000 gal/d or more of process wastewater (average annual daily flow) to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
- c. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic loading capacity of the wastewater treatment plant; or
- d. Has a reasonable potential, in the opinion of the Director, to adversely affect the POTW wastewater treatment plant (e.g., cause interference, pass-through, or endangerment to the infrastructure or employees of the wastewater system).

“Significant noncompliance (SNC)” means any user violations which meet one or more of the following criteria:

- a. Violations of wastewater discharge limits:
 - i. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for exceed the same daily maximum limit or the same pollutant parameter during average limit in a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
 - ii. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of same daily maximum limit or the same average limit by more than the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH) in a six-month period,
 - iii. Any other violation(s) of a pretreatment standard or requirement discharge limit that the Director determines director believes has caused, alone or in conjunction with other discharges, interference or pass-through; or endangered the health of the general public or employees of the wastewater system.
 - iv. Any discharge that has caused imminent endangerment to human health or welfare, the general public or the environment, resulting in the exercise of emergency authority to halt or prevent such a discharge in accordance with Section 3374B;

- b. Violations of permit compliance schedule milestones by 90 days or more after the schedule date;
- c. Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with ~~for~~ compliance schedules ~~or self-monitoring data~~, or any other reports required by this Chapter or established as a facility permit requirement (e.g., in a permit or by other means),~~;~~ by 30 days or more from the due date;
- d. Failure to accurately report noncompliance;
- e. Any other violation(s) , which may include a violation of best management practices, which ~~the~~ Director determines will adversely affect the operation or implementation of the local pretreatment program~~considers to be significant~~.

“Slug load or discharge” means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW’s regulations, local limits or permit conditions.

~~“Significant violation” means a violation which:~~

- ~~a.— Remains uncorrected 45 days after notification of noncompliance, which is part of a pattern of noncompliance over a 12-month period; or~~
- ~~b.— Results in the POTW exercising its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 13.16.430(B) of this Chapter.~~

~~“Slug load” means any:~~

- ~~a.— Discharge of wastewater which in concentration of any pollutant or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times its average concentration or flow, on a normal workday, said average being calculated over a two week period. As to quantity of flow, this definition shall apply to discharges greater than 40,000 gal/d; or~~
- ~~b.— Willful discharge of concentrated incompatible pollutants in a manner or method that is not approved by the Director.~~

“Spill containment” means a protective system installed by a user to prevent the accidental discharge of incompatible pollutant to the sewer. ~~(See Section 13.16.380)~~

“Standard Industrial Classification (SIC)” means a classification pursuant to the Standard Industrial Classification Manual, as most recently amended and issued by the Executive Office of the President, Office of Management and Budget.

“State” means the State of California.

“Storm drain” means a pipe or conduit that carries storm, surface, or groundwater drainage, but excludes domestic and industrial wastewater.

“Storm water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

“TRC” or “technical review criteria” includes the following:

- a. 1.4 times the applicable limit for BOD, TSS, oil, grease and fats; or
- b. 1.2 times the applicable limit for any other noncompatible pollutant, excluding pH.

“Temporary user” means any person or entity granted temporary permission by the Director to discharge unpolluted water to the sewerage system, when no alternate method of disposal is reasonably available.

“Total suspended solids (TSS)” means the total suspended matter that floats~~those solids, expressed in ppm by weight, which are retained on the surface of, or is suspended in, water, wastewater, or other liquid, a glass fiber filter and that is removable by laboratory filtering, dried to a constant weight at 103—105 degrees Celsius (217—221 degrees Fahrenheit).~~ The laboratory determination shall be made in accordance with procedures established by the EPA and specified in 40 CFR Part 136, as amended.

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307(a) of the Act.

“Trap/interceptor” means any gravity separation interceptor designed to remove floatable and/or settleable material from a waste prior to its discharge to a City sewer.

“Unpolluted water” means water to which no pollutant has been added either intentionally or accidentally.

“Upset” means any exceptional incident in which unintentional and temporary noncompliance with ~~NPS or~~ pretreatment standards or requirements occurs because of factors beyond the reasonable control of the user. ~~U.~~ An upset does not include noncompliance to the extent caused by an operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or negligent or wrongful operation.

“User” means any person entity contributing, causing, or permitting the contribution of wastewater to the wastewater system: any source of indirect discharge.

“Waste” means wastewater and any and all other waste substances, whether liquid, solid, gaseous, or radioactive, associated with human habitation.

“Waste hauler”~~“Waste hauler”~~ means any person or entity engaging in vehicular transport of waste as part of, or incidental to, any business for the purpose of disposal of such waste.

“Wastewater” means the liquid and water-borne industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the wastewater system.

~~“Wastewater discharge permit” means a permit issued by the Director authorizing the discharge of wastewater in accordance with terms and conditions specified therein.~~

“Wastewater system” means all facilities for collecting, pumping, treating, or disposing of wastewater, and includes the sewerage system, as well as the wastewater treatment plant.

“Wastewater treatment plant” means the POTW treatment plant of the City. ~~(Prior code § 3334)~~

13.16.040 Connection to Public Sewer Required.

The owner or occupier of any property used for human occupancy abutting any street or easement in which there is located a sewer main, is required, at his or her expense, to construct a building sewer lateral serving waste discharge fixtures in or on said property, and to connect said lateral to the sewer main in accordance with the provisions of the applicable plumbing code, construction standards of the City, and provisions of this Chapter within 120 days after notice from the Director to do so, provided that such main is within 200 feet of the property. No person shall tap a building sewer lateral into a City sewer main unless advance written permission has been granted by the City. ~~(Prior code § 3335)~~

13.16.050 Disconnection from Public Sewer.

The Director is hereby empowered to revoke a user’s Wastewater Discharge Permit, or to order the disconnection of the user’s building sewer lateral(s) from the sewer main, or to order the severance or plugging of any such lateral(s) as necessary in the opinion of the Director to terminate a discharge in violation of this Chapter in order to protect the health and safety of the community. The Director’s decision may be appealed in accordance with Section 13.16.140 of this Chapter. The premises shall not be reconnected until all wastewater discharge permits required in accordance with this Chapter are obtained, and all applicable charges and fees for disconnection and reconnection have been paid. ~~(Prior code § 3336)~~

13.16.060 Tampering with Public Sewer.

No person shall willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater system. ~~(Prior code § 3337)~~

13.16.070 Maintenance of Private Sewer.

Any person owning or controlling any premises connected to the public sewer shall keep all building sewer laterals and fixtures in good working order and repair at all times at his or her own expense. ~~_(Prior code § 3338)~~

13.16.080 Right of Discharge Limited.

No user shall discharge any sanitary sewage, industrial wastes, or polluted water into any place other than a public sewer. No user shall construct, excavate, or install within the corporate limits of the City any installation, tank, leach line, or pit commonly known, described, and referred to as a “septic” tank or any similar device or installation designed to be used for the disposal of wastewater, without advance written authorization from the Director and the RWQCB. ~~_(Prior code § 3339)~~

13.16.090 Right of Inspection.

All users shall allow authorized representatives and agents of the City, at all reasonable times, to enter the premises of the user in which a permitted discharge source or treatment system is located, or in which records required to be kept in response to pretreatment requirements are located, in order to carry out the inspection, records examination, copying, monitoring, and surveillance procedures necessary to determine compliance with this Chapter. For the purposes of this Chapter, all reasonable times include not only normal working hours, but at any time a discharge to the wastewater system, is occurring, or may occur. Where a user has security measures in force which would require proper identification and clearance before entry, the user shall make necessary arrangements with user’s security personnel so that, upon presentation of suitable identification, authorized representatives and agents of the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal or obstruction of access for the purposes of inspection, monitoring, and surveillance in accordance with this Chapter may result in revocation of permit (Section 13.16.230), or other appropriate enforcement action. ~~_(Prior code § 3340)~~

13.16.100 Sampling and Analysis.

A. All pollutant analyses, including sampling techniques, to be submitted as partsampling and analysis performed under provisions of a wastewater discharge permit application or reportthis Chapter shall be performed in accordance with procedures established by the techniques prescribedEPA pursuant to Section 304 (g) of the Act and contained in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If, as amended. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling, and analysis shall be performed in accordance with validated analytical techniques are inappropriate for the pollutant in question, samplingmethods approved by the City and EPA. All analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

- B. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered a reliable laboratory certified by the report, based on data that is representative of conditions occurring during the reporting period.
- C. Except as indicated in D and E below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized State and approved by the Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (Prior code § 3341)
- D. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- E. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the periodic compliance reports required by Section 13.16.170.C (40 CFR 403.12(e) and 403.12(h)), the user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.
- F. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- G. If a user subject to reporting requirements monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed through this Section (13.16.100), the results of this monitoring shall be included in the report.

13.16.110 Confidential Information.

User information and use of data obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the general public without restriction, unless the user specifically requests otherwise, and demonstrates to the satisfaction of the Director that the release of such information would divulge information entitled to protection as user's trade secrets. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. In no case, however, shall information concerning discharge quality or quantity be considered confidential, and in no case shall any information be withheld from governmental agencies or from the public. Government agencies shall handle confidentiality claims in accordance with the procedures specified in 40 CFR Part 403.14 (Confidentiality) and/or 40 CFR Part 2 (Public Information) and subject to applicable State statutes. ~~_(Prior code § 3342)~~

13.16.120 Responsibility of Private Utility.

It is the responsibility of private and public utilities connected to the City's wastewater system to ensure that wastewater discharged to the wastewater system is in strict compliance with the provisions of this Chapter, all contractual agreements, and all applicable laws, regulations, standards, and limitations. ~~_(Prior code § 3343)~~

13.16.130 National Pretreatment Standards.

Upon the promulgation of NPS, the NPS, if more stringent than the limitations imposed under this Chapter, shall immediately supersede the limitations imposed under provisions of this Chapter. The Director shall notify all affected users of the promulgation of applicable pretreatment standards, and of the applicable reporting requirements of 40 CFR Part 403.12. ~~_(Prior code § 3344)~~

13.16.140 Appeals.

The Director is hereby empowered to enforce the rules, regulations, and limitations established in this Chapter, to implement the provisions of this Chapter. Any user, permit applicant, or permit holder (collectively, user) affected by any decision, action, or determination made by the Director interpreting or implementing the provisions of this Chapter or any wastewater discharge permit issued pursuant to this Chapter, may request afile for reconsideration by the Director of the decision, action, or determination by filing a notice of appeal in accordance with the requirements of Chapter 1.32 of this Code. writing within 15 working days. The Director shall render a decision within 15 working days after receipt of the request. If the user is dissatisfied with the ruling of the Director, the user may, within ten working days after the Director's ruling, file a written appeal with the City Clerk. The appeal toshall be heard and decided by the City Council by filing a

notice of appeal in accordance with the requirements of Chapter 1.32 of this Code. within 60 days after receipt of the request and Council's ruling shall be final. (Prior code § 3345)

13.16.150 Special Agreements.

Nothing in this Chapter shall be construed as prohibiting any special agreement or arrangement between the City and any user whereby a waste of unusual strength or character may be admitted to the wastewater system, either before or after pretreatment, provided that such waste is in compliance with all applicable State and Federal requirements; provided, however, that no impairment to the functioning of the wastewater system will occur by reason of admission of such wastes, and that no extra costs are incurred by the City without being fully reimbursed by the user. ~~(Prior code § 3346)~~

Article 2. Wastewater Discharge Permits

13.16.160 Permits Required.

In accordance with this Article, individual or general permits for the use of the City's sewerage system shall be required of Class I users, Class II users, temporary users, and any other user discharging into, or proposing to discharge into, a City sewer shall obtain individual or general permits as required by Director based upon the need to achieve the objectives set forth in Section 13.16.020 and to protect the public health and safety. Applications for permits under this Section shall be submitted by all Class I and potential Class I users, and, for all other users, as required by the Director. The Director may deny any application for a wastewater discharge permit.~~(Prior code § 3347)~~

13.16.170 Applications, Baseline and Compliance Reports, Recordkeeping, and Fees.

13.16.170 Applications and Fees.

A. Applications. Any user required to obtain an individual or general wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for a wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. Wastewater discharge permit applications ~~(baseline reports)~~ shall be submitted in the form prescribed by the City. Appropriate permit applications shall be completed and filed with the Director, accompanied by all applicable fees.

1. Application Information. The applicant ~~may be required to~~ shall submit the following information:
 - a. Identifying Information.
 - i. Name and address of facility;
 - ii. SIC code number(s);
 - iii. Names of all owner(s) and operator(s); ~~and~~;
 - iv. Contact information.
 - b. Operation Description.
 - i. Description of facilities, activities, and plant processes, including all materials which are or could be discharged;

- ii. Type and amount of raw materials processed (average and maximum per day);
 - iii. Each product produced by type, amount, and rate of production;
 - iv. Number and type of employees, and hours of operation of plant (including proposed or actual hours of operation of pretreatment system);
 - v. Site plans, floor plans, mechanical plans, and plumbing plans, including details to show all sewers, sewer connections, and appurtenances described by size, location, and elevation.
- c. Discharge Description.
- i. Wastewater pollutants and characteristics as required by the Director, and determined in accordance with Section 13.16.100 of this Chapter;
 - ii. Average daily and ~~maximum three-minute peak~~ wastewater flow rates, including daily, monthly, and seasonal variations, if any. The user shall provide flow rate data for each regulated process streams and other streams, as necessary, to allow for calculation of applicable effluent limits, as necessary.
- d. Control Permits List any environmental control permits held by or for the facility, including, as applicable:
- i. EPA hazardous waste facility identification number;
 - ii. EPA hazardous waste number(s).
- e. Signature and Certification. A statement and signature in accordance with Section 13.16.170.E, by an authorized representative of the ~~user~~^U, indicating whether applicable pretreatment standards and pretreatment requirements are met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment are required to meet applicable regulations, standards, and limitations.
- f. Compliance Schedules. If additional pretreatment and/or O&M will be required to meet applicable regulations, standards and limitations, include the shortest schedule by which the user will achieve compliance. In the case of NPS, the completion date in this schedule shall be not later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to compliance schedules progress reports:
- i. The schedule shall contain specific increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable standards.
 - ii. No increment of progress ~~referred to~~ in the compliance schedule~~Subsection (A)(1)(f)(i) of this Section~~ shall exceed nine months.
 - iii. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

iv. In no case shall the final compliance date exceed three years from the date of permit issuance.

v. ~~iv.~~ Detailed descriptions of facilities/procedures to be constructed/implemented in order to achieve compliance shall be provided.

g. Measurement Requirements.

~~g. Compliance Report. Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any IU subject to pretreatment standards and requirements shall submit to the City a report containing the information as follows:~~

i. Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gal/d, to the City from any regulated process streams. Verifiable estimates of these flows will be acceptable upon approval of the Director.

ii. Measurement of Pollutants.

(A) The user shall identify the pretreatment standards applicable to each regulated process.

(B) The user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations; sampling will be in accordance with Section 13.16.100 of this Chapter.

(1) The user shall take a minimum of one representative sample to compile those data necessary to comply with the requirements of this Section.

(2) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process, if no pretreatment exists.

(C) The Director may allow submission of a permit application ~~baseline report~~ which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures; this report shall include, at a minimum:

(1) The time, date, and place of sampling;

(2) Methods of analysis; and

(3) User certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

iii. Certification. Certification shall follow the guidelines in Subsection (A)(1)(e) of this Section.

h. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 13.16.170.D.

- i. Any other information required by the Director to evaluate the application.

2. General Permits.

- a. At the discretion of the Director, the Director may use general permits to control user (including SIU) discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - i. Involve the same or substantially similar types of operations;
 - ii. Discharge the same types of wastes;
 - iii. Require the same effluent limitations;
 - iv. Require the same or similar monitoring; and
 - v. In the opinion of the Director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- b. To be covered by the general permit, the user must file a written request for coverage that identifies contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 13.16.170.D below for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the user that such a waiver request has been granted in accordance with Section 13.16.170.D below.
- c. The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific user meets the criteria in Section 13.16.170.A.2.a and applicable State regulations, and a copy of the user's written request for coverage for at least three (3) years after the expiration of the general permit.
- d. The Director may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for users whose limits are based on the combined wastestream formula (see 40 CFR 403.6(e)) or net/gross calculations (see 40 CFR 403.15).

3. Permit Issuance.

- a. The Director shall evaluate the data furnished by the user and may require additional information. Upon review and acceptance of the application, the City may issue a wastewater discharge permit subject to the terms and conditions provided therein.
- b. All users subject to Categorical Pretreatment Standards shall provide baseline monitoring report information listed in Subsection ~~(A.)(1.)(a)~~ through i(h) of this Section, as required by the Director, at least 90 days prior to commencement of discharge. All other users shall submit permit

applications~~baseline reports~~ as required by the Director, by the date specified by the Director.

- B. Reports on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the City a report containing the baseline monitoring report as required at Section 13.16.170.A.3.b. For all users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.16.170.E of this ordinance. All sampling will be done in conformance with Section 13.16.100.
- C. Periodic Compliance Reports. All SIUs must, at a frequency determined by the Director, submit no less than twice per year (by dates specified) reports indicating the nature, concentration of pollutants in the discharge, which are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with E.1, below.
- D. Authorization of a Monitoring Waiver. The City may authorize a user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the user [see 40 CFR 403.12(e)(2)]. This authorization is subject to the following conditions:
1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 2. The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.

3. In making a demonstration that a pollutant is not present, the user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with Section 13.16.170.E.3, and include the certification statement in 13.16.170.E.5.
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present when the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant is used in the analysis.
6. Any grant of the monitoring waiver by the Director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Director for at least 3 years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the user's permit by the Director, the user must certify on each report with the statement in Section 13.16.170.E.5. below, that there has been no increase in the pollutant in its wastestream due to activities of the user.
8. In the event that a waived pollutant is found to be present, or is expected to be present because of changes that occur in the user's operations, then the user must immediately: Comply with the monitoring requirements of Section 13.16.170.D, or other more frequent monitoring requirements imposed by the Director, and notify the Director.
9. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

E. Signatories and Certifications.

1. All wastewater discharge permit applications, user reports, and certification statements must be signed by an authorized representative of the user and contain the applicable certification statement in this section specified below.
2. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, then a new written authorization satisfying the requirements of this must be submitted to the Director prior to, or together with, any reports to be signed by an authorized representative.
3. Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by

users submitting permit applications; users submitting baseline reports; users submitting reports on compliance with the categorical pretreatment standard deadlines; users submitting periodic compliance reports; and users submitting an initial request to forego sampling of a pollutant on the basis of Section D, above. The following certification statement must be signed by an Authorized Representative as defined in Section 13.16.030.B:

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

4. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Section 13.16.030.B must annually submit the following certification statement signed in accordance with the signatory requirements in Section 13.16.170.E.1. That certification must accompany an alternative report required by the Director:

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

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 13.16.030.B;

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

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

This compliance certification is based on the following information.

5. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 13.16.170.D must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.16.170.C.

F. Recordkeeping. Users subject to the permit application and reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 13.16.340.C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Those records shall remain available for a period of at least three (3) years. That time period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director.

G. Fees: See Section 13.16.410.

B. Fees: See Section 13.16.410. (Prior code § 3348)

13.16.180 Permit Terms and Conditions.

Wastewater discharge permits are subject to all provisions of this Chapter and all other applicable regulations, standards, and limitations. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. In addition, permits may contain the following conditions:~~In addition, permits may contain the following conditions:~~

- A. A statement indicating the wastewater discharge permit issuance date, expiration date, and effective date;
- B. A statement that the wastewater discharge permit is nontransferable without prior notification to the City and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- C. Effluent limits, including best management practices, based on applicable pretreatment standards;

- D. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. Those requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- E. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 131.16.170.D;
- F. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- G. Requirements to control slug discharges, if determined by the Director to be necessary;
- H. Any grant of the monitoring waiver by the Director (Section 13.16.170.D) must be included as a condition in the user's permit;
- I. —Limits on average and maximum wastewater pollutant concentrations and mass emission rates;
- J. ~~B.~~Limits on rate and time of discharge and/or requirements for flow equalization;
- K. ~~C.~~Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- L. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devicesin accordance with Article 4 of this Chapter;
- M. ~~D.~~—Specifications for monitoring and reporting programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- E.—Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording the City access thereto;
- N. ~~F.~~—Requirements for notification ~~to~~of the City of any new introduction of wastewater pollutants or any significant change in the volume or character of the wastewater pollutants discharged to the wastewater system, or any discharge that could cause problems to the POTW and its treatment works;
- O. ~~G.~~—Requirements for notification of accidental discharge in accordance with Section 13.16.380;~~(D)~~;

~~P. H.~~ Requirements for the notification, in writing, of any waste discharge to the POTW that would be considered hazardous (if disposed of by any other means) according to 40 CFR Part 261.

~~Q. I.~~ Requirements for development ~~of ASPP, TOMP,~~ and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent for the transport and disposal of hazardous materials or materials recovered from pretreatment facilities;

~~J.~~ Requirements for evaluating the need for an ASPP and/or control accidental, unanticipated, or nonroutine discharges, including slug discharges ~~evaluating current ASPP and TOMP every two years;~~

~~R. K.~~ ~~Compliance schedules (See Section 3348 13.16.170(A)(1) (f));~~

~~L.~~ Closure Procedures. Requirements for notification, in writing, to the Wastewater Division, City of Lompoc, when selling or going out of business. Notification must be made at least 30 days prior to closure. Written notification must include, but is not limited to:

1. Disposal procedures of equipment, raw materials, products, etc.;
2. Name, address, and telephone number of person purchasing the property (either equipment or real property); ~~and estate~~);
3. Date of closure.

~~S. M.~~ Other terms and conditions as deemed appropriate by the Director to ensure compliance with this Chapter. ~~(Prior code § 3349)~~

13.16.190 Modification of Permit Terms and Conditions.

The terms and conditions of wastewater discharge permits may be modified for good cause, including, but not limited in response to the following reasons:

~~A. To incorporate any new or revised Federal, State, or local pretreatment changes in applicable regulations, standards, and limitations, or requirements;~~

~~B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;~~

~~C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;~~

~~D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, beneficial sludge use, or the receiving waters;~~

~~E. Violation of any such terms and conditions of the wastewater discharge permit;~~

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR 403.13; or

H. To correct typographical or other errors in the wastewater discharge permit.

~~may be modified to reflect process changes by the user.~~ Compliance schedules may be modified when, in the opinion of the Director, the user has shown good faith efforts to comply, but requires additional time for the acquisition and/or construction of necessary pretreatment facilities or equipment, provided that no Federal or State requirements are violated by ~~thesaid~~ modifications. The user shall be informed of the proposed permit modifications at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. ~~(Prior code § 3350)~~

13.16.200 Permit Transfer.

Wastewater discharge permits are issued to a specific user for a specific operation and shall not be reassigned, transferred, or sold. ~~(Prior code § 3351)~~

13.16.210 Permit Duration.

Permits shall be issued for a specific time period, not to exceed five years. ~~A~~ permit may be issued for a period less than ~~five years, and shall one year, or may~~ contain a specific expiration date. ~~The~~ user shall apply for permit reissuance a minimum of 90 days prior to the expiration date of the user's existing permit. ~~(Prior code § 3352)~~

13.16.220 Other Requirements Unaffected.

The issuance of a permit does not waive, modify, or otherwise relieve the user of limitations, restrictions, or conditions imposed by ~~Federal, State, or local requirements, or~~ any other regulatory agency or City department. ~~(Prior code § 3353)~~

13.16.230 Revocation of Permit.

A. ~~Conditions.~~ Any user who violates any of the following provisions of this Chapter, or any applicable State or Federal regulation, standard, or limitation, ~~may be~~ subject to permit revocation ~~including, but not limited to, the following reasons:~~

1. Failure to ~~notify the Director of~~ actually report wastewater pollutants and characteristics;
2. ~~Failure to report~~ significant changes ~~to their operations or~~ wastewater ~~prior to the changed discharge~~ constituents and characteristics, including slug loads;
2. ~~Failure to provide prior notification to the Director of changed conditions pursuant to Section 13.16.380.H of this ordinance;~~
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;

- ~~6. Refusing to allow the Director, or authorized representative thereof, timely³.—~~ Knowingly submitting false statements, false representations, records, plans or other documents to the City;
- ~~4.—~~ Tampering or knowingly rendering inaccurate any monitoring device required by this Chapter;
- ~~5.—~~ Refusal of, or obstruction to, reasonable access to the facilityuser's premises for the purpose of inspection and/or monitoring and recordsurveillance;
- ~~7.~~ Failure to meet effluent limitations;
- ~~8.~~ Failure to timely pay fines;
- ~~9.~~ Failure to timely pay sewer charges;
- ~~10.~~ Failure to meet compliance schedules;
- ~~11.~~ Failure to timely complete a wastewater survey or the wastewater discharge permit application;
- ~~12.~~ Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- ~~13.6.—~~ Violation of any pretreatment standard or requirement, or any permit terms of the wastewater discharge permit or this ordinanceand conditions.

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

C. ~~B.—~~ Notification.—When the Director determines that reason exists for permit revocation, he or she shall notify the user of the reason(s) for permit revocation, and schedule a hearing as set forth in Section 13.16.4503345 of this Chapter. (Prior code § 3354)

Article 3. Discharge Prohibitions and Limitations

13.16.240 General Discharge Prohibitions.

A. No user may introducedischarge, or cause or allow to be introduced into the POTWdischarged, any pollutant(s), including oxygen demanding pollutants (BOD, etc.), at a flow rate or concentration which causes pass-through or interference (as defined in Section 13.16.030 and 40 CFR Part 403.3) with the wastewater system, or causes or significantly contributes to an exceedance of the calculated maximum allowable headworks loading for any given pollutant. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. No person may discharge, or cause or allow to be discharged, any pollutant or water containing pollutants onto the ground, public right-of-way, easement, storm drain, or watercourse without proper authorization from applicable Federal, State, or local authorities. —(Prior code § 3355)

13.16.250 Specific Discharge Prohibitions.

No user shall ~~introducedischarge~~, cause, or allow to be ~~introduceddischarged~~ any of the following described ~~pollutants, substances, or wastewaterwastes~~ to a City sewer:

- A. Fire or Explosion Hazards. Any solid, liquid, or gas which, by itself or by interaction with other substances, may cause fire or explosion hazards, or in any other manner create imminent endangerment to wastewater personnel, the environment, or the public health. At no time shall the reading on a combustible gas meter, at the point of discharge or at any point in the wastewater system exceed five percent of the LEL of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, other ~~substancesliquids~~ having a closed cup flashpoint of less than 140 degrees Fahrenheit (~~6065~~ degrees Celsius), peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any other substance which may represent a fire hazard, health hazard, environmental hazard, or hazard to the wastewater system.
- B. pH or Corrosion Hazards. Any wastewater having a pH less than 5.0, or otherwise having any corrosive property capable of causing damage to the wastewater system.
- C. Solid or Viscous Waste. Any solid waste ~~that will not pass through a one-half inch mesh opening, ashes, asphalt, dead animals, offal, cinders, sand, mud, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, animal manure, bones, hair or fleshings, entrails, paper products, greases, slurries, petroleum, non-biodegradable cutting oils, mineral oils, refining residues, fuel or oil residues,~~ or viscous materials, of such character or in such quantity that may cause, as determined by, in the opinion of the Director, ~~cause~~ an obstruction to the flow in the sewer or interfere with the proper function of the wastewater system.
- D. Reactive Materials. Any reactive material(s) capable of producing toxic fumes, or any noxious or malodorous liquids or gases which either singly, or by interaction with other wastes, are sufficient to create a public nuisance, may cause acute worker health and safety problems, present ~~or~~ hazard to life, or are sufficient to prevent entry into a sewer for maintenance and repair.
- E. Heat. Heat in amounts which will inhibit biological activity in the wastewater treatment plant, resulting in interference. In no case shall any discharge to the sewerage system exceed 140 degrees Fahrenheit (~~6065~~ degrees Celsius) at the point of discharge, or cause the temperature at the influent to the wastewater treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- F. Slug Loads. Slug loads of compatible or incompatible pollutant(s).
- G. Color. Any discharge with ~~objectionable~~ color not removed in the wastewater treatment process.

H. H.—Concentration. Any discharge with a concentration of reducing agents or substances which will significantly increase the chlorine requirement or the amount of other disinfecting agent required, or upset biological stabilization, or impose an additional air requirement.

I. Sludge material. Sludges, screenings, or other residues from the pretreatment of industrial wastes.

J. Toxicity. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

K. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW.

L. Fats, oils, and grease. Any discharge of fat, oils or grease, including, but not limited to, oils of animal or vegetable origin, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, into any onsite sewage treatment and disposal system or the sanitary sewer system in amounts which hinder the operation of any onsite sewage treatment and disposal system or sewage collection, transmission, or treatment system; exceed the oil and grease effluent limits in this Chapter; cause a sanitary nuisance; or cause or contribute to interference or pass through at the POTW.

M. I.—Interference. Any substance which may cause the wastewater system, its effluent, or any other product such as residues, sludges, or scums, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall any substance discharged to a City sewer cause the City to be in violation of its NPDES permit (including an increase in the magnitude or duration of a violation), or prevent sludge use and disposal in compliance with any statutory provision contained in:

1. Section 405 of the Act;
2. The SWDA (including Title II, more commonly referred to as the RCRA);
3. The Clean Air Act;
4. The TSCA;
5. The Marine Protection, Research, and Sanctuaries Act; and
6. Any State criteria applicable to the sludge management method used by the City.

N. J.—Violations. Any waste which violates any statute, rule, regulation, or ordinance of any public agency having jurisdiction over the discharge of wastewater through the sanitary sewer system.

O. K.—Significant Change. Any significant change in the nature or quantity of wastewater discharged to the wastewater system, unless prior notice has been given to the City and approved in writing by the Director. For the purposes of this

Chapter, a “significant change” is any change which results in a long-term average flow rate change of 20 percent or more, or results in a long-term average change in concentration of any pollutant(s) of 20 percent or more, or would cause the user to violate a local limit or other pretreatment standard. ~~-(Prior code § 3356)~~

13.16.260 Hazardous Wastes.

The discharge of any hazardous substance is prohibited. Any user that generates, treats, stores, transports, or disposes of hazardous waste must notify the appropriate Federal, State, Director and local oversight authorities~~the EPA~~, and shall comply with all~~be notified by the Director of~~ applicable hazardous waste management requirements ~~under Subtitle C of RCRA.~~ ~~(Prior code § 3357)~~

- A. Any user who discharges hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: (i) an identification of the hazardous constituents contained in the wastes, (ii) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and (iii) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.16.380.H of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this ordinance.
- B. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- C. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

13.16.270 Trucked or Hauled Waste.

~~Waste haulers~~Waste haulers shall not discharge trucked or hauled waste, either domestic or industrial, to the City's wastewater system except at such City-owned facilities as may be constructed and operated specifically to receive such wastes, and as authorized in accordance with the terms and conditions of a wastewater discharge~~Class I user~~ permit. Trucked or hauled wastes include but are not limited to septic tank, chemical toilet, cesspool or seepage pit waste, and any waste recovered from a trap. Recreational vehicles may discharge domestic holding tank waste only at locations designated by the Director and authorized specifically for that purpose. ~~(Prior code § 3358)~~

13.16.280 Medical Facility Wastes.

- A. The following wastes shall not be discharged from a medical facility to the ~~City~~public sewer by any means:
1. ~~Infectious~~Infection wastes;
 2. Recognizable portions of the human anatomy;
 3. X-ray processing waste and radioactive waste, except as authorized in accordance with the provisions of Section 13.16.290.
- B. Infectious waste generated by medical facilities shall be handled in accordance with applicable provisions of CCR Title 22, as amended, ~~applicable and Article V of Chapter 18 of the Santa Barbara County requirements~~Code, and the applicable provisions of this Chapter. ~~(Prior code § 3359)~~

13.16.290 Radioactive Wastes.

No user shall discharge, or cause to be discharged, any radioactive waste into a City sewer unless:

- A. Discharged in strict conformity with applicable regulations, standards, and limitations;
- B. Authorized to use radioactive materials by the State Department of Health and/or other governmental agencies empowered to regulate the use of radioactive materials; and
- C. Authorized in and in accordance with the terms and conditions of a Class I or Class II user permit. ~~(Prior code § 3360)~~

13.16.300 Unpolluted Water.

~~Storm water~~Stormwater, groundwater, street drainage, surface drainage, subsurface drainage, yard drainage, swimming pool water (including spas and hot tubs), and other unpolluted waters such as ~~non-contactsingle-pass~~ cooling water shall not be discharged to a City sewer except as authorized in a temporary user permit secured in accordance with this Chapter. ~~(Prior code § 3361)~~

13.16.310 Swimming Pool Waste.

Swimming pool water (including spas and hot tubs) shall not be discharged to a City sanitary sewer except as authorized in a wastewater discharge permit secured in accordance with this Chapter. Backwash water, and any waste generated by acid cleaning of a swimming pool are considered polluted water and ~~may~~ shall be discharged to a sanitary sewer, provided that the City is notified at least 24 hours prior to the discharge and the pH requirements of this Chapter are not violated. ~~(Prior code § 3362)~~

13.16.320 Water Softening Waste.

- A. It is unlawful to install, replace, operate, or enlarge an apparatus for softening all or any part of the water supply to any premises within City jurisdiction when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated on the site of use with the regeneration wastes being discharged to the ground, ~~storm drain,~~ or City sewerage system, unless ~~the said~~ softener or demineralizer, including those used for domestic, commercial, or industrial operations, meets or exceeds the minimum standards specified in California Health and Safety Code sections 116775 to 116795, relating to water softening or conditioning. This Section shall not apply to apparatus of the type which is regenerated off-site by a water conditioning company.

- B. A person installing or operating a legal water-treating apparatus of any kind shall make such apparatus accessible to the Director for inspection at all reasonable times and shall make such report relative to such apparatus as the Director may request. ~~(Ord. 1619(15) § 1; prior code § 3363)~~

13.16.330 Excessive Discharge.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment in order to achieve compliance. ~~(Prior code § 3364)~~

13.16.340 Limitations and Conditions of Discharge.

13.16.340 Limitations of Discharge.

- A. The Director shall develop discharge limitations as necessary to ensure compliance with the provisions of this Chapter. Discharge limitations may be adopted by ordinance or resolution of the City Council, or may be incorporated into the user's wastewater discharge permit. Discharge limitations shall not be imposed until individual notice is given to persons or groups who have requested such notice, and until such persons or groups are given an opportunity to show cause, if they have any, why discharge limitations should not be imposed upon them. Discharge limitations specified as a condition to Class I or Class II user permits shall ~~supersede~~ ~~superseded~~ the limitations imposed under Subsection B of this Section.

- B. Except as authorized in accordance with the terms and conditions of a Class I or Class II user permit, no user shall discharge, after the effective date of the ordinance codified in this Chapter, wastewater containing pollutants in excess of the quantities specified herein.

Constituent	Concentration*	Type of Limit
Ammonia	55	Maximum Daily Average
Arsenic	2.0	Maximum Daily Average
Beryllium	3.0	Maximum Daily Average
Cadmium	0.2	Maximum Daily Average
Chloride	250	Maximum Daily Average
Chromium	2.0	Maximum Daily Average
Copper	2.0	Maximum Daily Average
Cyanide (total)	1.0	Instantaneous Maximum
Lead	1.0	Maximum Daily Average
Mercury	0.01	Maximum Daily Average
Nickel	3.0	Maximum Daily Average
Oil and Grease <u>(total)</u>	100	Instantaneous Maximum
pH (pH units)	acceptable range 6-9	Instantaneous Maximum
Phenol	25.0	Instantaneous Maximum
Selenium	0.4	Maximum Daily Average
Silver	1.5	Maximum Daily Average
Sodium	270	Maximum Daily Average
Total Dissolved Solids	1100	Maximum Daily Average
Zinc	1.0	Maximum Daily Average

*All concentrations are in mg/L, determined in accordance with analytical procedures specified by 40 CFR Part 136.

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in lieu of, the concentration-based limitations above.

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

D. Surcharge Program. Unless otherwise allowed in accordance with the provisions contained in this Section, all users discharging wastewater into the POTW with a BOD concentration greater than 300 mg/l or a TSS concentration greater than 300 mg/l shall treat the wastewater to meet discharge limits established by the Director. The Director may, subject to availability of capacity in City treatment facilities, grant users conditional approval to discharge BOD or TSS at greater concentrations with payment of a surcharge. This conditional approval is a privilege provided to the

user by the Director at the Director's sole discretion. When the Director conditionally approves the acceptance of wastewater with concentrations greater than the limitations specified for BOD (300 mg/l) or TSS (300 mg/l), the user understands and agrees that the Director reserves the right to revoke the conditional approval at any time (for example, without limitation, if the City's wastewater treatment facility approaches its design capacity; if the City's NPDES permit is modified; etc.) and to require pretreatment so that the wastewater discharge complies with the permit, discharge authorization, order, or the provisions of this ordinance.

Surcharge is an additional payment to the City for the privilege of being able to discharge industrial wastewater to the POTW at concentrations in excess of those set forth above. The Director may develop and implement surcharges for any other pollutants of concern as necessary to provide incentive for users to limit or reduce high strength waste discharges and/or recover costs. Surcharge provides a means of cost recovery proportionate to the level of service provided. The surcharge regulations also aid the City in complying with state and federal regulations, guidance and policy that provides that industrial users pay their proportionate share of costs for treating industrial wastewater. The surcharge rate shall include the City's cost of local capital treatment improvements, debt service charges, and O&M, which are recovered from industry on a proportionate basis. Calculation of surcharge rates is further described in Subdivision 13.16.410.B. The basis and application of surcharge for parameters other than BOD and TSS will be determined on a case-by-case basis at the discretion of the Director.

~~(Prior code § 3365)~~

Article 4. Facilities Requirements

13.16.350 Pretreatment in General.

- A. When the Director determines ~~that~~ it is necessary to modify or eliminate wastes or portions of wastes in order to comply with this Chapter, the user shall provide, operate, and maintain continuously in satisfactory and effective operation at user's expense such pretreatment or processing facilities as may be necessary to ensure compliance with this Chapter.

- B. Detailed plans, specifications, and operating procedures, and any other pertinent information relating to the proposed facilities shall be submitted to the Director for approval. No premises and no new facilities may be connected to the public sewer until such approval is obtained in writing. The review and approval by the Director of such plans, specifications, and procedures does not constitute an opinion or evaluation of the adequacy of such plans, specifications, and procedures to perform in a manner that guarantees compliance with applicable regulations, standards, and limitations, nor does such approval relieve the user from the responsibility of modifying the facility in the future, as necessary to ensure compliance with this Chapter.

- C. When pretreatment facilities are provided, whether or not required, they shall be maintained continuously in satisfactory and effective operation by the user.
- D. Wastes recovered from pretreatment devices and not permitted to be discharged into a City sewer shall be transported to a State-approved disposal site in accordance with applicable regulations, standards, and limitations. ~~(Prior code § 3366)~~

13.16.360 Equalized Discharges.

A.—The Director may require any user to provide, operate, and maintain a flow equalization facility, in accordance with Section 13.16.350, in order to ensure equalization of discharge if, in the opinion of the Director, such action is necessary to protect the wastewater system.

~~B.—This facility shall have a capacity of at least 80 percent of the total normal volume of a 24-hour production period, and the outlet to the sewer shall be equipped with a rate discharge rate controller or other approved device acceptable to the Director. (Prior code § 3367)~~

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~~13.16.370 Traps/Interceptors.~~

13.16.370 Additional Pretreatment Measures.

- A. Traps/interceptors to capture grease, oil, lint, hair, and/or sand shall be ~~required~~provided when, ~~as determined by~~in the opinion of the Director, they are necessary for the proper handling of wastewater containing such pollutants and for protection of the wastewater system from liquid wastes containing excessive amounts of grease, flammable wastes, sand, or other harmful pollutants. ingredients. Such traps/interceptors may be required; for discharges from service stations, food service establishments that discharge more than a de minimis amount of FOG~~restaurants,~~ automobile repair garages, wash racks, laundries, barbershops, beauty shops/salons, and dry-~~cleaning~~ establishments and other facilities as deemed necessary by the Director. Food service establishments that discharge a de minimis amount of FOG are those engaged only in reheating, hot holding, assembly, or mixing of ready-to-eat food products.
- B. The Director shall notify any user ~~upon determination~~when he or she has determined that a trap/interceptor is necessary, and the user shall provide, operate, and maintain the trap/interceptor in accordance with Section 13.16.350. All traps/interceptors shall be of a type and capacity approved by the City. Users installing a new grease interceptor shall abide by any additional conditions required by the Director and obtain any permits required by the Building Code.
- C. Installation of new ~~traps/grease~~ interceptors shall be conducted in accordance with manufacturer's specifications and in accordance with the Uniform Plumbing Code, as specified in Section 15.24.010 of this code. Trap/interceptor sizing is based on fixture capacity or drainage fixture units in the facility and needs to be determined by a certified plumber or licensed engineer according to the Uniform Plumbing

Code. Grease and oil or sand traps/interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. Traps/interceptors shall be of substantial construction, water-tight, and equipped with easily removable covers which, when in place, shall be gastight and water-tight. All traps/interceptors shall be located as to be readily and easily accessible for cleaning and inspection, and shall be maintained continuously in satisfactory and effective operation (as determined by the Director) by the user at the user's expense. Trap/interceptor cleaning and maintenance records are pretreatment program records and must be maintained per recordkeeping requirements in this Chapter by the user. (~~Ord. 1619(15) § 2; prior code § 3368~~)

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.16.380 Notifications.

A. Accidental Discharge. ~~13.16.380 Accidental Discharge.~~ All users shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter.

B. Upon notification from the Director, a user shall provide, operate, and maintain facilities designed to preclude the accidental discharge of prohibited materials or other substances regulated by this Chapter in accordance with Section 13.16.350 of this Chapter, and applicable provisions of CCR Title 22.

~~C. Upon notification from the Director, a user shall develop, submit to the Director for approval, and implement an ASPP. ASPPs may be required prior to permit issuance, or may be required in accordance with a compliance schedule as a condition of the user's wastewater discharge permit.~~

C. ~~D.~~ In the case of any upset or discharge, including, but not limited to, an accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Director wastewater treatment plant, by telephone, of the incident. This The notification shall include the location of the discharge, type of wastewater, concentration, and volume, if known, and corrective actions taken by the user and planned to prevent reoccurrence.

1. Written notice. Within five (5) days following such upset or discharge, the user shall, unless waived Notice. Upon notification by the Director, submit the user shall submit to the Director, within 15 days following an accidental discharge, a detailed written report describing the characteristics of the wastewater discharged; the cause(s) of the upset or discharge; the period of noncompliance, including exact dates and times; cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such

notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

2. Notice to Employees. A notice~~Upon notification by the Director, a user shall be permanently posted~~ on the user's bulletin board, or other prominent place, ~~a notice~~ advising employees ~~whowhom~~ to call in the event of ~~an accidental discharge described in paragraph C, above.~~ Employers shall ensure that all employees, who ~~could~~~~may~~ cause ~~or witness~~ such a discharge to occur, are advised of the emergency notification procedure. ~~(Prior code § 3369)~~

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

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

E. Significant Industrial Users are required to notify the Director immediately of any changes at their facilities affecting the potential for a slug discharge.

F. All users, including those not required to obtain a wastewater discharge permit, shall provide appropriate reports to the Director as the Director may require.

G. Violations and Repeat Sampling. If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the user is not required if the City performs sampling at the user's facility at least once a month, or if the City performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the City receives the results of the sampling, or if the City has performed the sampling and analysis in lieu of the user.

H. Changed conditions. Each user must notify the Director in advance of any significant change to the user's operations or system which might significantly alter the nature, quality, or volume of its wastewater. For the purposes of this Chapter,

a “significant change” is any change which results in a long-term average flow rate change of 20 percent or more, or results in a long-term average change in concentration of any pollutant(s) of 20 percent or more, or would cause the user to violate a local limit or other pretreatment standard. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an updated wastewater discharge permit application.

I. Bypass. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. Otherwise, a bypass is prohibited, and the Director may take enforcement action against a user for a bypass as necessary.

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

2. A user shall give oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

3. The Director may waive enforcement action against a user for a bypass provided:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under paragraphs 1 and 2 of this section.

d. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph 3.a-c of this Section.

13.16.390 Monitoring and Metering Facilities.

A. The Director may require any user to provide, operate, and maintain at user's expense flow monitoring, process monitoring, and/or sampling facilities. Upon

notification from the Director, the user shall provide, operate and maintain such facilities in accordance with Section 13.16.350 of this Chapter.

- B. Any sample taken from a sampling facility installed in accordance with this Section is presumed to be discharging to the City sewer.
- C. Monitoring or metering facilities may be required to have a security closure that can be locked with a City-provided hasp lock during sampling and monitoring. (Prior code § 3370)

Article 5. Fees and Charges

13.16.400 Purpose.

The City shall recover costs from users of the wastewater system for the implementation of the pretreatment program established herein. ~~The applicable charges and fees shall be as set forth in the City's wastewater service rates and charges, as~~ adopted by resolution or ordinance of the City Council and amended from time to time. ~~(Prior code § 3371)~~

13.16.410 Fees and Charges.

The City may adopt fees and charges which may include:

- A. Wastewater Fees.
 - 1. Reimbursement of costs ~~foref~~ developing and operating the City's pretreatment program;
 - 2. Monitoring, inspection, and surveillance procedures;
 - 3. Reviewing accidental discharge procedures and construction;
 - 4. Permit applications;
 - 5. Filing appeals;
 - 6. Non-compliance;
 - 7. Consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;
 - 8. Connection to sewer;
 - 9. Other fees as deemed necessary by the City to implement the provisions of this Chapter.
- B. Wastewater Charges.
 - 1. Extra-strength. After being notified that City analyses of the BOD of its wastewater exceeds applicable surcharge thresholds, the user shall, within thirty (30) days of notification, either notify the City in writing of its plans for wastewater pretreatment or submit a written request for permission to pay the surcharge in lieu of pretreatment. Approval to pay surcharge is not automatic. City approval shall be on a case-by-case basis based upon such factors as, among others, the treatment capabilities of the City at the time of the request and anticipated future capabilities. Approval to pay surcharge is assumed to be of limited duration, shall be conditional and may be revised or revoked by the City. If an industrial user is approved to pay surcharge, it shall be billed every surcharge period that such permission is in effect. Surcharge on extra-

strength wastes may be assessed on all users with concentrations over the specified surcharge thresholds in Section 13.16.340.

- a. The wastewater shall be sampled by the user and/or the City at whatever frequency the City deems necessary and in accordance with the applicable provisions in this ordinance.
- b. The surcharge shall be calculated based upon the actual flow discharge, and the difference of the permitted or calculated concentration within the wastewater discharge permit, discharge authorization directive or order in excess of the BOD (300 mg/l) and TSS (300 mg/l) domestic standards. Surcharge also may be calculated based on the laboratory analyses. If the most current laboratory analyses indicate that the average concentration exceeds the applicable surcharge concentration, a surcharge shall be assessed based upon the actual flow discharged and the difference between the actual concentration in excess of any or all of the surcharge parameters.
- c. A user may conduct additional sampling or submit a written request at any time that its wastewater be re-sampled by the City for purposes of adjusting surcharges. This request shall contain a justification that explains modifications that have been made to the industrial user's operations resulting in lower BOD or TSS concentrations. Re-sampling by City staff shall be accomplished at a time selected by the City. Re-sampling and associated laboratory work shall be performed at the expense of the user.
- d. The flow used in determining pounds of BOD or TSS for surcharge billings shall be the wastewater discharged during the period for which the surcharge is calculated, based upon the user's water meter reading and shall be assumed to be one hundred percent of water consumption unless other metering arrangements for wastewater flow have been approved by the City.
- e. The City shall use the following formulae to calculate surcharge amounts for billing each user subject to surcharge:

$$\text{Surcharge Amount(s)} = \$/\text{lb BOD} \times \text{lbs BOD} + \$/\text{lb TSS} \times \text{lbs TSS}$$

WHERE:

lbs BOD = ([The greater of the BOD surcharge concentration listed in the user's permit or discharge authorization or the calculated actual average discharge BOD] – 300 mg/l) X flow (mg) X 8.34

lbs TSS = ([The greater of the TSS surcharge concentration listed in the user's permit or discharge authorization or the calculated actual average discharge TSS] – 300 mg/l) X flow (mg) X 8.34

- f. Surcharge rates and minimum surcharge fees for BOD and TSS, or any other pollutant of concern shall be based upon annual costs for wastewater treatment and determined by a formula that reflects amortization of

treatment facilities cost, interest on bonded indebtedness for treatment facilities, and O&M costs. These rates are subject to change annually or at the discretion of the City due to the annual fluctuation in the City's costs for wastewater treatment. All surcharges shall be computed based upon the surcharge rates most recently adopted in the City's Master Fee Schedule.

- 1.—~~Extra-strength;~~
 2. Other charges as deemed necessary by the City to implement the provisions of this Chapter.
- C. These fees and charges relate exclusively to matters covered by this Chapter and are separate from all other fees chargeable by the City. ~~_(Prior code § 3372)~~

13.16.420 Payment of Charges.

Unless specified otherwise, all fees, charges and penalties imposed pursuant to this Chapter are due and payable upon receipt of notice thereof, and shall be collected in accordance with the City's utility billing charges and special procedures. ~~_(Prior code § 3373)~~

Article 6. Violation

13.16.430 Harmful Contributions.

- A. Liability for Violation. Any user discharging wastewater, which causes interference, obstruction, pass through, or damage to the wastewater system, shall be responsible for all costs incurred by the City as a result of such discharge, including assessments by other agencies or the court.
- B. Emergency Authority. The Director may immediately suspend or terminate wastewater service to a user after notifying the user of violation, if necessary in the Director's opinion, to terminate a discharge which reasonably appears to endanger the health or safety of the community, or threatens to pass through or interfere with the operation of the wastewater system. ~~_(Prior code § 3374)~~

13.16.440 Publishing Lists of Users in Significant Noncompliance.

~~13.16.440 Publishing Lists of IU in Significant Noncompliance.~~

The City ~~of Lompoc~~ shall publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of users that are in significant noncompliance and/or significant violation of applicable pretreatment standards or pretreatment requirements during the previous 12 months. ~~_(Prior code § 3375)~~

13.16.450 Enforcement Orders (EOs).

- A. Any user found to be ~~in violation of~~ violating this Chapter shall be so notified by the Director by personal service or by certified mail with a notice that the user shall, within the period of time stated in the notice or within such extension thereof as may be granted by the Director, correct, and cease the violation.

B. The Director may impose administrative penalties (fines) at his or her discretion upon any user found to be in violation of~~violating~~ this Chapter. Minimum levels of enforcement response penalties are specified in the City's Enforcement Response Plan~~wastewater service rates and charges, and shall be collected in accordance with the City's utility billing procedures and special charges.~~

C. The Director may order any user found in violation of~~to be violating~~ this Chapter to attend an administrative hearing, not less than 15 days after notification~~NOV~~, at which time the user shall have an opportunity to respond. The user may be required to explain corrective actions and/or show cause why further enforcement action should not be taken. ~~take place.~~ Upon review of the information submitted by the user, the Director may pursue further enforcement actions at his ~~or her~~ discretion.

D. Violation of this Chapter or of any EO issued pursuant to this Chapter is hereby declared a public nuisance and shall be corrected as directed by the Director. Violation of this Chapter is a misdemeanor. ~~(Prior code § 3376)~~

13.16.460 Affirmative Defense—Upsets.

Any upset, as defined herein, shall constitute an affirmative defense to an enforcement action taken against a user for noncompliance with this Chapter provided that the user can demonstrate to the satisfaction of the Director that:

- A. An upset has occurred and the user can identify the cause(s)~~causes~~ of the upset;
- B. The facility was being operated in a prudent manner in compliance with applicable operations and maintenance procedures at the time of the upset; and
- C. The user notifies the Director within 24 hours after the upset, and submits a written report, as specified by the Director, within five days after the upset. In any enforcement proceedings, the user seeking to establish the occurrence of an upset shall have the burden of proof. ~~(Prior code § 3377)~~

13.16.470 Legal Action.

The City Attorney may commence an action for appropriate legal and/or equitable relief in the Superior Court of Santa Barbara County against any user who violates this Chapter or any EO issued by the Director pursuant to this Chapter, or any permit requirement.

- A. Injunction. The City Attorney may commence an action for the issuance of a preliminary or permanent injunction as appropriate to enforce the provisions of this Chapter.
- B. Civil Penalties. In accordance with Section 309(d) of the Act, any user who violates this Chapter may also be liable in a sum not to exceed \$25,000.00 per day in which such violation occurs (33 USC 1319).

C. Criminal Penalties.

1. The City Attorney may prosecute violations of this Chapter in accordance with the General Penalty provisions of Section 1.24.010 of this Code. Violations shall be subject to fines of up to \$1,000.00 and imprisonment not exceeding six months (reference Government Code Section 36901). Every day any violation continues to exist shall constitute a separate offense.
2. In addition, violations may be subject to prosecution pursuant to 33 USC Section 1319, which specifies criminal penalties, as described below, for violation of the Act:
 - a. Negligent Violations. Any user who negligently violates applicable pretreatment requirements or negligently discharges to the wastewater system any pollutant or hazardous substance, which the user knew or reasonably should have known could cause personal injury or property damage, shall be subject to fines of not less than \$2,500.00 nor more than \$25,000.00 per day of violation and/or imprisonment for not more than one year.
 - b. Knowing Violations. Any user who knowingly violates applicable pretreatment requirements or knowingly discharges to the wastewater system any pollutant or hazardous substance, which the user knew or reasonably should have known could cause personal injury or property damage, shall be subject to fines of not less than \$5,000.00 nor more than \$50,000.00 per day of violation and/or imprisonment for not more than three years.
 - c. Knowing Endangerment. Any person who knowingly violates this Chapter, and who knows at that time he or she thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000.00 or imprisonment of not more than 15 years, or both.
 - d. False Statements. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document or who knowingly tampers with, or renders inaccurate, any monitoring device or method shall be subject to a fine of not more than \$10,000.00 and/or imprisonment for not more than two years.
 - e. For the purposes of this Subsection, a single operational incident which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.
 - f. For the purposes of this Subsection, the term "person" means, in addition to the definition in Section 13.16.030, any responsible corporate officer.
(Prior code § 3378)

Article 7. Enforcement

13.16.480 Violation of Chapter.

Any discharger found to be in violation of~~violating~~ any provision of this Chapter shall be served by the Director in person or by registered or certified mail with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory

correction thereof. Any discharger with knowledge of the notice shall, within the period of time stated in the notice, or within such extension thereof as may be granted by the Director, correct and cease the violation. ~~Any~~The violation of this Section shall be a misdemeanor. Any discharge of wastewater in violation of the provisions of this Chapter is a public nuisance. The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.(Prior code § 3379)

A. Administrative Fines.

1. For any violation, or continuing violation, of any provision of this Chapter, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user as follows:
 - i. A fine not exceeding one hundred dollars (\$100) for a first violation;
 - ii. A fine not exceeding two hundred dollars (\$200) for a second violation within the same 12-month period;
 - iii. A fine not exceeding five hundred dollars (\$500) for each additional violation within the same 12-month period.
2. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
3. Users may appeal such fines pursuant to the procedure established in Section 13.16.140, except that any fines imposed must be paid in full at the time the request for reconsideration is filed. In the event the user's appeal is granted, the fines, together with any interest accruing thereto, shall be returned to the user.
- 4.4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.16.490 Disconnection from Public Sewer for Violation of this Chapter Including Non-payment.

The Director shall have the power to disconnect any building sewer lateral from a sewer main, ~~or~~ sever, or plug any such building sewer lateral within any easement or public street when the premises connected by such building sewer lateral to a sewer main is the point of the discharge made in violation of this Chapter. The premises shall not be reconnected to the wastewater system and discharge shall not be further allowed, until the Director shall have estimated the cost of disconnection and reconnection, and such costs shall have been paid to the City by the discharger. Any difference between the estimated costs and the actual costs of disconnection and reconnection shall be paid or refunded, as the case may be. ~~(Prior code § 3380)~~

13.16.500 Liability for Violation.

- A. Any person violating any of the provisions of this Chapter, or rules, regulations, or standards promulgated by the Director, shall be liable to the City for all expenses, losses, and damage suffered by the City by reason of such violation.
- B. Any person violating provisions of this Chapter or any rules, regulations, or standards of the Director, or who violates any State or Federal regulation or permit relating to the operation of the wastewater system, of which he ~~or she~~ has knowledge, shall be liable to the City in a sum equal to the amount of any fine or charge made upon the City by the State or Federal government for such a violation plus reasonable attorneys' fees and costs of suit required to collect such an amount. ~~(Prior code § 3381)~~

Article 8. Other Jurisdictions

13.16.510 Regulation of Waste Received from Other Jurisdictions.

- A. If another municipality or jurisdiction, or user located within another municipality or jurisdiction, contributes wastewater to the POTW, the Director shall enter into an interjurisdictional agreement with the contributing municipality or jurisdictional agency.
- B. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing municipality or jurisdictional agency (hereafter contributing jurisdiction):
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 - 2. An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and
 - 3. Such other information as the Director may deem necessary.
- C. An interjurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:
 - 1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance, which is at least as stringent as this ordinance and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in Section 13.16.340 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
 - 2. A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of those activities will be conducted by the Director; and which of those activities will be conducted jointly by the contributing jurisdiction and the Director;
 - 4. A requirement for the contributing jurisdiction to provide the Director with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing jurisdiction's discharge;
7. A provision ensuring the Director access to the facilities of users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
8. A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

Article 9. Fats, Oils, and Grease Control Program

13.16.520 FOG Discharge Prohibited.

No FSE may discharge or cause to be discharged into the sewer system FOG that may accumulate or cause or contribute to blockages in the sewer system or at the sewer system lateral that connects the FSE to the sewer system.

13.16.530 General FOG Control Device Requirements.

- A. All FSEs that discharge more than a de minimis amount of FOG in their wastewater sent to the sewer system must install a FOG control device that meets City standards and specifications. Restaurants and other food service establishments that discharge a de minimis amount of FOG are those engaged only in reheating, hot holding, assembly, or mixing of ready-to-eat food products. The City may issue any FSE that discharges wastewater to the sewer system a discharge permit to control such discharges pursuant to the requirements and procedures specified in this section at Article 2. Wastewater Discharge Permits.
- B. FOG control devices must be maintained in efficient operating condition in accordance with the FOG Control Program.
- C. All FOG removed from a FOG control device must be waste hauled and disposed of at an approved location and in a proper manner.
- D. The owner and/or operator of an establishment subject to these regulations shall open and inspect all FOG interceptors on a monthly basis to determine the need for servicing/cleanouts. FOG interceptor cleanouts, in which the interceptor is fully pumped and cleaned out, shall be scheduled based on the 25% Rule, or, at minimum, once every three months, whichever is more frequent. The purpose of using the 25% Rule as a cleanout benchmark is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG from being discharged to the public sewer. Partial pumps of interceptor contents or on-site pump and treatment of interceptor contents is not allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to the regulations at 40 CFR 403.5(b)(8).
- E. If the FOG interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in 13.16.530.D of this section, the facility shall be required by the Director to have the FOG interceptor pumped and cleaned

as soon as possible, but in no case more than 24 hours following issuance of an order to clean by the Director, unless otherwise specified by the Director.

F. The Director may require any FSE with a FOG interceptor to submit data and information necessary to establish the required maintenance frequency of the FOG interceptor.

G. The Director may change the required maintenance frequency at any time to reflect changes in actual operating conditions when sufficient data has been obtained and validated to warrant a different frequency based on the requirements described in 13.16.530.D of this section or other guidelines adopted by the City pursuant to the FOG control program. The required maintenance frequency may increase or decrease based on the actual generation of FOG from the FSE but shall not be less frequent than once every three (3) months unless specific written authorization from the Director is obtained.

H. The Director may direct City staff or a City contractor to pump and clean an FSE's FOG interceptor if the FSE has failed to comply with the terms of this chapter. The FSE jointly and severally with the property owner shall be responsible for any and all expenses of the City in undertaking such work and such expenses are deemed a debt of the owner of the pertinent FSE and the property owner to the City, enforceable and collectable as provided by law.

13.16.540 Multiple FSEs at Commercial Properties.

For properties at which multiple FSEs that discharge wastewater to the sewer system are operated on a single parcel, each FSE operator is individually and separately responsible for installation and maintenance of the FOG interceptor serving the FSE and for compliance with this Article. Furthermore, owners of commercial properties at which multiple FSEs that discharge wastewater to the sewer system are operated on a single parcel are responsible for ensuring FOG interceptor compliance by each FSE on the parcel. Such operators and property owners can comply with this section by installing and maintaining a FOG interceptor or FOG interceptors serving multiple FSEs upon approval by the Director and on such terms and conditions that the Director may establish.

13.16.550 Implementation of Best Management Practices.

Each FSE that discharges wastewater to the sewer system must implement the Best Management Practices specified in the City's FOG Control Program in its operation to minimize the discharge of FOG to the sewer system.

13.16.560 Monitoring and Reporting Conditions.

A. FOG Discharge Monitoring and Reporting Requirements.

1. The Director may require periodic reporting of the status of implementation of Best Management Practices.
2. The Director may require visual and other monitoring at the sole expense of the FSE that discharges wastewater to the sewer system to observe the actual conditions of the FSE's side sewer and sewer lines downstream.

3. The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the FSE needed for determining compliance with FOG Control Program requirements or this section. Monitoring reports of the analyses of wastewater constituents and FOG characteristics must be in a manner and form approved by the Director and must be submitted upon request of the Director.
4. The Director may require other reports such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this section.

B. Record Keeping Requirements. An FSE that discharges wastewater to the sewer system must keep on its premises all documents identified by the City relating to its compliance with this section, including logs, receipts and invoices of all cleaning, maintenance, FOG removal from the FOG control device, disposal carrier, and disposal site location for at least three years. The FSE must, upon request, make such logs, receipts, and invoices available to any City representative or inspector. These records may include:

1. A logbook of FOG interceptor, or other FOG control device cleaning and maintenance practices.
2. A record of Best Management Practices being implemented including employee training.
3. Copies of records and manifests of waste hauling interceptor contents.
4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the FOG interceptors.
5. Any other information deemed appropriate by the Director to ensure compliance with this section.

13.16.570 Inspection and Sampling Conditions.

- A. The City may inspect or order the inspection and sampling of any FSE's wastewater discharge to ascertain whether the requirements of this section and any applicable FOG Control Program requirements are being met.
- B. All FSEs must allow City personnel and representatives access to the FSE's premises, during normal business hours, for purposes of inspecting FOG control devices, and reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of any FOG control device. No person may interfere with, delay, resist, or refuse entrance to City representatives attempting to inspect any FSE or facility involved directly or indirectly with a discharge of wastewater to the City's sewer system.
- C. The Director may order the placement on any FSE's premises or such other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where an FSE has security measures in force, the FSE must make necessary arrangements so that representatives of the City

are permitted to enter without delay for the purpose of performing their specific responsibilities.

13.16.580 Falsifying Information or Tampering with Devices.

No person may make any false statement, representation, record, report, plan, or other document that is filed with the City, or to tamper with or alter, or knowingly render inoperable, any FOG control device, monitoring device, or method or access point required under this section.

13.16.590 Notification of Excessive FOG Discharge or Spill.

- A. In the event an FSE that discharges wastewater to the sewer system is unable to comply with any FOG Control Program condition due to a breakdown of equipment, accidents, or human error, or the FSE has reasonable opportunity to know that its discharge will exceed the discharge provisions of the FOG Control Program or this section, the FSE must immediately notify the City.
- B. Confirmation of this notification must be made in writing to the City no later than five working days from the date of the incident. The written notification must state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- C. Such notification will not relieve the FSE of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor will such notification relieve the FSE of any other liability which may be imposed by this section or other applicable law or FOG Control Program requirement.

13.16.600 Termination of Service.

- A. The City, by order of the Director, may physically terminate sewer service and cause the termination of any water service to any FSE connected to the sewer system, as follows:
 - 1. Upon an emergency suspension order; or
 - 2. Upon the failure of an FSE to immediately cease the discharge, whether direct or indirect, to the City's sewer facilities after notice has been given and a reasonable opportunity to comply with this section.
- B. All costs for physical termination of services must be paid by the owner or operator of the FSE as well as all costs for reinstating service.
- C. During the period of such disconnection, habitation of such premises will constitute a public nuisance and the City may cause proceedings to be brought for the abatement of the occupancy of such premises during the period of such disconnection. In such event, and as a condition of reconnection, the owner or operator of such premises must reimburse the City for all reasonable attorney's fees and costs of suit arising such abatement action.

13.16.610 Violations.

Violations of this section are subject to the procedures, penalties and remedies set out in this section in addition to any other penalties or remedies available to the City under this code or applicable law.