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8 **ARTICLE I. GENERAL PROVISIONS**

9 **15.40.001 Purpose.**

10 This chapter is enacted pursuant to the municipal affairs provisions of section
11 201 of the City Charter for the purpose of establishing uniform requirements for
12 direct and indirect contributions into the City’s sanitary sewer system and enables
13 the City to comply with all applicable state and federal laws required by the Federal
14 Water Pollution Control Act (33 United States Code §1251 et seq.) and the General
15 Pretreatment Regulations adopted pursuant to that Act (40 CFR Part 403).

16 The objectives of this chapter are:

17 1. To prevent the introduction of pollutants into the City’s sanitary sewer
18 system that will interfere with the operation of the system or contaminate the
19 resulting sludge;

20 2. To prevent the introduction of pollutants into the City’s sanitary sewer
21 system that will pass through, inadequately treated, into receiving waters or the
22 atmosphere or otherwise be incompatible with the system;

23 3. To protect both City personnel who may be affected by wastewater and
24 biosolids in the course of their employment and the general public; and

1 4. To promote reuse and recycling of wastewaters and biosolids from the
2 system.

3 This chapter applies to all users of the City’s sanitary sewer system. This
4 chapter authorizes the issuance of wastewater discharge permits, provides for
5 monitoring, compliance and enforcement activities, establishes administrative
6 review procedures, and requires user reporting.

7 Nothing contained in this chapter shall be construed to limit any additional
8 requirements that may be imposed by the Butte County Health Officer, the Central
9 Valley Regional Water Quality Control Board, State Water Resources Control
10 Board, California Department of Fish and Wildlife, United States Environmental
11 Protection Agency, or other governmental agencies having jurisdiction.

12 **15.40.005 Administration.**

13 Except as otherwise provided herein, the Director of Public Works (Director)
14 shall administer, implement, and enforce the provisions of this chapter. Any powers
15 granted to or duties imposed upon the Director may be delegated by the Director or
16 City Manager to a duly authorized City employee.

17 **15.40.010 Definitions.**

18 Unless a provision explicitly states otherwise, the following terms and phrases, as
19 used in this chapter, shall have the meanings hereinafter designated.

20 1. Act. The Federal Water Pollution Control Act, also known as the Clean
21 Water Act, as amended (33 United States Code section 1251 et seq.).

22 2. Administrator. The Regional Administrator of Region IX, United States
23 Environmental Protection Agency.

24 3. Authorized or Duly Authorized Representative of User.

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- a. If the user is a corporation:
 - i. The president, secretary, treasurer, or 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
 - ii. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation 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;
- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- c. If the user is a federal, state or local government facility: a director or highest official appointed or designed to oversee the operation and performance of the activities of the government facility, or his/her designee; or

The individuals, described in paragraphs a through c above, may designate a Duly Authorized Representative if such authorization is in writing, the authorization specifies the individual or position that is responsible for the overall operation of the facility from which the discharge originates or having

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1 overall responsibility for environmental matters for the company, and the
2 written authorization is submitted to the City.

3 4. Baseline Monitoring Report. An initial report submitted by an industrial
4 user determined to be subject to a pretreatment standard pursuant to section
5 15.40.290.

6 5. Best Management Practices (BMP). The schedules of activities, prohibitions
7 of practices, maintenance procedures, and other management practices to
8 implement the prohibitions listed in Article II of this Chapter. BMPs include
9 treatment requirements, operating procedures, and practices to control plant site
10 runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials
11 storage.

12 6. Biochemical Oxygen Demand. The quantity of oxygen utilized in the
13 oxidation of organic matter under standard laboratory procedure, five (5) days at
14 twenty (20) degrees centigrade expressed in terms of weight and concentration
15 (milligrams per liter [mg/L]).

16 7. Building Sewer. That portion of a side sewer beginning at the plumbing or
17 drainage outlet of any building or industrial facility and running to the property line
18 or to a private sewage disposal system.

19 8. Bypass. An intentional diversion of wastestreams from any portion of a
20 user's treatment facility.

21 9. California Toxics Rule (CTR). Water quality criteria or standards
22 specifically for the State of California promulgated by USEPA pursuant to the Act
23 and codified at 40 CFR Part 131.

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1 10. Categorical Industrial User (CIU). An industrial user subject to a
2 categorical Pretreatment Standard or Requirement.

3 11. Categorical Pretreatment Standard or Categorical Standards. Any
4 regulation containing pollution discharge limits promulgated by USEPA in
5 accordance with section 307(b) and (c) of the Act (33 United States Code §1347)
6 that apply to a specific category of users and that appear in 40 CFR, Chapter I,
7 Subchapter N, Parts 405-471.

8 12. Chemical Oxygen Demand (COD). A measure of oxygen required to
9 oxidize all compounds, both organic and inorganic, in water.

10 13. City. City of Chico

11 14. Compatible Pollutant. Biochemical oxygen demand, suspended solids,
12 fecal coliform bacteria, plus additional pollutants identified in the City's NPDES
13 permit.

14 15. Consistent Removal. Reduction in the amount of a pollutant or alteration of
15 the nature of the pollutant by the City's sanitary sewer system to a less toxic or
16 harmless state in the effluent, which is achieved by the City's sanitary sewer system
17 in ninety-five (95) percent of the samples taken when measured according to the
18 procedures set forth in 40 CFR Part 403.7(c).

19 16. Cooling Water. The water discharged from any use such as air
20 conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

21 17. County. County of Butte.

22 18. Daily Maximum. The arithmetic average of all samples for a pollutant
23 collected during a calendar day.

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1 19. Daily Maximum Limit. The maximum allowable discharge limit of a
2 pollutant during a calendar day. Where Daily Maximum Limits are expressed in
3 units of mass, the daily discharge is the total mass discharged over the course of the
4 day. Where Daily Maximum Limits are expressed in terms of a concentration, the
5 daily discharge is the arithmetic average measurement of the pollutant
6 concentration derived from all measurements taken that day.

7 20. Director. Director of Public Works for the City of Chico.

8 21. Discharge or Indirect Discharge. The introduction of pollutants or
9 wastewater into the City's sanitary sewer system by any means.

10 22. Discharger. Any person discharging waste to the City's sanitary sewer
11 system. The term is synonymous with "user."

12 23. Domestic Wastewater. Any liquid, solid, sewage or waterborne waste of
13 the type normally resulting from ordinary residential living processes (e.g., human
14 excrement, gray water [household showers, dishwashing), free from industrial
15 wastes and generally containing only compatible pollutants which can be
16 discharged into the City's sanitary sewer system without prior treatment.

17 24. Environmental Protection Agency (USEPA). The U.S. Environmental
18 Protection Agency.

19 25. Existing Source. Any source of discharge, the construction or operation of
20 which commenced prior to the publication by USEPA of proposed pretreatment
21 standards which will be applicable to such source if the pretreatment standard is
22 thereafter promulgated in accordance with section 307 of the Act.

23 26. GPD or gpd. Gallons per day.

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1 27. Grab Sample. A sample taken from a wastestream without regard to the
2 flow in the wastestream and over a period of time not to exceed fifteen (15)
3 minutes.

4 28. Grit. Heavy suspended mineral matter present in water or wastewater such
5 as sand, gravel, or cinders.

6 29. Industrial User. A nondomestic or commercial source of pollutants
7 connected to the City's sanitary sewer system. Used herein, the term shall be
8 generic and when used shall include categorical industrial users, significant
9 industrial users, and governmental agencies.

10 30. Industrial Wastewater. Any liquid or waterborne waste from
11 manufacturing, processing, commercial or industrial facilities, except domestic
12 wastewater, boiler blowdown, and uncontaminated or noncontact cooling water,
13 provided, however, that substantial discharge of boiler blowdown closely associated
14 with industrial activity shall be considered industrial wastewater when such
15 discharge has a reasonable potential to affect or interfere with the City's sanitary
16 sewer system, its treatment process, or operations as determined by the Director.

17 31. Industrial Wastewater Discharge Permit. A waste discharge permit issued
18 to categorical industrial users and significant industrial users.

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

23 33. Interceptor. Generally, a two or more compartment tank designed to
24 prevent undesirable materials from leaving a commercial or industrial site and

1 entering the City's sanitary sewer system. The tank allows adequate retention time
2 so that wastewater may cool and the material it contains may stabilize. In this
3 chapter, the usage of the term is generic and shall mean grease traps, sand traps, or
4 separators wherever they may be located.

5 34. Interference. A discharge that, alone, or in conjunction with a discharge or
6 discharges from other sources, inhibits or disrupts the City's sanitary sewer system,
7 its treatment processes or operations or its sludge processes, use, or disposal; and
8 therefore, is a cause of a violation of the City's NPDES permit or of the prevention
9 of sewage sludge use or disposal in compliance with any of the following
10 statutory/regulatory provisions or permits issued thereunder, or any more stringent
11 state or local regulations: Section 405 of the Act, the Solid Waste Disposal Act
12 (SWDA), including Title II commonly referred to as the Resource Conservation and
13 Recovery Act (RCRA); any state regulations contained in any state sludge
14 management plan prepared pursuant to Subtitle D of SWDA; the Clean Air Act; the
15 Toxic Substances Control Act; and the Marine Protection, Research, and
16 Sanctuaries Act.

17 35. Local Limits. Specific discharge limits developed and enforced by the City
18 upon industrial or commercial facilities to implement the general and specific
19 discharge prohibitions listed in 40 CFR Part 403.5(a)(1) and (b).

20 36. MGD or mgd. Million gallons per day.

21 37. Maximum Allowable Headworks Loading (MAHL). The maximum
22 loading of a given pollutant that the City's sanitary sewer system can accept without
23 causing an exceedance of the most limiting of the following restrictions:

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- 1 a. City’s sanitary sewer system upset limits (activated sludge and/or anaerobic
2 digestion);
- 3 b. Pass-through limits (e.g., NPDES permit effluent limitations, water quality
4 criteria/objectives);
- 5 c. Biosolids disposal limits; or
- 6 d. The City’s sanitary sewer system design capacity limits.

7 38. Maximum Allowable Industrial Loading (MAIL). The maximum loading of
8 a given pollutant that can be discharged in total of all industrial users without
9 causing an exceedance of the most limiting of the following restrictions:

- 10 a. City’s sanitary sewer system upset limits (activated sludge and/or anaerobic
11 digestion);
- 12 b. Pass-through limits (e.g., NPDES permit effluent limitations, water quality
13 criteria/objectives);
- 14 c. Biosolids disposal limits; or
- 15 d. The City’s sanitary sewer system design capacity limits.

16 39. Medical Waste. Isolation wastes, infectious agents, human blood and blood
17 products, pathological wastes, sharps, body parts, contaminated bedding, surgical
18 wastes, potentially contaminated laboratory wastes, and dialysis wastes.

19 40. Monthly Average. The sum of all “daily discharges” measured during a
20 calendar month divided by the number of “daily discharges” measured during that
21 month.

22 41. Monthly Average Limit. The highest allowable average of “daily
23 discharge” over a calendar month, calculated as the sum of all “daily discharges”

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1 measured during a calendar month divided by the number of “daily discharges”
2 measured during that month.

3 42. National Pollution Discharge Elimination System (NPDES). Any
4 regulation developed under the authority of section 307(b) of the Act.

5 43. National Toxics Rule (NTR). Water quality criteria or standards
6 promulgated by USEPA pursuant to the Act and codified in 40 CFR Part 131.

7 44. New Source:

8 a. Any building, structure, facility, installation or other source from which
9 there is (or may be) a discharge of pollutants, the construction of which commenced
10 after the publication of proposed pretreatment standards under section 307(c) of the
11 Act which will be applicable to such new source if such pretreatment standards are
12 thereafter promulgated in accordance with that section, provided that:

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

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

18 iii. The production or wastewater generating processes of the building,
19 structure, facility or installation are substantially independent of an existing
20 source at the same site. In determining whether these are substantially
21 independent, factors such as the extent to which the new facility is
22 integrated with the existing plant, and the extent to which the new facility is
23 engaged in the same general type of activity as the existing source, should
24 be considered.

1 b. Construction on a site at which an existing source is located results in a
2 modification rather than a new source if the construction does not create a new
3 building, structure, facility, or installation meeting the criteria of paragraphs (a)(ii)
4 or (a)(iii) above but otherwise alters, replaces, or adds to existing process or
5 production equipment.

6 c. Construction of a new source as defined under this subsection has
7 commenced if the owner or operator has either:

8 i. Begun, or caused to begin, as part of a continuous on site construction
9 program:

10 (A) Any placement, assembly, or installation of facilities or equipment; or

11 (B) Significant site preparation work including clearing, excavation, or

12 removal of existing buildings, structures, or facilities which is necessary for
13 the placement, assembly, or installation of new source facilities or

14 equipment; or

15 ii. Entered into a binding contractual obligation for the purchase of
16 facilities or equipment which are intended to be used in its operation within
17 a reasonable time. Options to purchase or contracts which can be terminated
18 or modified without substantial loss, and contracts for feasibility,
19 engineering, and design studies do not constitute a contractual obligation
20 under this subparagraph.

21 45. Noncontact Cooling Water. Water used for cooling which does not come
22 into direct contact with any additives, raw material, intermediate product, waste
23 product, or finished product.

24 46. Nonresidential Premises. All premises other than residential premises.

1 47. Occupant. The owner of premises and any person residing on premises or
2 using premises for any purpose.

3 48. Owner. The person or persons holding the title to premises as shown by the
4 official records of the County of Butte.

5 49. Pass Through. A discharge which exits the City's sanitary sewer system
6 into waters of the United States in quantities or concentrations which, alone or in
7 conjunction with other sources, cause a violation of the City's NPDES permit,
8 including an increase in the magnitude or duration of a violation.

9 50. Permit or Wastewater Discharge Permit. A wastewater discharge permit
10 issued by the City, including both industrial wastewater discharge permits and
11 pollution prevention permits.

12 51. Person. Any individual, partnership, co-partnership, firm, company,
13 corporation, association, joint stock company, trust, estate, governmental entity or
14 any other legal entity, or their legal representatives, agents or assigns. This
15 definition includes all federal, state, and local government entities.

16 52. pH. The negative logarithm of the hydrogen-ion activity in moles per liter
17 of solution as determined by approved methods that measures the acidity or
18 alkalinity of a solution, expressed as standard units

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

1 54. Pollutant of Concern (POC). Any pollutant or substance, the discharge of
2 which is prohibited by this chapter.

3 55. Pollution. The manmade or man-induced alteration of the chemical,
4 physical, biological and/or radiological integrity of water.

5 56. Pollution Prevention Permit. A wastewater discharge permit issued by the
6 City to users who are neither SIUs nor CIUs.

7 57. Pollution Prevention Program. The City's program to regulate wastewater
8 discharges not permitted under an industrial wastewater discharge permit.

9 58. Premises. Any lot, place, or parcel of land, or any building, structure, or
10 mobile home, or any part of a building, structure, or mobile home on any lot, place
11 or parcel of land.

12 59. Pretreatment. The reduction of the amount of pollutants, the elimination of
13 pollutants, or the alteration of the nature of pollutant properties in wastewater prior
14 to or in lieu of discharging or otherwise introducing such pollutants into the City's
15 sanitary sewer system. The reduction or alteration can be obtained by physical,
16 chemical or biological processes; by process changes; or by other means, except by
17 diluting the concentration of the pollutant unless allowed by an applicable
18 Pretreatment Standard.

19 60. Pretreatment Requirements. Any substantive or procedural requirement
20 related to pretreatment, other than a National Pretreatment Standard imposed on a
21 user.

22 61. Pretreatment Standard or Standards. Prohibited discharge standards,
23 categorical Pretreatment Standards, or local limits.

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1 62. Prohibited Discharge Standards or Prohibited Discharges. Absolute
2 prohibitions against the discharge of certain substances. These prohibitions appear
3 in Article II of this chapter.

4 63. Residential Premises. All premises used exclusively for residential
5 purposes except for boarding houses, dormitories, motels, hotels, hospitals,
6 convalescent homes, or other premises used primarily as a temporary place of
7 residence.

8 64. Sanitary Sewer System. A treatment works as defined by section 212 of the
9 Act, which is owned by the City (as defined by section 502(4) of the Act). This
10 definition includes any devices and systems used in the storage, treatment, recycling
11 and reclamation of municipal sewage or industrial wastewater. It also includes
12 sewers, pipes, pump stations, and other conveyances which convey wastewater to
13 the Water Pollution Control Plant.

14 65. Sewage. Liquid and water-carried industrial wastes and wastewater from
15 residential dwellings, commercial buildings, industrial and manufacturing facilities,
16 or institutions, whether treated or untreated, which are contributed to the City's
17 sanitary sewer system.

18 66. Sewer Lateral. The portion of a side sewer connecting a building sewer to
19 the sewer main or trunkline maintained by the City.

20 67. Sewer Main. Any public sewer constructed in a street, a sewer easement, a
21 public utility easement, or a public service easement which is less than 15 inches in
22 diameter and designed to accommodate more than one lateral sewer.

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1 68. Sewerage Collection System. That part of the City's sanitary sewer system
2 used to collect wastewaters and convey the same to the headworks of the Water
3 Pollution Control Plant.

4 69. Side Sewer. The sewer line beginning at the foundation wall of any
5 building and terminating at the sewer main and including the building sewer and
6 lateral sewer together.

7 70. Significant Industrial User (SIU):

8 a. Any categorical industrial user in accordance with 40 CFR Part 403.6
9 and 40 CFR, Chapter I, Subchapter N; or

10 b. Any other industrial user which:

11 i. Discharges twenty-five thousand (25,000) gallons per day or more of
12 process wastewaters (excluding sanitary, noncontact cooling water, and
13 boiler blowdown wastewaters); or

14 ii. Contributes a process waste stream which makes up five (5) percent or
15 more of the average dry weather hydraulic or organic capacity of the Water
16 Pollution Control Plant; or

17 iii. Is designated as such by the City on the basis that it has a reasonable
18 potential for adversely affecting the City's sanitary sewer system or for
19 violating a Pretreatment Standard or Requirement.

20 c. The City may determine that an industrial user subject to categorical
21 Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I,
22 Subchapter N is a Non-Significant Categorical Industrial User (NSCIU) rather than
23 an SIU on a finding that the industrial user never discharges more than 100 gpd of
24 total categorical wastewater (excluding sanitary, non-contact cooling and boiler

1 blowdown wastewater, unless specifically included in the Pretreatment Standard)
2 and the following conditions are met:

- 3 i. The industrial user, prior to the City’s finding, has consistently complied
4 with all applicable categorical Pretreatment Standards and Requirements; or
- 5 ii. The industrial user annual submits the certification statement required in
6 section 15.40.180, together with any additional information necessary to support
7 the certification statement; and
- 8 iii. The industrial user never discharges any untreated concentrated wastewater.
- 9 iv. Upon a finding that an industrial user meeting the criteria in subsection (b)
10 above has no reasonable potential for adversely affecting the treatment plant or
11 for violating any Pretreatment Standard or Requirement, the City may at any
12 time, on its own initiative or in response to a petition received from an industrial
13 user, and in accordance with procedures in 40 CFR Part 403.8(f)(6), determine
14 that such industrial user should not be considered an SIU.

15 71. Slug Discharge or Slug Load. Any discharge at a flow rate or concentration
16 of a non-routine, episodic nature, including, but not limited to an accidental spill, or
17 a non-customary batch discharge, which has reasonable potential to cause
18 interference or pass through, or in any other way violate the City’s regulations, local
19 limits, or NPDES permit conditions..

20 72. Spill. A release, whether accidental or intentional, of a material.

21 73. Stormwater. Any flow occurring during or following any form of natural
22 precipitation and resulting from such precipitation, including snowmelt.

23 74. Title 40 of the Code of Federal Regulations (40 CFR). The regulations
24 pertaining to the protection of the environment that are adopted by the United States

1 government and subsequent amendments.

2 75. Total Suspended Solids (TSS). The portion of residue present in wastewater
3 that is retained on a filter (nonfilterable) as determined by approved methods.

4 76. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in
5 40 CFR Part 401.15.

6 77. United States Environmental Protection Agency (USEPA). The U.S.
7 Environmental Protection Agency, or where appropriate, the Regional Water
8 Management Division Director, the Regional Administrator, or other duly
9 authorized official of said agency.

10 78. User. Any person who discharges, contributes, causes, or permits the
11 discharge of wastewater into the City's sanitary sewer system.

12 79. Wastewater. Liquid and water-carried wastes and sewage from residential
13 dwellings, commercial buildings, industrial and manufacturing facilities, or
14 institutions, whether treated or untreated, which are discharged into or permitted to
15 enter the City's sanitary sewer system.

16 80. Water Pollution Control Plant. That part of the City's sanitary sewer system
17 used in the treatment and/or reclamation of wastewater and sludge discharged to the
18 sewerage collection system, including all land and all buildings or portions of
19 buildings used in the operation and maintenance of the treatment works.

20 **ARTICLE II. DISCHARGE RESTRICTIONS**

21 **15.40.020 General Prohibitions.**

22 No user shall introduce or cause to be introduced into the City's sanitary sewer
23 system any pollutant or wastewater which causes pass through or interference.

24 These general prohibitions apply to all users of the City's sanitary sewer system

1 whether or not they are subject to categorical Pretreatment Standards or any other
2 federal, state, or local Pretreatment Standards or Requirements.

3 **15.40.021 Specific Prohibitions.**

4 No user shall introduce or cause to be introduced into the City's sanitary sewer
5 system any of the following pollutants, substances, or wastewater:

6 1. Pollutants which create a fire or explosive hazard in the City's sanitary sewer
7 system with a closed cup flashpoint of less than 140° degrees Fahrenheit (60
8 degrees centigrade) using the test methods specified in 40 CFR Part 261.21.

9 Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha,
10 benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates,
11 perchlorates, bromates, carbides, hydrides, or sulfides. Closed cup flashpoint values
12 may be found in the National Institute of Occupational Safety and Health (NIOSH)
13 *Pocket Guide to Chemical Hazards*;

14 2. Wastewater having a pH lower than 5.0 or more than 11.5, or otherwise
15 capable of causing damage or hazard to the City's sanitary sewer system;

16 3. Solids or viscous substances, including, but not limited to, fats, oils, or
17 grease, garbage with particles greater than one-half inch in any dimension, animal
18 guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole
19 blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass,
20 straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood,
21 plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or
22 lubricating oil, mud, or glass grinding or polishing wastes, which may cause
23 obstruction of flow in the sewer or other inference with the operation of the City's
24 sanitary sewer system;

1 4. Pollutants including oxygen demanding pollutants (BOD, COD, etc.)
2 released in a discharge at a flow rate and/or pollutant concentration which, either
3 singly or by interaction with other pollutants, will cause interference to the City's
4 sanitary sewer system;

5 5. Wastewater having a temperature greater than 140 degrees Fahrenheit (60
6 degrees centigrade), or which will inhibit biological activity in the Water Pollution
7 Control Plant resulting in interference, but, in no case, wastewater which causes the
8 temperature, at the introduction into the Water Pollution Control Plant which to
9 exceeds 140 degrees Fahrenheit (60 degrees centigrade);

10 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin
11 that will cause interference or pass through;

12 7. Pollutants which result in the presence of toxic gases, vapors or fumes within
13 the City's sanitary sewer system in a quantity that may cause acute worker health
14 and safety issues;

15 8. Trucked or hauled wastes, except at discharge points designated by the
16 Director;

17 9. Noxious or malodorous liquids, gases, or solids, which either singly or by
18 interaction with other wastes, are sufficient to create a public nuisance or hazard to
19 life, or are sufficient to prevent entry into the City's sanitary sewer system for
20 maintenance and repair;

21 10. Wastewater that may cause a detrimental environmental impact or nuisance
22 in the waters of the state or United States that is unacceptable to any public agency
23 having regulatory jurisdiction over the City;

24 11. Wastewater which imparts color which cannot removed in the treatment

1 process, such as, but not limited to, dye wastes and vegetable tanning solutions;

2 12. Wastewater causing two readings on an explosion hazard meter, at the point
3 of discharge into the City's sanitary sewer system (or at any point in the City's
4 sanitary sewer system) of more than five (5) percent nor any single reading over ten
5 (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials
6 include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene,
7 xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates,
8 bromates, carbides, hydrides, sulfides, and any other substances in any quantity or
9 concentration that the City, State, or USEPA has notified the user are a fire hazard
10 or a hazard to the City's sanitary sewer system;

11 13. Wastewater containing algacides, fungicides, antibiotics, insecticides,
12 strong oxidizing agents or strong reducing agents in such quantity or strength as to
13 cause or contribute to violations of the City's NPDES permit discharge restrictions,
14 interference with or upset of the City's sanitary sewer system, or personnel safety
15 hazards;

16 14. Medical waste, except as specifically authorized by the Director, in a
17 wastewater discharge permit;

18 15. Wastewater requiring an excessive quantity of chlorine or other chemical
19 compound used for disinfection purposes;

20 16. Wastewater containing radioactive wastes or isotopes of such half-life or
21 concentration as may exceed limits established by the Director in compliance with
22 any applicable state or federal regulations;

23 17. Wastewater that causes a hazard to human life or creates a public nuisance;

24 18. Wastewater containing toxic pollutants, gases, vapors, or fumes in

1 sufficient quantity, which either singly or by interaction with other pollutants, may
2 injure or interfere with any wastewater treatment process, cause acute worker health
3 and safety problems, constitute a hazard to humans or animals, create a toxic effect
4 in the receiving waters of the City's sanitary sewer system, result in exceedances of
5 biosolids disposal restrictions, or exceed the limitation set forth in a Pretreatment
6 Standard or Requirement. A toxic pollutant shall include, but not be limited to, any
7 pollutant identified pursuant to section 307(a) of the Act;

8 19. Stormwater, rainwater, groundwater, street drainage, subsurface drainage,
9 yard drainage, and cooling water, including evaporative type air cooler discharge
10 water and noncontact cooling water;

11 20. Wastewater containing sulfides in sufficient quantity or strength as to cause
12 or contribute to corrosion in the City's sanitary sewer system or violations of the
13 City's NPDES permit; or

14 21. Discharges which, if otherwise disposed of, would be a hazardous waste
15 under 40 CFR Part 261.

16 Pollutants, substances, or wastewater prohibited by section 15.40.021 of this
17 chapter shall not be processed or stored in such a manner that they could be
18 discharged into the City's sanitary sewer system.

19 **15.40.022 National Categorical Pretreatment Standards.**

20 Users must comply with the categorical Pretreatment Standards found in 40
21 CFR Chapter I, Subchapter N, Sections 405-471, as amended.

22 Upon the promulgation of categorical Pretreatment Standards for a particular
23 industrial subcategory, the categorical Pretreatment Standards, if more stringent
24 than limitations imposed under this chapter for sources in that subcategory, shall

1 immediately supersede the limitations imposed under this chapter. The Director
2 shall attempt to notify all known affected users of the applicable reporting
3 requirements under 40 CFR Part 403.12, or other applicable Pretreatment
4 Requirements. Provided, however, that in no case shall the failure of the Director to
5 notify a user constitute a defense to noncompliance with any such requirement,
6 statute or regulations, or to noncompliance with the provisions of this chapter.

7 Modifications to the categorical Pretreatment Standards may occur under the
8 following situations:

9 1. Where the City's sanitary sewer system achieves consistent removal of
10 pollutants limited by pretreatment standards, the Director may apply to the
11 Administrator for modification of specific limits in the Pretreatment Standards.

12 Upon approval from the Administrator, the Director may modify pollutant
13 discharge limits in the Pretreatment Standards if the requirements contained in 40
14 CFR Part 403.7 are fulfilled.

15 2. When the limits in a categorical Pretreatment Standard are expressed only in
16 terms of either the mass or the concentration of a pollutant in wastewater, the
17 Director may impose equivalent concentration or mass limits in accordance with 40
18 CFR Part 403.6(c).

19 3. When wastewater subject to a categorical Pretreatment Standard is mixed
20 with wastewater not regulated by the same Standard, the Director shall impose an
21 alternate limit, using the combined wastestream formula in 40 CFR Part 403.6(e).

22 4. A user otherwise classified as a CIU may obtain a variance from a
23 categorical Pretreatment Standard if the user can prove, pursuant to the procedural
24 and substantive provisions in 40 CFR Part 403.13, that factors relating to its

1 discharge are fundamentally different from the factors considered by USEPA when
2 developing the categorical Pretreatment Standard.

3 5. A CIU may obtain a net gross adjustment to a categorical Pretreatment
4 Standard in accordance with 40 CFR Part 403.15.

5 **15.40.023 State Pretreatment Standards.**

6 Users must comply with all applicable state Pretreatment Standards.

7 **15.40.024 Local Limits.**

8 The Director is authorized to establish local limits pursuant to 40 CFR Part
9 403.5(c). Local limits are established to protect against pass through and
10 interference. No wastewater discharge shall exceed the local limits as determined
11 by the Director pursuant to section 15R.40.010 of this code.

12 The local limits apply at the point where wastewater is discharged into the
13 City's sanitary sewer system. The Director may impose mass limitations in addition
14 to or in-lieu of the concentration-based limitations above.

15 The Director may develop BMPs, by ordinance, or in wastewater discharge
16 permits, to implement the local limits and requirements of sections 15.40.020 and
17 15.04.021.

18 **15.40.025 City's Right of Revision.**

19 The City reserves the right to establish, by ordinance or wastewater discharge
20 permit, more stringent Standards or Requirements on discharges to the City's
21 sanitary sewer system, if deemed necessary to comply with the objectives of this
22 chapter or the Act.

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1 **15.40.026 Excessive Discharge/Dilution.**

2 No user shall increase the use of process water or in any way attempt to dilute a
3 discharge as a partial or complete substitute for adequate treatment to achieve
4 compliance with the discharge limitations contained in the Pretreatment Standards
5 or Requirement.

6 The Director may impose mass limitations on users who are using dilution to
7 meet applicable Pretreatment Standards or Requirements, or in other cases when the
8 imposition of mass limitations is appropriate.

9 **ARTICLE III. PRETREATMENT OF WASTEWATER**

10 **15.40.27 Pretreatment Facilities.**

11 Users who are CIUs, SIUs, or who are required by the Director to obtain an
12 industrial wastewater discharge permit shall provide wastewater pretreatment as
13 necessary to comply with this chapter and shall achieve compliance with all
14 categorical Pretreatment Standards and Pretreatment Requirement, local limits, and
15 the prohibitions of this chapter within the time limitations specified by USEPA, the
16 state, or the Director, whichever is more stringent. Any facilities necessary for
17 compliance shall be provided, operated, and maintained at the user's expense.

18 Detailed plans describing such facilities and operating procedures shall be
19 submitted to the Director for review, and shall be acceptable to the Director before
20 such facilities are constructed. The review of such plans and operating procedures
21 shall in no way relieve the user from the responsibility of modifying such facilities
22 as necessary to produce a discharge acceptable to the City under the provisions of
23 this chapter. Subsequent changes in the pretreatment facilities or method of

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1 operation shall be reported to and acceptable to the Director prior to the user's
2 initiation of the changes.

3 **15.40.30 Interceptors.**

4 1. An interceptor shall be installed in a user's building sewer when in the
5 opinion of the Director it is necessary for the proper handling of wastewater
6 containing grease or oil in excessive amounts, sand, grit or other harmful
7 substances; except that such interceptors shall not be required for buildings used
8 solely for residential purposes. Provided, however, that interceptors shall be
9 constructed in any place or building having a capacity to serve group meals and in
10 commercial and industrial cleaning facilities.

11 Where the Director requires the installation of an interceptor by a user who is
12 neither an SIU nor a CIU, the user shall also be required to obtain a pollution
13 prevention permit. Typical users required to install an interceptor and obtain a
14 pollution prevention permit include, but are not limited to, restaurants, cafes, lunch
15 counters, cafeterias, bars and clubs; hotels, hospitals, sanitariums, factory or school
16 kitchens, equipment repair shops, service stations, and other establishments where
17 grease, oils, sand, or grit may be introduced into the City's sanitary sewer system in
18 quantities that can obstruct the sewer or hinder wastewater treatment or private
19 wastewater disposal.

20 2. All interceptors shall be of a type and capacity approved by the Director and
21 shall be so located as to be readily and easily accessible for cleaning and inspection.
22 Interceptors shall be constructed of impervious materials capable of withstanding
23 abrupt and extreme changes in temperature. They shall be of substantial
24 construction, water-tight and equipped with easily removable covers which, when

1 bolted in place, are gas- and water-tight. All interceptors shall be maintained by the
2 user, at the user's expense, in continuously efficient operation at all times.

3 3. Each user shall regularly inspect, clean, and repair interceptors. Records of
4 inspections, cleaning and repairs, and the costs associated with these actions shall
5 be kept for a minimum of three (3) years and be made available for inspection by
6 City personnel upon request. Debris from interceptors shall be disposed of through
7 a licensed waste hauler. Waste disposal records, including receipts, shall be kept for
8 a minimum of three (3) years and be made available for inspection by City
9 personnel upon request.

10 4. All interceptors shall comply with the following standards:

11 a. Plans shall be submitted to and approval obtained from the Director
12 prior to the installation of any interceptor.

13 b. All drains from kitchen areas including pre-wash shall be connected to
14 an interceptor. Toilets, lavatories and other sanitary fixtures shall not be connected
15 to any interceptor.

16 c. All fixtures discharging into an interceptor shall be individually trapped
17 and vented in a manner approved by the Director.

18 d. Each interceptor shall be so installed and connected that it shall be at all
19 times easily accessible for inspection, cleaning, and removal of the intercepted
20 material.

21 e. Interceptors shall be maintained in efficient operating condition by
22 periodic removal of the accumulated materials. No such collected material shall be
23 introduced into any drainage piping, public or private, or discharged to the City's
24 sanitary sewer system.

1 f. Each interceptor shall be constructed of durable materials satisfactory to
2 the Director and shall have a full-size gas-tight cover which can easily and readily
3 be removed.

4 g. Interceptors required by this chapter shall not be installed until the type
5 and/or model has been subjected to, and has fully complied with, tests acceptable to
6 the Director. Where existing conditions are found acceptable as determined by the
7 Director, such facilities as presently exist will be allowed to remain in use.
8 Whenever it shall come to the attention of the Director that any interceptor is no
9 longer acceptable or does not comply with the provisions of this section, the
10 Director shall suspend or revoke such approval and require corrective measures.

11 **15.40.120 Accidental Spill and Slug Discharge Control Plans.**

12 1. The Director shall evaluate whether each SIU needs an accidental spill and
13 slug control plan or other action to control slug discharges. The Director may
14 require any user develop, submit for approval, and implement such a plan or
15 take other such action that may be necessary to control slug discharges.

16 Alternatively, the Director may develop such a plan for any such user. An
17 accidental discharge/slug discharge control plan shall address, at a minimum,
18 the following:

- 19 a. Description of discharge practices, including non-routine batch discharges;
20 b. Description of stored chemicals;
21 c. Procedures for immediately notifying the Director of any accidental or slug
22 discharge, as required by section 15.40.350; and
23 d. Procedures to prevent adverse impact from any accidental or slug discharge.
24 Such procedures include, but are not limited to, inspection and maintenance of

1 storage areas, handling and transfer of materials, loading and unloading operations,
2 control of plant site runoff, worker training, building of containment structures and
3 equipment, measures for containing toxic organic pollutants, including solvents,
4 and/or measures and equipment for emergency response.

5 2. Each user required to have an accidental spill and slug discharge control
6 plan shall provide protection from spills or accidental discharges of prohibited
7 materials or other substances regulated by this chapter. Facilities to prevent
8 accidental discharge of prohibited materials shall be provided and maintained at the
9 user's own cost and expense. Detailed plans showing facilities and operating
10 procedures to provide this protection shall be submitted to the Director for review,
11 and shall be approved by the Director before construction of the facility.

12 3. Each user required to have an accidental spill and slug discharge control plan
13 shall permanently post a notice on a bulletin board or other prominent place within
14 the user's place of business advising employees whom to call in the event of spill,
15 slug discharge or an accidental discharge. Users shall ensure that all employees
16 who may cause or suffer such spills or slug discharges to occur are advised of the
17 emergency notification procedures.

18 **15.40.140 Maintenance of side sewers.**

19 All users shall keep that portion of their side sewer in good repair, at their own
20 expense, and shall be liable for any damages which may result from their failure to
21 do so.

22 **ARTICLE IV. INDUSTRIAL WASTEWATER PERMIT REQUIREMENTS**

23 **15.40.170 Wastewater Discharge Permits.**

24 1. Wastewater discharge permits issued by the City shall be of two types:

- 1 a. Industrial wastewater discharge permits issued to CIUs and SIUs; and
- 2 b. Pollution prevention permits issued to other users.

3 2. No SIU shall discharge wastewater into the City’s sanitary sewer system
4 without first having obtained an industrial wastewater discharge permit from the
5 Director.

6 3. No user required to obtain a pollution prevention permit shall discharge
7 wastewater into the City’s sanitary sewer system without first having obtained a
8 pollution prevention permit from the Director.

9 4. The Director may require other users to obtain industrial wastewater
10 discharge or pollution prevention permits as necessary to carry out the requirements
11 of this chapter. The primary criteria for the requirement of these permits for other
12 users include, but are not limited to:

13 a. Users which have the potential to be regulated under the Pretreatment
14 Program in the future;

15 b. Users-which discharge a pollutant of concern; or

16 c. Users which discharge a substance regulated or proposed to be regulated
17 pursuant to a narrative, numeric, or toxicity-based water quality criterion/objective
18 of the CTR, NTR, or a water quality plan adopted or proposed to be adopted by the
19 State Water Resources Control Board pursuant to California Water Code section
20 13170.

21 5. Any new SIU or CIU proposing to discharge to, connect to, or to contribute
22 to the City’s sanitary sewer system shall obtain an industrial wastewater discharge
23 permit before discharging to, connecting to, or contributing to the City’s sanitary
24 sewer system. New SIU, CIU, and other new users required by the Director to

1 obtain a permit, shall apply for the permit at least ninety (90) days prior to
2 discharging to, connecting to, or contributing to the City's sanitary sewer system.

3 All existing SIUs or CIUs discharging, connecting to, or contributing to the City's
4 sanitary sewer system shall obtain an industrial wastewater discharge permit within
5 180 days after the effective date of this chapter.

6 **15.40.175 Wastewater Discharge Permit Application.**

7 Users required to obtain an industrial wastewater discharge or pollution
8 prevention permit shall complete and file with the Director an application, in the
9 form prescribed by the Director, accompanied by a fee in an amount established by
10 resolution of the City Council.

11 Permit applicants must submit the following information on their permit
12 application form:

13 1. Identifying information

14 a. The name and address of the facility, including the name of the operator(s)
15 and owner(s);

16 b. Contact information, description of activities, facilities, and plant production
17 processes on the premises;

18 c. Standard industrial classification number according to the Standard
19 Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

20 2. Environmental permits. A list of any environmental control permits held by
21 or for the facility;

22 3. Description of operations

23 a. A brief description of the nature, average rate of production (including each
24 product produced based on product type, amount, processes, and rate of

1 production), and standard industrial classification(s) of operation(s) carried out by
2 the user. This description should include a schematic process diagram, which
3 indicates points of discharge to the City's sanitary sewer system from regulated
4 processes;

5 b. Types of wastes generated and a list of all raw materials and chemicals used
6 or stored at the facility which are, or could accidentally or intentionally, be
7 discharged to the City's sanitary sewer system;

8 c. Number and type of employees, and proposed or actual hours of operation
9 (i.e., the hours when the premises are physically occupied);

10 d. Type and amount of raw materials processed (average and maximum per
11 day);

12 e. Site plans, floor plans, mechanical and plumbing plans and details to show
13 all sewers, sewer connections, and appurtenances by the size, location and
14 elevation, and all points of discharge;

15 4. Time and duration of discharges;

16 5. The location for all monitoring all wastes covered by the permit;

17 6. Flow measurement. Information showing the measured average daily and
18 maximum daily flow (in gpd) to the City's sanitary sewer system from regulated
19 process streams and other streams, as necessary, to allow use of the combined
20 wastestream formula (40 CFR Part 403.6(e));

21 7. Measurement of pollutants

22 a. The categorical Pretreatment Standards applicable to each regulated process
23 and any new categorically-regulated processes for existing sources;

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1 b. The results of sampling and analysis identifying the nature and
2 concentration and/or mass, where required by the Standard or by the Director, of
3 regulated pollutants in the discharge from each regulated process;

4 c. Instantaneous, daily maximum, and long-term average concentrations, or
5 mass, where required;

6 d. Samples shall be representative of daily operations and shall be analyzed in
7 accordance with approved methods. Sampling must be performed in accordance
8 with procedures set out in section 15.40.430 of this chapter. Where the Standard
9 requires compliance with a BMP or pollution prevention alternative, the user shall
10 submit documentation as required by the Director or the applicable Standards to
11 determine compliance with the Standards;

12 8. Any requests for a monitoring waiver (or renewal of an approved
13 monitoring waiver) for a pollutant neither present nor expected to be present in the
14 discharge based on section 15.40.330(2) of this chapter.

15 9. Any other information as may be deemed by the Director to be necessary to
16 evaluate the permit application.

17 **15.40.180 Application signatures and certification.**

18 All wastewater discharge permit applications, user reports, and certification
19 statements must be signed by an Authorized Representative of the user and contain
20 the following certification statement:

21 “I certify under penalty of law that this document and all attachments were
22 prepared under my direction or supervision in accordance with a system designed to
23 assure that qualified personnel properly gather and evaluate the information
24 submitted. Based on my inquiry of the person or persons who manage the system,

1 or those persons directly responsible for gathering the information, the information
2 submitted is, to the best of my knowledge and belief, true, accurate, and complete. I
3 am aware that there are significant penalties for submitting false information,
4 including the possibility of fines and imprisonment for knowing violations.”

5 Annual Certification for Non-Significant Categorical Industrial Users – A
6 facility determined to be a NSCIU by the Director pursuant to section
7 15.40.010(70)(c) must annually submit the following certification statement signed
8 by the Authorized Representative. This certification must accompany an alternative
9 report required by the Director:

10 Based on my inquiry of the person or persons directly responsible for managing
11 compliance with the categorical Pretreatment Standards under 40 CFR Part ____
12 [specify applicable National Pretreatment Standard part(s)], I certify that, to the best
13 of my knowledge and believe that during the period from _____ to _____
14 [months, dates, year]:

- 15 1. The facility described as _____ [facility name] met the definition of a
16 Non-Significant Categorical Industrial User as defined in section 15.40.010(70)(c);
- 17 2. The facility complied with all applicable Pretreatment Standards and
18 Requirements during this reporting period; and
- 19 3. The facility never discharged more than 100 gallons of total categorical
20 wastewater on any given day during this reporting period.

21 This compliance certification is based on the following information:
22 _____
23 _____

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1 Certification of Pollutants Not Present – Users that have an approved
2 monitoring waiver based on section 15.40.330(2) must certify on each report with
3 the following statement that there has been no increase in the pollutant in its
4 wastestream due to the activities of the user:

5 Based on my inquiry of the person or persons directly responsible for managing
6 compliance with the Pretreatment Standard for 40 CFR Part ____ [specify
7 applicable National Pretreatment Standard part(s)], I certify that, to the best of my
8 knowledge and belief, there has been no increase in the level of ____ [list
9 pollutant(s)] in the wastewaters due to activities at the facility since the filing of the
10 last periodic report under section 15.40.330(2).

11 **15.40.190 Wastewater Discharge Permit Decisions.**

12 The Director shall evaluate the information and data furnished by the user and
13 may require additional information. Within thirty (30) days of receipt of a
14 completed application and after evaluation and acceptance of the data furnished, the
15 Director may issue the wastewater discharge permit subject to appropriate
16 conditions or may deny the permit application. Incomplete or inaccurate
17 applications will not be processed and will be returned to the user for revision.

18 **15.40.200 Industrial Wastewater Discharge Permit Contents.**

19 Industrial wastewater discharge permits shall be expressly subject to the
20 provisions of this chapter, use charges and fees established by the City, and all other
21 applicable statutes and regulations. Industrial wastewater discharge permits shall
22 contain the following:

- 23 1. A statement that indicates the permit issuance date, expiration date, and
24 effective date. The permit duration shall not to exceed five (5) years;

- 1 2. A statement of non-transferability;
- 2 3. A statement that the unit charge or schedule of user charges and fees,
- 3 including sampling fees, for the wastewater to be discharged to the City's sanitary
- 4 sewer system may be amended by the City Council;
- 5 4. Requirements for installation, and maintenance of pretreatment technology,
- 6 pollution control or containment devices, and inspection and sampling facilities;
- 7 5. Effluent limits, including BMPs, based on applicable Pretreatment
- 8 Standards or Requirements;
- 9 6. Limits on the average and maximum rate and time of discharge or
- 10 requirements for flow regulations and equalization;
- 11 7. Self-monitoring, sampling, reporting, notification, and recordkeeping
- 12 requirements. These requirements shall include an identification of pollutants (or
- 13 BMPs) to be monitored, sampling location, sampling frequency, and sample type
- 14 based on federal, state, and local law and whether such monitoring is to be
- 15 performed by the user;
- 16 8. Requirements for notification to the City of any new wastewater
- 17 constituents discharged to the City's sanitary sewer system;
- 18 9. Requirements for maintaining and retaining records relating to wastewater
- 19 discharge as specified by the City, and affording City personnel access thereto;
- 20 10. A statement of applicable civil and criminal penalties for any violation of
- 21 Pretreatment Standards and Requirements, or any applicable compliance schedule.
- 22 Such schedule may not extend the time for compliance beyond that required by
- 23 applicable federal, state, or local law;
- 24 11. Requirements for the development and implementation of an accidental

1 spill and slug discharge control plans or other special conditions including
2 management practices necessary to adequately prevent accidental, unanticipated, or
3 non-routine discharges, if determined by the Director to be necessary;

4 12. The process for seeking a waiver from monitoring for a pollutant neither
5 present nor expected to be present in the discharge in accordance with section
6 15.40.330(2);

7 13. Any grant of the monitoring waiver by the Director must be included as a
8 condition in the permit; and

9 14. A statement that compliance with the permit does not relieve the user of
10 responsibility for compliance with all applicable Pretreatment Standards and
11 Requirements, including those which become effective during the term of the
12 industrial wastewater discharge permit.

13 An industrial wastewater discharge permit may contain the following:

14 1. Development and implementation of waste minimization plans to reduce the
15 amount of pollutants discharged to the City's sanitary sewer system;

16 2. Requirements for installation and maintenance of inspection and sampling
17 facilities and equipment, including flow measurement devices; and

18 3. Other conditions as deemed appropriate by the Director to ensure
19 compliance with this chapter and state and federal laws, rules, and regulations.

20 **15.40.210 Pollution Prevention Permit Contents.**

21 Pollution prevention permits shall be expressly subject to the provisions of this
22 chapter, use charges and fees adopted by the City, and all other application statutes
23 and regulations. Pollution prevention permits shall contain the following:

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- 1 1. A statement that indicates the permit issuance date, expiration date, and
2 effective date. The permit duration shall not to exceed five (5) years;
- 3 2. A statement of non-transferability;
- 4 3. A statement that the unit charge or schedule of user charges and fees,
5 including sampling fees, for wastewater to be discharged to the City's sanitary
6 sewer system may be amended by the City Council;
- 7 4. Requirements for implementation of BMPs and inspection and sampling
8 facilities;
- 9 5. Self-monitoring, sampling, reporting, notification, and recordkeeping
10 requirements. These requirements shall include an identification of pollutants (or
11 BMPs) to be monitored, sampling location, sampling frequency, sample type based
12 on federal, state, and local law, and whether such monitoring is to be performed by
13 the user;
- 14 6. Requirements for notification to the City of any new wastewater
15 constituents discharged to the City's sanitary sewer system;
- 16 7. Requirements for maintaining and retaining records relating to wastewater
17 discharge as specified by the City, and affording City personnel access thereto;
- 18 8. A description of the mechanism for reclassifying a user requiring a pollution
19 prevention permit to a user requiring an industrial wastewater discharge permit;
- 20 9. A statement that compliance with the permit does not relieve the user of
21 responsibility for compliance with all applicable Pretreatment Standards and
22 Requirements, including those which become effective during the term of the
23 industrial wastewater discharge permit; and
- 24 10. Other conditions as deemed appropriate by the Director to ensure

1 compliance with this chapter and state and federal laws and regulations.

2 **15.40.220 Wastewater Discharge Permit Modification.**

3 The Director may modify a wastewater discharge permit for good cause,
4 including, but not limited to, the following reasons:

- 5 1. To incorporate any new or revised federal, state, or local Pretreatment
6 Standards or Requirements, or to incorporate any revisions to the CTR, NTR, or
7 any water quality plan adopted or proposed to be adopted by the State Water
8 Resources Control Board pursuant to California Water Code section 13170.
 - 9 2. To address significant alterations or additions to the user's operation,
10 processes, or wastewater volume or character since the time of wastewater
11 discharge permit issuance;
 - 12 3. A change in the City's sanitary sewer system that requires either a
13 temporary or permanent reduction or elimination of the authorized discharge;
 - 14 4. Information indicating that the permitted discharge poses a threat to the
15 City's sanitary sewer system, City personnel, and/or the receiving waters;
 - 16 5. Violation of any terms or conditions of the wastewater discharge permit;
 - 17 6. Intentional or unintentional misrepresentations or failure to fully disclose all
18 relevant facts in the wastewater discharge permit application or any required
19 reporting;
 - 20 7. Revision of or a grant of variance from Pretreatment Standards pursuant to
21 40 CFR 403.13; or
 - 22 8. To correct typographical or other errors in the wastewater discharge permit.
- 23 The City will provide notification to the user at least thirty (30) days prior to the
24 effective date of any modification to the user's wastewater discharge permit. Any

1 changes or new conditions in the wastewater discharge permit shall include a
2 reasonable time schedule for compliance.

3 **15.40.240 Reconsideration and Appeal of Permit Decisions.**

4 The Director shall provide notice to the user of all permit decisions, including
5 the denial, issuance, or modification of a wastewater discharge permit. The user
6 may petition the Director to reconsider a decision regarding a wastewater discharge
7 permit, including the conditions imposed or, in the case of users other than SIUs
8 and CIUs, the decision to require a wastewater discharge permit, within fifteen (15)
9 calendar days of such notice.

10 In its petition, the user requesting review must indicate the wastewater
11 discharge permit provisions objected to, the reasons for this objection, and the
12 alternative condition, if any, it seeks to place in the wastewater discharge permit.

13 The Director shall issue a written decision within thirty (30) days of the petition.
14 A user aggrieved by the decision of the Director upon the petition for
15 reconsideration may appeal that decision according to the appeals process provided
16 for in chapter 2.80 of this code.

17 The effectiveness of the wastewater discharge permit requirements shall not be
18 stayed pending the outcome of the petition for reconsideration on appeal.

19 **15.40.260 Permit Renewal.**

20 A user shall apply for wastewater discharge permit renewal a minimum of sixty
21 (60) days prior to the expiration of the user's existing permit. The application for
22 renewal shall comply with the requirements of section 15.40.175 and such other
23 requirements as may be imposed by the Director.

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1 **15.40.270 Wastewater Discharge Permit Transfer.**

2 Wastewater discharge permits are issued to a specific user for a specific
3 operation. A wastewater discharge permit shall not be reassigned or transferred or
4 sold to a new owner, new user, different premises, or a new or changed operation.

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

8 **15.40.280 Wastewater Discharge Permit Revocation or Suspension.**

9 The Director may revoke or suspend a wastewater discharge permit for good
10 cause, including, but not limited to, the following reasons:

- 11 1. Failure to notify the Director in writing of significant changes to the
12 wastewater prior to the changed discharge;
- 13 2. Failure to provide prior notification to the Director of changed conditions
14 pursuant to section 15.40.340 of this chapter;
- 15 3. Intentional misrepresentation or failure to fully disclose all relevant facts in
16 the wastewater discharge permit application;
- 17 4. Falsifying self-monitoring or other reports;
- 18 5. Tampering with monitoring equipment;
- 19 6. Refusing to allow the City personnel timely access to the facility premises
20 and records or refusing to allow the City to sample wastewater or discharges;
- 21 7. Failure to meet effluent limitations;
- 22 8. Failure to pay fines;
- 23 9. Failure to pay sewer charges or fees;
- 24 10. Failure to meet compliance schedules;

- 1 11. Failure to complete a wastewater discharge permit application; or
2 12. Violation of any Pretreatment Standard or Requirement, or any terms of the
3 wastewater discharge permit or this chapter.

4 Additionally, the Director may immediately suspend a user's wastewater
5 discharge permit, after informal notice to the user, whenever such emergency
6 suspension is necessary to stop an actual or threatened discharge which in the
7 Director's opinion appears to present or cause an imminent or substantial danger to
8 the health or welfare of persons or threatens to substantially interfere with the
9 operation of the City's sanitary sewer system, or which presents, or may present, a
10 danger to the environment. Such informal notice shall, where time permits, be in the
11 form of Notice of Violations or Cease and Desist Orders. Where, in the Director's
12 opinion, the danger posed by the discharge is such that it is infeasible, impractical,
13 or dangerous to take the time necessary to issue a Notice of Violation or Cease and
14 Desist order, the informal notice to the user may be in the form of a telephone call
15 to the user or to the emergency contact listed in the user's wastewater discharge
16 permit.

17 The Director shall provide fifteen (15) days' prior written notice of revocation
18 or suspension of a wastewater discharge permit, including the reasons for such
19 revocation or suspension. The permit holder may, within such fifteen (15) days,
20 appeal the revocation or suspension to the City Council pursuant to the procedures
21 in chapter 2.80 of this code. The City Council's decision on such an appeal shall be
22 final. The wastewater discharge permit shall remain in effect during the pendency
23 of such a timely appeal.

24 Any user notified of an emergency suspension of its wastewater discharge

1 permit shall immediately stop or eliminate its discharge to the City's sanitary sewer
2 system. In the event of a user's failure to immediately comply voluntarily with the
3 suspension order or inability of the Director to contact the user, the Director may
4 take such steps as deemed necessary to prevent or minimize damage to the City's
5 sanitary sewer system, the receiving waters, or endangerment of public health,
6 including immediate severance of the sewer connection or discontinuing water
7 service. The Director may allow the user to recommence its discharge only after the
8 user has demonstrated to the satisfaction of the Director that the period of
9 emergency has passed, unless proceedings are initiated by the Director to
10 permanently terminate the user's discharge pursuant to section 15.40.480(6).

11 A user that is responsible, in whole or in part, for any discharge requiring an
12 emergency suspension shall submit a detailed written statement describing the
13 causes of the harmful contribution and the measures taken to prevent any further
14 occurrence to the Director prior to the date of any show cause or termination
15 hearing. Such user shall reimburse the City for all costs which the City may incur as
16 a result of such discharge or the imposition of an emergency suspension.

17 If the wastewater discharge permit is revoked or suspended, the Director may
18 sever all pertinent connections to the City's sanitary sewer system. If the
19 wastewater discharge permit is suspended or revoked, neither it nor service shall be
20 reinstated until the user submits proof, satisfactory to the Director, of compliance
21 with this chapter, and reimburses the City for all costs incurred in suspending or
22 revoking the wastewater discharge permit. Suspension or termination of discharge
23 shall not be a bar to, or prerequisite for, taking any other action against the user
24 pursuant to section 15.40.480 of this chapter.

1 **15.40.285 Regulation of Waste Received from Other Jurisdictions.**

2 If another municipality or user located within another municipality contributes
3 wastewater to the City’s sanitary sewer system, the Director shall enter into an
4 inter-municipal agreement with the contributing municipality. Prior to entering into
5 an agreement, the Director shall request the following information from the
6 contributing municipality:

7 1. A description of the quality and volume of wastewater discharged to the
8 City’s sanitary sewer system by the contributing municipality;

9 2. An inventory of all users located within the contributing municipality that
10 are discharging to the City’s sanitary sewer system; and

11 3. Such other information as the Director may deem necessary.

12 An inter-municipal agreement shall contain the following conditions:

13 1. A requirement for the contributing municipality to adopt a sewer use
14 ordinance which is at least as stringent as this ordinance and local limits, including
15 required Baseline Monitoring Reports which are at least as stringent as those set out
16 in section 15.40.024. The requirement shall specify that such ordinance and limits
17 must be revised as necessary to reflect changes made to the City’s ordinance or
18 local limits;

19 2. A requirement for the contributing municipality to submit a revised user
20 inventory on at least an annual basis;

21 3. A provision specifying which pretreatment implementation activities,
22 including wastewater discharge permit issuance, inspection and sampling,
23 enforcement, will be conducted by the contributing municipality; which of these
24 activities will be conducted by the Director; and which of these activities will be

1 conducted jointly by the contributing municipality and the Director;

2 4. A requirement for the contributing municipality to provide the Director with
3 access to all information that the contributing municipality obtains as part of its
4 pretreatment activities;

5 5. Limits on the nature, quality, and volume of the contributing municipality's
6 wastewater at the point where it discharges to the City's sanitary sewer system;

7 6. Requirements for monitoring the contributing municipality's discharge;

8 7. A provision ensuring the Director access to the facilities of the users located
9 within the contributing municipality's jurisdictional boundaries for the purpose of
10 inspection, sampling, and other duties deemed necessary by the Director; and

11 8. A provision specifying the remedies available for breach of the terms of the
12 inter-municipal agreement.

13 **ARTICLE V. REPORTING AND SAMPLING REQUIREMENTS**

14 **15.40.290 Categorical Industrial User Baseline Monitoring Reports.**

15 Within either 180 days after the effective date of a categorical Pretreatment
16 Standard or the final administrative decision on a category determination under 40
17 CFR Part 403.6(a)(4), whichever is later, existing CIUs subject to such pretreatment
18 standards currently discharging to or scheduled to discharge to the City's sanitary
19 sewer system shall submit to the Director a report which contains the information
20 listed below.

21 At least ninety (90) days prior to commencement of discharge, new sources, and
22 sources that become CIUs subsequent to the promulgation of an applicable
23 categorical Pretreatment Standard shall submit to the Director a report which

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1 contains the information listed below. A new source shall report the method of
2 pretreatment it intends to use to meet the applicable Pretreatment Standards, an
3 estimate of its anticipated flow, and an estimate of the quantity of pollutants to be
4 discharged.

5 Users described above shall submit the following information:

6 1. All information required in sections 15.40.175(1), 15.40.175(2),
7 15.40.175(3)(a), and 15.40.175(6).

8 2. Measurement of pollutants.

9 a. The user shall provide the information required in section 15.40.175(7);

10 b. The user shall take a minimum of one representative sample to compile that
11 data necessary to comply with the requirements of this paragraph.

12 c. Samples should be taken immediately downstream from pretreatment
13 facilities, if such exist or immediately downstream from the regulated process if no
14 pretreatment exists. If other wastewater are mixed with the regulated wastewater
15 prior to pretreatment, the City should measure the flows and concentrations
16 necessary to allow the use of the combined wastestream formula (40 CFR Part
17 403.6(e)) to evaluate compliance with the Pretreatment Standards. Where an
18 alternative concentration or mass limit has been calculated in accordance with 40
19 CFR Part 403.6(e) this adjusted limit along with supporting data shall be submitted
20 to the City.

21 d. Sampling and analysis shall be performed in accordance with section
22 15.40.430.

23 e. The baseline monitoring report shall indicate the time, date, and place of
24 sampling and methods of analysis, and shall certify that such sampling and analysis

1 is representative of normal work cycles and expected pollutant discharges to the
2 City's sanitary sewer system.

3 3. Compliance Certification. A statement, reviewed and signed by the user's
4 Authorized Representative and certified by a qualified professional, indicating
5 whether Pretreatment Standards and Requirements are being met on a consistent
6 basis, and, if not, whether additional operations and maintenance and/or
7 pretreatment is required to meet the Pretreatment Standards and Requirements.

8 4. Compliance Schedule. If additional pretreatment and/or operations and
9 maintenance will be required to meet the Pretreatment Standards and Requirements,
10 the shortest schedule by which the user will provide such additional pretreatment
11 and/or operations and maintenance must be provided. The completion date in this
12 schedule shall not be later than the compliance date established for the applicable
13 Pretreatment Standard or Requirement. A compliance schedule pursuant to this
14 section must meet the requirements of section 15.40.320 of this chapter.

15 5. Signature and Report Certification. All baseline monitoring reports must be
16 certified in accordance with section 15.40.180 of this chapter and signed by an
17 Authorized Representative.

18 **15.40.300 Reports on Compliance with Categorical Pretreatment Standard**
19 **Deadlines.**

20 Within ninety (90) days following the date for final compliance with applicable
21 Pretreatment Standards and Requirements or, in the case of a new source, following
22 commencement of discharge, any user subject to such Pretreatment Standards and
23 Requirements shall submit to the Director a report containing the information
24 described in sections 15.40.175(6)-(7) and 15.40.290(2). For users subject to

1 equivalent mass or concentration limits established in accordance with the
2 procedures in 40 CFR Part 403.6 (c), this report shall contain a reasonable measure
3 of the user's long-term production rate. For users subject to Pretreatment Standards
4 and Requirements expressed in terms of allowable pollutant discharge per unit of
5 production (or other measure of operation), this report shall include the user's actual
6 production during the appropriate sampling period. All compliance reports must be
7 signed and certified in accordance with section 15.40.180. All sampling must be
8 completed in conformance with section 15.40.430.

9 **15.40.320 Compliance Schedule Progress Reports.**

10 The Director shall require a compliance schedule from each user for installation
11 of technology required to meet a Pretreatment Standard or Requirement, to install
12 accidental spill and slug discharge prevention, or to implement personnel training.

13 1. Any compliance schedule must contain milestone dates for the
14 commencement and completion of major events leading to the construction and
15 operation of additional pretreatment required for the user to meet the applicable
16 Pretreatment Standards or Requirements (such events include, but are not limited to,
17 hiring an engineer, completing preliminary and final plans, executing contracts for
18 major components, commencing and completing construction, and beginning and
19 conducting routine operation);

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

21 3. Within both fourteen (14) days of completion of a milestone in the
22 compliance schedule and within fourteen (14) days of the final date for compliance,
23 the user must submit a progress report to the Director indicating whether or not the
24 milestone or final compliance date was met, and if not, the reason for any delay,

1 and the steps being taken by the user to return to the established schedule.

2 4. In no event shall more than nine (9) months elapse between such progress
3 reports to the Director.

4 **15.40.330 Periodic Compliance/Self-Monitoring Reports.**

5 1. Except as specified in section 15.40.330(3), all users operating under a
6 wastewater discharge permit must, at a frequency determined by the Director,
7 submit no less than twice per year (July and January) reports indicating the nature,
8 concentration of pollutants in the discharge which are limited by Pretreatment
9 Standards or Requirements, and the measured or estimated average and maximum
10 daily flows for the reporting period. In cases where the Pretreatment Standard
11 requires compliance with a BMP or pollution prevention alternative, the user must
12 submit documentation required by the Director or the Pretreatment Standard
13 necessary to demonstrate the compliance status of the user.

14 2. The City may authorize a user subject to a categorical Pretreatment Standard
15 to forgo sampling of a pollutant regulated by a categorical Pretreatment Standard if
16 the user has demonstrated through sampling and other technical factors that the
17 pollutant is neither present nor expected to be present in the discharge, or is only
18 present at background levels from intake water and without any increase in the
19 pollutant due to activities of the user. This authorization is subject to the following
20 conditions:

21 a. The waiver may be authorized where a pollutant is determined to be present
22 solely due to sanitary wastewater discharged from the facility provided that the
23 sanitary wastewater is not regulated by an applicable categorical Pretreatment
24 Standard and otherwise includes no process wastewater.

1 b. The monitoring waiver is valid only for the duration of the effective period
2 of the wastewater discharge permit, but in no case longer than five (5) years. The
3 user must submit a new request for the waiver before the waiver can be granted for
4 each subsequent wastewater discharge permit.

5 c. In making a demonstration that a pollutant is not present, the user must
6 provide data from at least one sampling of the facility's process wastewater prior to
7 any treatment present at the facility that is representative of all wastewater from all
8 processes.

9 d. The request for a monitoring waiver must be signed by an Authorized
10 Representative, and include the certification statement in section 15.40.180.

11 e. Non-detectable sample results may only be used as a demonstration that a
12 pollutant is not present if an approved method with the lowest minimum detection
13 level for that pollutant was used in the analysis.

14 f. Any grant of the monitoring waiver by the Director must be included as a
15 condition in the user's wastewater discharge permit. The reasons supporting the
16 waiver and any information submitted by the user in its request for a waiver must be
17 maintained by the Director for three (3) years after expiration of the waiver.

18 g. Upon approval of the of the monitoring waiver and revision of the user's
19 permit by the Director, the user must certify on each report with the statement in
20 section 15.40.180 that there has been no increase in the pollutant in its wastestream
21 due to activities of the user.

22 h. In the event the waived pollutant is found to be present or is expected to be
23 present because of changes that occur in the user's operations, the user must

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1 immediately comply with the monitoring requirements of section 15.40.430, or
2 other more frequent monitoring requirements imposed by the Director; and notify
3 the Director.

4 i. This provision does not supersede certification processes and requirements
5 established in categorical Pretreatment Standards, except as otherwise specified in
6 the categorical Pretreatment Standard.

7 3. The City may reduce the requirement for periodic compliance reports to a
8 required to report no less frequently than once per year, unless required more
9 frequently in the Pretreatment Standard or by USEPA, State Water Resources
10 Control Board, or Central Valley Regional Water Quality Control Board, where the
11 user's total categorical wastewater flow does not exceed any of the following:

12 a. 0.01 percent of the design dry weather hydraulic capacity of the Water
13 Pollution Control Plant or five thousand (5,000) gallons per day, whichever is
14 smaller, as measured by a continuous effluent flow monitoring device unless the
15 user discharges in batches;

16 b. 0.01 percent of the design dry weather organic treatment capacity of the
17 Water Pollution Control Plant; and

18 c. 0.01 percent of the maximum allowable headworks loading for any pollutant
19 regulated by the applicable categorical Pretreatment Standard for which approved
20 local limits were developed by the City in accordance with section 15.40.024.

21 Reduced reporting is not available to users that have in the last two (2) years
22 been in significant noncompliance. In addition, reduced reporting is not available to
23 a user with daily flow rates, production levels, or pollutant levels that vary so
24 significantly that, in the opinion of the Director, decreasing the reporting

1 requirement for this user would result in data that are not representative of
2 conditions occurring during the reporting period.

3 4. All periodic/self-monitoring compliance reports must be signed by an
4 Authorized Representative and certified in accordance with section 15.40.180 of
5 this chapter.

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

11 6. If a user subject to the reporting requirements in this section monitors any
12 pollutant more frequently than required by the Director, using the procedures
13 prescribed in section 15.40.430, the results of this monitoring shall be included in
14 the report.

15 **15.40.340 Reports on changed conditions.**

16 Users shall notify the Director in writing of any planned changes to the user's
17 operations or system which might alter the nature, quality, or volume of its
18 wastewater at least ninety (90) days before the change.

19 1. The Director may require the user to submit such information as may be
20 deemed necessary to evaluate the changed condition, including the submission of a
21 wastewater discharge permit application under section 15.40.175.

22 2. The Director may issue a wastewater discharge permit under sections
23 15.40.200 or 15.40.210 or modify an existing wastewater discharge permit under

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1 section 15.40.220 in response to changed conditions or anticipated changed
2 conditions.

3 3. For purposes of this requirement, changes include but are not limited to,
4 flow increase of twenty (20) percent or greater and the discharge of any previously
5 unreported pollutants.

6 **15.40.350 Reports of Potential Problems.**

7 In the case of any discharge of a non-routine or episodic nature, including, but
8 not limited to, accidental discharges, spills, a non-customary batch discharge, or a
9 slug load, users (whether or not such users are industrial users and whether or not
10 such users are required to possess a waste discharge permit) shall immediately
11 telephone and notify the Director of the incident. This notification shall include the
12 location of the discharge, type of waste, concentration and volume, if known, and
13 corrective actions taken by the user.

14 Within five (5) days following such a discharge, the user shall submit a detailed
15 written report to the Director describing the cause(s) of the discharge and the
16 measures to be taken by the user to prevent similar future occurrences. Such
17 notification shall not relieve the user of any expense, loss, damage, or other liability
18 which may be incurred as a result of damage to the City's sanitary sewer system,
19 natural resources, or any other damage to person or property; nor shall such
20 notification relieve the user of any fines, penalties, or other liability which may be
21 imposed pursuant to this chapter.

22 **15.40.360 Notification of Discharge of Hazardous Wastes.**

23 1. All users shall notify in writing the Director, State Water Resources Control
24 Board, Central Valley Regional Water Quality Control Board, California

1 Department of Toxic Substances Control, and USEPA Regional Waste
2 Management Division Director of any discharge which, if otherwise disposed of
3 would be considered a hazardous waste under 40 CFR Part 261. Such notification
4 must include the name of the hazardous waste as set forth in 40 CFR Part 261, the
5 USEPA hazardous waste number, and the type of discharge (continuous, batch, or
6 other). If the user discharges more than one hundred (100) kilograms of such waste
7 per calendar month to the City's sanitary sewer system, the notification shall also
8 include the following information to the extent such information is known or
9 readily available to the user: an identification of the hazardous constituents
10 contained in the waste, an estimation of the mass and concentration of such
11 constituents in the wastestream discharged during that calendar month, and an
12 estimation of the mass of constituents in the wastestream expected to be discharged
13 during the following twelve (12) months. Notification shall take place within one
14 hundred and eighty (180) days after the discharge commences. Any notification
15 under this section need be submitted only once for each hazardous waste
16 discharged; however, notification of changed circumstances or changed discharges
17 must be submitted under section 15.40.340.

18 2. In the event new regulations are promulgated pursuant to section 3001 of the
19 Resource Conservation and Recovery Act of 1976 (Pub. Law 94-580, 90 Stat. 2806,
20 42 United States Code §6921), identifying additional characteristics of hazardous
21 waste or listing any additional substance as a hazardous waste, industrial users shall
22 notify in writing the Director, State Water Resources Control Board, Central Valley
23 Regional Water Quality Control Board, California Department of Toxic Substances
24 Control, and USEPA Waste Management Division Director of the discharge of such

1 substance within ninety (90) days of the effective date of such regulation.

2 3. In the event of any notification made under this section, the user shall certify
3 it has a program in place to reduce the volume and toxicity of hazardous wastes
4 generated to the degree it has determined to be economically practical.

5 **15.40.370 Reports from Other Users.**

6 In addition to those reports required by this Article, all users, whether or not
7 required to obtain a wastewater discharge permit, shall provide appropriate reports
8 to the Director as the Director may require.

9 **15.40.380 Monitoring Facilities and Location.**

10 Any user required to have a waste discharge permit shall provide and operate, at
11 the user's own expense, monitoring facilities to allow inspection, sampling, and
12 flow measurement of discharges from process wastestreams (CIUs) into the
13 building sewer and/or other internal drainage systems prior to discharge to the
14 City's sanitary sewer system. The monitoring facility shall be situated on the user's
15 premises, but the Director may, when such a location would be impractical or cause
16 undue hardship to the user, allow the facility to be constructed in the public street or
17 sidewalk area. The monitoring facility shall be located so that it will not be
18 obstructed by landscaping or parked vehicles. Any temporary or permanent
19 obstruction to safe and easy access to the facility to be inspected and/or sampled
20 shall be promptly removed by the user at the written request of the Director and
21 shall not be replaced. The costs of clearing such access shall be borne by the user.
22 There shall be ample room in or near such sampling manhole or facility to allow
23 accurate sampling and preparation of samples for analysis. The precise location
24 shall be specified in the user's wastewater discharge permit.

1 The facility, sampling, and measuring equipment shall be maintained and
2 calibrated at all times in a safe and proper operating condition at the expense of the
3 user. The facility shall be readily accessible to City personnel at all times. Whether
4 constructed on public or private property, the sampling and monitoring facilities
5 must meet the City's requirements and all applicable local construction standards
6 and specifications. Construction shall be completed within ninety (90) days
7 following written notification by the City.

8 **15.40.390 Date of Submission of Reports.**

9 Any written reports required by this chapter shall be deemed to have been
10 submitted on the date of receipt of the report. Any written reports required by this
11 chapter shall be certified as provided in section 15.40.180.

12 **15.40.400 Recordkeeping Requirements.**

13 Users subject to the reporting requirements of this chapter shall retain, and make
14 available for inspection and copying by the City, all records of information obtained
15 pursuant to any monitoring activities required by this chapter, any additional
16 records of information obtained pursuant to monitoring activities undertaken by the
17 user independent of such requirements, and documentation associated with BMPs
18 established under section 15.40.024 of this chapter. Records shall include the date,
19 exact place, method, and time of sampling, and the name of the person(s) taking the
20 samples; the dates analyses were performed; who performed the analyses; the
21 analytical techniques or methods used; and the results of such analyses. These
22 records shall remain available for a period of at least three (3) years. This period
23 shall be automatically extended for the duration of any litigation concerning the

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1 user or the City which relates to such monitoring, or where the user has been
2 specifically notified of a longer retention period by the Director.

3 **15.40.410 Right of Entry: Inspection and Sampling.**

4 The Director or authorized agent or employee of the City, USEPA, State Water
5 Resources Control Board, or Central Valley Regional Water Quality Control Board
6 shall have the right to enter the premises of any user to determine whether the user
7 is complying with all requirements of this chapter and any wastewater discharge
8 permit or order issued hereunder. Users shall allow the Director ready access to all
9 parts of the premises for the purpose of inspection, sampling, records examination
10 and copying, and performance of any additional duties.

11 1. Where a user has security measures in force which would require proper
12 identification and clearance before entry into their premises, the user shall make
13 necessary arrangements with its security guards so that upon presentation of
14 suitable identification, personnel from the City, Central Valley Regional Water
15 Quality Control Board, State Water Resources Control Board, and USEPA will be
16 permitted to enter, without delay, for the purposes of performing their specific
17 responsibilities.

18 2. The City, Central Valley Regional Water Quality Control Board, State
19 Water Resources Control Board, and USEPA shall have the right to set up on the
20 user's property such devices as are necessary to conduct sampling inspection,
21 compliance monitoring and/or metering of the user's operations.

22 3. The Director may require the user install monitoring equipment as necessary
23 according to section 15.40.380.

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1 4. Unreasonable delays in allowing the Director to access the user’s premises
2 shall be a violation of this chapter.

3 **15.40.420 Search Warrants.**

4 If the Director has been refused access to a building, structure, or property, or
5 any part thereof, and is able to demonstrate probable cause to believe that there may
6 be a violation of this chapter, or that there is a need to inspect and/or sample as part
7 of a routine inspection and sampling program of the City designed to verify
8 compliance with this chapter or any permit or order issued hereunder, or to protect
9 overall public health, safety, and welfare of the community, the Director may seek
10 issuance of a search warrant through the City Attorney.

11 Nothing herein shall be read to limit the immediate right of entry without a
12 warrant in any emergency situation or where entry is permitted under the
13 Constitution or any state or federal law.

14 **15.40.430 Sampling, Analysis and Test Procedures.**

15 1. All analysis and testing by the City or users required by this chapter shall
16 conform to procedures established by the Administrator pursuant to section 304(g)
17 of the Act and contained in 40 CFR Part 136 and amendments thereto or with any
18 other test procedures approved by the Administrator. Sampling shall be performed
19 in accordance with the techniques approved by the Administrator. Where 40 CFR
20 Part 136 does not include a sampling or analytical technique for the pollutant in
21 question, sampling and analysis shall be performed using validated analytical
22 methods or any other applicable sampling and analysis procedures, including
23 procedures suggested by the Director or other parties approved by USEPA.

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1 2. If sampling by a user indicates a violation, the user must notify the Director
2 within twenty-four (24) hours of becoming aware of the violation. The user must
3 also resample and submit results of this resampling to the Director within thirty (30)
4 days.

5 3. Except as indicated in subsection (4) below, the user shall collect
6 wastewater samples using twenty-four- (24-) hour flow-proportional composite
7 collection techniques, unless time-proportional composite sampling or grab
8 sampling is authorized by the Director. Where time-proportional or grab sampling
9 is authorized by the Director, the samples must be representative of the discharge.
10 Using protocols (including appropriate sample preservation) specified in 40 CFR
11 Part 136 and appropriate USEPA guidance, multiple grab samples collected during
12 a 24-hour period may be composited prior to the analysis as follows: for cyanide,
13 total phenols, and sulfides the samples may be composited in the laboratory or in
14 the field; for volatile organics and oil and grease, the samples may be composited in
15 the laboratory. Composite samples for other parameters unaffected by the
16 compositing procedures as documented in approved USEPA methodologies may be
17 authorized by the City, as appropriate. In addition, grab samples may be required to
18 show compliance with instantaneous limits.

19 4. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and
20 volatile organic compounds must be obtained using grab sample collection
21 techniques.

22 5. In all cases where this chapter requires either sampling, analysis or testing of
23 wastewater by a user, all such sampling, analysis and testing shall be performed at
24 the user's expense by an accredited independent laboratory approved by the

1 Director. Nothing in this subsection shall be construed to prevent a user from
2 performing its own sampling, analysis and testing in those circumstances where
3 such is not required to be performed by this chapter.

4 **15.40.440 Confidential Information.**

5 Information and data regarding a user obtained from reports, questionnaires,
6 permit applications, permits, monitoring programs or from inspections shall be
7 public records available to the public or other governmental agencies without
8 restriction pursuant to the Public Records Act (Govt. Code §6250 et seq.), unless
9 the user specifically requests and is able to demonstrate to the satisfaction of the
10 City that the release of such information would divulge information, processes, or
11 methods of production entitled to protection as trade secrets of the user pursuant to
12 the Public Records Act. Any such request must be asserted at the time of
13 submission of the information or data. Pursuant to 40 CFR Part 403.14, effluent
14 data (including wastewater characteristics and constituents) shall not be recognized
15 as trade secrets.

16 **ARTICLE VI. VIOLATIONS, ENFORCEMENT AND PENALTIES**

17 **15.40.470 Violations Punishable as an Infraction or Misdemeanor.**

18 Any violation of this chapter shall be an infraction or misdemeanor and shall be
19 punishable as provided by this code.

20 **15.40.480 Enforcement and Penalties.**

21 1. The term significant noncompliance shall be applicable to all SIUs or CIUs
22 (or any other industrial user that violations subparagraphs (c), (d), or (h) below) and
23 shall mean:

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- 1 a. Chronic violations of wastewater discharge limits, defined here as those in
2 which sixty-six (66) percent or more of all measurements taken for the same
3 pollutant parameter during a six- (6-) month period exceed (by any magnitude) a
4 numeric Pretreatment Standard or Requirement, including instantaneous limits;
- 5 b. Technical Review Criteria (TRC) violations, defined here as those in which
6 thirty-three (33) percent or more of wastewater measurements taken for each
7 pollutant parameter during a six- (6-) month period equals or exceeds the product of
8 the numeric Pretreatment Standard or Requirement, including instantaneous limits,
9 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and
10 1.2 for all other pollutants except pH;
- 11 c. Any other violation of a Pretreatment Standard or Requirement as defined in
12 Article II (daily maximum, long-term average, instantaneous limit, or narrative
13 standard) that the Director determines has caused, alone or in combination with
14 other discharges, interference or pass through, including endangering the health of
15 City personnel or the general public;
- 16 d. Any discharge of a pollutant that has caused imminent endangerment to the
17 public or to the environment, or has resulted in the Director's exercise of its
18 emergency authority to halt or prevent such a discharge;
- 19 e. Failure to meet, within ninety (90) days of the scheduled date, a compliance
20 schedule milestone contained in a wastewater discharge permit or enforcement
21 order for starting construction, completing construction, or attaining final
22 compliance;
- 23 f. Failure to provide within forty-five (45) days after the due date, any required
24 reports, including baseline monitoring reports, reports on compliance with

1 categorical Pretreatment Standards deadlines, periodic self-monitoring reports, and
2 reports on compliance with compliance schedules;

3 g. Failure to accurately report noncompliance; or

4 h. Any other violation(s), which may include a violation of BMPs, which the
5 Director determines will adversely affect the operations or implementation of the
6 Pretreatment Program.

7 The City shall annually publish in the largest newspaper of general circulation
8 within the City a list of the industrial users that were in significant noncompliance
9 with any Pretreatment Standards and Requirements at any time during the previous
10 twelve (12) months.

11 2. Correction Notice/Notice of Violation/Show Cause Hearing.

12 a. Whenever the Director finds that any user has violated, is violating,
13 threatens to violate, or continues to violate, this chapter, a wastewater discharge
14 permit, or any Pretreatment Standard or Requirement, and the Director determines
15 that the violation is minor in nature, the Director may issue a Correction Notice to
16 the user.

17 b. Whenever the Director finds that any user has violated, is violating, threatens
18 to violate, or continues to violate, this chapter, a wastewater discharge permit, or
19 any Pretreatment Standard or Requirement, the Director may serve upon such user a
20 written Notice of Violation containing the Director's findings. Within thirty (30)
21 days of the date of the Notice of Violation, the user shall submit to the Director a
22 technical report and response consisting of an explanation of the violation and a
23 plan for the satisfactory correction and prevention of reoccurrences thereof,
24 including specific required actions and proposed dates for completion of such

1 action. Submission of this response shall not relieve the user of liability for any
2 violations occurring either before or after receipt of the Notice of Violation. A
3 Notice of Violation shall not be a bar against, or a prerequisite for, taking any other
4 action against the user.

5 c. As a part of a Notice of Violation, or in lieu thereof, a user may be ordered
6 by the Director to show cause why a proposed enforcement action should not be
7 taken. A show cause order shall be served on the user specifying the time and place
8 of the hearing regarding the violation, the reasons why the action is to be taken, the
9 proposed enforcement action, and directing the user to show cause before the
10 Director why the proposed enforcement action should not be taken. The show cause
11 order shall be served personally or by registered or certified mail (return receipt
12 requested) at least ten (10) days before the hearing. A show cause hearing shall not
13 be a bar against, or prerequisite for, taking any other action against the user.

14 d. In the event of the issuance of a show cause order pursuant to this section,
15 the Director shall conduct the hearing and:

16 i. Issue in the name of the City notices of hearing requesting the attendance
17 and testimony of witnesses, and the production of evidence relevant to any
18 matter involved in such hearings;

19 ii. Take the evidence; and

20 iii. Prepare a report of the evidence and hearing, together with
21 recommendations for action thereon.

22 3. Cease and Desist Orders/Compliance Directives.

23 a. When the Director finds that a user has violated, is violating, threatens to
24 violate, or continues to violate, any provision of this chapter, a wastewater

1 discharge permit, or any Pretreatment Standard or Requirement, or that the user's
2 past violations are likely to recur, the Director may issue a Cease and Desist Order
3 (also known as a Compliance Directive) to the user directing the user to cease and
4 desist all such violations and further directing the user to:

5 i. Immediately comply with all such requirements; and

6 ii. Take such appropriate remedial or preventive action as may be needed to
7 properly address a continuing or threatened violation, including halting
8 operations and/or terminating the discharge upon such schedule as the Director
9 may order.

10 b. Issuance of a Cease and Desist Order shall not be a bar against, or a
11 prerequisite for, taking any other action against the user.

12 4. Nuisance/Injunctive Relief/Recovery of Damages.

13 a. Continued habitation of premises during any period of termination or
14 suspension of sewer services, or the continued habitation, occupancy, or operation
15 of any premises in violation of the provisions of this chapter or any ordinance, rule,
16 or regulation of the City related to sanitary sewer system use (including, but not
17 limited to Pretreatment Standards and Requirements), is hereby declared to be a
18 threat to public health and a public nuisance. Violation of any of the provisions of
19 this chapter, a wastewater discharge permit, or any Pretreatment Standard or
20 Requirement, is hereby declared to be a threat to public health and a public
21 nuisance.

22 b. When the Director finds that any person or user has violated, is violating,
23 threatens to violate, or continues to violate, any provision of this chapter, a
24 wastewater discharge permit, or any other Pretreatment Standard or Requirement,

1 the Director may request that the City Attorney bring an action in the name of the
2 City for the issuance of a temporary or permanent injunction, as appropriate, which
3 restrains or compels the specific performance, of the wastewater discharge permit,
4 order, or other requirement imposed by this chapter on activities of the user. The
5 City Attorney may also seek such other legal and/or equitable remedies as are
6 appropriate, including a requirement for the user to conduct environmental
7 remediation or that the user pay such actual and compensatory damages as may
8 have been incurred by the City.

9 c. A complaint for injunctive relief or for damages shall not be a bar against, or
10 a prerequisite for, taking any other action against a user.

11 5. Administrative Civil Liability.

12 a. In general Pursuant to the provisions of Government Code section 54740.5
13 and regardless of whether or not a Cease and Desist Order or a Notice of Violation
14 was previously issued, upon determining that any user is violating the terms of a
15 wastewater discharge permit, any federal or state regulation or law related to the
16 discharge of non-domestic wastewater or the Pretreatment Program, or any of the
17 provisions of this chapter, the Director may serve an administrative civil liability
18 complaint upon such user by personal service or by certified mail, U.S. postage
19 prepaid, at the address indicated on the wastewater discharge permit or at the
20 service address if no permit exists. The administrative complaint shall indicate the
21 nature of the violations found by the Director, the provisions of law authorizing
22 civil liability to be imposed, and the amount of the proposed civil penalty.

23 b. Hearing. The administrative complaint shall inform the user served that a
24 hearing will be conducted within sixty (60) calendar days after service before a

1 hearing officer designated by the City Council. The user who has been issued an
2 administrative complaint may waive the right to a hearing, in which case the City
3 shall not conduct a hearing, and the proposed civil penalty shall be paid. If, after a
4 hearing, it is found that the user has violated any reporting or discharge
5 requirements, the hearing officer may assess a civil penalty against that user. In
6 determining the amount of the civil penalty, the hearing officer may take into
7 consideration all relevant circumstances, including, but not limited to, the extent of
8 harm caused by the violation, the economic benefit derived through any
9 noncompliance, the nature and persistence of the violation, the length of time over
10 which the violation occurs and corrective action, if any, attempted or taken by the
11 user.

12 c. Appeal. Any aggrieved person may appeal the decision of the hearing
13 officer to the City Council by filing a written appeal with the City Clerk pursuant to
14 chapter 2.80 of this code.

15 d. Service of Orders. Copies of orders imposing administrative civil penalties
16 after either hearing or appeal shall be served by personal service or by registered
17 mail upon the party served with the administrative complaint and upon other
18 persons who appeared at the hearing or appeal and requested a copy.

19 e. Amount of Civil Penalty. Civil penalties may be imposed for failure or
20 refusal to furnish technical or monitoring reports, for failure or refusal to timely
21 comply with any compliance schedule established in a Cease and Desist Order, for
22 discharges in violation of any waste discharge limitation, permit condition, or
23 Pretreatment Standard, or Requirement issued or adopted by the City relating to
24 non-domestic wastewater or the Pretreatment Program, for discharges in violation

1 of any suspension or termination of service, Cease and Desist Order (other than the
2 compliance schedules thereof), or other orders or prohibitions issued or adopted by
3 the City, in amounts to be adopted by resolution. Civil penalties may be imposed in
4 the amount consistent with the maximum fine allowable under state law per
5 violation per day for violations of Pretreatment Standards and Requirements.

6 f. Payment of Civil Penalty – Lien on Real Property. Unless appealed, orders
7 setting administrative civil penalties shall become effective and final upon their
8 issuance, and payment shall be made within thirty (30) calendar days. Any civil
9 penalties which have remained delinquent for a period of sixty (60) calendar days
10 (i.e., have not been paid for ninety (90) days after becoming final) shall constitute a
11 lien against the real property from which the discharge originated which resulted in
12 the imposition of the civil penalty. The lien shall be of no force or effect until
13 recorded with the County Recorder, and when recorded shall have the force, effect,
14 and priority of a judgment lien and continue for ten (10) years from recordation
15 unless sooner released. The lien shall be renewable in accordance with the
16 provisions of sections 683.110 to 683.220 inclusive of the Code of Civil Procedure.

17 g. Judicial Confirmation. The City Attorney has the authority to petition the
18 Superior Court of Butte County to confirm any order establishing civil penalties
19 pursuant to the provisions of Government Code section 54740.5(g).

20 h. Deposit of Penalties. All monies collected pursuant to this section shall be
21 deposited in a special account as designated by the Finance Director and shall be
22 utilized for the monitoring, treatment, and control of discharges into the City's
23 sanitary sewer system or other mitigation measures relating to the Pretreatment
24 Program.

1 i. Notwithstanding any other provision of this Article to the contrary, no civil
2 penalties shall be recoverable under this section for any violation for which civil
3 liability is recovered pursuant to section 15.40.480(6) below.

4 6. Judicial Petition for Civil Liability. In any case where a user violates any
5 requirement adopted or ordered by the City pursuant to Government Code section
6 54739(a)(1) or (2), the City may petition the Superior Court of Butte County to
7 impose, assess, and recover the sums provided in Government Code section 54740.
8 Provided, however, that notwithstanding any other provision of this Article to the
9 contrary, no civil penalties shall be recoverable under this subsection for any
10 violation for which administrative civil liability is recovered pursuant to section
11 15.40.480(5).

12 7. Remedies Cumulative. Except as otherwise expressly provided by law, all of
13 the remedies specified in this Article are cumulative, and each is in addition to any
14 other remedy provided by law.

15 8. Criminal Penalties.

16 a. A user who willfully or negligently violates any provisions of this chapter, a
17 wastewater discharge permit or order issued hereunder, or any other Pretreatment
18 Standard or Requirement shall, upon conviction, be guilty of a misdemeanor or
19 infraction, punishable by a fine of not more than the maximum fine allowed under
20 state law per violation per day or imprisonment, or both.

21 b. A user who willfully or negligently introduces any substance into the City's
22 sanitary sewer system, which causes personal injury or property damage shall, upon
23 conviction, be guilty of a misdemeanor or infraction and be subject to a penalty of
24 at least the maximum fine allowable under state law per violation per day or

1 imprisonment, or both. This penalty shall be in addition to any other cause of action
2 for personal injury or property damage under state law.

3 9. Falsifying information. Any person who knowingly makes any false
4 statement, representation or certification in any application, record, report, plan or
5 other document filed or required to be maintained pursuant to this chapter, or who
6 falsifies, tampers with, or knowingly renders inaccurate any monitoring device or
7 method required under this chapter, upon conviction, shall be guilty of a
8 misdemeanor and subject to a penalty of at least the maximum fine allowable under
9 state law per violation per day or imprisonment, or both.

10 10. No City Liability for Damages. This chapter shall not be construed to limit
11 the responsibility or liability of any person for damage to persons or property which
12 may occur as a result of the discharge of wastewater nor shall the City, nor any
13 agent thereof, be considered as assuming any liability in connection with the
14 discharge of such wastewater by reason of the performance of its duties under this
15 chapter.

16 11. Remedies Not Exclusive. The remedies provided in this chapter are not
17 exclusive. The Director may take any, all, or any combination of these actions
18 against a noncompliant user. Enforcement of pretreatment violations will generally
19 be in accordance with the City's Enforcement Response Plan. However, the
20 Director may take other action against any user when circumstances warrant.

21 Further, the Director is empowered to take more than one enforcement action
22 against any noncompliant user.

23 **ARTICLE VII. MISCELLANEOUS PROVISIONS**

24 **15.40.500 Bypass.**

- 1 1. For the purposes of this section:
- 2 a. Bypass means the intentional diversion of wastestreams from any
- 3 portion of a user's treatment facility.
- 4 b. Severe property damage means substantial physical damage to property,
- 5 damage to the treatment facilities which causes them to become inoperable, or
- 6 substantial and permanent loss of natural resources which can reasonably be
- 7 expected to occur in the absence of a bypass. Severe property damage does not
- 8 mean economic loss caused by delays in production.
- 9 2. A user may allow any bypass to occur which does not cause
- 10 Pretreatment Standards or Requirements to be violated, but only if it also is
- 11 essential maintenance to assure efficient operation. These bypasses are not subject
- 12 to the provision of subparagraphs (3) and (4) below.
- 13 3. Bypass Restrictions
- 14 a. Bypass is prohibited, and the Director may take enforcement action(s)
- 15 against a user for bypass, unless:
- 16 i. Bypass was unavoidable to prevent loss of life, personal injury, or severe
- 17 property damage;
- 18 ii. There were no feasible alternatives to the bypass, such as the use of
- 19 auxiliary treatment facilities, retention of untreated wastes, or maintenance
- 20 during normal periods of equipment downtime. This condition is not satisfied
- 21 if adequate back-up equipment should have been installed in the exercise of
- 22 reasonable engineering judgment to prevent a bypass which occurred during
- 23 normal periods of equipment downtime or preventative maintenance; and
- 24 ///

1 iii. The user submitted notices as required under subparagraph (4) of this
2 section.

3 b. The Director may approve an anticipated bypass after considering its
4 adverse effects, if the Director determines that it will meet the three conditions
5 listed in subparagraph (3)(a) above.

6 4. Notification

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

10 b. A user shall submit oral notice to the Director of an unanticipated bypass
11 that exceeds applicable Pretreatment Standards or Requirements within twenty-four
12 (24) hours from the time it becomes aware of the bypass. A written submission shall
13 be provided within five (5) days of the time the user becomes aware of the bypass.
14 The written submission shall contain a description of the bypass and its cause; the
15 duration of the bypass, including exact dates and times, and if the bypass has not
16 been corrected, the anticipated time it is expected to continue; and steps taken or
17 planned to reduce, eliminate, and prevent recurrence of the bypass.

18 **15.40.510 Severability.**

19 If any provision of this chapter is invalidated by any court of competent
20 jurisdiction, the remaining provisions shall not be affected and shall continue in full
21 force and effect.

22 **SECTION 2.** This ordinance shall take effect 30 days after its adoption. The
23 Clerk shall cause this ordinance, or a summary of it, to be published as required by law.

24 ///

1 This ordinance was adopted by the City Council of the City of Chico at its meeting
2 held on May 3, by the following vote:

3 AYES: Coolidge, Fillmer, Ritter, Schwab, Stone, Morgan, Sorensen

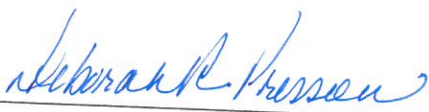
4 NOES: None

5 ABSENT: None

6 ABSTAIN: None

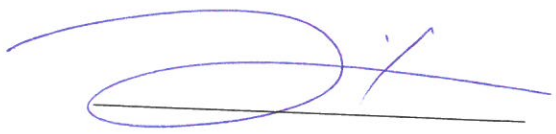
7 DISQUALIFIED: None

8
9 ATTEST:

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11 Deborah R. Presson, City Clerk

APPROVED AS TO FORM:



Vincent C. Ewing, City Attorney

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DATE 5/3/16 AGENDA 5/3/16 COUN _____
ADD INFO _____ CM _____ ACM _____ CA _____
ASD _____ CC _____ CDD _____ COP _____ FC _____
PWD 1 RM _____ OTHER Deputy City Clerk