

ORDINANCE NO. 1170

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SIMI VALLEY ADDING CHAPTER 13 TO TITLE 6 OF THE  
SIMI VALLEY MUNICIPAL CODE REGULATING SEWER  
USE AND REPEALING ORDINANCE SD-47

WHEREAS, this ordinance sets forth uniform requirements for Users of the City of Simi Valley's Publicly Owned Treatment Works and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403); and

WHEREAS, in the exercise of its legal authority, the City Council is required to establish regulatory and informational procedures to protect the publicly owned treatment works, the public, and the environment as provided by State and Federal law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY  
DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 13 is hereby added to Title 6 of the Simi Valley Municipal Code to read as follows:

**Article 1. General Provisions**

**Sec. 6-13.101. Purpose.**

This Chapter sets forth uniform requirements for direct and indirect use of the Wastewater collection and treatment system of the City to comply with all applicable Federal and State standards required by the Clean Water Act of 1977, and all related and applicable Federal, State, or local regulations and grant conditions, as they are now constituted, or as they may hereafter be amended or recodified.

**Sec. 6-13.102. Objectives.**

The objectives of this Chapter are:

- (a) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with its operation;
- (b) To prevent the introduction of Pollutants into the POTW that will pass through the POTW, inadequately treated, into Receiving Waters, or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel, who may be affected by Wastewater and sludge in the course of their employment, and the public;

(d) To promote reuse and recycling of Industrial Wastewater and sludge from the POTW;

(e) To provide for equitable distribution of the total cost of the City's Sewerage System and all related programs through the establishment of fair and equitable fees, charges, and penalties;

(f) To regulate direct and indirect Users of the City's Sewerage System through the issuance of Permits to certain nondomestic Users and through enforcement of general requirements for all other Users;

(g) To provide for monitoring and enforcement activities; and

(h) To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) Permit, sludge and/or biosolids use and disposal requirements, and any other Federal, State, or local laws to which the POTW is subject.

### **Sec. 6-13.103. Policy.**

The City protects the health, welfare, and safety of the local residents, City employees, and the environment by constructing, operating, and maintaining a system of local Sewers, Trunk Sewers and interceptors, and Liquid Waste treatment and disposal facilities that service the homes, industries, and commercial establishments throughout the City and surrounding environments as required by Federal, State, and local law. The following basic policies apply to Sanitary Sewage, Liquid Waste, and Industrial and Process Wastewater discharged into the Sewerage System and disposal works of the City.

(a) The highest priority and best use of the Sewerage System is the collection, treatment, and reclamation or disposal of Sanitary Sewage. The use of the Sewerage System for Industrial and Process Wastewater Discharges is subject to regulation by the City.

(b) In accordance with the policies and goals of the Pollution Prevention Act of 1990 (42 USC 13101 et seq.) and the Hazardous Waste Source Reduction and Management Review Act of 1989 (California Health and Safety Code Section 25244.12, et seq.), industry is urged to seek source reduction, waste minimization, pollution prevention, and/or recovery and reuse procedures to meet the limitations set on Industrial and Process Wastewater Discharges rather than those procedures designed solely to meet Discharge limitations.

(c) The City is committed to a policy of Wastewater reclamation and reuse in order to provide an alternate source of water supply and to reduce overall costs of Wastewater treatment and disposal. The reclamation of Wastewater through Wastewater treatment processes may necessitate more stringent quality requirements on Industrial and Process Wastewater Discharges as the demand for reclaimed water increases. Optimum use of City facilities may require the Discharge of Wastewaters during periods of low flow in the Sewerage System as established by the City.

(d) Provisions are made in this Chapter to regulate Industrial and Process Wastewater Discharges, to comply with Federal and State government requirements and policies and to meet

increasingly higher standards of treatment plant Effluent quality and environmental considerations. This Chapter establishes quantity and quality limitations on Sanitary Sewage, Liquid Waste, and Industrial and Process Wastewater Discharges where such Discharges may adversely affect the Sewerage System or the Effluent quality. It is the intent of these limitations to improve the quality of Wastewater being received for treatment and to encourage water conservation by all Users connected to a Public Sewer. It is the City's policy to discourage an increase in the quantity or mass emission of waste Pollutants being discharged. This Chapter also provides for regulation of the degree of Wastewater Pretreatment required, the issuance of Permits for Industrial and Process Wastewater Discharge, connections, and other miscellaneous Permits and the establishment of penalties for violations of the Chapter.

(e) Cost recovery methods are established where Industrial and Process Wastewater Discharges impose collection system treatment or disposal costs on the City, which are unfair and/or inequitable to all Users of the system.

**Sec. 6-13.104. Availability of Sewerage Facilities.**

If Sewerage capacity is not available, the Director may restrict Discharge until sufficient capacity can be made available. When requested, the Director may advise Industrial Wastewater Users desiring to locate new facilities as to the areas where Wastewater of their quantity and quality can be received by available Sewerage facilities. The Director may refuse immediate service to new facilities where their proposed quantity or quality of Wastewater would not meet the standards of this Chapter.

**Sec. 6-13.105. Sampling Requirements.**

All Wastewater analysis is to be performed by a State Department of Public Health approved laboratory by the appropriate procedures set forth in 40 CFR 136.

**Sec. 6-13.106. General Record Keeping Requirements.**

All Users subject to the reporting requirements of this Chapter must retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs. Records must include the date, exact place, method, and time of sampling, the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records must remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

**Sec. 6-13.107. Notices to Employees.**

In order that employees of Users are informed of City requirements, Users must make available to their employees copies of this Chapter and other Wastewater and pollution prevention

information and notices, which were furnished by the City. A legible, understandable, and conspicuously placed notice must be permanently posted on the User's bulletin board or other prominent place advising employees to notify the Director immediately in the event of an Uncontrolled Discharge and to provide the information listed below. In the event a majority of the User's employees use a language other than English as a primary language, the User must have the notice worded in both English and the primary language(s) involved. The notice must set forth the current phone number of the Director and must identify the following as the minimum necessary information that is to be provided to the Director:

- (a) Time, location, type, concentration, volume, and cause, if known, of the Discharge.
- (b) Corrective action taken.

Employers must advise all employees in a position to cause or allow an Uncontrolled Discharge to occur of all notification requirements.

#### **Sec. 6-13.108. Definitions.**

Whenever in this Chapter the following terms are used, they shall have the meaning respectively assigned to them in this Chapter unless another meaning for the word is apparent from the context. The definitions in this Chapter are included for reference purposes and are not intended to narrow the scope of the definitions set forth in Federal, State, or local laws or regulations.

(a) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended 33 USC 1251 et seq.

(b) "Approval Authority" means the EPA, the California State Water Resources Control Board, or the Los Angeles Regional Water Quality Control Board.

(c) "Authorized Representative of the User" means:

(1) If the User is a corporation:

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

(ii) The manager of one or more manufacturing, production, or operating facilities, provided:

a) The manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;

b) The manager must be authorized to initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations;

c) The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Permit requirements; and

d) The manager has been assigned or delegated authority to sign documents in accordance with corporate procedures.

(2) If the User is a partnership, a general partner.

(3) If the User is a sole proprietorship, the proprietor.

(4) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(5) The individuals described above may designate an Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or has overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

(d) "Available Sewer" means an existing Public Sewer line within 200 feet of a property line, which has been determined by the Director to have the capacity to accept the proposed Discharge.

(e) "Biohazardous Waste" means waste as defined in California Health and Safety Code 117635.

(f) "Bleedoff" means the circulating water in the cooling tower that is discharged to help keep the dissolved solids concentration of the water below a maximum allowable limit.

(g) "Blowdown" means the discharge of water with high concentrations of accumulated solids from boilers or condensate.

(h) "BMPs" means Best Management Practices, which are defined as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this Chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(i) "BOD" means Biochemical Oxygen Demand, which is defined as the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius.

(j) "Bypass" means the intentional diversion of a waste stream from any portion of a User's Pretreatment Facility.

(k) "Categorical Pretreatment Standard" means any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with 33 USC 1317 Sections 307(b) and (c) that apply to a specific category of Users and which appear in 40 CFR 405-471.

(l) "CCR" means the California Code of Regulations that is defined as a publication of the State of California government containing finalized State regulations.

(m) "Cesspool" means any device for the treatment of Sanitary Sewage, which discharges treated or untreated Sanitary Sewage into the surrounding ground.

(n) "CFR" means Code of Federal Regulations, which is defined as a publication of the United States government that contains finalized Federal regulations. "CFR" means Code of Federal Regulations, which is defined as a publication of the United States government that contains finalized Federal regulations.

(o) "Chemical Toilet" means a portable, self-contained toilet containing a chemical solution to deodorize the waste.

(p) "Chronic Violation" means a violation of the Wastewater Discharge limits in which 66 percent (66%) or more of all of the Wastewater measurements taken for the same Pollutant parameter during a 6-month period exceed, by any magnitude, a numeric Pretreatment Standard, Pretreatment Requirement, or Instantaneous Limits.

(q) "City" means the City of Simi Valley.

(r) "City Manager" means the City Manager of the City of Simi Valley or designee.

(s) "COD" means Chemical Oxygen Demand, which is defined as a measure of the oxygen required to oxidize compounds, both organic and inorganic, in water.

(t) "Compliance Schedule" means the time period allowed by the City for the User to comply with Permit conditions or Discharge requirements.

(u) "Composite Samples" means a combination of individual samples of Wastewater taken at selected intervals, in time or volume, to minimize the variability of the individual sample.

(v) "Contamination" means an alteration of the quality of the water by Pollutants to a degree that creates a hazard to the public health or environment.

(w) "Control Authority" means the City.

(x) "Council" means the City Council of the City of Simi Valley.

- (y) "County" means the County of Ventura, State of California.
- (z) "Deputy Director/Environmental Compliance" means the manager of the Environmental Compliance Division of the City, or designee.
- (aa) "Director" means the Director of Public Works of the City, or designee.
- (bb) "Discharge" means the introduction of Wastewater into a POTW from any non-domestic source.
- (cc) "Discharger" means any person or entity that discharges or causes a Discharge of Wastewater to the Sewerage System of the City.
- (dd) "Domestic" means Wastewater that is comprised of Sanitary Sewage from a residential source.
- (ee) "Effluent" means the Wastewater or other liquid, untreated, partially treated, or completely treated, flowing to a reservoir, basin, treatment process, collection system, treatment plant, or receiving stream.
- (ff) "EPA" means the United States Environmental Protection Agency.
- (gg) "Equivalent Dwelling Unit" means the unit of measure, which is based on the flow characteristics of an average single-family residence in terms of Sanitary Sewage quantity and Pollutant quality.
- (hh) "Existing Source" means any source of Discharge that is not a "New Source".
- (ii) "Grab Sample" means a single sample taken from a waste stream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.
- (jj) "Gravity Separation Interceptor" means a tank or basin in which Wastewater is held for a period of time during which the heavier solids settle to the bottom and the lighter materials will float to the water surface. Gravity Separation Interceptor shall also mean a settling tank or sedimentation basin that is designed to treat the Pollutant(s) of concern.
- (kk) "Grease Interceptor" means a plumbing device designed to separate and retain most fats, oils, greases, and solids, excluding sanitary wastes, before entering the Sewerage System. Smaller versions of Grease Interceptors are commonly known as grease traps.
- (ll) "Hazardous Waste" means a waste that meets any of the criteria for the identification of a Hazardous Waste adopted by any Federal or State agency, whichever criteria is most stringent.
- (mm) "HM" means Hazardous Materials.

(nn) "Industrial Waste(s)" means any solid, radioactive or gaseous waste substance discharged or permitted to escape from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation, or from the development, recovery, or processing of any material resource which will enter into the Public Sewers.

(oo) "Industrial Wastewater" means any Liquid Waste substance discharged, flowing or permitted to escape from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation, or from the development, recovery, or processing of any material resource which will enter into the Public Sewers. Industrial Wastewater shall include Process Wastewater.

(pp) "INOV" means Initial Notice of Violation.

(qq) "Instantaneous Limit" means the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any Grab or Compositated Sample collected, independent of the industrial flow rate and the duration of the sampling event.

(rr) "Interference" means a Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, both inhibits or disrupts the POTW, its treatment processes, operations, or its sludge processes, use or disposal, and therefore, is a cause of a violation of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or the prevention of sewage sludge use or disposal in compliance with any more stringent State or local regulations as further defined in 40 CFR 403.3(k).

(ss) "Liquid Waste(s)" means the same as Industrial Waste(s).

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

(uu) "Lower Explosive Limit" means the point where the concentration of a gas in air is sufficient to result in an explosion if an ignition source is present.

(vv) "May" is permissive.

(ww) "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, Sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(xx) "MM" means minimally monitored.

(yy) "Must" is mandatory.

(zz) "NAICS" means North American Industry Classification System, which is the standard classification system used by Federal statistical agencies in classifying business establishments.



(aaa) "New Source" means:

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

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

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or

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

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

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

(i) Begun, or caused to begin, as part of a continuous onsite construction program:

a) Any placement, assembly, or installation of facilities or equipment; or

b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(bbb) "Noncontact Cooling Water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(ccc) "NOV" means Notice of Violation.

(ddd) "NPDES Permit" means a National Pollutant Discharge Elimination System Permit, which is the regulatory document issued by the State of California as authorized by the EPA.

(eee) "Owner" means any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of a building or property.

(fff) "Pass Through" means a Discharge which exits the POTW into Waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the City's NPDES Permit, including an increase in the magnitude or duration of a violation.

(ggg) "Permit" means any classification of permit issued for the Discharge of Wastewater into the City's POTW.

(hhh) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

(iii) "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(jjj) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, Sanitary Sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of Wastewater.

(kkk) "POTW" means Publicly Owned Treatment Works, which is defined as a treatment works, as defined by 33 USC 1292 Section 212. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sanitary Sewage or Industrial Wastes of a liquid nature and any conveyances, which convey Wastewater to a treatment plant.

(lll) "Pretreatment" means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW.

(mmm) "Pretreatment Facility" means any Industrial Wastewater treatment system consisting of one or more treatment devices designed to remove sufficient Pollutants from waste streams to allow a User to comply with Effluent limits.

(nnn) "Pretreatment Requirement" means any substantial or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on a User.

(ooo) "Pretreatment Standard" means Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

(ppp) "Process Wastewater" means any water, which during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product from any industrial, commercial, institutional, or agricultural source.

(qqq) "Prohibited Discharge Standards" means absolute prohibitions against the Discharge of certain substances, as specified in this Chapter.

(rrr) "Publicly Owned Treatment Plant" means that portion of the POTW which is designed to provide treatment of municipal Sanitary Sewage and Industrial Wastewater.

(sss) "Public Sewer" means any Sewer dedicated to and accepted for public use and is directly controlled by a public authority.

(ttt) "RCRA" means Resource Conservation and Recovery Act which is defined in 42 USC 6901 et seq.

(uuu) "Receiving Water" means a stream, lake, river, ocean, stormdrain, or other surface or groundwater into which treated or untreated Wastewater is discharged.

(vvv) "Sampling Well" means an approved device attached to a privately owned Sewer for the purpose of sampling and flow measurement.

(www) "Sand and Oil Interceptor" means a device used to separate petroleum based waste, sand, and inert solids from Wastewater, also known as a sand and oil separator.

(xxx) "Sanitary Sewage" means human biological waste and gray water from residential showers, sinks, and laundry operations.

(yyy) "Secondary Containment" means a second barrier or an outer wall of a double enclosure, which is designed to contain any leak or spill from a storage container.

(zzz) "Seepage Pit" means any pit used for the leaching of treated or untreated Sanitary Sewage into the surrounding ground.

(aaaa) "Septic Tank" means a small scale sewage treatment system, common in areas with no connection to main sewage pipes, which is constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquid to discharge into the soil outside the tank, Cesspool, or Seepage Pit.

(bbbb) "Settleable Solids" means solids that will settle out of a liquid in a specific time interval as determined by appropriate procedures set forth in 40 CFR 136.

(cccc) "Severe Property Damage" means substantial physical damage to property, damage to the Pretreatment Facilities that causes them to become inoperable, or substantial and permanent loss of natural resources.

(dddd) "Sewer" means a pipe or conduit together with appurtenances for carrying Wastewater.

(eeee) "Sewerage" means any system of Sewers and appurtenances for the collection, treatment, pumping, and disposing of Wastewater.

(ffff) "Sewerage System" means all facilities used for the collection, pumping, transportation, treatment and final disposal of Wastewater.

(gggg) "Shall" is mandatory.

(hhhh) "Sharps" means hypodermic needles, hypodermic syringes, blades, slides, root canal files, orthodontic wires, acupuncture needles, broken glass, and any devices, instruments, or other objects that have acute rigid corners, edges, or protuberances.

(iiii) "SIC" means Standard Industrial Classification, which is the system of classifying industries as identified in the SIC Manual, 1972, Office of Management and Budget and as may be amended.

(jjjj) "SIU" means Significant Industrial User. An SIU is any User who:

- (1) Has a waste Discharge subject to Categorical Pretreatment Standards; or
- (2) Has an average Discharge flow of 25,000 gallons or more per day of Process Wastewater to the POTW, excluding sanitary, Noncontact Cooling and boiler Blowdown Wastewater; or
- (3) Contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Publicly Owned Treatment Plant; or
- (4) Is designated by the City on the basis that the User:
  - (i) Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or the quality of Effluent from the treatment works; or
  - (ii) May cause or threaten to cause the City to violate its NPDES Permit; or
  - (iii) Has a reasonable potential to violate any Pretreatment Standard; or
  - (iv) Has in its waste Discharge a Toxic Pollutant.

(kkkk) "Slug" means any Discharge of water, Wastewater or Industrial Waste released in a Discharge at a flow rate and/or Pollutant concentration that has a reasonable potential to cause

Interference or Pass Through or cause a violation of the POTW's regulations, Local Limits, or the Prohibited Discharge Standards in the General Pretreatment Regulations.

(llll) "Slug Discharge Control Plan" means a plan designed to prevent the Uncontrolled Discharge of raw Pollutants into the POTW.

(mmmm) "Storm Drain System" means a conveyance structure or system of conveyances including streets, gutters, channels, natural or artificial drains, lined diversion structures, wash areas, inlets, outlets or other facilities, which are part of a tributary to a watercourse or drains directly to an ocean, which is operated, maintained, or controlled by a City, and used for the purpose of collecting, storing, conveying, or disposing of stormwater to Waters of the United States.

(nnnn) "Stormwater" means any surface flow, runoff, or drainage associated with rainstorm events or snowmelt.

(oooo) "TDS" means Total Dissolved Solids, which is defined as the solid matter in solution in Wastewater and shall be determined by evaporation of a Wastewater sample from which all suspended matter has been removed by filtration as determined by the appropriate procedures set forth in 40 CFR 136.

(pppp) "Toxic Pollutant" means those Pollutants, or combination of Pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or malfunctions in reproduction or physical deformations in such organisms or their offspring. Such Pollutants that have been identified as toxic are listed in 40 CFR 122, Appendix D.

(qqqq) "TRC" means Technical Review Criteria which is defined as a violation in which 33 percent (33%) or more of all of the Wastewater measurements taken for the same Pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement including Instantaneous Limits, multiplied by the applicable criteria.  $TRC = 1.4$  for BOD, TSS, fats, oil, and grease, and  $1.2$  for all other Pollutants except pH.

(rrrr) "Trunk Sewer" means a Sewer maintained and operated by the City that conveys Wastewater to the City treatment facilities.

(ssss) "TSS" means Total Suspended Solids which is defined as the solid matter suspended in Wastewater as determined by appropriate procedures set forth in 40 CFR 136.

(tttt) "Uncontaminated Water" means any water not contaminated or polluted and which is suitable for discharge to the stormwater drainage system.

(uuuu) "Uncontrolled Discharge" means Slug.

(vvvv) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Discharge limitations as specified in the User's Permit or this Chapter because of factors beyond the reasonable control of the User.

(www) "USC" means United States Code, which is defined as the codification by subject matter of the general and permanent laws of the United States.

(xxxx) "User" means any Person or business that introduces Pollutants into the POTW.

(yyyy) "Waste" means any material or substance, including Wastewater and any other liquid, solid, gaseous, or radioactive materials or substances, associated with human habitation, of human or animal origin, or from any business, commercial, or industrial operation.

(zzzz) "Waste Hauler" means a Person or business that cleans out Septic Tanks, Chemical Toilets, Cesspools, and Sewage Seepage Pits and transports that Waste to a disposal facility.

(aaaa) "Wastewater" means liquid and water-carried Wastes and Sanitary Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(bbbbb) "Waters of the United States" means bodies of water as defined in 40 CFR 230.3(s).

## **Article 2. Use of Sewers: Private Disposal**

### **Sec. 6-13.201. Treatment of Wastewater Required.**

It is unlawful for any Person to Discharge or permit to be discharged any Waste, Wastewater or Industrial Wastewater, or substance that results in pollution, contamination or nuisance to any public or private property, or to any natural outlet or watercourse, except where suitable treatment has been provided in accordance with the provisions of this Chapter, Regional Water Quality Control Board Regulations, and the Act.

### **Sec. 6-13.202. Private Wastewater Disposal Systems.**

It is unlawful to use, construct, or maintain any private Wastewater disposal system including privies, privy vaults, Septic Tanks, Cesspools, Seepage Pits, or any other facility intended or used for the disposal of Wastewater except as allowed for by Federal, State, or local law.

### **Sec. 6-13.203. New Private Wastewater Disposal Systems.**

New private Wastewater disposal systems may be used, constructed, and maintained where no available Sewer exists subject to compliance with this chapter. The type, location, layout, and capacity of the private Wastewater disposal system must meet all requirements and recommendations of the State Department of Public Health, Regional Water Quality Control Board, County Health Department, and the City.

**Sec. 6-13.204. Maintenance of Private Wastewater Disposal Systems.**

The Owners of private Wastewater disposal systems must operate and maintain those systems to comply with all applicable health regulations.

**Sec. 6-13.205. Hazardous or Nuisance Systems.**

Whenever State or County health authorities or the City declare an individual private disposal system, or the systems in the area, to be a health hazard or to be creating a public nuisance, the Owners must connect to an available Public Sewer within sixty (60) days. If no available Sewer exists, abative and corrective measures must be accomplished in a timely manner.

**Sec. 6-13.206. Separate Industrial Sewers.**

The City may establish separate Industrial Wastewater collection systems and may require any User to Discharge its Wastewater only to such designated Sewers. The City may further require any User to separate its Sanitary Sewage from its Industrial Wastewater and deliver each separately to Sewers as designated by the Director.

**Article 3. Construction and Maintenance of Sewers****Sec. 6-13.301. Standard Specifications.**

All Sewers must be constructed in accordance with the City of Simi Valley's Sewerage Design and Construction Standards. These Standards address jurisdiction, applicable codes, policy, and responsibility and are available through the City's Department of Public Works.

**Article 4. Administration****Sec. 6-13.401 Industrial Classifications.**

The Director may classify Users by industrial categories and impose an Industrial Wastewater treatment surcharge based upon flow quality and quantity.

**Sec. 6-13.402 Public Access to Information and Confidentiality.**

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, individual Wastewater Discharge Permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes will not be made available for inspection by the public. Any and all information deemed confidential will be made available immediately upon request to governmental agencies for uses related to the NPDES program or

Pretreatment program, and in enforcement proceedings involving the Person(s) furnishing the report. Wastewater Pollutants and characteristics and other Effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and must be available to the public without restriction.

**Sec. 6-13.403. Notice of Noncompliance.**

The City will comply with the public participation requirements of 40 CFR 403.8(f)(2)(viii) in the enforcement of National Pretreatment Standards. These procedures must include provisions for no less than annual public notification in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW of Users, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards or other Pretreatment Requirements.

A User is in Significant Noncompliance if one or more of the following occur:

- (a) Chronic Violation of Wastewater Discharge limits;
- (b) Technical Review Criteria violations;
- (c) Any other violation of a Pretreatment Standard or Pretreatment Requirement that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through or endangerment to the health of POTW personnel or the public;
- (d) Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the exercise of the Director's emergency authority to halt or prevent such Discharge;
- (e) Failure to meet, within ninety (90) days after the schedule date, a Compliance Schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 45 days after the due date, reports as required in this Chapter;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation or group of violations, which may include a violation of BMPs, which the Director determines will adversely affect the operation of the POTW or implementation of the local Pretreatment Program.

**Article 5. Prohibitions and Discharge Limitations**

**Sec. 6-13.501. Prohibited Waste Discharges.**

No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater that causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Pretreatment Requirements. Except as



expressly allowed in a Permit, no Person shall Discharge the following to the City's Sewerage facilities, the stormdrain system, or Waters of the United States:

(a) Pollutants which create a fire or explosion hazard in the POTW or its collection system, or wastestreams with a closed cup flashpoint of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR 261.21;

(b) Any Wastewater having a pH less than 5 or more than 10 or Wastewater having any other corrosive property capable of causing damage or hazard to persons, structures, or equipment;

(c) Any solid or viscous substances in amounts that will cause obstruction to the flow or cause Interference to the operation of the POTW and in no case solids greater than ½ inch in any dimension;

(d) Any Pollutants, including oxygen demanding Pollutants, released at a flow rate or Pollutant concentration which will cause or contribute to Interference with the POTW;

(e) Wastewater having a temperature greater than 104° F (40° C), or which will inhibit biological activity in the Publicly Owned Treatment Plant resulting in Interference, but in no case shall Wastewater which causes the temperature at the introduction into the Publicly Owned Treatment Plant to exceed 104° F (40° C);

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

(g) Any Pollutants or substances that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause health or safety problems;

(h) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either individually or by interaction with other materials, are sufficient to create a public nuisance, hazard to life, or prevents entry by any person to the Sewers for maintenance and repair;

(i) Any trucked or hauled Pollutants, except at discharge points designated by the POTW;

(j) Any Wastewater containing pigment or color that alters the color of the Receiving Waters or creates a visual contrast with the natural appearance of the Receiving Waters causing the POTW to violate its NPDES permit;

(k) At no time shall two (2) successive readings on an explosion hazard meter at any point in the system be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;

(l) Any liquids, solids, or gases that by reason of their nature or quantity are flammable, reactive, explosive, or corrosive, or by interaction with other materials could result in fire, explosion, or injury;

(m) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable Federal, State, and local regulations;

(n) Fat, wax, grease, or oil concentration of animal or vegetable origin of more than 300 mg/L, whether emulsified or not, or containing substances which may solidify or become viscous;

(o) Any water added for the purpose of diluting wastes that would otherwise exceed applicable maximum concentration limitations;

(p) Any Toxic Pollutants that interfere with any Wastewater treatment process, or constitute a hazard or cause injury to human, animal, or plant life, or exceed any limitation set forth in this Chapter;

(q) Any substance that interferes with any POTW process which renders any product of the POTW unsuitable for reclamation or reuse;

(r) Any substance which causes the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations in any Federal, State, or local criteria applicable to the sludge management method being used;

(s) Any substance which may cause or threaten to cause the POTW to violate its NPDES Permit, applicable Federal, State, or local statutes, rules or regulations;

(t) Wax, grease, or oil concentration of mineral or petroleum origin of more than 100 mg/L whether emulsified or not;

(u) Single pass cooling water;

(v) Recognizable portions of the human or animal anatomy;

(w) Floatable material that is removable;

(x) Any regeneration wastes from unpermitted water softeners and deionizers;

(y) Any Sharps, Biohazardous Waste, pharmaceuticals, or Medical Waste;

(z) Any direct connection of a Septic Tank or Cesspool with a Public Sewer;

(aa) Any Industrial Waste which does not comply with all applicable Federal, State, or local Pretreatment Standards, Local Limits, and any applicable regulations called for by 40 CFR 403.

#### **Sec. 6-13.502. Local Limits.**

The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

The following Pollutant limits are established to protect against Pass Through and Interference. Except where more restrictive limitations are imposed by Permit or Federal Pretreatment Standards, no Person shall Discharge Wastewater containing in excess of the following Instantaneous Limits:

Pollutant	Maximum Concentration Limitations (mg/L unless noted otherwise)
Ammonia (as N)	250
Arsenic	1.1
Biochemical Oxygen Demand	1,263
Boron	23
Cadmium	0.72
Chemical Oxygen Demand	2,000
Chloride	130
Chromium (Hexavalent)	0.2
Chromium (Total)	10.2
Copper	2.07
Cyanide (Total)	0.08
Lead	4
Mercury	0.044
Methylene Blue Active Substances	161
Molybdenum	400
Nickel	5.3
Oil & Grease (biodegradable living sources)	300
Oil & Grease (non-living sources)	100
pH	6 to 10 units
Selenium	0.0027
Silver	4.1
Sulfate	570
Total Dissolved Solids	1,100
Total Suspended Solids	7,292
Zinc	2.8

The above limits apply at the point where the Wastewater is discharged to the POTW. Local Limits shall be enforced by the use of Grab Samples. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass-based limitations in addition to the concentration-based limitations above when necessary to comply with applicable Pretreatment Standards or Pretreatment Regulations.

#### **Sec. 6-13.503. National Categorical Pretreatment Standards.**

Users must comply with the Categorical Pretreatment Standards. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Director shall impose the combined wastestream formula in accordance with 40 CFR 403.6(e).

#### **Sec. 6-13.504. Malicious Damage to Sewerage Facilities.**

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment, or appurtenance which is a part of the City Sewerage System shall be a violation of this Chapter and subject to prosecution under any applicable laws.

**Sec. 6-13.505.            Damage to Sewerage Facilities or Processes by Prohibited Waste or Liquid Waste Discharge.**

Any User who allows or causes the Discharge of any prohibited Sanitary Sewage, Liquid Waste, or Industrial Waste which enters the Public Sewer and such Discharge causes damage to City facilities or causes detrimental effects on City treatment processes shall be liable to the City for all damages.

**Sec. 6-13.506.            Excessive Sewer Maintenance Expense.**

No User shall Discharge, or cause to be discharged, to a Public Sewer any waste that creates a stoppage, a blockage, any significant reduction in Sewer capacity, or any damage to Sewers or Sewerage facilities of the City. Any excessive Sewer or Sewerage maintenance expenses or any expenses attributable thereto will be charged to the offending User.

**Sec. 6-13.507.            Private Sewer Lines**

The Owner is responsible for all costs, maintenance and repair of the sewer lines in the facility or building and the sewer lateral line that connects the property to the public sewer. It is a violation of this chapter if the Owner does not maintain these systems in proper working order.

**Sec. 6-13.508.            Discharge of Stormwater or Uncontaminated Water.**

No Person shall Discharge or cause to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, swimming pool drainage, spa drainage, yard drainage, water from yard fountains, ponds, or lawn sprays, or any other uncontaminated water other than air conditioning condensate into any Sewerage facility owned by the City. Every private or public wash rack, or floor or slab drain, used must be adequately protected against storm or surface inflow. Pursuant to this Chapter, the City may approve the Discharge of such water on a temporary basis only when no alternate method of disposal is reasonably available. Approval may also be given to mitigate an environmental or health hazard with the installation of appropriate rainwater diversion devices or facilities. If a Permit is granted for the Discharge of such water into a Public Sewer, the User must pay the established applicable charges and must meet such other conditions as required.

**Sec. 6-13.509.            Limitations on Commercial Food Wastes.**

(a) No User shall Discharge garbage or food wastes to a Public Sewer except after suitable grinding. The fineness of grind requirements for all types of grinders must pass a ½-inch screen at all times.

(b) Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Public Sewer. Grinders must only be used to grind food products.

(c) No garbage grinder shall be installed with a motor of one and one-half (1-½) horsepower or greater without the approval of the Director.

**Sec. 6-13.510. Limitations on Septic Tank and Cesspool Wastes.**

A Waste Hauler proposing to Discharge Septic Tank, Cesspool wastes, or other biodegradable material into a City facility must have a City Permit as required by this Chapter. Such Wastewaters must be discharged only at a location specified by the City. No Person shall Discharge Pollutants in excess of those specified in their respective Permit.

**Sec. 6-13.511. Limitations on Point of Discharge.**

No Person shall Discharge any Wastewater or Waste directly into a manhole unless approved by the Director upon written application.

**Sec. 6-13.512. Non-Contact Cooling Waters.**

The Blowdown or Bleed Off from cooling towers or other evaporative coolers may be accepted in the Sewerage facilities after a minimum of three (3) passes through the system and when it is expressly authorized in the User's Permit.

**Sec. 6-13.513. City's Right of Revision.**

The City reserves the right to establish, in individual Permits, more stringent Pretreatment Standards or Pretreatment Requirements on Discharges to the POTW consistent with the purpose of this Chapter.

**Sec. 6-13.514. Bypass Notifications.**

(a) If a User plans for a Bypass, the User must submit prior notice to the Director at least ten (10) days before the date of the Bypass.

(b) A User shall submit a verbal notice of an unanticipated Bypass that exceeds applicable Pretreatment Standards or Permit limits to the Director within one (1) hour from the time the User becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The written submission must contain a description of the Bypass and its cause, and the duration of the Bypass, including exact dates and times. If the Bypass has not been corrected, the anticipated length of time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

**Sec. 6-13.515. Bypass.**

(a) Bypass is prohibited. The Director may take enforcement action against a User for a Bypass unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

(3) The User obtains written approval from the Director prior to the Bypass.

(b) A User may allow a Bypass to occur only if it does not cause violations of Pretreatment Standards, User Permit, or the City's NPDES Permit and is for essential maintenance to assure efficient operation. The Director may approve a planned Bypass after considering its potential adverse effects.

## **Article 6. Permits**

### **Sec. 6-13.601. Lawful Permit Issuance.**

No statement contained in this Chapter shall be construed as preventing the Director from issuing a Permit allowing an Industrial Waste of unusual strength or character or issuing a Discharge Permit allowing mass-based limitations on a case-by-case basis provided that the Discharge does not violate Federal, State, or local Pretreatment Requirements. The User must pay all extra costs incurred by the City connected with treating such Discharge. The Director reserves the right to amend User Permits based on changes to applicable Federal, State, or local regulations.

### **Sec. 6-13.602. Applications and Fees.**

Permits for the use of the City's Sewerage System shall be required as outlined in this Chapter. Permit applications, in a form prescribed by the Director and accompanied by all applicable fees, must be filed with the Director. Application and Permit fees shall be used to defray administrative costs and shall be subject to periodic revisions. In compliance with the Act all costs of Industrial Waste control shall be charged to the contributing industrial connections. Permits may be renewed by payment of fees as set by the City. The cost of laboratory analysis and staff time to establish User compliance with its Discharge limits shall be billed to the industrial facility sampled in accordance with the fees as set by the City.

### **Sec. 6-13.603. Permit for Industrial Wastewater Discharge.**

All Persons proposing to connect or Discharge Industrial Wastewater into any part of the City's POTW must first apply for and obtain a Permit. The Director will deny or condition new or increased contributions of Pollutants or changes in the nature of Pollutants from Users, based on the industry's violations of applicable Pretreatment Standards or the limitations imposed by this

Chapter or where such contributions could cause the City's POTW to be inhibited or to violate its NPDES Permit. All existing Users connected to or discharging to any part of the POTW must obtain a Permit, if required by the City, within ninety (90) calendar days after the effective date of this Chapter. In addition, each Permit, upon renewal, or each application for a Permit must be accompanied by the fees as set by the City.

Permits shall be classified as follows:

(a) Class I Significant Industrial User (SIU):

(1) Any User who meets any of the following:

(i) Has a Waste Discharge subject to Categorical Pretreatment Standards;

(ii) Has an average Discharge flow of 25,000 gallons or more per day of Process Wastewater to the POTW, excluding sanitary, Non-contact Cooling, and boiler Blowdown Wastewater;

(iii) Contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Publicly Owned Treatment Plant; or

(iv) Is designated by the City on the basis that the User:

a) Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or upon the quality of Effluent from the POTW;

b) May cause or threaten to cause the City to violate its NPDES Permit;

c) Has a reasonable potential to violate any Pretreatment Standard; or

(v) Has in its waste Discharge a Toxic Pollutant.

(2) All Class I Users must be inspected and sampled a minimum of two (2) times each year.

(b) Class I - Non-Significant Categorical Industrial User:

(1) Any User who is subject to Categorical Pretreatment Standards, but never Discharges more than 100 gallons per day of total categorical Wastewater, excluding sanitary, Noncontact Cooling, and boiler Blowdown Wastewater; and

(i) The User has complied with all applicable Categorical Pretreatment Standards and Pretreatment Requirements; and

(ii) The User never Discharges any untreated concentrated Wastewater.

(c) Zero-Discharge Categorical:

(1) Any User who is subject to Categorical Pretreatment Standards, but never discharges Wastewater from a categorical process, excluding sanitary, non-contact cooling, and boiler Blowdown Wastewater and meets the following conditions:

(i) The User has no reasonable potential to adversely affect the POTW's operation.

(ii) The User has no potential for violating any Pretreatment Standard or Pretreatment Requirement due to accidental spills, operational problems, or other causes.

(d) Class II:

(1) Any User who meets any of the following criteria:

(i) Is not required to obtain a Class I Permit;

(ii) Has Discharge characteristics of greater than two (2) Equivalent Dwelling Units;

(iii) Discharges Industrial or commercial Wastewater which may have potential effects on the City's POTW; or

(iv) Has a reasonable potential to violate any Local Limit, Pretreatment Standard or Pretreatment Requirement.

(2) Class II Users may be inspected and sampled on a random basis at least once each year.

(3) Class II MM facilities must demonstrate that the Discharge is of a known quality and quantity without measurable fluctuation during the duration of the Permit. The City may require BMPs in lieu of Pretreatment. Class II MM facilities may be inspected and sampled by the City anytime within the life of their Permit.

(4) Class II MM Permits are issued for a one (1) to three (3) year period, based on the complexity of the operations at the facility.

(e) Class III:

(1) Any User who meets all of the following criteria:



- (i) Is not required to obtain a Class I or Class II Permit;
- (ii) Has Discharge characteristics of less than or equal to two (2) Equivalent Dwelling Units;
- (iii) Has no Toxic Pollutants or Hazardous Wastes in its Wastewater; and
- (iv) Is in compliance with all Pretreatment Standards and Pretreatment Requirements.

(2) Class III Users may be inspected and sampled on a random basis at least once each year.

(3) Class III MM facilities must demonstrate that the Discharge is of a known quality and quantity without measurable fluctuation during the duration of the Permit. The City may require BMPs in lieu of Pretreatment. Class III MM facilities may be inspected and sampled by the City anytime within the life of their Permit.

(4) Class III MM Permits are issued for a one (1) to five (5) year period, based on the complexity of the operations at the facility.

(f) Class IV Liquid Waste Hauler:

(1) Persons owning or operating vacuum pump trucks or other Liquid Waste transport vehicles who wish to discharge Chemical Toilets, Septic Tank, Seepage Pit, or Cesspool contents, or Liquid Wastes, generated within the City's boundary, into the City's POTW must first have a valid City Waste Hauler's Discharge Permit. All applicants applying for a Waste Hauler's Discharge Permit must fill out completely the City's Waste Hauler's Discharge Permit application, pay the appropriate fees as set by the City, receive a copy of the City regulations governing Discharge of Liquid Wastes from Liquid Waste transport vehicles, and must agree, in writing, to abide by these regulations.

(2) Discharge of Chemical Toilet, Septic Tank, Seepage Pit, or Cesspool contents, or other wastes containing no Industrial Wastes may be made by a Person holding a valid Waste Hauler's Discharge Permit at a designated location within the City POTW. Truck transported Industrial Wastes must be approved by the Director and discharged only at the locations specified by the City. The City shall require payment for any excessive treatment and disposal costs or may refuse permission to Discharge certain wastes.

(3) The Waste Hauler's Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from date of issuance. Waste Haulers are required to provide a waste tracking form for each load. This form shall include, at a minimum, the name and address of the waste hauler, Permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form must identify the source location, known or suspected waste Pollutants, and whether any wastes are RCRA Hazardous Wastes.

(4) Any Person violating the City requirements for Liquid Waste Discharges from trucks shall be in violation of this Chapter and may have his Permit suspended or revoked by

the Director upon five (5) days written notice. Nothing in this Chapter shall be so construed as to conflict with the requirements or enforcement rights set forth in California Health and Safety Code, Sections 117400-117450 or other existing laws, rules and regulations adopted by the State of California.

(g) Class V:

(1) Temporary Dischargers:

(i) A Permit shall be required of all Users granted temporary permission by the City to discharge uncontaminated water, storm drainage, or groundwater directly or indirectly to the City's Sewerage facilities. This Temporary Permit may be granted when no alternate method of disposal is reasonably available.

(ii) Users seeking a Temporary Permit must complete and file with the City, prior to commencing discharge, an application in the form prescribed by the City. This application must be accompanied by applicable fees, plumbing plans, or other data as required by the City for review.

(iii) The City may specify and make part of each Temporary Permit specific conditions and Pretreatment Requirements.

(iv) All applicable fees, in the amount adopted by the City's Fee Schedule, must be paid prior to issuance of a Permit.

(v) A charge for use to cover costs to the City for providing Sewerage service and monitoring shall be established by the City's Fee Schedule.

(vi) Temporary Permits shall be issued for a period not to exceed one (1) year.

(2) Out-of-City Dischargers:

(i) Permits for Dischargers located outside of the City's service area, but tributary to the City's Sewerage facilities, may be issued by the City in its sole discretion through special agreement. The Director will be authorized to inspect the Discharger's facilities to determine compliance with this Chapter.

(3) Groundwater Reclamation Projects:

(i) Discharge Permits shall be required for any groundwater reclamation projects discharging to the City POTW.

(ii) This Permit may be granted when no alternate method of disposal is reasonably available.

(iii) Users seeking a Permit for groundwater reclamation must complete and file with the City, prior to commencing Discharge, an application in the form prescribed by

the City. This application must be accompanied by applicable fees, plans, or other data as required by the City.

(iv) The City may specify and make part of each Groundwater Permit specific conditions and Pretreatment Requirements.

(v) All applicable fees, in the amount adopted by the City's Fee Schedule, must be paid prior to issuance of a Permit.

(vi) A charge for use to cover costs of the City for providing Sewerage service and monitoring shall be established by the City's Fee Schedule.

(4) Mobile Wastewater Generators:

Discharge Permits may be issued for mobile wastewater generators who discharge the captured wastewater to the City Sewer system. Captured wastewater may be discharged to the Sewer system by way of a recreational vehicle Sanitary Sewage dump station or through a private cleanout with the owner's express permission. All applicable fees, in the amount adopted by the City's Fee Schedule, must be paid prior to issuance of a Permit.

(5) Saltwater Pool Discharge:

(i) Discharge Permits shall be issued for the Discharge from the draining of saltwater pools. The terms and conditions of the Permit may limit the days, times, concentrations, and volumes that may be discharged into the POTW.

(ii) All applicable fees, in the amount adopted by the City's Fee Schedule, must be paid prior to issuance of a Permit.

(iii) A charge for use to cover costs of the City for providing Sewerage service and monitoring shall be established by the City's Fee Schedule.

(h) Class VI facilities are classified as facilities with no Process Wastewater and discharge only Sanitary Sewage to POTW. Class VI HM facilities are classified as Class VI facilities that have hazardous materials on-site.

(i) Class VII facilities are classified as facilities that are not connected to the Sewer system. Class VII HM facilities are classified as Class VII facilities that have hazardous materials on-site.

**Sec. 6-13.604. Procedure for Obtaining a Permit for Wastewater Discharge.**

Users seeking a Permit must complete and file with the Director an application on the form prescribed by the City. The application must be accompanied by the applicable fee. In support of this application, the User may be required to submit some or all of the following information:

(a) Business name, address, phone number, contact name and title;

- (b) SIC and NAICS numbers of applicant;
- (c) Volume of Wastewater to be Discharged;
- (d) Wastewater Pollutants and characteristics required by the Director as determined by an analysis performed in accordance with the standards set in this Chapter. The User must pay for the cost of such analyses;
- (e) Time and duration of Discharge;
- (f) Wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (g) Site plans, floor plans, and mechanical and plumbing plans and details to show all Sewers and appurtenances by size, location, and elevation;
- (h) Description of activities, facilities, and plant processes on the premises including all materials and types of materials that are, or could be, discharged;
- (i) Each product produced by type, amount, and rate of production;
- (j) Hours of plant operation;
- (k) Number of employees per shift and definition of shifts; and
- (l) Certification and signature of an Authorized Representative of the Owner of the building or land that the Owner will accept financial responsibility for cleanup and closure costs of Sewers, Wastewater storage tanks, or Pretreatment Facilities.
- (m) The Director will evaluate the data furnished by the User and may require additional information. After evaluation, inspection, and acceptance of the data furnished, the Director may issue a Permit subject to terms and conditions.

#### **Sec. 6-13.605. Permit Conditions.**

Permits shall be expressly subject to all provisions of this Chapter and all other regulations, User charges, and fees established by the City. A Permit shall include such conditions that are deemed necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the POTW's Effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The Permit shall also include Effluent limits, including BMPs, based on applicable Pretreatment Standards.

The Director will evaluate the data furnished by the User and may require additional information to determine whether to issue a Permit. The Director may deny any application for a Permit if it does not meet the standards set in this Chapter.

Permit conditions may include some or all of the following:

- (a) Limits on the average and maximum Wastewater Pollutants and characteristics;
- (b) Limits on the average and/or maximum rate and time of Discharge and/or requirements for flow regulations and equalization;
- (c) Limits regarding the Discharge of specific Pollutants;
- (d) The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the system;
- (e) Requirements for installation and maintenance of inspection and sampling facilities, equipment, and flow measurement devices;
- (f) Requirements for containment of Uncontrolled Discharge and installation of Secondary Containment structure(s). The Secondary Containment system must meet the requirements of 40 CFR 264.175 (b);
- (g) Requirements for the development and implementation of spill control plans or other special conditions necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
- (h) Requirements, which may include self monitoring, sampling, reporting, notification and recordkeeping requirements, specific sampling locations, frequency of sampling, times of sampling, test standards, reporting schedules, and pre-notification of sampling for self-monitoring programs;
- (i) Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;
- (j) Requirements for maintaining and submitting technical reports and records relating to Wastewater treatment, Discharges, and disposal;
- (k) Requirements on daily average and maximum Discharge rates, or other appropriate conditions when Pollutants subject to limitations and prohibitions are proposed or present in the User's Wastewater Discharge;
- (l) Compliance Schedules;
- (m) Applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements;
- (n) Requirements for Wastewater analyses to be done in accordance with the standards set in this Chapter;
- (o) Requirements for maintaining and affording City access to appropriate records;

- (p) Requirements for notification to the Director of any new introduction of Wastewater Pollutants or any substantial change in the volume or character of the Wastewater Pollutants;
- (q) Requirements for the development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
- (r) Requirements for the control of Slug Discharges;
- (s) Requirements for notification of Slug, Upset, or Bypass Discharges;
- (t) Requirements for notification of discontinued Discharge and the responsibility of the building and/or landowner for facility cleanup and closure;
- (u) Requirements for an amended application to be filed within ten (10) business days if conditions noted in the original application change; and
- (v) Other conditions to ensure compliance with this Chapter.

**Sec. 6-13.606. Permit Duration.**

Permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the Permit. The Permit must contain a statement that indicates the Permit issuance date, expiration date, and effective date. The User must apply for renewal of the Permit no later than sixty (60) days prior to the expiration of the Permit. After submitting an application for renewal, if the User is not notified by the City thirty (30) days prior to expiration of the Permit, the Permit shall automatically be extended for thirty (30) days or until the Director makes a determination on the application for renewal, whichever occurs first.

**Sec. 6-13.607. Permit Modifications.**

The User must be informed of any modifications to their Permit at least thirty (30) days prior to the effective date of modification. Any modifications or new conditions in the Permit must be issued in writing and include a reasonable time schedule for compliance.

The City may modify a Permit for any of the following reasons:

- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Pretreatment Requirements;
- (b) To address significant alterations or additions to the User's operations, processes, or Wastewater volume or character since the time of the Permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of an authorized Discharge;
- (d) Information indicating that the permitted Discharge poses a threat to the City's POTW, personnel, or the Receiving Waters;

- (e) Violation of any terms or conditions of the Permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;
- (g) Revision of, or a grant of variance from, any Categorical Pretreatment Standard;
- (h) To correct typographical or other errors in the Permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new User/Owner where requested in accordance with Section 6-13.609.

**Sec. 6-13.608. Nontransferability.**

Permits are issued to a specific User/Owner for a specific operation at a particular location; Permits must not be reassigned, transferred, or sold without written approval from the Director in accordance with section 6-13.609.

**Sec. 6-13.609. Permit Transfer.**

Individual Permits may be transferred to a new User/Owner only if the permittee gives at least sixty (60) days advance notice to the Director and the Director approves the transfer. The notice must include a written certification by the new User/Owner which:

- (a) States that the new User/Owner has no intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing individual Permit.

**Sec. 6-13.610. Self-Monitoring Requirements.**

Self-monitoring, sampling, reporting, notification, and record-keeping requirements must include an identification of Pollutants, or BMPs, to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

**Sec. 6-13.611. New or Increased Contribution of Pollutants or Change of Wastewater Characteristics.**

No Wastewater shall be discharged in which there has been a new or increased contribution of Pollutants or change of characteristics which causes it to be different from that expressly allowed under the Permit issued, without written notification to and approval by the Director at least thirty (30) days prior to Discharge. Upon such notification, the Director may require that a new application be filed and a new Permit obtained before any waste Discharge involving the changed characteristics takes place.

**Sec. 6-13.612. Discontinued Discharge.**

(a) All permitted Users must notify the Director in writing at least thirty (30) days prior to discontinuing its industrial Process Wastewater Discharge for more than thirty (30) days unless the User can demonstrate to the Director that it could not have known of the discontinued Discharge. The discontinued Discharge may be temporary or permanent.

(b) Within thirty (30) days of the discontinued Discharge, the User must provide the Director with a plan for the removal of all Process Wastewater from the Sewers, Industrial Wastewater storage tanks, Grease Interceptors, Sand and Oil Interceptors, or Pretreatment Facilities in accordance with all applicable regulations. The contents must not be discharged to a Public Sewer without prior written approval from the Director.

(c) The Director shall have the right to inspect the facilities of the User in accordance with the procedures established in this Chapter.

(d) If the User fails to clean up and remove the contents of its facilities to the satisfaction of the Director, such activities and the costs shall be the responsibility of the Owner of the facility or land.

(e) Failure of the User or Owner to promptly and satisfactorily clean up and remove any contents of the Sewers, Industrial Wastewater storage tanks, or Pretreatment Facilities shall subject the User and Owner of the building and land to any enforcement action authorized in this Chapter.

**Sec. 6-13.613. Permit Revocation.**

The Director may revoke an individual Permit for any of the following reasons:

- (a) Failure to notify the Director of significant changes to the Wastewater prior to the changed Discharge;
- (b) Failure to provide prior notification to the Director of changed conditions;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the Permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Director timely access to the facility premises and records;
- (g) Failure to meet Effluent limitations;
- (h) Failure to pay Permit fees, monitoring fees, Sewer charges, or fines;



- (i) Failure to meet Compliance Schedules;
- (j) Failure to complete a Wastewater survey or the Permit application;
- (k) Failure to follow procedures for Permit transfer as provided in Section 6-13.609; or
- (l) Violation of any Pretreatment Standard or Pretreatment Requirement, or any terms of the Permit or this Chapter.

Permits shall be void upon cessation of operations or transfer of business ownership except as provided in Section 6-13.609. All Permits issued to a User are void upon the issuance of a new Permit to that User.

## **Article 7. Facilities Requirements**

### **Sec. 6-13.701. Separation of Sanitary Sewage and Industrial and Process Wastewaters.**

All Sanitary Sewage must be kept separate from all Industrial and Process Wastewaters until the Industrial and Process Wastewaters have passed through any required Pretreatment Facility and monitoring device.

### **Sec. 6-13.702. Pretreatment of Industrial and Process Wastewaters.**

The Director may require an Industrial Wastewater Pretreatment Facility or device when it is necessary to restrict or prevent the Discharge to the Sewer of certain waste Pollutants or to accomplish any specific Pretreatment result required by the Director prior to Discharge to the Sewer. The Director may also require a Pretreatment Facility or device when necessary to redistribute any peak Discharges of Industrial Wastewaters over a longer time period. Any facilities necessary for compliance must be provided, operated, and maintained at the User's expense. All Pretreatment Facilities or devices must be approved by the Director, but such approval shall not absolve the User of the responsibility of meeting any required industrial Effluent limitation(s) required. The Director may require construction of Sewer lines by the User to convey certain Industrial Wastes to a specific City Trunk Sewer. All Pretreatment Facilities judged by the City to require engineering design must have plans prepared and signed by an engineer of suitable discipline and licensed in the State of California a minimum of thirty (30) days prior to the commencement of Discharge. Detailed plans showing the Pretreatment Facilities and operating procedures, including accidental Discharge procedures, must be submitted to the Director for review. The review and approval of such plans and operating procedures by the Director will not relieve the User from the responsibility of modifying the facility in the future, as necessary, to produce an Effluent acceptable to the City under the provisions of this Chapter.

A Gravity Separation Interceptor, equalizing tank, neutralization chamber, control manhole, sampling location, or other approved device may be required to remove prohibited settleable and floatable solids, to equalize Wastewater streams varying greatly in quantity or quality, to neutralize low or high pH flows, and to facilitate inspection, flow measurement, and sampling.

**Sec. 6-13.703. Dilution.**

No User shall ever increase the use of water or in any other manner attempt to dilute a Discharge as a partial or complete substitute for adequate methods for the reduction of Pollutants to achieve compliance with the Permit or this Chapter unless expressly authorized by an applicable Pretreatment Standard or Pretreatment Requirement.

**Sec. 6-13.704. Monitoring Facilities.**

(a) Any User, at the discretion of the Director, shall be required to install and maintain monitoring facilities or devices to allow inspection, sampling, or measurements in the facility Sewer or plumbing systems and shall also be required to provide, install, and operate sampling or monitoring equipment at the User's expense. These facilities must be situated on the User's premises. However, the Director may allow monitoring facilities to be constructed off-premises at the User's expense.

(b) All Users making periodic measurements must furnish and install at their own expense at the Sampling Well or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the Director and suitable to measure the Industrial Wastewater flow rate and total volume. A flow indicator, recorder, or totalizing register may be required by the Director. In lieu of Wastewater flow measurement, the Director may accept records of water usage to determine peak and average flow rates for the specific Industrial Wastewater Discharge. A suitable calibration schedule must be approved by the Director.

(c) When one or more Users Discharge into a common Sewer, the Director may require installation of a separate monitoring facility for each User. Also, when in the judgment of the Director, there is a significant difference in Wastewater Pollutants and characteristics produced by different operations of a single User, the Director may require that separate monitoring facilities be installed for each separate Discharge. A combined waste stream formula may be applied.

(d) If the monitoring facility is inside the User's fences, there must be accommodations to allow access for City personnel. There must be ample operating area in or near such sampling points and equipment to allow accurate sampling and compositing of samples for analysis. The User must assure that access and sampling and measuring equipment are maintained in a safe and proper operating condition.

(e) The sampling and monitoring facilities must be installed in accordance with the City's design requirements and all applicable construction standards, safety devices, and specifications. Construction must be completed within ninety (90) days following written notification from the City.

(f) The User must provide written notification to the Director upon completion of the sampling and monitoring facilities.

(g) Monitoring or metering facilities must be provided with a security closure that can be locked with a City provided lock during sampling or monitoring.

(h) Unrestricted access to monitoring facilities must be available to authorized City personnel at all times.

**Sec. 6-13.705. Grease Interceptors for Fats, Oil, Grease, and Solids.**

(a) **Food Service Facilities:** All food service facilities discharging grease wastes which, under the conditions existing in the downstream Sewers, could cause or threaten to cause stoppage or grease accumulations, shall be required to install an appropriately sized and approved Grease Interceptor and to regularly maintain it so as to prevent excessive discharges of fats, oil, grease, and solids into the Sewerage System. A grease interceptor must not have garbage disposals or dishwashers installed that discharge to the grease trap. Any design for installation of any Grease Interceptor must be approved in accordance with the requirements of the Building Code. The Grease Interceptor must be easily accessible for inspection by the Director. Exceptions to the installation of a Grease Interceptor shall be determined on a case-by-case basis by the Director based on the following criteria:

- (1) Size of facility;
- (2) Number of meals served per day;
- (3) Type of food prepared;
- (4) Seating capacity;
- (5) Location;
- (6) Dishwashing activities; and
- (7) Garbage facilities.

(b) **Existing Grease Interceptors:** Grease Interceptors properly installed at a food service facility prior to the effective date of this Chapter shall be acceptable as an alternative to the Grease Interceptor specified in Subsection (a) of this Section provided such Grease Interceptor is effective in removing fats, oil, grease, and solids and is designed and installed so that it can be inspected and properly maintained. If the Director determines that a Grease Interceptor is incapable of retaining adequately the settleable and floatable material in the Wastewater flow from a food service facility, a written notice may be issued requiring that an adequate Grease Interceptor be installed within ninety (90) days.

(c) **Variances on Grease Interceptor Sizing:** Grease Interceptors must meet or exceed a minimum size standard of 750-gallon capacity, except when a written variance is granted by the Director. Facilities may apply for a sizing variance to a minimum 70-pound capacity Grease Interceptor, commonly known as a grease trap, in accordance with this Chapter. Grease Interceptor sizing variances may be granted by the Director when the following conditions are met:

(1) The User applies for the variance, in writing, and includes the volume of all fixtures; and

(2) The sizing of a Grease Interceptor is calculated based on the total discharge flow rate and must be certified by a qualified engineer registered in the State of California to be sufficient to pre-treat the volume and type of Wastewater.

**Sec. 6-13.706. Car Washes, Vehicle Service Facilities and Garages.**

All new car washes, vehicle service facilities, and garages that have facilities for the wash down of vehicles must install an appropriate Sand and Oil Interceptor of a size and design approved by the Director. Establishments in existence prior to the effective date of this Chapter must install an appropriate Sand and Oil Interceptor if the establishment has the potential of contributing non-compatible materials to the Sewerage System.

**Sec. 6-13.707. Existing Sand and Oil Interceptor.**

Sand and Oil Interceptors properly installed at a vehicle service facility, garage, car wash, or similar establishment prior to the effective date of this Chapter shall be acceptable as an alternative to the Sand and Oil Interceptor specified in Section 6-13.706 provided such Sand and Oil Interceptor is effective in removing sand, oil, and solids and is designed and installed so that it can be inspected and properly maintained. If the Director determines that a Sand and Oil Interceptor is incapable of retaining adequately the settleable and floatable material in the Wastewater flow from a vehicle service facility, garage, car wash, or similar establishment, a written notice shall be issued requiring that an adequate Sand and Oil Interceptor be installed within ninety (90) days.

**Sec. 6-13.708. Approved Designs.**

The City maintains an information file, available for public use, of acceptable designs of Grease Interceptors, and Sand and Oil Interceptors. The installation of a Grease Interceptor or Sand and Oil Interceptor of a design shown in such a file, or of any design meeting the requirements set forth in this Section or any recommendation or requirements made by the City, shall not impute any liability to the City for the adequacy of the Grease Interceptor or Sand and Oil Interceptor under the actual conditions of use. The Director may require the installation of a sample box with the Grease Interceptor or Sand and Oil Interceptor. The design of such installations must be completed and stamped by an engineer of suitable discipline registered in the State of California. Such installation shall not relieve the Owner or proprietor of responsibility for keeping fat, oil, grease, and solids out of the Sewer. If the Grease Interceptor or Sand and Oil Interceptor or other Pretreatment device is not adequate under the conditions of use, one must be constructed which is effective in accomplishing the intended purpose.

**Sec. 6-13.709. Maintenance of Grease Interceptors or Sand and Oil Interceptors.**

Any Grease Interceptor or Sand and Oil Interceptor required by this Chapter must be readily accessible for inspection and properly maintained to ensure that the accumulations of fats, oil, grease, and solids do not impair the efficiency of the Grease Interceptor or escape with the

Effluent. All locations required to use and maintain a Grease Interceptor must keep a record of every cleaning and maintenance event. This record must include the date, the name of the company or person who cleaned it, and disposal site of the waste. A Grease Interceptor shall not be considered properly maintained if fats, oil, grease, and solids accumulations total twenty-five percent (25%) or more of the operating fluid capacity of the final chamber. The City will inspect all Grease Interceptors and Sand and Oil Interceptors periodically. If a Grease Interceptor or Sand and Oil Interceptor is found to be improperly maintained or adequate records are not being kept, an Initial Notice of Violation will be issued to the Owner and/or User of the property pursuant to Section 6-13.903.

**Sec. 6-13.710.            Slug Control Plans and Containment of Uncontrolled Discharges.**

The Director shall evaluate whether each SIU needs an accidental discharge or Slug Discharge Control Plan or other action to control Slug Discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. The Director may modify the plan to ensure accidental or Slug Discharges are adequately contained and abated. An accidental Discharge or Slug Discharge Control Plan must address, at a minimum, all of the following:

- (a)     Description of discharge practices, including non-routine batch Discharges;
- (b)     Description of stored chemicals;
- (c)     Procedures to immediately notify the Director of Slug Discharges. This notification must include the location of the Discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User;
- (d)     Procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and measures and equipment for emergency response;
- (e)     Within five (5) days following such Discharge, the User must submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the User of any fines, penalties, or other liability that may be imposed pursuant to this Chapter; and
- (f)     Upon written notification by the Director, Users must provide spill containment for Uncontrolled Discharges of material or other substances regulated by this Chapter. Facilities designed to contain spills must be provided and maintained at the User's expense. Users so notified must provide detailed Slug Discharge Control Plans, including facilities and operating procedures, to the Director for review. Such plans must be approved by the Director before commencement of construction of the facility. Construction must be completed within the time period designated by the Director. Review and approval of spill containment plans and operating

procedures shall not relieve the User from the responsibility to modify its facility, as necessary, to meet the requirements of this Chapter.

**Sec. 6-13.711. Gas Monitoring and Wastewater Diversion Facilities.**

Upon written notification by the Director, Users of toxic or flammable substances or Users subject to Discharges of toxic or flammable substances shall be required to install, operate, and maintain a combustible gas monitoring system and facilities to divert the entire Wastewater flow to a holding tank when the flammable gas, mist, or vapor is in excess of ten percent (10%) of its Lower Explosive Limit. These facilities must be provided and maintained at the User's expense. Users so notified must provide detailed gas monitoring and Wastewater diversion plans, including facilities plans, standard operating procedures, BMPs, emergency response plan, and business plans, to the Director for review. Such plans must be reviewed and approved by the Director before installation or commencement of construction of the facilities. At a minimum, the monitoring facilities must be installed in a field location and have an appropriate indicator, automatic continuous recorder, adjustable two-stage alarm system, calibration for gas detection, and a means for diverting flow to a holding tank.

**Sec. 6-13.712. Pollution Prevention, Waste Minimization, Recycling, and Treatment.**

All Users must implement a program of waste minimization to reduce the generation of Hazardous Wastes in accordance with Federal, State, and local policies. This program, at a minimum, shall include adequate housekeeping measures and product substitution to less hazardous raw materials as much as economically feasible and recycling of all wastestreams as technically feasible.

Waste minimization must be demonstrated wherever feasible, in the following order of priority, as determined by EPA policy derived from the Pollution Prevention Act of 1990:

- (a) **Source Reduction:** Substitution to less hazardous materials, spill prevention and control measures, proper storage and handling of chemicals and raw materials, or any methods that accomplish source reduction.
- (b) **Recycling, Recovery, and/or Reuse:** Practice recovery, recycling, and reuse for such waste streams as solvents, oils, ethylene glycol, silver, and concentrated bath or spent solutions or other process wastestreams.
- (c) **Treatment:** Treatment techniques designed to render Hazardous Wastes harmless or suitable for proper disposal.
- (d) **Disposal:** Destruction of Hazardous Wastes must take precedence over landfilling, but in any case, all disposal must be in compliance with Federal, State, and local Hazardous Waste disposal laws.

**Article 8. Monitoring, Reporting, Inspection, Record Keeping,  
and Notification Requirements**

**Sec. 6-13.801. Compliance Monitoring.**

All facilities will be subject to periodic measurements of flow rates, flow volumes, and Wastewater characteristics for compliance with any limitations or requirements specified in the Permit or this Chapter.

**Sec. 6-13.802. Repeat Sampling and Reporting.**

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User must also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Where the City has preformed the sampling and analysis in lieu of the User, the City will perform the repeat sampling and analysis. Repeat sampling is not required if:

(a) The City performs sampling at the User's facility at least once a month, and the subsequent sampling results are compliant; or

(b) The City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the City received the results of this sampling and the subsequent sampling results are compliant.

**Sec. 6-13.803. Pre-Notification.**

Any User may be required by the Director, by Permit or otherwise, to engage in periodic monitoring and sampling of its Discharge. Where a User is required to monitor or sample, the User must notify the Director by telephone facsimile or by e-mail as specified in the User's Permit at least forty-eight (48) hours in advance of any monitoring or sampling events. Notification must include the date, time, and location of proposed monitoring or sampling. Monitoring and sampling shall be carried out during the User's designated operating hours. Prior to the commencement of any sampling or monitoring, the Director may request that the User furnish to the City a split sample and all supporting data and other pertinent information. The Director reserves the right to refuse any data developed from the monitoring or sampling event if the User fails to comply with the pre-notification procedure.

Each User must submit to the Director, certified under penalty of perjury by the User, its monitoring and sampling report or other requested data.

**Sec. 6-13.804. General Monitoring Requirements.**

The sampling, analysis, and flow measurement procedures, equipment, and results must be subject at any time to inspection by the Director. Sampling and flow measurement facilities must provide safe access to authorized personnel.

Those Users required by the Director to make periodic measurements of Industrial Wastewater flows and Pollutants must make at least the minimum number of measurements required. The minimum requirement for periodic measurements shall be at least two 24-hour measurements per year. All Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are

unrepresentative of its Discharge. Representative samples of the Industrial Wastewater shall be obtained at least once each hour over the 24-hour period, or the designated hours of operation for the facility. All samples must be properly refrigerated and preserved, composited according to measured flow rates during the 24-hour period, and analyzed for the specified Wastewater Pollutants. Industrial plants with large fluctuations in quantity or quality of Wastewater may be required to provide continuous sampling and analyses for every working day. When required by the Director, Users must install and maintain, in proper working order, automatic flow-proportional sampling equipment, automatic analysis and recording equipment, or both.

Measurements to verify the quantities of waste flows and waste Pollutants reported by Users will be conducted on a random basis by the Director.

**Sec. 6-13.805. Record Keeping Requirements.**

All Users must maintain records of all information resulting from any monitoring activities required by applicable regulations. At a minimum the following information must be included:

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (b) The dates analyses were performed;
- (c) The identity and addresses of the person(s) who performed the analyses; and
- (d) The results of such analyses.

All Users shall be required to retain records of all monitoring activities and results, whether or not required by this Chapter, for a minimum period of three (3) years. The records must be made available for inspection and copying by the Director at any time. This period of retention shall be extended during the course of any unresolved litigation involving the User or the City Sewerage facilities. If a User subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Director, the results of this monitoring must be included in the report.

**Sec. 6-13.806. Sampling and Analysis Procedures.**

Samples and flow measurement must represent the normal Wastewater flow to the Public Sewer over a twenty-four (24) hour period. Composite Samples shall be collected according to flow or time, with at least one sample collected hourly. Samples may be collected either manually or by automatic integrated sampling equipment approved by the Director. Chain-of-custody logs must be maintained by the User for all samples required by this Chapter.

- (a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.



(b) The sampling, handling, storage, and analysis of all samples taken for the determination of the characteristics of Wastewater Discharges must be performed in accordance with procedures established in 40 CFR 136, unless otherwise specified in an applicable Categorical Pretreatment Standard, by laboratories certified by the State of California, by a laboratory of the User approved by the Director. If 40 CFR 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses must be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by EPA. If performed by City personnel, an appropriate charge shall be paid by the User requesting the tests. Prior to submittal to the Director of data developed in the laboratory of a User, the results must be verified by an Authorized Representative of the User, certified to by a qualified professional, and signed by an Authorized Representative of the User. Any independent laboratory or User performing tests must immediately furnish any required test data or information on the test methods or equipment used upon request by the Director.

(c) Except as indicated in Subsections (d) and (e) below, the User must collect Wastewater samples using 24-hour flow-proportional Composite Sampling techniques, unless time-proportional Composite Sampling or Grab Sampling is authorized by the Director. Where time-proportional Composite Sampling or Grab Sampling is authorized by the Director, the samples must be representative of the Discharge. Using protocols specified in 40 CFR Part 136 and approved EPA procedures, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using Grab Sample techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities with historical sampling data available, the Director may authorize a lower minimum. For the reports required by Section 6-13.812(d) the User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Pretreatment Requirements.

#### **Sec. 6-13.807. Determination of Pollutants.**

The determination or estimation of Pollutants contained in Sanitary Sewage, Liquid Waste, and Industrial Wastewater Discharges must be by one of the following methods:

(a) Sampling and analysis by City personnel;

(b) Sampling and analysis by User personnel or laboratory acceptable to the Director and employed by the User; or

(c) Estimates determined by a study of waste producing operations leading to the Discharge and approved by the Director.

The method selected must be approved by the Director prior to the commencement of sampling. In the event either method (b) or (c) is selected and approved, the Director may determine the accuracy of the results obtained by appropriate sampling and analysis.

**Sec. 6-13.808. Determination of Total Flow.**

The measurement of total flow of Sanitary Sewage, Liquid Waste, or Industrial Wastewater shall be made by means of a metering device, approved by the Director, purchased, installed, and maintained at the expense of the User or by estimate arrived at from total water used in the area occupied, or by other means acceptable to the Director and the User. The User shall have the option of selecting whether the measurement shall be made by meter, or by estimate, provided that the method of estimating is approved by the Director.

**Sec. 6-13.809. Determination of Peak Flow.**

The determination of peak flow rate shall be made by means of an Effluent meter approved by the Director and purchased, installed, and maintained at the expense of the User, or by field measurements made by the City. The User shall have the option of selecting the method of determination to be used, provided that in the event the field measurement method is selected, the User will bear all expenses incurred by the City in carrying out the field measurements.

**Sec. 6-13.810. Monitoring for Surcharge Determination.**

Unless specifically relieved of such obligation in writing by the Director, the Director shall require all Users to take periodic measurements of flow rates, flow volumes, and Wastewater characteristics for use in determining the Industrial Wastewater treatment surcharge.

**Sec. 6-13.811. Discrepancies Between Actual and Reported Industrial Wastewater Discharge Quantities.**

The User must apply for an amended Permit should measurements or other investigations reveal that the User is discharging at a flow rate, flow quantity, or Pollutant loading in excess of that stated in their Permit or in excess of the quantities reported to the City by the User. If an Industrial Wastewater treatment surcharge was based upon the reported Discharge quantity or Pollutant loading the User shall be assessed for all delinquent charges together with any penalties and interest that may apply.

**Sec. 6-13.812. Baseline Monitoring Report.**

Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination, whichever is later, existing Users currently discharging, or scheduled to discharge, to the POTW must submit to the

Director a report that indicates whether the User meets the Categorical Pretreatment Standard. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, must submit to the Director a report that contains the information listed below. A New Source must report the method of Pretreatment it intends to use to meet applicable Categorical Pretreatment Standards. A New Source also must give estimates of its anticipated flow and quantity of Pollutants to be discharged.

Users described above must submit all of the information below:

- (a) Name and address of the facility;
- (b) Name of the operator and Owner(s);
- (c) A list of any environmental control permits held by or for the facility;
- (d) A brief description of the nature, average rate of production, each product produced by type, amount, processes, and rate of production, and SIC and NAICS of the operation(s) carried out by the User. This description must include a schematic process diagram that indicates points of Discharge to the POTW from the regulated processes;
- (e) Information showing the measured average and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula, if applicable;
- (f) Measurement and reporting of Pollutants:
  - (1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - (2) The results of sampling and analysis identifying the nature and concentration or mass, where required by the Pretreatment Standard or by the Director, of regulated Pollutants in the Discharge from each regulated process;
  - (3) Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, must be reported;
  - (4) The sample must be representative of daily operations and analyzed using the techniques set forth in this Chapter. Where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation as required by the Director or the applicable Pretreatment Standards to determine compliance with the Pretreatment Standard;
  - (5) The User must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Chapter;
  - (6) Samples should be taken immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated process if no Pretreatment

Director a report that indicates whether the User meets the Categorical Pretreatment Standard. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, must submit to the Director a report that contains the information listed below. A New Source must report the method of Pretreatment it intends to use to meet applicable Categorical Pretreatment Standards. A New Source also must give estimates of its anticipated flow and quantity of Pollutants to be discharged.

Users described above must submit all of the information below:

- (a) Name and address of the facility;
- (b) Name of the operator and Owner(s);
- (c) A list of any environmental control permits held by or for the facility;
- (d) A brief description of the nature, average rate of production, each product produced by type, amount, processes, and rate of production, and SIC and NAICS of the operation(s) carried out by the User. This description must include a schematic process diagram that indicates points of Discharge to the POTW from the regulated processes;
- (e) Information showing the measured average and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula, if applicable;
- (f) Measurement and reporting of Pollutants:
  - (1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - (2) The results of sampling and analysis identifying the nature and concentration or mass, where required by the Pretreatment Standard or by the Director, of regulated Pollutants in the Discharge from each regulated process;
  - (3) Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, must be reported;
  - (4) The sample must be representative of daily operations and analyzed using the techniques set forth in this Chapter. Where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation as required by the Director or the applicable Pretreatment Standards to determine compliance with the Pretreatment Standard;
  - (5) The User must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Chapter;
  - (6) Samples should be taken immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists;

(7) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and

(8) The baseline report must indicate the time, date, and place of sampling and methods of analysis and must certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

(g) A compliance certification statement must be reviewed and certified by a qualified professional, and signed and approved by an Authorized Representative of the User, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation, maintenance, and/or additional Pretreatment is necessary to meet the Pretreatment Standards and Pretreatment Requirements;

(h) If additional operation, maintenance, and/or Pretreatment will be required to meet the Pretreatment Standards, the shortest Compliance Schedule by which the User will provide such measures must be provided. The completion date in this schedule must not be later than the compliance date established for the applicable Pretreatment Standard; and

(i) All baseline monitoring reports must be signed and certified in accordance with section 6-13.818 of this Chapter.

#### **Sec. 6-13.813. Compliance Schedule Progress Reports.**

(a) The Compliance Schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards.

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

(c) The User must submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.

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

#### **Sec. 6-13.814. Reports on Compliance with Categorical Pretreatment Standard Deadline.**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards and Pretreatment Requirements must submit to the Director a report containing the information described in Section 6-13.812 (d) and (e).

**Sec. 6-13.815. Periodic Compliance Reports.**

(a) All SIUs must submit at a minimum every June and December reports indicating the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Director, the Director may agree to alter the months during which the reports required in this section are to be submitted.

(b) Any User who is not meeting City requirements, Discharge limitations, or Pretreatment Standards and is required to submit a compliance report must do so on the proper form and in compliance with the requirements set in this Chapter or in a Compliance Schedule set by a regulatory agency.

(c) All compliance sampling and monitoring must be performed and completed within the reporting period as defined in the Compliance Schedule.

(d) All Discharges sampled and monitored by the User in excess of the requirements issued by the City must be reported with the compliance report covering the period in which the samples were collected.

(e) All periodic compliance reports must be signed and certified in accordance with section 6-13.818 of this Chapter.

**Sec. 6-13.816. Notice of Changed Discharge.**

All Users must notify the Director no less than thirty (30) days in advance of any substantial change in the volume or character of Pollutants in their Discharge, including any changes that affect the potential for a Slug Discharge. Modifications to the Permit may be required to accommodate the change. Users must notify the Director of any changes to processes at least ninety (90) days in advance. The Director may require the User to submit such information as necessary to evaluate the changed condition. The Director may issue a Permit or modify an existing Permit in response to changed or anticipated changed conditions.

**Sec. 6-13.817. Reports of Potential Problems.**

In the case of any Discharge that may cause potential problems for the POTW, the User must immediately notify the Director by telephone of the incident. This notification must include:

- (a) The location of the Discharge;
- (b) Type of waste, concentration, and volume, if known; and
- (c) Any corrective actions taken by the User.

**Sec. 6-13.818. Certification of Permit Applications, User Reports, and Initial Monitoring Waiver.**

The following certification statement is required to be signed and submitted by Users submitting Permit applications, baseline monitoring reports, compliance reports with Categorical Pretreatment Standard deadlines, periodic compliance reports, and for an initial request to forego sampling of a Pollutant. The following certification statement must be signed by an Authorized Representative:

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

**Sec. 6-13.819. Reports from Unpermitted Users.**

All Users not required to obtain a Permit shall provide appropriate reports to the Director as the Director may require.

**Sec. 6-13.820. Right of Entry: Inspection and Sampling.**

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Chapter and any Permit or order issued hereunder. Users must allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User must make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(c) The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the User at the User's expense. All devices used to measure Wastewater flow and quality must be calibrated to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled must be promptly removed by the User at the written or verbal request

of the Director and must not be replaced. The costs of clearing such access shall be born by the User.

(e) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Chapter.

**Sec. 6-13.821. Hazardous Waste Reporting Requirements for POTWs and Users.**

(a) The User must notify the POTW and all appropriate State and Federal Hazardous Waste authorities, in writing, of any Discharge into the POTW of a substance, which, if otherwise disposed of, would be a Hazardous Waste under 40 CFR 261. Such notification must include the name of the Hazardous Waste, the EPA Hazardous Waste number, and the type of Discharge, continuous, batch, or other. If the User Discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification must also contain the following information to the extent such information is known and readily available to the User: An identification of the hazardous Pollutants contained in the wastes; an estimation of the mass and concentration of such Pollutants in the wastestream discharged during that calendar month; and an estimation of the mass of Pollutants in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within 180 days of the effective date of this Chapter. Users who commence discharging after the effective date of this Chapter must provide the notification no later than 180 days after the Discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once each calendar year for each Hazardous Waste discharged. However, notifications of changed Discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this Section does not apply to Pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(b) Users are exempt from the requirements of paragraph (a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of Hazardous Wastes, unless the wastes are acute Hazardous Wastes as specified in 40 CFR 261.30 et seq. and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute Hazardous Wastes in a calendar month, or of any quantity of acute Hazardous Wastes as specified in 40 CFR 261.30 et seq. and 261.33(e), requires a one-time notification prior to discharge.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of Hazardous Waste or listing any additional substance as a hazardous waste, the User must notify the POTW and all Hazardous Waste authorities required of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the User must certify that it has a program in place to reduce the volume and toxicity of Hazardous Wastes generated to the degree it has determined to be economically practical.

**Sec. 6-13.822. Notification of Uncontrolled Discharges.**

In the event of an Uncontrolled Discharge, the User must immediately notify the Director of the incident by telephone. The notification must include locations of Discharge, type of material, concentration and volume, and corrective actions taken.



Within five (5) days following the Uncontrolled Discharge, the User must submit to the Director a detailed written report describing the cause of the Discharge, corrective action taken, and measures to be taken to prevent future occurrences. Such notification shall not relieve the User of any additional liabilities, fines, and costs incurred as a result of this Uncontrolled Discharge.

**Sec. 6-13.823. General Notification Requirements.**

Users are required to notify the Director of any event that violates any section of this Chapter. No statement in this Chapter shall be construed as relieving the User from the notification requirements of other Federal, State, or local laws, regulations, or ordinances.

In the event of emergencies, potential risk to public health or safety, potential property damage, or potential health or safety risk to City employees, the User must notify the Director and the City of Simi Valley Police Department. If the Director is unavailable, the User may contact the Assistant Director of Public Works, Deputy Director/Environmental Compliance, Deputy Director/Sanitation, or Principal Engineer/Sanitation.

In no event shall the availability of the Director relieve the User from the time limitations for notifications established in this Chapter.

**Article 9. Enforcement**

**Sec. 6-13.901. Enforcement of Chapter.**

The Director shall be responsible to administer, implement, and enforce all the provisions of this Chapter. Any Violation of this chapter shall constitute a public nuisance.

The remedies provided for in this Chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan.

**Sec. 6-13.902. Waste Hauler Non-Compliance with Permit Requirements.**

If any Permit conditions or requirements are violated or the Effluent of the Waste Hauler is found by the analysis to be in excess of the concentrations specified in this Chapter or the Waste Hauler's Permit and it is from a Septic Tank, Cesspool, or Chemical Toilet, the following shall apply:

(a) First violation, the Waste Hauler will be issued a written Notice of Violation and must identify, in writing, the source(s) of the Discharge.

(b) Second violation, the Director may suspend the Waste Hauler's disposal privileges for up to ten (10) business days and the Waste Hauler must identify, in writing, the source(s) of the Discharge.

(c) Third violation, the Waste Hauler shall pay a non-compliance fee as specified in the City's Fee Schedule and the Director may suspend the Waste Hauler's disposal privileges for a minimum of ten (10) business days but not more than thirty (30) business days.

(d) Fourth violation, the Permit may be revoked.

For those Waste Haulers discharging liquids from industrial, commercial, or other sources, the following shall apply:

(a) First violation, the Waste Hauler will be issued a written Notice of Violation and pay a non-compliance fee as specified in the City's Fee Schedule.

(b) Second violation, the Waste Hauler will be issued a written Notice of Violation and pay a non-compliance fee as specified in the City's Fee Schedule. The Director may suspend the Waste Hauler's disposal privileges for a minimum of ten (10) business days but not more than thirty (30) business days.

(c) Third violation, the Director may revoke the Waste Hauler's Permit.

#### **Sec. 6-13.903. Non-Compliance with Permit Requirements.**

Upon discovery by the Director of non-compliance with any Permit requirement, an Initial Notice of Violation (INOV) or Notice of Violation (NOV) shall be issued to the User. The violation notice must indicate the nature of the non-compliance, the required actions to comply, and the time frames in which compliance must be reached. The INOV may be issued for the first minor violation of a User. The NOV will be issued for subsequent violations, violations that are of a more serious nature, or where the User has had repeated violations. Notification does not preclude the Director from taking any other enforcement action authorized by this Chapter.

(a) First Violation: The Director may issue an Initial Notice of Violation.

(b) Second and Subsequent Violations: A User will be issued a NOV for a second and any subsequent violations within a 12-month period and may be punishable by the enforcement actions set forth in this Chapter and a fine or penalty in an amount set forth by resolution adopted by the City. In determining the appropriate level of enforcement action the Director shall take additional factors into consideration. These factors shall include the magnitude of the violation, duration of the violation, effect of the violation on the Receiving Waters, or the POTW and/or its collection systems and worker health and safety, compliance history of the User, and good faith of the User in its compliance efforts.

(c) Upon notification of the violation, immediate action must be implemented by the User to abate Discharge violations. Temporary measures must be instituted while permanent measures are designed and constructed. This may require discontinuance of the Discharge to the Sewer and temporary storage or alternate disposal of the wastestream until permanent measures are instituted.

(d) All instances of non-compliance must be permanently corrected within thirty (30) days unless an approved Compliance Schedule is in effect.

(e) In all instances of non-compliance, upon notification of the violation by the Director, it shall be the responsibility of the User to demonstrate compliance to the Director.

(f) Non-compliance with Discharge requirements of the User's Permit may be determined by an analysis of a Grab or Composite Sample of the Effluent of a User for any Pollutant or condition specified in the User's Permit or this Chapter.

(1) Federal Categorical Standards:

(i) Composite Sampling shall be used to determine non-compliance with Federal Categorical Pretreatment Standards, except where a Grab Sample is required by Federal regulations.

(ii) Grab Sampling may be used whenever collecting a Composite Sample is determined to be infeasible by the Director.

(2) Local Limits:

(i) Grab Sampling may be utilized at any time to determine compliance with Local Limits or whenever an approved sampling station or well is not available for the City's use. Any Local Limit compliance or non-compliance may be determined through a Grab Sample.

(g) A subsequent sample will be taken within thirty (30) days after notification, which will also be subject to non-compliance fees if found to be non-compliant. If the second sample reveals non-compliance, the Director may proceed with one or more of the following:

(1) Require the User to attend a compliance meeting to consider alternatives and solutions;

(2) Issue a Compliance Schedule;

(3) Enter into a Consent Agreement;

(4) Issue a Cease and Desist Order;

(5) Issue a Compliance Order;

(6) Order a Show Cause Hearing;

(7) Suspension or revocation of the Permit; and

(8) Commencement of any other enforcement action authorized by this Chapter.

(h) The payment of non-compliance fees shall not bar the City from undertaking any enforcement actions authorized in this Chapter nor waive the requirement for the User to comply with all Federal, State, or local Pretreatment Standards.

**Sec. 6-13.904. Compliance Schedule.**

The Director may issue a Compliance Schedule in the User's Permit, or amend the Permit by a Compliance Order to include a Compliance Schedule at any time, whenever it is determined that the User requires installation of new or modified Pretreatment equipment. A Compliance Schedule may also be issued for developing waste management practices, Slug Discharge Control Plans, solvent management plans, or other related plans.

**Sec. 6-13.905. Consent Agreement.**

The Director may enter into a Consent Agreement, assurances of compliance, or other similar documents establishing an agreement with the User responsible for the non-compliance. Such documents must include specific actions to be taken by the User to correct the non-compliance within a time period also specified by the Agreement. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6-13.906 and 6-13.907 of this Chapter and shall be judicially enforceable.

**Sec. 6-13.906. Compliance Orders.**

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a Permit, agreement, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Director may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Pretreatment Requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation.

**Sec. 6-13.907. Cease and Desist Orders.**

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

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.

**Sec. 6-13.908. Show Cause Hearing.**

The Director may order a User which has violated, or continues to violate, any provision of this Chapter, a Permit, agreement, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice must be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User.

**Sec. 6-13.909. Emergency Suspensions.**

(a) Any User notified of a Suspension Order of its Discharge must immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the Suspension Order, the Director may take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the POTW, its Receiving Waters, or endangerment to any individuals. The Director may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 6-13.910 of this Chapter are initiated against the User.

(b) The Director may immediately suspend a User's Discharge, after informal notice to the User, whenever such Suspension Order is necessary to stop an actual or threatened Discharge, which reasonably appears to present, or cause an imminent or substantial, endangerment to the health or welfare of persons. The Director may also immediately suspend a User's Discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(c) A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment must submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any Show Cause or Termination of Discharge hearing under Sections 6-13.908 or 6-13.910 of this Chapter.

(d) Nothing in this Chapter shall be interpreted as requiring a hearing prior to any Emergency Suspension Order under this Section.

**Sec. 6-13.910. Termination of Discharge.**

In addition to the provisions in Section 6-13.613 of this Chapter, any User who violates any of the following conditions is subject to termination of Discharge:

- (a) Violation of Permit conditions;
- (b) Failure to accurately report the Wastewater Pollutants and characteristics of its

Discharge;

(c) Failure to report significant changes in operations or Wastewater volume, Pollutants, and characteristics prior to Discharge;

(d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

(e) Violation of the Pretreatment Standards in this Chapter.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 6-13.908 of this Chapter why the proposed action should not be taken.

#### **Sec. 6-13.911. Injunctive Relief.**

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a Permit, agreement, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the City may seek the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Permit, order, agreement, or other requirement imposed by this Chapter on activities of the User. The City may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### **Sec. 6-13.912. Administrative Liabilities.**

(a) Whenever the Director finds that any Person has violated any of the provisions of this Chapter or any Permit condition or limitation of any Permit issued pursuant to this Chapter, the Director is empowered to assess Administrative Liabilities of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) per day for each day during which the violation continues. Such liabilities shall be assessed on a per violation, per day basis.

(b) After thirty (30) calendar days of nonpayment of fees or fines, a lien against the User or property Owner's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such liabilities must file a written request for the Director to reconsider the liability along with full payment of the liability amount within ten (10) days of being notified of the liability. The Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the Administrative Liability.

#### **Sec. 6-13.913. Civil Penalties.**

(a) A User who has violated, or continues to violate, any provision of this Chapter, a Permit, agreement, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement shall be liable to the City for a maximum Civil Penalty of \$1,000 per violation, per day.

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

(c) In determining the amount of Civil Penalty, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User.

**Sec. 6-13.914. Criminal Prosecution.**

(a) A User who violates any provision of this Chapter, a Permit, agreement, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement shall be guilty of a misdemeanor or an infraction.

(b) A User who introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A User who makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, Permit, agreement, or order issued hereunder, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required under this Chapter shall be guilty of a misdemeanor.

**Sec. 6-13.915. Remedies Nonexclusive.**

The remedies provided for in this Chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

SECTION 2. Ordinance SD-47 is hereby repealed.

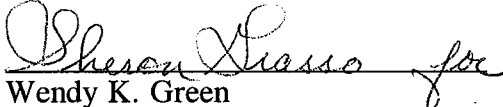
SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, unenforceable, or unconstitutional, by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, and said remaining provisions shall remain in full force and effect.

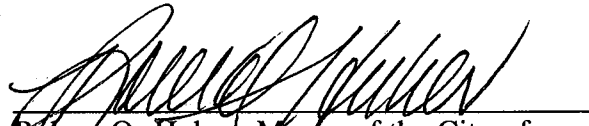
SECTION 4. Effective Date and Implementation. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after its passage. This Ordinance shall be implemented fifteen (15) days after approval is received by the City from the Los Angeles Regional Water Quality Control Board and publication of a Notice of Implementation Date in a newspaper of general circulation published and circulated in the City.

**SECTION 5.** The City Clerk of the City shall cause a summary of this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this Ordinance and shall cause a certified Ordinance together with proof of publication, to be filed in the Office of the Clerk of this City.

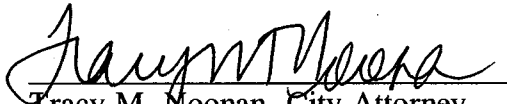
PASSED and ADOPTED this 21st day of March 2011.

**Attest:**

  
Wendy K. Green  
Assistant City Clerk

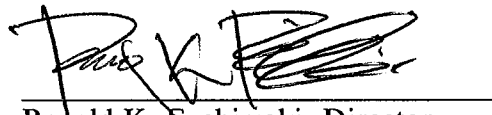
  
Robert O. Huber, Mayor of the City of  
Simi Valley, California

**Approved as to Form:**

  
Tracy M. Noonan, City Attorney

**Approved as to Content:**

  
Mike Sedell, City Manager

  
Ronald K. Fuchiwaki, Director  
Department of Public Works



I, Assistant City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing Ordinance No. 1170 was introduced on February 28, 2011 and adopted by the City Council of the City of Simi Valley, California, at an adjourned meeting thereof held on the 21<sup>st</sup> day of March 2011 by the following vote of the City Council:

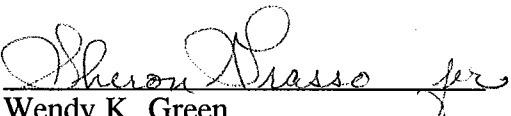
AYES: Council Members Judge Becerra, Williamson,  
Mayor Pro Tem Sojka and Mayor Huber

NAYS: None

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 23<sup>rd</sup> day of March 2011.

  
Wendy K. Green  
Assistant City Clerk