

Ordinance No. _____
Ordinance of the Council of the City of Palo Alto
Amending Chapter 16.09 (Sewer Use Ordinance) of Title 16 of the Palo
Alto Municipal Code to Comprehensively Update the Regulations Related
to Use of the Sanitary Sewer System

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. In order to protect the public health and environment, including the City's sanitary sewer system, the Palo Alto Regional Water Quality Control Plant, and San Francisco Bay, the City has developed and implements a water quality control program;

B. Protection of the City's sanitary sewer system, the Palo Alto Regional Water Quality Control Plant, and San Francisco Bay requires strict control of industrial wastewater discharges;

C. In order to continue to address new pollutants of concern and pollutant sources, City staff shall inform the Council of the need for further controls on industrial, commercial, and residential wastewater discharges.

D. The adoption of this Sewer Use Ordinance is a component of the City's water quality control program and establishes the City's authority to implement state and federally required industrial wastewater pretreatment programs and standards to control industrial pollutants that may pass through or interfere with publicly owned treatment works or contaminate sewage sludge.

SECTION 2. Chapter 16.09 (Sewer Use Ordinance) of Title 16 is hereby amended and replaced in its entirety to read as follows:

Chapter 16.09

SEWER USE ORDINANCE

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16.09.005 Purpose and Applicability.

This Chapter sets forth uniform requirements for users of the Palo Alto Regional Water Quality Control Plant, a Publicly Owned Treatment Works (POTW), and enables the City and the POTW to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and the water quality requirements set by the San Francisco Bay Regional Water Quality Control Board and/or the California State Water Resources Control Board. The objectives of this Chapter are:

- (a) To prevent the introduction of pollutants into the 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 general public;
- (d) To promote reuse and recycling of wastewater and sludge from the POTW; and
- (e) To enable the POTW to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

It is the intent of the City to update and modify this Chapter as needed to continue to provide a program for protection of the POTW which is approved by Federal and State regulatory agencies. Therefore, this Chapter is designed to be no less stringent than the Clean Water Act and the Effluent Guidelines and Standards published at Title 40 CFR Chapter I, Subchapter N as applicable, and as such regulations may be amended from time to time. If any provision of this Chapter conflicts with applicable Federal or State requirements, as amended or updated, the more stringent and environmentally protective provision shall apply.

This Chapter shall apply to all users of the POTW, including but not limited to, persons within the City of Palo Alto and persons outside the City who are, by contract with the City, users of the POTW. This Chapter authorizes the issuance of individual wastewater discharge permits and general discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; and requires industrial user reporting.

16.09.010 Abbreviations.

The following abbreviations, when used in this Chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice

BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – United States Environmental Protection Agency
gpd – gallons per day
gpm – gallons per minute
IU – Industrial User
mg/L – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
PAMC – Palo Alto Municipal Code
POTW – Publicly Owned Treatment Works
PRCC – Periodic Report of Continued Compliance
RCRA – Resource Conservation and Recovery Act
RWQCP – Palo Alto Regional Water Quality Control Plant
SIU – Significant Industrial User
SNC – Significant Noncompliance
STO – Single Toxic Organic
TDS – Total Dissolved Solids
TSS – Total Suspended Solids
TTO – Total Toxic Organics
U.S.C. – United States Code

16.09.015 Definitions.

The following terms and phrases, whenever used in this Chapter, shall be as defined herein. Terms and phrases used in this Chapter not otherwise defined shall be as defined or interpreted or used in Title 40 of the CFR.

(a) “A” definitions:

- (1) “Amalgam process wastewater” means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.
- (2) “Amalgam separator” is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer system; has been certified under the International Organization for Standardization’s standard for amalgam separators as capable of removing a minimum of ninety-five percent of dental amalgam at flow rates comparable to the flow rate of the actual vacuum suction system in operation; and does not have any automatic flow bypass.

(3) “Amalgam waste” means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(4) “Annual average concentration” means the average concentration of a substance measured over any twelve- (12-) month period of time.

(5) “Authorized representative” means an authorized or duly authorized representative of the industrial user as defined below:

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

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

(C) If the user is a Federal, State, or local 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.

(D) The individuals described in subsections (A) through (C), above, may designate a Duly 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 having overall responsibility for environmental matters for the organization, and the written authorization is submitted to the Director.

(6) “Average Daily Blowdown” means the result of dividing the total cooling system blowdown volume from May 1 through September 30 by the number of days of operation for the same period.

(b) “B” definitions:

(1) “Berm” means a ridge, lip, or other raised barrier to the flow of liquid which is not rendered ineffective by the liquid and is sufficiently high to contain anticipated fluid amounts, or which causes sufficient grade to prevent migration of anticipated fluid amounts.

(2) “Sewer Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions 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 materials storage.

(3) “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

(c) “C” definitions:

(1) “Categorical industrial user” means an industrial user subject to a categorical pretreatment standard.

(2) “Categorical pretreatment standard” means any regulation containing pollutant discharge limits promulgated by EPA that apply to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(3) “City” means the City of Palo Alto located in the State of California.

(4) “Clean Water Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

(5) “Collection system” means the pipelines, pump stations, junction boxes, channels, and other conveyance apparatus used to move wastewater.

(6) “Composite sample” means a series of samples taken over a given period of time that accurately represents the average pollutant concentration during said period of time.

(7) “Cooling system blowdown” means water routinely discharged from a cooling water system to maintain efficient operation of the system.

(8) “Cooling water” means water which is used to cool fluids or equipment in commercial or industrial processes or air conditioning systems.

(9) “Cooling water system” means the pipes, heat exchangers, and other appurtenances used to convey cooling water in cooling towers, direct contact cooling systems, and similar fixed cooling systems. Multiple units of a cooling water system serving a building or piece of equipment are considered as one system if the cooling water distribution system units are physically connected.

(10) “Cycles of concentration” means the flow rate of water added to a cooling tower water system divided by the flow rate of water discharged from the cooling tower water system.

(d) “D” definitions:

(1) “Dental amalgam” means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

(2) “Dental discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, State or local governments, that discharges wastewater to the sanitary sewer system.

(3) “Detection limit” means the minimum concentration of an analyte (substance) that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero as determined by the procedures set forth in 40 CFR Part 136, Appendix B.

(4) “Director” means the City’s director of public works, his or her designee or such other person as may be designated by the city manager.

(5) “Discharge” means the introduction of pollutants into the POTW from any nondomestic source.

(6) “Discharge permit” or “wastewater discharge permit” means a legal document, used as a control mechanism, which grants revocable permission and authorization to discharge wastewater into the sanitary sewer system. Discharge permits can be issued either to an individual industrial user or applied broadly to a set of industrial users as a general discharge permit.

(7) "Discharger" means any person or entity who has the potential to or who discharges, causes, or permits the discharge of any pollutant or of any industrial or commercial process flows into the sanitary sewer system. Discharger is inclusive of industrial user.

(e) "E" definitions:

(1) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

(2) "Existing source" means any source of discharge that is not a new source.

(f) "F" definitions:

(1) "Fail-safe valve" means a gravity, spring loaded or electrically driven valve that is normally closed. The valve can be opened by continuously applying pressure or depressing a switch mechanism that automatically closes the valve when not in use or depressed.

(2) "Fixer solution" means a solution containing silver used in the photographic processing of dental x-rays, x-rays, and photographs.

(g) "G" definitions:

(1) "Grab sample" means a sample that is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream, taken over a period not to exceed fifteen (15) minutes.

(h) "H" definitions:

(1) "Hazardous material" means any material so designated by Title 17 of this code.

(2) "Hazardous waste" means a material designated as a hazardous waste by Federal, State, or local regulations.

(i) "I" definitions:

(1) "Industrial user" means a discharger of industrial waste to the POTW.

(2) "Industrial waste" means the waste or wastewater from any production, manufacturing, research/development, groundwater remediation, or processing

operation of any nature including institutional and commercial. Industrial waste shall not include sewage.

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

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

(j) “J” definitions: Reserved

(k) “K” definitions: Reserved

(l) “L” definitions:

(1) “Local limit” 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).

(m) “M” definitions:

(1) “Machine shop” means a fixed facility which cuts, grinds, polishes, deburrs, or machines metal parts but does not conduct metal finishing as that term is defined by the EPA in 40 CFR Part 433.

(2) “Multiple-family use” shall be as defined in Title 18 of this code.

(n) “N” definitions:

(1) “New source” means any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of

the Clean Water Act that will be applicable to such source if such pretreatment standards are thereafter promulgated in accordance with that section, provided that:

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

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

(C) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing building, structure, facility, or installation, 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) "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.

(o) "O" definitions:

(1) "Oil-water separator" means a receptacle designed and constructed to intercept, separate, and prevent the passage of oils and sediments into the sanitary sewer system.

(2) "Once-through cooling system" means a cooling system through which water passes only once before discharge to the sanitary sewer system, including laboratory bench top cooling systems.

(3) "Organic solvent" means any solvent which contains carbon in its molecular structure.

(p) "P" definitions:

(1) "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 or provision of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

(2) "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 government entities.

(3) “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. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(4) “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an industrial user other than a pretreatment standard.

(5) “Pretreatment standards” means prohibited discharge standards, categorical pretreatment standards, and local limits.

(6) “Pretreatment system” means a treatment system at an industrial or commercial facility that is designed to reduce the amount of pollutants, eliminate pollutants, or alter the nature of the pollutant properties in the wastewater prior to discharge to the sanitary sewer system

(7) “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined by section 212 of the Clean Water Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(q) “Q” definitions: Reserved

(r) “R” definitions:

(1) “Reasonable Control Measures” or “RCMs” means control technologies, BMPs, source control practices, and waste minimization procedures which prevent or reduce the introduction of pollutants to the sanitary sewer system, and are determined by the Director to be cost effective for particular industry groups, business types, or specific industrial and commercial processes.

(s) “S” definitions:

(1) “Sampling location” means an access box, valve, spigot, or similar structure from which samples representative of an industrial or commercial wastewater discharge from a particular process or processes, piece of equipment, activity, building, or facility may be collected.

(2) “Sanitary sewer system” means the collection system, all sewers, treatment plants and other facilities owned or operated by the city for carrying, collecting, storing, treating, reclaiming and disposing of sanitary sewage and industrial wastes.

(3) “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

(4) “Sewer” means a pipe or conduit for carrying wastewater.

(5) “Significant industrial user” means, except as provided in (C) and (D):

(A) An industrial user subject to categorical pretreatment standards; or

(B) An industrial user that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by the Director on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

(C) The Director may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the Director’s finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(D) Upon a finding that an industrial user meeting the criteria in subsection (B) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Director may at any time, on his or her own initiative or in response to a petition received from an industrial user, determine that such industrial user should not be considered a significant industrial user.

(6) "Simple payback period" means the number of years required to recover the cost of an investment in water pollution control.

(7) "Single toxic organic" or "STO" shall mean the highest quantifiable value for any individual toxic organic compound.

(8) "Slug discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the City's discharge permit conditions, local limits, or regulations.

(t) "T" definitions:

(1) "Total toxic organics" or "TTO" means the summation of all quantifiable toxic organic compound concentrations greater than 0.01 mg/L.

(2) "Toxic organic compound" means any organic pollutant listed in 40 CFR 433.11(e) unless otherwise defined by an applicable categorical pretreatment standard.

(3) "Treatment plant" means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(u) "U" definitions: Reserved

(v) "V" definitions:

(1) "Vehicle" means a mode of transporting people or things. Vehicles include, but are not limited to, airplanes, automobiles, boats, buses, forklifts, motorcycles, recreational vehicles, tractors, and trucks.

(2) "Vehicle service facility" means a commercial or industrial facility that conducts one or more of the following operations with respect to vehicles or components of vehicles: vehicle repair, fuel dispensing, vehicle fluid replacement,

engine and parts cleaning, body repair, vehicle salvage and wrecking, or vehicle washing.

(w) “W” definitions:

(1) “Wastewater” means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(x) “X” definitions: Reserved

(y) “Y” definitions: Reserved

(z) “Z” definitions:

(1) “Zinc-containing floor finishes” means floor finish solutions containing greater than 0.01% zinc by weight;

16.09.020 Responsibility of the Director.

The Director shall administer, implement, and enforce the provisions of this Chapter. The Director shall be responsible for promulgating such orders, rules, and requirements as are necessary to accomplish the purpose of this Chapter, in accordance with the regulations that are or may be promulgated by the EPA, the California State Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, the California Department of Public Health, or other duly authorized boards or agencies. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized City employee.

16.09.025 Confidentiality.

(a) Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general discharge permits, and monitoring programs, and from the Director’s inspection and sampling activities, shall be available to the public without restriction, unless the industrial 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 by stamping the words “confidential business information” on each page containing such information. When requested and demonstrated by the discharger furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other

effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(b) This Section does not permit a discharger to refuse to disclose information required pursuant to this Chapter to the Director. A discharger may be prohibited from discharging a substance unless its composition is made known to the Director.

16.09.030 Alternate Means and Methods.

(a) The Director is authorized to modify any of the provisions of this Chapter upon application in writing by the owner, a lessee or an authorized representative of the discharger where there are practical difficulties in the way of carrying out the provisions of this Chapter, provided that the purpose of this Chapter, as set forth in Section 16.09.005, shall be complied with, and substantial justice done. The particulars of any such modification and the decision of the Director shall be entered upon the records of the POTW and a signed copy shall be furnished to the applicant.

(b) The Director, upon application in writing by the owner, a lessee, or an authorized representative of the discharger, and on notice to the Director, is authorized to approve alternate materials or methods, provided that the Director finds that the proposed design, use, or operation satisfactorily complies with the intent of this Chapter and that the material, method of work performed, or operation is, for the purpose intended, at least equivalent to that prescribed in this Chapter in quality and effectiveness in meeting the purposes of this Chapter. Approvals under the authority herein contained shall be subject to the approval of the Director whenever the alternate material or method involves matters regulated by this Chapter. The particulars of any such approval made by the Director shall be entered upon the records of the POTW and a signed copy shall be furnished to the applicant.

16.09.035 Limitations on Point of Discharge.

No person shall discharge any substances directly into a manhole or other opening in a City sewer or storm drain system, other than through a City-approved sewer connection or as authorized by an Exceptional Waste Discharge Permit per Section 16.09.180 of this Chapter.

16.09.040 Prohibited Discharge Standards.

(a) General prohibitions. No discharger shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all dischargers to the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(b) Specific prohibitions. No discharger shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or greater than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which may cause obstruction of the flow in the POTW but in no case solids greater than one-half inch in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater which will inhibit the biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Title 16.66 of this code;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(13) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(14) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(15) Any substance which, if otherwise disposed of, would be considered a hazardous waste;

(16) Any zinc-containing floor finish or a stripper solution that has been used for the stripping of a zinc-containing floor finish, except when the solutions have been treated in a pretreatment unit approved by the Director for removal of zinc; or

(17) Fixer solution without prior pretreatment to meet all applicable limits per Section 16.09.055 of this Chapter.

(c) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the sanitary sewer system.

16.09.045 National Categorical Pretreatment Standards.

(a) Industrial users shall comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471. In the event of any apparent conflicts between this Chapter and State or Federal regulations, the most stringent provisions shall apply.

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

16.09.050 Standards for Other Wastes.

The Director may establish standards for any wastes not specifically referred to in this Chapter. These standards shall be published and shall be made available to any person upon request.

16.09.055 Local Limits.

(a) The Director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

(b) The Director may develop best management practices (BMPs), by promulgation of regulations, in individual wastewater discharge permits, or in general discharge permits, to implement local limits and the requirements of this Chapter. The Director may require the implementation of BMPs and require submission of information to evaluate the implementation and effectiveness of BMPs.

(c) The following pollutant limits are established to protect against pass through and interference. Unless otherwise specified in this Chapter, no person shall discharge wastewater containing in excess of the following:

0.1	mg/L	Arsenic
5.0	mg/L	Barium
0.75	mg/L	Beryllium
1.0	mg/L	Boron
0.1	mg/L	Cadmium
1.0	mg/L	Chromium, Hexavalent
2.0	mg/L	Chromium, Total
1.0	mg/L	Cobalt
0.25	mg/L	Copper
0.5	mg/L	Cyanide
0.1	mg/L	Dissolved Sulfides
65	mg/L	Fluoride
5.0	mg/L	Formaldehyde
0.5	mg/L	Lead
1.0	mg/L	Manganese
0.1	mg/L	Mercaptans
0.01	mg/L	Mercury
0.75	mg/L	Methyl Tertiary Butyl Ether (MTBE)
0.5	mg/L	Nickel
20	mg/L	Oil & Grease
200	mg/L	Oil & Grease, Total
1.0	mg/L	Phenols
1.0	mg/L	Selenium
0.25	mg/L	Silver
5,000	mg/L	Total Dissolved Solids (TDS) – composite
10,000	mg/L	Total Dissolved Solids (TDS) – grab
0.75	mg/L	Toxic Organic, Single (STO)
1.0	mg/L	Toxic Organics, Total (TTO)
3,000	mg/L	Total Suspended Solids (TSS) – composite
6,000	mg/L	Total Suspended Solids (TSS) – grab
2.0	mg/L	Zinc

(d) The limits established in subsection (c) of this Section are instantaneous limits, unless indicated otherwise, and shall apply to all discharges to the POTW at appropriate sampling locations determined by the Director. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations established in subsection (c) of this Section.

(e) The Director may verify compliance with the TTO limit established in subsection (c) of this Section by sampling and analyzing for only those toxic organic compounds that the Director has determined may be reasonably expected to be present in an industrial user's discharge.

(f) For industrial users with average daily discharges greater than 50,000 gpd through any single sampling location, pollutant limits shall be one-half of the limit established in subsection (c) of this Section, with the exception of copper, mercury, MTBE, nickel, and silver, for which the pollutant limits shall remain 0.25 mg/L, 0.01 mg/L, 0.75 mg/L, 0.5 mg/L, and 0.25 mg/L, respectively, regardless of flow.

(g) The limit for copper established in subsection (c) of this Section shall apply to all industrial users, except that:

- (1) The maximum copper limit shall be 2.0 mg/L for discharges from cooling systems with an average daily blowdown less than or equal to 2,000 gpd, photographic materials processing, dental facilities, vehicle service facilities, and machine shops.
 - (A) The copper limit for cooling systems with an average daily blowdown greater than 2,000 gpd shall be 2.0 mg/L for the first twelve months of operation. The copper limit shall be reduced to 0.25 mg/L after the first twelve months of operation.
 - (B) The Director may impose a higher alternative copper limit for cooling towers when the cycles of concentration routinely exceed ten. The alternative requirement may consist of an alternative concentration limit, a mass limit, a specified maintenance program, or a combination of these.
- (2) Industrial users subject to regulation under 40 CFR Part 413 or 40 CFR Part 433 shall meet either subdivision (A) or (B) of this subsection. These alternative copper limitations shall apply to discharges from process operations involving copper solutions or materials prior to mixing with wastewater not regulated by 40 CFR Part 413 or 40 CFR Part 433.
 - (A) The annual average concentration of copper discharged shall not exceed 0.40 mg/L. In addition, all reasonable control measures established by the Director shall be installed and implemented; or
 - (B) The annual average mass of copper discharged shall not exceed an amount specified by the Director in an individual wastewater discharge permit, which is based upon a waste minimization study conducted or approved by the Director. The limitation shall be based upon implementation of those reasonable control measures having a simple payback period of five years or less. The annual average mass of copper discharged shall be calculated as a “rolling” measurement, by multiplying the average daily copper mass for all samples taken during any twelve-month period by 365. The annual average copper mass limit may be increased or decreased by the

Director in proportion to increases or decreases in production at the industrial user's facility.

(h) The limit for zinc established in subsection (c) of this Section shall not apply to vehicle service facilities. The maximum zinc limit for vehicle service facilities shall be 4.0 mg/L.

16.09.060 City's Right of Revision.

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general discharge permits, more stringent standards or requirements on discharges to the POTW to carry out the purpose of this Chapter. No revision of standards or requirements hereunder shall subject the City to civil liability or penalty for interference with a vested right of any discharger.

16.09.065 Dilution.

Except where expressly authorized to do so by the Director or an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any way, dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement or any other provision of this Chapter. The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

16.09.070 Unpolluted Water.

Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system unless specifically authorized in writing by the Director. As used in this Section, unpolluted water includes, but is not limited to, stormwater, surface water, groundwater, artesian well water, and subsurface drainage which meets all State, Federal, and local requirements for discharge to surface waters of the United States. The Director may approve the discharge of such water to the sanitary sewer system only when no reasonable alternative method of disposal is available.

16.09.075 Discharge Permit Required.

(a) Significant industrial users must obtain an individual wastewater discharge permit to discharge process wastewater into the POTW.

(b) The Director may require other industrial users to obtain individual wastewater discharge permits or general discharge permits as necessary to carry out the purpose of this Chapter.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit or a general discharge permit shall be deemed a violation of this Chapter and subjects the permittee to the enforcement provisions set forth in this Chapter. Obtaining an individual

wastewater discharge permit or a general discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law, including those that become effective during the term of the discharge permit.

(d) Any industrial user required to obtain an individual wastewater discharge permit or a general discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for an individual wastewater discharge permit or general discharge permit, in accordance with Section 16.09.080 of this Chapter, must be filed at least ninety (90) calendar days prior to the date upon which any discharge will begin or recommence.

(e) The Director may use general discharge permits to control industrial waste discharges to the sanitary sewer system if the following conditions are met. All facilities to be covered by a general discharge permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and

(5) In the opinion of the Director, are more appropriately controlled under a general discharge permit than under individual wastewater discharge permits.

(f) An individual wastewater discharge permit or general discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, ensure compliance with this Chapter and applicable State and Federal law, and protect against damage to the POTW. Individual wastewater discharge permits or general discharge permits may include, but are not limited to the following conditions:

(1) An effective date and expiration date. The expiration date is not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or general discharge permit may be issued for a period less than five years from the effective date of the permit, at the discretion of the Director;

(2) Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW and compliance schedules for meeting these requirements;

(3) Effluent limitations, including BMPs, based upon applicable pretreatment standards or requirements;

(4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include implementation requirements for best management practices, identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

(5) Prohibition of discharge of certain wastewater components;

(6) Installation and maintenance of inspection, sampling, and flow measurement equipment and facilities;

(7) Limits on average and/or maximum rate of discharges, time of discharge, and/or requirements for flow regulation and equalization;

(8) Requirements to control slug discharge, if determined by the Director to be necessary;

(9) Requiring payment of additional charges to defray increased costs of the City created by the wastewater discharge;

(10) Implementation of BMPs, specific investigations, or studies to determine methods of reducing pollutants in the discharge;

(11) The process for seeking a waiver from monitoring and any grant of a monitoring waiver issued by the Director for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 16.09.100 of this Chapter.

(12) Statement of non-transferability pursuant to subsection (g); and

(13) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule.

(g) No individual wastewater discharge permit or coverage under a general discharge permit is transferable without prior written consent of the Director. A change of ownership (including a transfer of the majority of shares in a corporate discharger) of the waste generating facility requires submittal of a new discharge permit application and payment of applicable fees.

16.09.080 Discharge Permit Application Procedure.

(a) An applicant for a discharge permit shall complete and submit a discharge permit application form established by the Director. The Director may require information in addition to that required on the discharge permit application form as deemed reasonable or necessary to evaluate the discharge permit application.

(b) All wastewater discharge permit applications and industrial user reports must contain certification statements signed by an authorized representative.

(c) Completed discharge permit applications shall be filed by the discharger not less than ninety (90) calendar days in advance of commencing or recommencing discharge. The discharger shall not commence or recommence discharge prior to obtaining a discharge permit without specific, interim approval from the Director to discharge during the permitting process. Discharge permit applications for exceptional waste and root and pest control, as specified in Sections 16.09.180 and 16.09.185 of this Chapter, are not subject to the ninety (90) calendar day requirement of this subsection.

(d) Any industrial user with an expiring individual wastewater discharge permit or general discharge permit shall apply for permit reissuance by submitting a complete discharge permit application, in accordance with Section 16.09.080 of this Chapter, not less than ninety (90) calendar days prior to the expiration of the industrial user's existing individual wastewater discharge permit or general discharge permit.

(e) The Director may deny any application for an individual wastewater discharge permit or coverage under a general discharge permit for good cause, including, but not limited to, the following reasons:

- (1) The application contains false or misleading information;
- (2) The issuance of the discharge permit would result in a discharge of such quantity or strength that the public health, safety, or public or private property are endangered;
- (3) The issuance of the discharge permit would cause the POTW to violate any NPDES permit conditions, or any Federal, State, or local laws or regulations;
- (4) The applicant has not provided adequate information to establish that its discharge will comply with all requirements of this Chapter and with such other terms and conditions as the Director may deem necessary to include in the applicant's discharge permit;
- (5) The applicant has not provided plans for sufficient protection from accidental discharges to the land, storm drain system, or sanitary sewer system; or
- (6) The applicant has failed to pay or has outstanding fees, fines, or penalties owed to the City.

(f) If the Director denies a permit application, application fees shall not be returned to the applicant unless the Director has ascertained that a permit is not required to discharge the wastewater for which the permit application is made.

(g) Incomplete or inaccurate applications will not be processed.

(h) The Director shall post applications for wastewater discharge permits by significant industrial users on a City web page. Interested parties and other members of the public may comment on the issuance of a permit within forty-five (45) days of issuance. The permit effective date shall not be postponed solely because of the submittal of comments, however comments shall be considered by the Director for incorporation into future permit modification(s).

16.09.085 Discharge Permit Modification.

(a) The Director may modify any individual wastewater discharge permit or general discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the discharger's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;

(5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 16.09.075(g) of this Chapter; or

(10) To implement programs or policies required or requested of the City by appropriate Federal, State, or local regulatory agencies.

16.09.090 Inspection and Sampling.

(a) The Director may conduct all inspection, surveillance, sampling, records examination and copying, and monitoring necessary to assure compliance with applicable Federal, State, and local regulations.

(b) The Director shall have the right to enter, without unreasonable delay, the premises of any discharger for the purposes of inspection, surveillance, sampling, monitoring, records examination and copying, and for performance of any additional duties to assure compliance with this Chapter and applicable Federal, State, and local regulations. Unreasonable delays in allowing the Director access to the discharger's premises shall be a violation of this Chapter.

(c) If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Director may seek issuance of a warrant from the Superior Court of California.

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

(e) The Director may require dischargers to provide and maintain one or more sampling locations or volume and flow measuring points approved by the Director which will allow the separate measuring and sampling of industrial waste and sewage. Sampling locations shall be so located that they are safe and accessible to the Director at any reasonable time during which discharge may occur.

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

16.09.095 Self-Monitoring.

(a) The Director may require a discharger to conduct a wastewater sampling and analysis program of a frequency and type sufficient to demonstrate compliance with the requirements of this Chapter. The Director shall specify the minimum frequency, type, and number of samples as well as flow monitoring, measuring, and sample analyses to be conducted by the discharger in the discharge permit. Monitoring not specified in a discharge permit may be required by the Director as deemed reasonable or necessary to ensure compliance with the provisions of this Chapter. The Director may also require self-monitoring for facilities for which a discharge permit has not been issued.

(b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis and must be representative of the discharger's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(c) Except as indicated in subsections (d) and (e) below, the industrial 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 (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate.

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

(e) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For PRCCs, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(f) The Director may authorize an industrial user to sample for a subset of toxic organic compounds to verify compliance with the TTO limit established in Section 16.09.055 of this Chapter based on what the Director has determined may be reasonably expected to be present in an industrial user's discharge.

(g) The Director may specify the type of sampling, pH, and flow monitoring equipment that must be installed by the discharger and used for discharger self-monitoring. Flow monitoring devices shall be calibrated at a frequency of at least once per year or at an alternative frequency specified by the Director. pH monitoring devices shall be calibrated at a frequency of at least once every six months or more frequently if recommended by the manufacturer or at an alternative frequency as specified by the Director.

(h) All pollutant analyses, including sampling techniques, to be submitted as part of a discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable

categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Director or other parties approved by the EPA. Samples shall be obtained and analyzed at the discharger's expense. Samples shall be analyzed by a laboratory accredited by the California State Water Resources Control Board for the pollutant or pollutant properties being analyzed.

(i) The detection limit used by the discharger for those substances reported as non-detectable shall be no greater than one-tenth the lowest applicable pretreatment standard.

(j) Records of self-monitoring shall include the following:

(1) Sample Collection Information: date, location, method, preservation, time, and the name of individual collecting the samples;

(2) Analytical Information: dates, names of analysts, techniques or methods used, and the results of such analyses.

(k) All records generated pursuant to this Section shall be maintained and made available for inspection and copying as described in Section 16.09.155 of this Chapter.

16.09.100 Monitoring Waiver.

(a) The Director may authorize an industrial user subject to categorical pretreatment standards to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the industrial user's discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical pretreatment standard and otherwise includes no process wastewater.

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

(3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed by an authorized representative of the industrial user and include the certification statement in 40 CFR 403.6(a)(2)(ii).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Director must be included as a condition in the industrial user's discharge permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver shall be maintained by the Director for a period of three (3) years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the industrial user's discharge permit by the Director, the industrial user must certify on each report that there has been no increase in the pollutant in its wastestream due to activities of the industrial user, in accordance with the reporting requirements in 40 CFR 403.12(e)(2)(v).

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the industrial user's operations, the industrial user shall immediately notify the Director and shall monitor for the waived pollutant at least once during each PRCC reporting period or more frequently if directed by the Director.

(b) This Section does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

16.09.105 Pretreatment Facilities.

(a) Industrial users shall provide wastewater pretreatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions contained in Section 16.09.040 of this Chapter within the time limitations specified by EPA, the State, or the Director, whichever is most stringent. Industrial users shall, at all times, properly operate and maintain all facilities and systems of treatment, disposal, monitoring, and control (and related appurtenances) which are installed or used by the industrial user to achieve compliance with this Chapter and/or their wastewater discharge permit. Any facilities necessary for compliance shall be provided, operated, and maintained at the industrial user's expense. All required facilities and systems of treatment and operations and maintenance procedures shall be described in detailed plans, operations and maintenance manuals, and standard operating procedures. Plans, operations and maintenance manuals, and standard operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities and/or procedures are constructed and/or implemented. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities and/or procedures as necessary to produce a discharge acceptable to the City under the provisions of this Chapter. Industrial users shall keep in a state of readiness all

systems installed to achieve compliance with the provisions of this Chapter and/or their wastewater discharge permit. All systems, both those in service and reserve, shall be inspected and maintained on a regular basis.

(b) Inspection and maintenance records for process and pollution control and monitoring systems shall be maintained and made available for inspection and copying as described in Section 16.09.155 of this Chapter.

(c) It shall be unlawful to tamper with, divert flow from, or render inaccurate any monitoring device or equipment installed or operated to comply with pretreatment standards or requirements, this Chapter, or a discharge permit. Doing so constitutes falsification of information as described in Section 16.09.145 of this Chapter.

(d) Whenever deemed necessary, the Director may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this Chapter.

(e) The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(f) The Director may require any discharger to install settling chambers or equivalent pretreatment systems where necessary to prevent the entry of inert solids into the sanitary sewer system. For the purposes of this Section, "inert solids" shall mean solid substances including, but not limited to: sand, rocks, dirt, glass, metal, wood, bone, or plastic;

(g) Grease, oil, and sand interceptors shall be provided by the discharger when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired at the discharger's expense in accordance with guidelines established by the Director. This subsection shall apply in addition to any applicable requirements of Chapter 16.13 of this Code.

16.09.110 Personnel Orientation.

(a) Dischargers shall take necessary steps to inform appropriate personnel of the provisions of this Chapter and specifically, any operations and maintenance manuals and standard operating procedures required by this Chapter. Such personnel shall include, but not be limited to, workers, contractors, supervisors, and managers whose duties or responsibilities pertain in any manner to the production, treatment, or disposal of wastes regulated by this Chapter.

(b) Steps to inform such personnel shall include, but not be limited to:

(1) Orientation of newly employed or assigned personnel prior to commencement of work and at least annually thereafter;

(2) Posting of signs at work areas indicating approved methods for disposition of wastes and reporting requirements and instructions for accidental spills and increased loadings; and

(3) Posting of signs visible from each drainage area (sink, cup sink, floor drain, etc.) not connected to appropriate treatment indicating "NOTICE – DO NOT DISPOSE OF CHEMICALS IN THIS DRAIN" or equivalent.

(c) All signs shall be translated into the primary language(s) of personnel whose duties or responsibilities pertain in any manner to the production, treatment or disposal of wastes regulated by this Chapter, unless the primary language of all personnel is English.

16.09.115 Accidental Discharge Prevention.

(a) Industrial users shall provide adequate protection to prevent accidental discharge of hazardous or prohibited materials, slugs, or other wastes regulated by this Chapter. Where directed by the Director the industrial user shall install retention basins, dikes, storage tanks, or other facilities in conformance with Title 17 of this code designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or wastes which may be accidentally discharged in violation of Chapter 16.09.

(b) Each industrial user shall notify the City immediately of any changes at its facility affecting the potential for a slug discharge as required by Section 16.09.135 of this Chapter.

(c) The Director may require any industrial user to develop, submit, and implement a slug control plan or take such other action that may be necessary to control slug discharges. A slug control plan shall contain, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Director of slug discharges, as required by Section 16.09.135 of this Chapter; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff,

worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

16.09.120 Reporting and Certification Requirements for Industrial Users.

(a) Industrial users are subject to the reporting and certification requirements contained in Title 40 CFR Part 403.

(b) Industrial users shall submit PRCCs to the Director every six months, on January 15th and July 15th of each calendar year. The Director may require more frequent reporting for individual industrial users as deemed reasonable or necessary to ensure compliance with the provisions of this Chapter.

(c) All PRCCs must be signed by an authorized representative and contain appropriate certification statements. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.

(d) PRCCs shall be completed according to guidelines established by the Director. In cases where a pretreatment standard requires compliance with a BMP or pollution prevention alternative, the industrial user must submit documentation required by the Director or the categorical pretreatment standard necessary to determine the compliance status of the industrial user.

(e) The Director may require information on facility operations in addition to that required on PRCC forms as deemed necessary to evaluate industrial user compliance during the reporting period.

(f) If an industrial user subject to the reporting requirements in this Chapter monitors any regulated pollutant at an appropriate sampling location more frequently than required and in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, the results of this monitoring shall be reported in the industrial user's PRCC.

(g) A discharger determined to be a non-significant categorical industrial user by the Director pursuant to Section 16.09.015(s)(5)(C) of this Chapter must annually submit the signed certification in accordance with 40 CFR 403.3(v)(2) and an alternative PRCC required by the Director.

(h) The Director may establish an electronic submittal program for submission of reports, documents, and data pursuant to 40 CFR Part 3.

(i) Industrial users that send electronic (digital) documents to the Director to satisfy the requirements of this Section must meet all Federal, State, and local electronic signature

requirements. Electronic data shall be in a format required by the Director. The Director may require reporting in both digital and traditional format.

(j) Industrial users that send electronic documents to the Director to satisfy the requirements of this Section must register for the system online and submit a signed subscriber agreement to the Director. An electronic submission shall be deemed to have been properly received by the Director when it is received by the electronic system, accessible by RWQCP staff and a confirmation is sent to the signatory making the submission. When the sender receives confirmation and can fully review the submitted materials, the report and related data shall be considered received.

(k) Electronic submittal of reports, documents, and data by any person under an electronic submittal program established by the Director is subject to the following requirements:

(1) A person is subject to any appropriate civil or criminal penalties, or other remedies under Federal, State or local law for failure to comply with a reporting requirement if the person does not comply with the applicable provisions of the established electronic submittal program;

(2) In the event that any submittal under the established electronic submittal program bears an electronic signature, the electronic signature has the same effect under this Section as if the submitting person had instead submitted a paper document with a wet signature;

(3) Proof that a particular electronic signature device was used to create an electronic signature included in reports, documents or data submitted under the established electronic submittal program shall be sufficient to establish that the individual uniquely entitled to use the electronic signature device at the time of signature did so with the intent to sign the electronic report, document or data and thereby validate and give effect to the electronic submittal; and

(4) Nothing in the established electronic submittal program limits the use of the electronically submitted reports, documents, or data or any information contained therein as evidence in enforcement proceedings.

(l) Failure to submit required reports by the specified due date shall be considered a violation of the provisions of this Chapter. The Director may allow submission of required reports on the following business day in instances where the due date falls on a weekend or a holiday.

16.09.125 Reports from Unpermitted Users.

Dischargers not required to obtain an individual wastewater discharge permit or coverage under a general discharge permit shall provide reports to the Director as deemed reasonable or necessary by the Director.

16.09.130 Reports of Changed Conditions and Final Closure.

Each industrial user shall notify the Director of any significant changes to the industrial user's operations or system which might alter the nature, quality, or volume of its wastewater, including but not limited to facility or process closure, at least thirty (30) calendar days before the change.

(a) The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 16.09.080 of this Chapter.

(b) The Director may issue an individual wastewater discharge permit or a general discharge permit under Section 16.09.075 of this Chapter or modify an existing individual wastewater discharge permit or a general discharge permit under Section 16.09.085 of this Chapter in response to changed conditions or anticipated changed conditions.

(c) For the purposes of this Section, "final closure" means closure of an industrial or commercial facility when an entire building is being vacated by the current discharger, or when a discharger's use of an entire building will no longer include use of hazardous materials. Prior to final closure of any industrial or commercial facility, the Director may require cleaning, inspection, and/or testing of the facility's sanitary sewer lines, appurtenances, and/or devices at the discharger's expense to ensure that the integrity of the sewer lines has not been compromised and to determine the quantity and pollutant content of sediments. Inspection and/or testing to ensure the integrity of sewer lines may be required at the discharger's expense when the discharger's discharge history at that facility includes pH fluctuations, or when past discharges may have compromised or call into question the integrity of the sewer lines. Inspection and/or testing to determine the quantity and pollutant content of sediments may be required when the discharger's type of operations and pollutant content of discharges make the presence of contaminated sediments likely. Inspection and testing may include, but not be limited to, pressurized testing, smoke testing, video camera inspection, and/or analytical testing of sediments for pollutants regulated by the discharger's discharge permit. Where contaminated sediments or compromised sewer lines are identified, responses may include, but are not limited to, requiring replacement of compromised sewer lines and requiring removal of contaminated sediments from sewer lines at discharger's expense. In lieu of analytical testing, facilities may elect to remove sediments from sewer lines in a manner approved by the Director.

16.09.135 Reports of Potential Problems and Accidental Discharges.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug discharge that might cause problems for the POTW, the discharger shall immediately telephone and notify the Director of the incident at (650) 329-2122 or (650) 329-2598. If the discharger is unable to reach a live person at the POTW, the industrial user shall immediately notify the City by calling the City of Palo Alto 24-hour Dispatch Center at (650) 329-2413. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the discharger.

(b) The discharger shall immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance with this Chapter, and correct the problem.

(c) Unless directed otherwise by the Director, as soon as practicable and throughout the incident, the discharger shall collect representative samples at the point of release and at any impacted sampling location(s) and provide analytical results to the Director.

(d) Within five (5) business days following such discharge, the discharger shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the discharger to prevent similar future occurrences. Such notification shall not relieve the discharger of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the discharger of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(e) A notice shall be permanently posted on the discharger's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(f) Significant industrial users are required to notify the Director immediately of any change at its facility affecting the potential for a slug discharge.

16.09.140 Reports of Noncompliance.

(a) Noncompliance with the provisions of this Chapter, or the provisions of any discharge permit issued pursuant to this Chapter shall be reported to the Director within twenty-four (24) hours of becoming aware of the noncompliance. Reports of noncompliance related to discharge that might cause potential problems for the POTW are to be reported pursuant to section 16.09.135 of this Chapter. If the noncompliance is related to sampling performed by an industrial user, the industrial user shall repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) calendar days after becoming aware of the noncompliance. Resampling by the industrial user is not required if the City performs sampling at the industrial user's facility at least once a month, or if the City performs sampling at the industrial user's facility between the time when the initial sampling was conducted and the time when the industrial user or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the industrial user.

(b) Such notification shall not relieve the discharger of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the discharger of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

16.09.145 Falsification of Information.

It shall be unlawful for any person to make 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, an individual wastewater discharge permit, general discharge permit, or order issued hereunder, or who falsifies, tampers with, diverts flow from, or knowingly renders inaccurate any monitoring device or method required under this Chapter. A person who knowingly makes any such false statements, representations, or certifications shall be subject to:

- (a) The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;
- (b) The provisions of Section 309(c)(4) of the Clean Water Act (33 U.S.C. Section 1319(c)(4) as amended, governing false statements, representations or certification;
- (c) The provisions of Section 309(c)(6) of the Clean Water Act (33 U.S.C. Section 1319(c)(6) regarding responsible corporate officers; and
- (d) Enforcement under Section 16.09.200 of this Chapter.

16.09.150 Date of Receipt of Reports.

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

16.09.155 Retention of Records.

Industrial users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying without unreasonable delay, all records of information obtained pursuant to this Chapter including, but not limited to, any required monitoring activities, any additional records of information obtained pursuant to monitoring activities undertaken by the industrial user independent of such requirements, hazardous waste manifests, and documentation associated with BMPs. This includes electronic data and information records maintained and/or submitted in accordance with Section 16.09.120 of this Chapter. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. All records required to be maintained by this Chapter shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any unresolved litigation concerning the industrial user or the City, or where the industrial user has been specifically notified of a longer retention period by the Director.

16.09.160 Requirements for Sinks and Drains.

- (a) Interior (indoor) floor drains may not be placed in areas where hazardous materials, hazardous wastes, industrial wastes, industrial process water, lubricating fluids, vehicle fluids, or

vehicle equipment cleaning wastewater are used or stored. The Director may allow an exception to this requirement under the following circumstances:

- (1) When the drain is connected to a wastewater treatment unit approved by the Director;
 - (2) When the drain is protected from spills by a berm system;
 - (3) When secondary containment is provided for all such materials and equipment;
 - (4) For safety showers: When the drain is installed with a temporary plug which remains closed except when the shower is in use, or when the drain is protected from spills by either a covered sump or berm system;
 - (5) For industrial process equipment: If the equipment does not contain hazardous materials or hazardous waste and if all floor drains are equipped with fail-safe valves which shall be kept closed during periods of operation.
- (b) Exterior (outdoor) drains may be connected to the sanitary sewer system only if the area in which the drain is located is covered and protected from rainwater run-on by berms and/or grading, and appropriate wastewater pretreatment approved by the Director is provided.
 - (c) Aspirators connected to laboratory sink faucets are prohibited. Aspirators designed and used for transferring acids and bases from stationary, permanent laboratory sinks to treatment facilities shall be allowed.
 - (d) No chemicals or hazardous material shall be stored above a sink that is connected to the sanitary sewer system. Laboratory countertops and laboratory sinks shall be separated by a berm which prevents hazardous materials spilled on the countertop from draining to the sink.
 - (e) Sewer traps below laboratory sinks shall be made of glass or other approved transparent materials to allow inspection and to determine frequency of cleaning. Alternatively, a removable plug for cleaning the trap may be provided, in which case a cleaning frequency shall be established by the Director. The Director may grant an exception to this requirement for areas where mercury or mercury-containing equipment will not be stored or used; provided, that in the event such an exception is granted and mercury or mercury-containing equipment is subsequently stored or used in the area, the sink trap shall be retrofitted at the discharger's expense to meet this requirement prior to storage or use of mercury or mercury-containing equipment.

16.09.165 Requirements for Newly Constructed, Remodeled, Improved, or Converted Commercial and Industrial Facilities.

- (a) The following requirements apply, where applicable or necessary to effectuate the objectives of this Chapter, to new construction, remodels, improvement, or conversions of

commercial and industrial facilities that require a planning entitlement or building permit from the City:

(1) Dischargers of industrial waste shall be in full compliance with the provisions of this Chapter prior to commencement of discharge into the sanitary sewer system;

(2) Upon request of the Director, dischargers shall complete a waste minimization study in accordance with guidelines established by the Director;

(3) Industrial waste shall be separated from sewage by means of separate plumbing prior to a point determined acceptable by the Director for location of industrial waste pretreatment and/or monitoring equipment;

(4) Sinks as well as exterior and interior drains are subject to the requirements of and shall be in compliance with Section 16.09.160 of this Chapter;

(5) Copper, copper alloys, lead, and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sanitary sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical;

(6) Sacrificial zinc anodes are not permitted to be in contact with the water supply in a water distribution system;

(7) Discharge drains for pools, spas, and fountains shall not be connected directly to the storm drain system or to the sanitary sewer system.

(8) If installed, parking garage floor drains on interior levels shall be connected to an oil-water separator prior to discharging to the sanitary sewer system. The oil-water separator shall be cleaned at a frequency of at least once every twelve (12) months or more frequently if recommended by the manufacturer or required by the Director. Installation, certification, and maintenance records shall be maintained and made available for inspection and copying as described in Section 16.09.155 of this Chapter. Oil-water separators shall have a minimum capacity of 100 gallons;

(9) Mercury switches shall not be installed in sewer or storm drain sumps;

16.09.170 Requirements for Newly Constructed, Remodeled, Improved, or Converted Multiple-Family Use Residential Properties.

(a) The following requirements apply, where applicable or necessary to effectuate the objectives of this Chapter, to newly constructed, remodeled, improved, or converted multiple-family use residential properties that require a planning entitlement or building permit from the City to the extent that the portion of the property to be constructed, remodeled, or converted is related to the subject of the requirement:

(1) Sinks as well as interior and exterior drains are subject to the requirements of and shall be in compliance with Section 16.09.160 of this Chapter;

(2) Copper, copper alloys, lead, and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sanitary sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical;

(3) Sacrificial zinc anodes are not permitted to be in contact with the water supply in a water distribution system;

(4) Discharge drains for pools, spas, and fountains shall not be connected directly to the storm drain system or to the sanitary sewer system.

(5) If installed, parking garage floor drains on interior levels shall be connected to an oil-water separator prior to discharging into the sanitary sewer system. The oil-water separator shall be cleaned at a frequency of at least once every twelve (12) months or more frequently if recommended by the manufacturer or required by the Director. Installation, certification, and maintenance records shall be maintained and made available for inspection and copying as described in Section 16.09.155 of this Chapter. Oil-water separators shall have a minimum capacity of 100 gallons;

(6) Newly constructed, remodeled or converted multiple-family use residential properties and residential development projects with 25 or more units shall provide a covered area for occupants to wash their vehicles. A drain shall be installed to capture all vehicle washwaters and shall be connected to an oil-water separator prior to discharge to the sanitary sewer system. The oil-water separator shall be cleaned at a frequency of at least once every twelve (12) months or more frequently if recommended by the manufacturer or required by the Director. Oil-water separators shall have a minimum capacity of 100 gallons. The area shall be graded or bermed in such a manner as to prevent the discharge of stormwater to the sanitary sewer system;

(7) Mercury switches shall not be installed in sewer or storm drain sumps;

16.09.175 Requirements for Cooling Systems, Pools, Spas, Fountains, Boilers, and Heat Exchangers.

(a) Once-through cooling water from systems using potable water as a coolant shall not be discharged to the sanitary sewer system except in the following instances:

- (1) Emergency;
- (2) For once-through cooling water used for bench top reflux or distillation or other similarly sized activity; or
- (3) For short term use only, upon the determination that the use is for a research activity for which another source of cooling is not readily available.

(b) No person shall add to cooling systems, pools, spas, fountains, boilers, or heat exchangers, any substance that contains any of the following:

- (1) Chromium in excess of 2.0 mg/L;
- (2) Copper in excess of 2.0 mg/L;
- (3) Zinc in excess of 2.0 mg/L;
- (4) Tributyltin in excess of 0.1 mg/L or
- (5) Molybdenum in excess of 2.0 mg/L.

The above limits shall apply to any of the above-listed substances prior to dilution in the cooling system, pool, spa, fountain, boiler, or heat exchanger.

(c) Cooling towers shall be equipped with flow monitoring equipment for the measurement of makeup water and blowdown.

(d) Devices using electricity to dissolve copper or silver into water distribution systems, cooling systems, pools, spas, or fountains must be authorized by the Director in writing.

16.09.180 Requirements for Exceptional Waste.

(a) A discharger may submit a discharge permit application form established by the Director to request to discharge prohibited wastes not in conformance with this Chapter or wastes containing concentrations of substances or characteristics in excess of those permitted by this Chapter. Discharge of such wastes shall not be allowed without first obtaining a discharge permit from the Director.

(b) Exceptional wastes, as used in this Section, are aqueous wastes that may include, but are not limited to:

- (1) Construction site dewatering wastewater where soil or groundwater contamination is or may be present;
- (2) Groundwater contaminated with organic solvents generated as a result of pump tests in preparation for a groundwater cleanup and wastewater generated during sampling activities;
- (3) Aqueous wastes generated by either permanent or mobile hazardous waste treatment units used to treat hazardous wastes at the generator's site;
- (4) Aqueous wastes generated as a result of site cleanup activities;

(5) Pool drainage greater than 20,000 gallons. Pools that are 20,000 gallons or less may be drained to a discharger's sanitary sewer cleanout without an Exceptional Waste Discharge Permit if done so during dry weather and at a rate of 30 gpm or less; or

(6) Fire sprinkler system flush, test, or drain water discharged at a rate greater than 30 gpm. Fire sprinkler system flush, test, or drain water discharged at a rate less than 30 gpm may be drained to a discharger's sanitary sewer cleanout without an Exceptional Waste Discharge permit.

(c) The maximum allowable limit for copper for exceptional wastes to the sanitary sewer system shall be 2.0 mg/L.

16.09.185 Root and Pest Control Chemical Use.

(a) No person shall discharge, dispose of or add to the sanitary sewer system any substance intended to control roots or pests without first obtaining a discharge permit from the Director. Applicants for a discharge permit shall submit a completed discharge permit application form established by the Director.

(b) The Director may impose terms and conditions in the discharge permit which the Director deems reasonable or necessary to carry out the purpose of this Chapter.

(c) No person shall discharge, dispose of, or add to the sanitary sewer system any substance containing greater than five percent copper by weight, or copper sulfate in any amount, to control roots.

(d) The provisions of this Section shall not apply to discharges from residential properties.

16.09.190 Requirements for Dental Facilities.

(a) Except as provided in Subsection (b) below, no person shall discharge, cause, allow, or permit any discharge to the sanitary sewer system from a dental vacuum system, unless such discharge has first been processed through an amalgam separator as defined by Section 16.09.015 of this Chapter.

(b) A dental vacuum system may be operated without an amalgam separator provided that the system is not used in connection with the removal or placement of fillings that contain dental amalgam except in limited emergency or unplanned, unanticipated circumstances, and the system is used exclusively by the following types of dental practices:

(1) Oral Pathology;

(2) Oral and Maxillofacial Radiology;

- (3) Oral and Maxillofacial Surgery;
- (4) Orthodontics;
- (5) Periodontics; or
- (6) Prosthodontics.

(c) Dental dischargers shall submit reports for each facility in accordance with guidelines established by the Director.

(d) Dental dischargers that remove or place dental amalgam shall comply with the following BMPs:

(1) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained and made available for inspection and copying as described in Section 16.09.155 of this Chapter;

(2) Amalgam separator(s) shall be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s). In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a compliant unit within ten (10) business days after the malfunction is discovered by the dental discharger;

(3) Amalgam retaining units shall be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes sooner;

(4) Dental office personnel who handle amalgam and amalgam waste shall be trained in the proper handling, management, and disposal of mercury-containing materials. Training records shall be maintained and made available for inspection and copying in accordance with Section 16.09.155 of this Chapter;

(5) Amalgam waste including, but not limited to dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices shall not be discharged to the sanitary sewer system. Amalgam waste shall be stored, managed and disposed in accordance with applicable Federal, State, and local regulations including the following;

(A) Store and dispose of used chair-side traps, vacuum pump filters, screens, and their contents with amalgam waste.

(B) Store amalgam waste in airtight, structurally sound, and appropriately labeled containers.

(6) Oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine, and peroxide, that have a pH lower than 6 or greater than 8 shall not be used to disinfect dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to the sanitary sewer system; and

(7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(e) Records required to be kept pursuant to this Section shall be maintained and made available for inspection and copying as described in Section 16.09.155 of this Chapter.

16.09.195 Publication of Users in Significant Noncompliance.

The Director shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this Section, a significant industrial user (or any industrial user that violates subsections (c), (d), or (h) of this Section) is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six- (6-) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general 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 POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety- (90-) day compliance reports, periodic self-monitoring reports (PRCC), and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violations or group of violations, which may include a violation of BMPs, which the Director determines will adversely affect the operation or implementation of the pretreatment program.

16.09.200 Enforcement and Penalties.

(a) Warning. When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue verbal or written warnings in response to minor violations of this Chapter. Compliance with warnings does not limit further enforcement action by the City. Warnings shall not be a prerequisite to any other enforcement action, including permit suspension or revocation as described in subsection c below.

(b) Notice of violation. When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that discharger a written notice of violation (NOV). The NOV may include a deadline to correct such violation(s), or to respond with an explanation of the violation(s) and a plan for the satisfactory correction and prevention thereof. Submission of such a plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(c) Permit revocation or suspension. Subject to the procedural requirements of Section 16.09.205 of this Chapter, the Director may revoke or suspend an individual wastewater discharge permit or coverage under a general discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Director of changed conditions pursuant to Section 16.09.130 of this Chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the discharge permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Director timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fees, fines, sewer charges, or penalties;

(10) Failure to meet compliance schedules;

(11) Failure to complete a discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, term of the individual wastewater discharge permit, general discharge permit, or provision of this Chapter.

(d) Required installation of capture system. The Director may order that a discharger install, at the expense of the discharger, a temporary system for the capture, treatment, testing, and release (or off-haul) of wastewater, subject to the following:

(1) This requirement will apply to facilities that have produced multiple violations for the same parameter at the same sampling point or repeat violation of permit provisions, when the Director determines that appropriate corrective measures have proved difficult to identify or implement;

(2) This requirement will apply only to those specific areas of a facility from which the Director determines that the discharge or noncompliance may be originating, rather than to the entire flow from the facility, unless there is no reasonable way to determine where the discharge may be originating or to segregate said flows;

(3) If the Director determines that a capture system is impractical, the Director may require an alternative compliance measure of equivalent effectiveness; and

(4) This requirement will be terminated following a demonstration of compliance as determined by the Director. The sampling required to demonstrate compliance for violations of pollutant limits shall be set by the Director and may be up to twenty-one (21) consecutive business days of violation-free self-monitoring by the discharger followed by up to ten (10) days of violation-free sampling by the Director.

(e) Cease and desist orders. When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the discharger's past violations are likely to recur, the Director may issue an order to the discharger directing it to cease and desist all such violations and directing the discharger to:

(1) Immediately comply with all pretreatment requirements and pretreatment standards contained in this Chapter; and

(2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the discharger.

(f) Administrative compliance order. When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a compliance order to the discharger in accordance with Chapter 1.16 of this code. If the discharger does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated, in addition to any other relief allowed by Chapter 1.16 or any other law. 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 requirement, nor does a compliance order relieve the discharger of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the discharger.

(g) Administrative citation. When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an administrative citation in accordance with Chapter 1.12 of this code. Issuance of an administrative citation shall not be a bar against, or a prerequisite for, taking any other action against the person.

(h) Emergency suspension. The Director may immediately order a discharger to suspend any discharge, after informal notice, whenever such suspension 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 order a discharger to suspend any discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. Any discharger notified of a suspension shall immediately stop or eliminate its discharge. In the event of a discharger'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 stream, or endangerment to any persons. Such suspension shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Section 16.09.205 of this Chapter. The Director may allow the discharger to recommence its discharge when the discharger has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the emergency termination or permit revocation proceedings in Section 16.09.200 of this Chapter are initiated against the discharger.

(i) Emergency termination of discharge. The City reserves the right to revoke any permit issued pursuant to this Chapter and/or terminate or cause to be terminated sewer service to any premises for noncompliance with the provisions of this Chapter, an individual wastewater discharge permit, a general discharge permit, which reasonably appear to present an imminent endangerment to the health, safety, and welfare of persons. The discharger shall immediately cease any noncompliant discharge, upon verbal and/or written notice of the Director. Such termination shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Section 16.09.205 of this Chapter.

(j) Injunctive relief. When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Superior Court of California through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general discharge permit, order, or other requirement imposed by this Chapter on activities of the discharger. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the discharger 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 discharger.

(k) Civil penalties.

(1) Any person who has violated, or continues to violate any provision of this Chapter, an individual wastewater discharge permit, a general discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of up to twenty-five thousand dollars (\$25,000) per day for each day in which such violation occurs. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The City may petition the Superior Court of California pursuant to Government Code Section 54740 to recover the sums in subsection (k)(1) of this Section as well as 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.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a discharger.

(l) Criminal penalties. As provided in Chapter 1.08 of this code, violations of the provisions of this Chapter shall be subject to criminal penalties. The following employee positions are authorized to exercise the authority provided in California Penal Code section 836.5 for violations of this Chapter: manager watershed protection, senior engineer, manager environmental control program, associate engineer, senior industrial waste investigator, industrial waste investigator, industrial waste inspector.

(m) Remedies nonexclusive. The remedies provided for in this Chapter are cumulative and not exclusive, and shall be in addition to the provisions of Chapters 1.08, 1.12, and 1.16 of this code, and all other remedies available to the City under Federal, State, or local law. The Director may take any, all, or any combination of these actions against a noncompliant discharger. Enforcement actions may be taken concurrently.

16.09.205 Permit Denial, Modification, Suspension, or Revocation Hearing.

(a) An applicant or permit holder shall have at its request, a hearing before the city manager, or their designee, before the applicant's discharge permit application is denied, or before modification, subjugation to additional terms and conditions, suspension, or revocation of a discharger's discharge permit.

(b) The Director shall give the applicant or permit holder ten (10) calendar days written notice of intent to deny the applicant's discharge permit application or to modify, make subject to additional terms, suspend, or revoke a discharge permit. Permit modifications that are requested by the discharger, that solely entail a permit term extension, or result from facility final closure are not subject to this notification requirement. The notice shall set forth specifically the grounds for the Director's intention to deny the applicant's discharge permit application, or to modify, make subject to additional terms, suspend, or revoke a discharge permit and shall inform the applicant or permit holder that they have ten (10) calendar days from the date of receipt of the notice to file a written request for a hearing. The application shall be denied or the permit shall be revoked, modified, or suspended if a hearing request is not received within the ten day period.

(c) If the applicant or permit holder file(s) a timely hearing request, the city manager, or their designee, shall within ten (10) calendar days from the receipt of the request, set a time and place for the hearing. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues and to be represented by counsel. The decision of the

city manager, or designee, whether to deny the discharge permit application or to modify, make subject to additional terms, suspend, or revoke the discharge permit shall be final.

(d) Nothing in this Section shall limit the authority of the Director to take any emergency enforcement actions as specified in Section 16.09.200 of this Chapter.

16.09.210 Affirmative Defenses to Discharge Violations: Upset.

(a) For the purposes of this Section “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c), below, are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures and discharge permit conditions; and

(3) The industrial user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) calendar days):

(A) A description of the indirect discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Industrial users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Industrial users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

16.09.215 Affirmative Defenses to Discharge Violations: Prohibited Discharge Standards.

(a) An industrial user shall have an affirmative defense in any action brought against it for noncompliance with the general prohibitions established in Section 16.09.040 of this Chapter and the specific prohibitions established in subsections (b)(3) through (b)(7) and (b)(9) through (b)(17) of Section 16.09.040 of this Chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the industrial user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

16.09.220 Affirmative Defenses to Discharge Violations: Bypass.

(a) For the purposes of this Section the following terms and phrases shall be as defined herein:

(1) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility; and

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

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if the bypass is for essential maintenance to assure efficient operation or there are no feasible alternatives to the bypass. These bypasses are not subject to the provision of subsections (d) through (f) of this Section.

(c) If an industrial user knows in advance of the need for bypass, it shall submit prior notice to the Director at least ten (10) calendar days before the date of the bypass, or if the need for bypass becomes known less than ten (10) calendar days in advance, as soon as possible prior to the bypass.

(d) An industrial user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass per Section 16.09.135 of this Chapter. A written submission shall also be provided to the Director within five (5) calendar days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(e) Bypass is prohibited, and the Director may take enforcement action against an industrial 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 industrial user submitted notices as required under subsections (c) or (d) of this Section.

(f) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in subsection (e) of this Section.

16.09.225 Pretreatment Charges and Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program, which may include:

(a) Fees for discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a discharger's discharge, and reviewing monitoring reports and certification statements submitted by dischargers;

(c) Fees for filing appeals;

(d) Fees to recover administrative and legal costs (not included in subsection (b) of this Section) associated with the enforcement activity taken by the Director to address discharger noncompliance; and

(e) Other fees as the City may deem necessary to carry out the requirements of this Chapter.

16.09.230 Obstruction, Damage or Impairment to POTW.

Dischargers shall be responsible for and liable to the City for any discharge that causes an obstruction, damage, or any other impairment to the POTW. When a discharge causes an obstruction, damage, or any other impairment to the POTW, the City may assess a charge against the discharger to reimburse the City for costs incurred to clean or repair said obstruction, damage, or impairment.

SECTION 3. This amended ordinance shall apply to all permits currently in effect and all dischargers, whether permitted or not.

SECTION 4. If any Section, Subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or Sections of the Ordinance. The Council hereby declares that it would have adopted the Ordinance and each Section, Subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15308 of the CEQA Guidelines, because it is an action taken by the City as a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION 6. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney or Designee

Mayor

APPROVED:

City Manager

Director of Public Works