

TITLE 16

LIQUID AND INDUSTRIAL WASTE DISPOSAL

Liquid and Industrial Waste Disposal

This title was most recently updated by the following ordinance:

Ordinance No.	Subject	Effective Date	Code Site
5340	Wastewater Discharge Standards	January 6, 2005	Section 16.02.040

~~TITLE 16~~

~~LIQUID AND INDUSTRIAL WASTE DISPOSAL~~

Chapter: 16.02 General Provisions

Chapter: 16.04 Regulations

Chapter: 16.06 Wastewater Volume Determination

Chapter: 16.08 Administration

Chapter: 16.10 Determinations and Charges

Chapter: 16.12 Enforcement

Chapter: 16.14 Abatement

Chapter: 16.15 Urban Pollution Controls, Non-Point Source Discharge Restrictions

Chapter: 16.16 Severability

Chapter 16.02

GENERAL PROVISIONS

Sections:

- 16.02.010 Purpose.
- 16.02.020 Scope; Conflict with Other Provisions of Code.
- 16.02.030 Policy.
- 16.02.040 Definitions.

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16.02.010 Purpose.

—The purpose of this Title is to protect the ~~waters~~Waters of the State; provide against pollution of streams, creeks and storm drains; control and regulate discharges to storm drains; and to control and regulate all discharges of waste or wastewater directly or indirectly into the sewerage system and treatment and disposal works of the City of Santa Barbara. (Ord. 5087, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.02.020 Scope; Conflict with Other Provisions of Code.

- A. GENERAL APPLICABILITY. This Title establishes rules, regulations, and standards for the elimination of pollutants, and governing the quality and quantity of discharged wastes, the degree of waste ~~pre-treatment~~pretreatment required, the issuance of wastewater discharge permits, the assessment of fees and charges, and the imposition of penalties for violation of this Title. Subject to the exception of subsection B hereof, the provisions of this Title shall apply to all discharges, directly or indirectly into the ocean, the creeks, lagoons, storm drains and other waters of the State, and to all discharges of wastes and wastewater directly or indirectly into any Community Sewer or Publicly Owned Treatment WorksPOTW of the City ~~of Santa Barbara~~. To the extent that the provisions of this Title are in conflict with any other provisions of this Code, this Title shall prevail. It is not intended, however, that this Title shall operate to repeal any other provisions of this Code or to relieve any responsibility or liability imposed by or incurred under any other provision of this Code.
- B. AIRPORT DISCHARGE REGULATIONS. The provisions of this Title that control discharges into the sewer or Publicly Owned Treatment WorksPOTW of the City ~~of Santa Barbara~~ shall not apply to discharges of wastes and wastewater into a wastewater treatment system for those areas of the City that are provided sewer service by the Goleta Sanitary District (primarily the City Airport). Rules, regulations and standards governing the quality and quantity of discharged wastes, the degree of required pretreatment, the issuance of wastewater discharge permits, the assessment of fees and charges for discharge into the Goleta Sanitary District treatment or wastewater system, and the enforcement of applicable ordinances, rules and regulations for the Goleta Sanitary District shall be determined by the Goleta Sanitary District and as described in Ordinances of the Goleta Sanitary District as presently enacted or hereinafter amended. (Ord. 5087, 1998; Ord. 4773, 1992; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.02.030 Policy.

- A. The City of Santa Barbara protects the health, welfare and safety of its residents by constructing, operating and maintaining a system of local sewers, pump stations, trunk sewers and interceptors, and liquid Wastewaste treatment and disposal facilities that serve ~~homes, industries, commercial establishments,~~ and institutional facilities throughout the City and surrounding area, in accordance with the requirements of State and Federal law.
- B. The following ~~polices~~ policies apply to all sewage and liquid and industrial Waste discharged directly or indirectly into the sewerage system and treatment and disposal works of the City.

—(1-) Sewage and liquid and industrial Wastewaste will be accepted into the City sewerage system, provided ~~their~~ acceptance will not: ~~(1-)(a)~~ threaten or endanger public

health, (2b) detrimentally affect the environment, (3c) create ~~Nuisances~~nuisances such as odors, insects, etc., (4d) damage structures, (5e) impose excessive or unnecessary collection, treatment or disposal costs on the City, (6f) significantly interfere with ~~Wastewater~~wastewater collection or treatment processes, (7g) interfere with ~~Wastewater~~wastewater reclamation processes, (8h) exceed quality limits and quantity requirements set forth in this Title or other ~~Applicable Regulations~~applicable regulations, or (9i) cause the ~~Agency~~City to violate its NPDES Permit.

~~(2.)~~ The highest and best use of the sewerage system is the collection, treatment and reclamation or disposal of domestic and industrial sewage.

~~(3.)~~ Industrial users -are urged -to meet the limitations -on -discharges of industrial ~~Wastewaste~~ and ~~Wastewater~~wastewater through the development and use of recovery and reuse procedures rather than -procedures designed solely to meet discharge limitations.

~~(4.)~~ The City is committed to a policy of ~~Wastewater~~wastewater renovation and reuse -designed to provide an -additional source of water supply and to reduce overall costs of ~~Wastewater~~wastewater treatment and disposal. As the demand for reclaimed water increases, the renovation of ~~Wastewater~~wastewater through ~~Wastewater~~wastewater treatment processes may necessitate more stringent quality requirements on discharges of industrial ~~Waste~~-waste.

~~(5.)~~ Optimum use of City facilities may require scheduling the discharge of certain wastewaters during periods of low flow in the sewerage system as established by the Public Works Director.

~~(6.)~~ Provisions are made in this Title to regulate industrial and other ~~Wastewaste~~ discharges, to comply with -applicable State and Federal government requirements and policies regarding discharges of ~~Wastes~~wastes and ~~Wastewaters~~wastewaters to City sewers and ~~publicly owned treatment facilities~~POTW, and to meet increasingly higher standards to regarding treatment plant effluent quality and related environmental considerations. This Title establishes quantity and quality limitations on sewage, liquid ~~Wastewaste~~ and industrial ~~Wastewaste~~ discharges where such ~~Discharges~~discharges may adversely affect the sewerage system or the effluent quality. Methods of cost recovery are also established where industrial ~~Wastewaste~~ discharges impose on the City additional, unnecessary or unreasonable collection, treatment, monitoring or disposal costs. Fees and charges for issuance of permits and fines for violations of the provisions of this Title, shall be established by resolution of the City Council. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.02.040 Definitions.

—Unless otherwise defined herein, terms shall be as adopted in the- most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured in accordance with the procedures established by the Administrator under Section 304(h) of the ~~Clean Water~~Federal Act, and as set forth in detail in methods promulgated or approved pursuant to 40 CFR ~~136~~(Code of Federal Regulations, Title 40, Protection of the Environment; Chapter 1, EPA; Part 136, Test Procedures for the Analysis of Pollutants). Methods for sampling and analysis of ~~Wastewater~~wastewater may deviate from these regulations only when 40 CFR Part 136 fails to address sampling or analytical techniques for a particular pollutant or when alternative methods of analysis have been approved by the Administrator as equivalent procedures. Unless the context requires a different meaning, the following words are defined as follows:

—A. **ADMINISTRATOR.** The EPA Administrator or his or her designee.

~~B. AGENCY. The City of Santa Barbara.~~

~~CB. APPLICABLE REGULATION(S) means all City, State, and Federal regulations, rules, laws, and codes as they apply to Discharges~~ discharges by Users to, on or in the POTW and/or any Community Sewer.

~~Authority Manger. Public Works Director for the City of Santa Barbara or a designated representative.~~

~~Authorized or Duly Authorized Representative of the User~~ C. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER shall mean:

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or ~~operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$2,000,000 (in second quarter 1980 dollars),~~ operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the ~~user~~ User is a partnership, ~~association,~~ or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the ~~user~~ User is a ~~federal~~ Federal, State, or local government 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.
- (4) The individuals described in subdivisions (1) through (3) above, may designate ~~another~~ 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 ~~company, and the written~~ facility. This authorization ~~is~~ must be made in writing by the principal executive officer or ranking elected official, and submitted to the ~~city~~ City prior to or together with any document being submitted.

D. **BATCH DUMP** or **BATCH DISCHARGE.** The discharge of concentrated ~~Nonnon~~ non-compatible ~~Pollutants~~ pollutants of a quality or in a manner or method which does not comply with this ordinance or other applicable State or ~~federal~~ Federal laws and regulations.

Best Management Practices

~~The term Best Management Practices~~ E. BEST MANAGEMENT PRACTICES or **BMPs** ~~means. The~~ schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §40 CFR Part 403.5(a)(1) and (b). ~~BMPs also~~ include

treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

—~~EF~~. **BUILDING SEWER.** A Sewer conveying ~~Wastewater~~wastewater from the ~~Premises~~premises of a User to a Community Sewer.

—~~FG~~. **BENEFICIAL USES.** Any and all use of the waters of the State that are protected against quality degradation, including but not limited to domestic, municipal, and agricultural use, use for industrial supply, -power generation, recreation, aesthetic enjoyment, or navigation, use for the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other beneficial uses, -tangible and intangible, as specified by Federal or State law or other ~~Applicable Regulations~~applicable regulations.

By Pass

~~Bypass means the~~H. **BIOCHEMICAL OXYGEN DEMAND or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/L).

I. **BYPASS.** The intentional diversion of waste streams from any portion of an ~~Industrial~~ User's treatment facility.

Categorical Pretreatment Standards

J. **CALIFORNIA CODE OF REGULATIONS or CCR.** The publication of the State of California government containing finalized State regulations.

K. **CATEGORICAL INDUSTRIAL USER.** Any User subject to a Categorical Pretreatment Standard or Categorical Standard.

L. **CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARDS.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with ~~sections~~Sections 307(b) and (e)(c) of the Federal Act (33 U.S.C. ~~section~~-1317) that apply to specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

—~~HM~~. **CODE OF FEDERAL REGULATIONS or CFR.** The publication of the United States government that contains finalized Federal regulations.

N. **CITY.** City of Santa Barbara.—_____

—~~IO~~. **COMMERCIAL USER.** Any source of wastewater discharge originating from a commercial business.

P. **COMMUNITY SEWER or SEWER.** A Sewer owned and operated by the City or other public agency and tributary to ~~any Wastewater treatment facility~~the POTW operated by the City.

—~~JQ~~. **COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria. Compatible ~~Pollutants~~pollutants are non-compatible when discharged in quantities that have an adverse effect on the City's collection system, treatment plant or NPDES Permit.

—KR. **CONTAMINATION.** An impairment of the quality of the Waters of the State by Wastewaste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of Wastewaterwastewater, whether or not Waters of the State are affected.

Control Authority. The term "Control Authority" shall refer to the "Approval Authority", defined herein above; or the Authority Manager or the Authority Manager's designated authority.

—L.S. **DISCHARGE.** Any threatened or actual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, disposing or releasing of any Waste or Wastewater to, on or in the POTW or any Community Sewer.

—MT. **DOMESTIC WASTEWATER.** Liquid Wasteswastes (a) from the noncommercialnon-commercial preparation, cooking, and handling of food; or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions and as are distinct from industrial Wasteswastes.

—N. U. **ENVIRONMENTAL PROTECTION AGENCY or EPA.** The United States Environmental Protection Agency or any successor, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency ~~thereto~~.

—O.V. **EXISTING SOURCE.** Any source of discharge that is not a "New Source".

W. **FEDERAL ACT.** The Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, codified as amended at 33 USC Section 1251 et seq., and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection AgencyEPA pursuant to the Federal Act.

—P.X. **FOOD ESTABLISHMENT.** Any restaurant, kitchen or other similar facility, whether or not operated commercially or for profit, which is required by the County of Santa Barbara to have a permit for the preparation or provision of food for human consumption.

—QY. **GRAB SAMPLE.** A sample that is taken from the wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Z. **HOLDING TANK WASTE.** Any Wastewaste discharged from a holding tank, including but not limited to vessels, chemical toilets, recreational vehicles, septic tanks, and vacuum pump tank trucks.

—RAA. **INCOMPATIBLE POLLUTANT or NON-COMPATIBLE POLLUTANT.** Any pollutant which is not a Compatible Pollutantcompatible pollutant as defined in this Section- 16.02.040 of this Title. Incompatible Pollutantspollutants shall be regulated by applicable pretreatment standards, as set forth in this Title.

~~Industrial User or User~~BB. **INDUSTRIAL USER.** Any contributorsource of industrial waste or wastewater discharge.

—SCC. **INDUSTRIAL WASTEWATER.** All water-carried Wasteswastes, excluding Domestic Wastewaterdomestic and commercial wastewater, resulting from the processing or manufacture of goods or products.

TDD. **INFECTIOUS WASTES.**

- (1-) Laboratory and surgical operating room ~~Wastes~~wastes, except recognizable portions of the human anatomy.
- (2-) Wastes from outpatient areas and emergency rooms similar to those included in (1) above.
- (3-) Equipment, instruments, utensils and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated by Public Health Agencies.
- (4-) Materials which are likely to transmit etiological agents which cause or significantly contribute to the cause of increased morbidity or mortality of human beings, or as set forth in ~~Health and Safety Code~~CCR Section 25117.5.

UEE. **INTERFERENCE.** ~~Any Discharge which~~ A discharge that, alone or in conjunction with ~~Discharges~~a discharge or discharges from other sources, inhibits or disrupts the POTW's treatment processes or operations or the processing, use or disposal of sludge by the POTW; or which causes a violation of the City's NPDES Permit or prevents lawful sludge disposal or use 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 Federal 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 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.

V. ~~LEL~~ or FF. **LOCAL LIMIT.** Specific discharge limits developed and enforced by the City upon a permitted User to implement general and specific discharge prohibitions listed in 40 CFR Part 403.5(a)(1) and (b).

GG. **LOWER EXPLOSIVE LIMIT or LEL.** The minimum concentration of a combustible gas or vapor (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present. -These concentrations can be found in the National Institute of Occupational Safety and Health Pocket Guide to Chemical Hazards.

WHH. **MASS EMISSION RATE.** The weight of material discharged to the Community Sewer system during a given time interval. Unless otherwise specified, the ~~Mass Emission Rate~~mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

National Pretreatment Standard

II. **MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

JJ. **NATIONAL PRETREATMENT STANDARD.** The term *National Pretreatment Standard*, *Pretreatment Standard*, or *Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with ~~section~~Sections 307 (b) and (c) of the Federal Act, which applies to Industrial Users. This term includes prohibitive discharge limits.

New Source means any:

KK. **NEW SOURCE.**

- (1) ~~any~~ building, structure, facility or installation from which there is ~~(or may be)~~ a ~~Discharge~~discharge of pollutants, ~~heth~~e construction of which commenced after the publication of proposed Pretreatment Standards under ~~section~~Section 307(c) of the ~~Federal~~ Act ~~which~~that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that*:
- ~~(i)~~(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ~~(ii)~~(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an ~~existing source~~Existing Source; or
 - ~~(iii)~~(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an ~~existing source~~Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an ~~existing source~~Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs ~~(m)16.02.040(LL)(1)(ii)~~ or ~~(m)16.02.040(LL)(1)(iii)~~ of this ~~section~~Title, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a ~~new source~~New Source as defined under this paragraph has commenced if the owner or operator has: ~~(i)~~
- ~~(a)~~ (a) Begun, or caused to begin as part of a continuous onsite construction program: ~~(A)~~
 - ~~(i)~~ (i) Any placement, assembly, or installation of facilities or equipment; or ~~(B)~~
 - ~~(ii)~~ (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or ~~(ii)~~
 - ~~(b)~~ (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a ~~contra~~contract under this paragraph.

~~Y. NPDES PERMIT~~ or LL. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT** or NPDES PERMIT. The permit issued to control ~~Discharges~~discharges from the POTW to ~~waters~~Waters of the United States.

~~Z. MM.~~ **NUISANCE.** Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of Persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

~~AANN.~~ **PASS THROUGH.** ~~Any Discharge through~~ A discharge which exits the City's facilities to navigable POTW into waters which, of the United States in quantities or concentrations, which alone or in conjunction with ~~Discharges~~ a discharge or discharges from other sources, ~~causes~~ is a cause of a violation of any requirement of the City's NPDES Permit or any applicable regulation, including an increase in the magnitude or duration of a violation.

~~BBOO.~~ **PATTERN OF NON-COMPLIANCE.** (1) Six or more ~~Discharges~~ discharges during a twelve-month period, at least thirty-three percent (33%) of which contain the same ~~Non-Compatible Pollutant~~ non-compatible pollutant in a concentration which exceeds the amount allowed by any ~~Applicable Regulation~~ applicable regulation; or (2) the failure of a User on three or more occasions within a twelve-month period to file timely any report or other document required to be filed by the User pursuant to any ~~Applicable Regulation~~ applicable regulation.

~~CCPP.~~ **PERSON.** Any individual, partnership, ~~co-partnership,~~ firm, ~~company,~~ association, corporation, ~~joint stock company, trust, estate, government entity,~~ or ~~public agency,~~ ~~including but not limited to~~ any ~~User, other legal entity, or their legal representatives, agents, or assigns.~~ This definition includes all Federal, State, and Local government entities.

~~DDQQ.~~ **POLLUTANT.** Dredged spoil, solid waste, incinerator residue, filter backwash, sanitary sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

~~RR.~~ **POLLUTION.** An alteration of the quality of the Waters of the State by ~~Wastewater~~ to a degree which unreasonably affects or impairs such waters for beneficial use or facilities which serve such Beneficial Uses. Pollution may include ~~Contamination~~ contamination.

~~EE.~~ ~~POTW or PUBLICLY OWNED TREATMENT WORKS.~~ All collection, transport and treatment facilities used by the Agency for the collection, treatment or disposal of Wastewater.

~~FFSS.~~ **PREMISES.** Any land, including any improvements or structures thereon, which is owned, used, occupied, leased or operated by a User and from or on which ~~Discharges~~ discharges occur or ~~Wastewater~~ wastewater is created.

Pretreatment requirements

~~Means any~~ ~~TT.~~ **PRETREATMENT.** 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.

~~UU.~~ **PRETREATMENT FACILITY.** Any wastewater treatment system consisting of one or more treatment devices designed to remove sufficient pollutants from waste streets to allow a User to comply with effluent limits.

~~VV.~~ **PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on ~~an Industrial~~ a User.

~~GGWW.~~ **PRETREATMENT STANDARD or STANDARDS.** Prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

~~XX.~~ **PROCESS WASTEWATER.** Any water, which during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished

product, by-product, or waste product from any industrial, commercial, institutional, or agricultural source.

YY. PROHIBITED DISCHARGE STANDARDS. Absolute prohibitions against discharge of certain substances, as specified in this Title.

ZZ. PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works, as defined by Section 212 of the Federal Act (33 USC 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.

AAA. PUBLIC WORKS DIRECTOR. The Director of Public Works for the City of Santa Barbara or his or her designated representative.

~~HHBBB. SEWAGE.~~ Human excrement and gray water (household showers, dishwashing operations, etc.).

CCC. STANDARD INDUSTRIAL CLASSIFICATION or SIC. The system of classifying industries as identified in the SIC Manual, 1972, Office of Management and Budget and as may be amended.

DDD. SIGNIFICANT INDUSTRIAL USER or SIU. Any User who ~~discharges;~~

- (1) Has waste discharge subject to Categorical Pretreatment Standards; or
- (2) Discharges more than ~~1025,000~~ 1,000,000 gpd, or is regulated under federal categorical standards, or has the capability to affect deleteriously gallons per day of process wastewater to the POTW, or contributes greater than excluding sanitary, non-contact cooling, and boiler blowdown wastewater; or
- (3) Contributes a process waste stream that makes up five percent (5%) or more of the POTW's average dry weather hydraulic or organic loading at capacity of the POTW; or
- (4) Is designated by the City on the basis that the User:
 - (a) Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or the quality of effluent from the POTW; or
 - (b) May cause or threaten to cause the City to violate its NPDES Permit; or
 - (c) Has a reasonable potential to violate any time Pretreatment Standard; or
 - (d) Has in its waste discharge a toxic pollutant.

EEE. SIGNIFICANT NON-COMPLIANCE

NONCOMPLIANCE or SNC. Any action or conduct by a User which constitutes a violation of any Applicable Regulation applicable regulation and which consists of one or more of the following:

- ~~(A)~~(1) Chronic violations of wastewater Discharge discharge limits, defined here as those in which 66 percent (66%) or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR Part 403.3(1);
- ~~(B)~~(2) Technical Review Criteria (TRC) violations, defined here as those in which 33 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 Part 403.3(1) 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)~~(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW/City determines has caused, alone or in combination with other Discharges, Interference/discharges, interference, or Pass Through/pass through (including endangering the health of POTW/City personnel or the general public).
- ~~(D)~~4 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/City's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge.
- ~~(E)~~5 Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- ~~(F)~~6 Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;
- ~~(G)~~7 Failure to accurately report noncompliance; or
- ~~(H)~~8 Any other violation or group of violations, which may include a violation of Best Management Practices/BMPs, which the POTW/City determines will adversely affect the operation or implementation of the local/its Pretreatment program/Program.

~~JJ. SIGNIFICANT VIOLATION. Except as this term may otherwise be defined by EPA/FF, SLUG LOAD or Title 40 of the Code of Federal Regulations, any act/SLUG DISCHARGE. Any discharge at a flow rate or conduct by a User/concentration, which constitutes/could cause a violation of any Applicable Regulation and which:~~

- ~~1. Remains uncorrected forty five (45) days after notification of non-compliance with any Applicable Regulation;~~
- ~~2. Is part of a Pattern of Non-Compliance with any Applicable Regulation;~~
- ~~3. Occurs as a result of or the prohibited discharge standards in conjunction with a failure accurately to report non-compliance with any Applicable Regulation; or~~
- ~~4. Results in the POTW exercising its emergency authority under 40 CFR 403.8(f)(1)(vi)(B).~~

Slug Discharge

~~Is~~Chapter 16.04 of this Title. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference/interference or Pass Through/pass through, or in any other way violate the POTW's/City's regulations, local limits or Wastewater Discharge Permit conditions.

~~KKGGG. STATE.~~ The State of California, including any department or agency thereof.

~~LL. TRCHHH. STORM WATER.~~ Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~III. TECHNICAL REVIEW CRITERIA- or TRC.~~ A violation in which 33 percent (33%) or more of all wastewater measurements taken for the same pollutant parameter during a 6-month period equal or

exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement. TRC = (a) 1.4 times the applicable limit for BOD, TSS, oil, grease and fats or (b) 1.2 times the applicable limit for any other ~~Non-Compatible Pollutant~~non-compatible pollutant, except pH.

~~MMJJJ.~~ **TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended inn, water, wastewater, or other liquid, and that is removable by laboratory filtering.

KKK. UNPOLLUTED WATER. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the AgencyCity having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

~~NNLLL.~~ **UNITED STATES CODE or USC.** The codification by subject matter of the general and permanent laws of the United States.

MMM. USER. Any Person who causes or permits a Dischargedischarge from any Premisespremises used, in whole or in part and whether intermittently or continuously, for any commercial, industrial, manufacturing, or institutional purpose.

~~OO. USER CLASSIFICATION.~~ A classification of User based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

~~PPNNN.~~ **WASTE.** Sewage and any and all other Wastewaste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such Waste placed within containers of whatever nature prior to, and for purposes of, disposal.

~~QQOOO.~~ **WASTEWATER.** WasteLiquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, discharged into or permittedwhich are contributed to enter a Community Sewerthe POTW.

~~RRPPP.~~ **WASTEWATER CONSTITUENTS AND CHARACTERISTICS.** The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, that serve to define, classify or measure the contents, quality, quantity and strength of Wastewaterwastewater.

~~SSOOO.~~ **WASTEWATER DISCHARGE PERMIT.** A permit issued to a User that allows it to discharge wastewater to the Community Sewer and POTW.

RRR. WATERS OF THE STATE. Any water, surface or underground, including saline waters within the boundaries of the State- as defined in 40 CFR Part 230.3(s). (Ord. 5340, 2004; Ord. 4589, 1989; Ord. 4269, 1984; Ord. 3883 §1, 1977.)Chapter 16.04

REGULATIONS

Chapter 16.04
REGULATIONS

Sections:

- 16.04.010 General Prohibitions on Discharges.
- 16.04.020 Prohibitions on Storm Drainage and Ground Water.
- 16.04.030 Prohibition on Unpolluted Water.
- 16.04.035 Slug Discharges.
- 16.04.040 Limitations on Radioactive Wastes.
- 16.04.050 Limitations on the Use of Commercial Garbage Grinders.
- 16.04.060 Requirement for Interceptors.
- 16.04.070 Requirement for Installation of Sampling Box.
- 16.04.080 Limitations on Point of Discharge.
- 16.04.090 Holding Tank Waste.
- 16.04.100 Local Limitations on Wastewater Strength.
- 16.04.110 Limitations on Hospital Wastes.
- 16.04.120 Fire Precautions.

16.04.130 Right to Revision.

16.04.010 General Prohibitions on Discharges.

~~_____~~ No Person shall ~~discharge~~ introduce or cause to be introduced into a Community Sewer or to the ~~Publicly Owned Treatment Works (POTW)~~ any waste or wastewater which causes, ~~threatens pass through or interference.~~ These general prohibitions apply to cause, or is capable all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements. Additionally, no User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- A. That 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 Part 261.21. Closed-cup flashpoint values may be found in the National Institute of Occupational Safety and Health (NIOSH) *Pocket Guide to Chemical Hazards*;
- B. That have a pH lower than 6.0 or greater than 10.0, otherwise causing, ~~alone~~ corrosive structural damage to the POTW or equipment;
- C. That contain solids or viscous substances in amounts which will cause obstruction of flow in the POTW resulting in interference or damage;
- D. That include oxygen-demanding substances (BOD, etc.) which are released at a flow rate and/or pollutant concentration which, either singly or by interaction with other ~~substances~~ pollutants, will cause interference with the POTW;

~~—A.— A fire or explosion;~~

~~—B.— Obstruction of flow in a sewer system or injury or damage to the POTW;~~

~~—C.— Danger to the life or safety of any person;~~

~~—D.— A nuisance or prevention of the effective maintenance or operation of all or any portion of the POTW system, through having a strong, unpleasant odor;~~

~~—E.— Air pollution by the production or release of toxic or malodorous gases or malodorous gas producing substances;~~

~~—F.— Interference with the wastewater treatment process;~~

~~—G.— The agency's~~ E. That cause the temperature at the treatment works to be greater than 104°F (40°C), impairment or inhibition of biological treatment processes or temperatures of greater than 140°F (60°C) at the point of discharge;

F. That include petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

G. That 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;

H. From any trucked or hauled pollutants, except at discharge points designated by the City;

I. That are 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 Community Sewer for maintenance and repair;

~~J. That causes the City's~~ effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

~~H. AK. That causes a~~ detrimental environmental impact or a nuisance in the waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the ~~agency~~City;

~~I. ConditionsL. That create conditions~~ at or near the ~~agency's~~City's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body, or which cause the ~~agency~~City to violate its NPDES Permit;

~~JM.~~ Quantities or rates of flow which overload the ~~agency's~~City's collection or treatment facilities, cause excessive ~~agency~~City collection or treatment costs, or use a disproportionate share of the ~~agency~~City facilities;

~~K. Temperature at the treatment works to be N. That causes an LEL reading of greater than 104°F (40°C), impairment or inhibition of biological treatment processes or temperatures of greater than 140°F (60°C) at the point of discharge;~~

~~L. Ignitability or explosivity, discharges with a closed cup flash point of greater than 140°F using Pensky Martin or Seta Flash closed cup analysis, or discharges with a Lower Explosive Limit of greater than ten percent (10%~~%)~~) as hexane at any point within the POTW;~~

~~M. Reactivity of wastes resulting. LEL values may be found in the release of toxic gases, vapors or fumes within the POTW in a quantity that alone or in conjunction with other discharges may cause worker health and safety problems or a public nuisance~~NIOSH Pocket Guide to Chemical Hazards;

~~N. ObstructionO. That causes obstruction~~ or increased treatment costs due to the presence of any sand, grit, straw, metal, glass, rags, feathers, tar, plastic, wood, manure, dead animals, offal or any other solid viscous substance which in any way interferes with the proper operation of the POTW; or

~~O. ToxicityP. That causes toxicity~~ at the treatment plant or in the collection system due to the presence of toxic or poisonous substances in sufficient quantities to constitute a hazard to humans or animals or to create a hazard at the treatment plant or to injure or interfere with any sewage treatment processes. (Ord. 5078, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

(Ord. 5078, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

~~P. Trucked/Hauled Waste: Any trucked or hauled pollutants, except at discharge points designated by the POTW.~~

~~Q. A User may not introduce into a POTW any pollutant (s) which cause Pass Through or interference.~~

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 POTW.

16.04.020 Prohibitions on Storm Drainage and Ground Water.

Storm water, ground water, rain water, street drainage, sub-surface drainage, roof drains or yard drainage will not be discharged through direct or indirect connections to a Community Sewer unless a permit is issued by the

agency-City. The agencyCity may approve the discharge of such water only when no reasonable alternative method of disposal is available.

———If a permit is granted for the discharge of such water into a Community Sewer, the User shall pay the applicable user charges and fees and meet such other conditions as required by the agency-City. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.04.025 Dilution.

No User shall ever increase the use of process waste, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in cases when the imposition of mass limitation is appropriate.

16.04.030 Prohibition on Unpolluted Water.

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, subsurface drainage, or any uncontaminated, unseptic, or non-septic cooling water, boiler exhaust, blow-off water, non-septic wash-rack drainage, or uncontaminated and non-septic industrial process water, directly or indirectly, to, on or into a Community Sewer unless a permit has previously been issued ~~therefor~~thereof by the agency-City. The agencyCity may approve the discharge of such water only when no reasonable alternative method of disposal is available.
- B. If a permit is granted for the discharge of such water into a Community Sewer, the User shall pay the applicable user charges and fees and shall meet such other conditions as required by the agency-City. (Ord. 5087, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.04.035

Slug Discharges.

No user shall discharge or caused to be discharged any slug load of materials, chemicals, products, or waste into the POTW. Any user discharging a slug load of materials, chemicals, products, or waste into the POTW to avoid sewer service charges for the treatment violates this Chapter, and may subject the user to enforcement actions. Any slug load that damages the POTW is a major violation. Slug loads that do not damage the POTW may be a minor violation.

16.04.040 Limitations on Radioactive Wastes.

———No person shall discharge or cause to be discharged any radioactive waste into any Community Sewer or POTW. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.04.050 Limitations on the Use of Commercial Garbage Grinders.

- A. Waste from commercial garbage grinders shall not be discharged into a Community Sewer unless the grinder is in existence on the date when this ordinance is enacted and the User agrees to undertake whatever self-monitoring procedures the Public Works Director may reasonably require. These self-monitoring procedures may include but are not limited to all monitoring and pretreatment facilities necessary to determine what charges should be imposed against the User based on Waste Constituents and Characteristics.
- B. All garbage grinders must shred waste sufficiently that it will be carried freely under normal flow conditions prevailing in the Community Sewer receiving the discharge. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.04.060 Requirement for Interceptors.

—Grease-and-sand or grease-and-oil interceptors shall be provided at all food establishments, or when the Health Officer of the County or the ~~Director of Public Works~~ Director determines that they are necessary for the proper handling of liquid waste containing excessive amounts of grease, oil, sand, inflammable waste, or other harmful materials, except where the Public Works Director determines it is infeasible and where another device for intercepting grease is appropriate to maintain compliance with the limits set forth in this Title. No such interceptor shall be required for private dwellings. Grease and sand/oil interceptors shall be installed, utilized and properly maintained in continuous and efficient operation at all times and at the expense of the User. All interceptors shall be of a type, capacity and construction approved in writing by the Public Works Director. Interceptors shall be located so as to be readily and easily accessible for cleaning and inspection and shall be accessible at all times to personnel from the agencyCity and the Health Officer of the County for inspection and sampling. ~~food~~Food establishments which do not have a dishwashing machine or garbage grinder and which show that the discharge does not contribute grease or oil in excess of the limitations of this Title may apply for a variance from the requirement to install an interceptor. (Ord. 4589, 1989)

16.04.070 Requirement for Installation of Sampling Box.

—Except where an acceptable existing sampling point is available, all food establishments shall install a sampling box of a size and type to be specified by the Public Works Director. (Ord. 4589, 1989) ~~16.04.080~~

—~~Limitations on Point of Discharge.~~

16.04.080 Limitations on Point of Discharge.

—No person shall discharge any substances directly into a manhole or other opening in a Community Sewer other than through an approved Building Sewer, unless upon written application by the User and payment of the applicable user charges and fees, the agencyCity issues a permit for such direct discharges. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.04.085

Mobile Pressure Washers.

~~All Mobile Pressure Washers shall obtain an authorization certificate and/or permit from the City before conducting business within the City's jurisdiction. Failure to obtain authorizations and/or a permit from the City prior to operating in the POTW service area is a violation of this Chapter and may subject the user to enforcement actions.~~

16.04.090 Holding Tank Waste.

~~_____~~A User proposing to discharge ~~Holding Tank Waste~~holding tank waste into a Community Sewer must secure a permit. Unless allowed by the ~~agency~~City under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the Wastewater Constituents and Characteristics. If a permit is granted for discharge of such waste into a Community Sewer, the User shall pay the applicable user charges and fees and shall meet such other conditions as required by the ~~agency~~City. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

~~(Ord. 4589, 1989; Ord. 3883 §1, 1977.)~~

16.04.100 Local Limitations on Wastewater Strength.

—A. No person shall discharge wastewater containing ~~in an~~ excess of: (as a daily maximum):

- ~~_____~~0.27 milligrams per liter (mg/l) arsenic
- ~~_____~~0.09 mg/l cadmium
- ~~_____~~1.1 mg/l copper
- ~~_____~~0.97 mg/l cyanide
- ~~_____~~2.0 mg/l lead
- ~~_____~~0.032 mg/l mercury
- ~~_____~~1.86 mg/l nickel
- ~~_____~~0.59 mg/l silver
- ~~_____~~2.64 mg/l total chromium
- ~~_____~~7.11 mg/l zinc
- ~~_____~~9.37 mg/l selenium
- ~~_____~~0.189 mg/l chlorinated phenolics
- ~~_____~~42.47 mg/l phenolics
- ~~_____~~1.3 micrograms per liter (ug/ug/L) endosulfan
- ~~_____~~0.6 ug/ug/L endrin
- ~~_____~~0.7 ug/ug/L HCH, or
- ~~_____~~0.222 milligrams per liter (mg/l) PCBs.

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

B. No person shall discharge any wastewater:

~~_____ (1-) Containing more than 100 milligrams per liter (mg/l) of oil or grease of animal or vegetable origin;~~

~~_____ (2-) Containing more than 100 milligrams per liter (mg/l) of oil or grease of mineral or petroleum origin;~~

~~_____ (3) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0 or greater than 10 unless the works is specifically designed to accommodate such Discharges.~~

~~_____ 4.(3) Which meets the definition of hazardous waste under CCR Title 22 of the California Code of Regulations, Article 11 unless written application for such discharge has been approved by the Public Works Director/City.~~

- ~~_____ C. No user shall increase the use of water or in any other manner dilute a discharge as a partial or complete substitute for any required pretreatment; or attempt to achieve compliance with any national categorical standard, this Title or any Wastewater Discharge Permit by a process that includes dilution of a discharge; or to establish an artificially high flow rate.~~
- ~~_____ D. No person shall discharge wastes containing gasoline, naphtha, petroleum oils or any volatile, inflammable or explosive gas liquid or solid in sufficient quantities or combinations to constitute a hazard to humans or animals, to create a hazard in the POTW or to injure or interfere with any sewage treatment process.~~
- ~~_____ E. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Title. Under Section 307(b) of the Federal Act, Federal ~~pre-treatment~~pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment worksPOTWs; and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to effluent guidelines issued under Section 304(b) of the Federal Act, which are discharging incompatible pollutants to publicly owned treatment worksPOTW, are required to comply with applicable standards as per 40 CFR Part 403.3(j). Facilities subject to regulation under national pretreatment standards and constructed after the promulgation of relevant federal categorical limits shall be subject to regulation as a New Source. (Ord. 5078, 1998; Ord. 4775, 1992; Ord. 4589, 1989; Ord. 3883 §1, 1977.)~~
- F. [The Public Works Director may develop BMPs, by ordinance or in Wastewater Discharge Permits to implement Local Limits and the requirements of Chapter 16.04.](#)

16.04.110 Limitations on Hospital Wastes.

- ~~_____ A. Hospital wastes which are defined as "Infectious Wastes" may be disposed of to the sanitary sewer system subject to the following limitations and requirements:
 - ~~_____ (1-) Pathologic specimens may not be disposed of to the sanitary sewer system.~~
 - ~~_____ (2-) The material shall be ground by an approved grinder having the capabilities of meeting or exceeding the following fineness: at least 40% shall pass a No. 8 sieve; at least 65% shall pass a No. 3 sieve; and 100% shall pass a 3/8" screen opening.~~
 - ~~_____ (3-) No discharge of Infectious Waste shall violate any other requirement of these rules and regulations.~~~~
- ~~_____ B. No person shall discharge solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities to the system including, but not~~

limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, except where prior written approval for such discharges is given by the ~~Control Authority~~-Public Works Director. Approved discharges shall be considered industrial wastewater discharge under this ~~article~~Title. The ~~Control Authority~~Public Works Director may revoke such approval at any time.

—C. The following shall not be discharged to the sanitary sewer system by any means:

—~~(1-)~~ Solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease.

~~(2-)~~ Recognizable portions of the human anatomy.

—~~(3-)~~ Wastes and wastewater, the discharge of which is prohibited by other provisions of this Title, except as specifically permitted in this ~~Section~~Chapter.

—D. No hospital within the City limits of Santa Barbara shall dispose of ground Infectious Waste by discharge into the POTW unless it has first obtained a valid ~~Industrial Waste~~Wastewater Discharge Permit. Every applicant for this permit shall fill out completely the application form, pay the appropriate fee, receive a copy of the City regulations governing discharge of ground hospital wastes and agree in writing to abide by all regulations governing disposal of Infectious Waste.

—E. Nothing in this Section shall be construed to limit the authority of the Health Officer of ~~Santa Barbara~~the County to define wastes as being infectious and, with the concurrence of the Public Works Director ~~of Santa Barbara County~~, to require that they be discharged to the ~~sewer~~Community Sewer. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.04.120 Fire Precautions.

—Smoking, open fires, the striking of matches, open flame lamps or lanterns, and electrical equipment and appliances that will generate or produce sparks or fire shall not be permitted in any tunnel, storm drain, sewer or portion thereof where there is or may be an accumulation of inflammable gas in explosive quantities. (Ord. 4589, 1989)

16.04.130 Right to Revision.

The City reserves the right to establish, by ordinance or in Wastewater Discharge Permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Title.

Chapter 16.06

WASTEWATER VOLUME DETERMINATION

—Sections:

- 16.06.010 Metered Water Supply.
- 16.06.020 Metered Wastewater Volume and Metered Diversions.
- 16.06.030 Estimated Wastewater Volume.

16.06.010 Metered Water Supply.

———User charges and fees as established by resolution, shall be applied against the total amount of water used from all sources unless, in the opinion of the [AgencyCity](#), significant portions of water received are not discharged to a ~~community sewer.~~[Community Sewer](#). The total amount of water received from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the [AgencyCity](#). (Ord. 3883 §1, 1977.)

16.06.020 Metered Wastewater Volume and Metered Diversions.

———For Users where, in the opinion of the [AgencyCity](#), a significant portion of the water received from any metered source does not flow into the Community Sewer because of the principal activity of the User or removal by other means, the User charges and fees will be applied against the volume of water discharged from such ~~Premises~~[premises](#) into the Community Sewer. Written notification and proof of the diversion of water must be provided by the User if the User is to avoid the application of the User charges and fees against the total amount of water used from all sources. The User may install a meter of a type and at a location approved by the [AgencyCity](#) and at the User's expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the User when deemed necessary by the Public Works Director. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.06.030 Estimated Wastewater Volume.

———**aA. Users without Source Meters.** For users where, in the opinion of the [AgencyCity](#), it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the [AgencyCity](#). This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharged.

———**bB. Users with Source Meters.** For users who, in the opinion of the [AgencyCity](#), divert a significant portion of their flow from a community sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the user obtains a Wastewater Discharge Permit and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged. (Ord. 3883 §1, 1977.)

Chapter 16.08

ADMINISTRATION

ADMINISTRATION

Sections:

- 16.08.010 ~~Discharge~~ Baseline Monitoring Report. 16.08.080 Special Agreements.
- 16.08.011 Compliance Schedule Progress Report.
- 16.08.012 Reports on Compliance with Categorical Pretreatment Standard Deadline.
- 16.08.013 Periodic Compliance Report.
- 16.08.015 Hauled Waste Reporting/Requirements.
- 16.08.016 Certification Requirement.
- 16.08.~~020~~017 Notification of Changed Discharge.
- 16.08.018 Notification of Hazardous Waste.
- 16.08.019 Notification of Violation.
- 16.08.020 Notification of Potential Problems.
- 16.08.021 Wastewater Discharge Permits.
- 16.08.030 Monitoring Facilities and Sampling Procedures.
- 16.08.035 Recordkeeping.
- 16.08.040 Inspection and Sampling.
- 16.08.050 ~~Pre-Treatment~~ Pretreatment.
- 16.08.060 Protection from Accidental Discharge.
- 16.08.070 Confidential Information.
- 16.08.075 Users Outside City.

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16.08.010 ~~Discharge Reports.~~

BaseBaseline Monitoring Report

- A. Within 180 days after the effective date of a ~~ategorical~~Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under §40 CFR Part 403.6(a)(4), whichever is later, existing ~~Industrial~~Users subject to such ~~ategorical~~Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to ~~at~~the POTW shall be required to submit to the ~~Control Authority~~City a report which contains the information listed in ~~paragraphs Sections 16.08.01(B)(1)-(7)-(8)~~ of this ~~section~~Title. At least ~~ninety (90)~~ days prior to commencement of discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable ~~ategorical~~Categorical Standard, shall be required to submit to the ~~Control Authority~~City a report which contains the information listed in ~~paragraphs Sections 16.08.010(B)(1)-(4)-(5)~~ of this ~~section~~Title. New sources shall ~~also be required to include in this report information on~~the method of pretreatment ~~the source~~it intends to use to meet applicable ~~pretreatment standards~~Categorical Standards. New Sources shall give estimates of the information requested in ~~paragraphs Sections 16.08.010(B)-(4) and (5)~~ of this ~~section~~Title:
- B. Users described above shall submit the information set forth below:
- (1) **Identifying information.** The User shall submit the name and address of the facility including the name of the operator and owners;
 - (2) **Permits.** The User shall submit a list of any environmental control permits held by or for the facility;
 - (3) **Description of operation**———. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
 - (4) **Flow measurement**———. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTWCity from each of the following:
 - (i) Regulated process streams; and
 - (ii) Other streams as necessary to allow use of the combined ~~wastestream~~waste stream formula of §40 CFR Part 403.6(e). (See paragraph (B)(5)(i-f) of this section.)
 - (5) **Measurement of pollutants.**
 - (i) The User shall identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically-regulated processes for Existing Sources;
 - (ii)——— In addition, the(b) The User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control AuthorityCity) of regulated pollutants in the Dischargedischarge from each regulated process. Both
 - (c) Instantaneous, daily maximum, and long-term average ~~concentration~~concentrations (or mass, where required) shall be reported.

- (d) The sample shall be representative of daily operations. In cases where the Standard requires compliance with a [Best Management PracticeBMP](#) or pollution prevention alternative, the User shall submit documentation as required by the [Control AuthorityCity](#) or the applicable Standards to determine compliance with the Standard;
 - (iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (ivf) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of [§40 CFR Part 403.6\(e\)](#) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with [§40 CFR Part 403.6\(e\)](#) this adjusted limit along with supporting data shall be submitted to the [Control AuthorityCity](#);
 - (v) Sampling and analysis shall be performed in accordance with the [techniques](#) prescribed in 40 CFR [partPart](#) 136 and amendments thereto. Where 40 CFR [partPart](#) 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the [part40 CFR Part](#) 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures [approved by the Administrator](#), including procedures suggested by the [POTWCity](#) or other parties, ~~approved by the Administrator;~~;
 - (vi) The [Control AuthorityCity](#) may allow the submission of a baseline report which utilizes only historical data ~~soas~~ long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - (vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant ~~Discharges~~[discharges](#) to the POTW.
- (6) ~~**Compliance Certification**~~ [_____](#). A statement, reviewed by an [authorized representative](#)[Authorized Representative](#) of the ~~Industrial~~-User (as defined in [paragraph \(1\) of this section](#))[Section 16.02.040\(D\)](#)) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O ~~and~~ & M) and/or additional [Pretreatment](#)[pretreatment](#) is required for the ~~Industrial~~-User to meet the Pretreatment Standards and Requirements; ~~and~~
- (7) ~~**Compliance schedule**~~ [Schedule](#). If additional pretreatment and/or ~~O~~[Operation](#) and ~~M~~[Maintenance](#) will be required to meet the Pretreatment Standards; the shortest schedule by which the ~~Industrial~~-User will provide such additional pretreatment and/or O ~~and~~ & M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
- (i) ~~Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (§ 403.7), the combined wastestream formula (§ 403.6(e)), and/or a Fundamentally Different Factors variance (§ 403.13) at the time the User submits the report required by paragraph (b) of this section, the information required by paragraphs (B)(6) and (7) of this section shall pertain to the modified limits.~~
 - (ii) ~~If the categorical Pretreatment Standard is modified by a removal allowance (§403.7), the combined wastestream formula (§ 403.6(e)), and/or a Fundamentally Different Factors variance (§ 403.13) after the User submits the report required by paragraph (B) of this~~

~~section, any necessary amendments to the information requested by paragraphs (B)(6) and (7) of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.~~

(8) *Signature and Report Certification.* All baseline monitoring reports must be certified in accordance with Section 16.08.016 of this Title and signed by an Authorized Representative of the User as defined in Section 16.02.040(D) of this Title.

16.08.011

Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by ~~paragraph~~ Section 16.08.010(B)(7) of this ~~section~~ Title.

~~(4)A.~~ The schedule shall contain progress increments ~~of progress~~ in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the ~~Industrial~~ User to meet the applicable ~~categorical~~ Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

~~(2)B.~~ No increment referred to the above shall exceed nine (9) months;

~~(3) Not C.~~ The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date for of compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and if appropriate, the steps being taken by the Industrial User to return the construction to the schedule established- schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the ~~Control Authority-City~~ Control Authority.

16.08.012

Reports on ~~compliance~~ Compliance with Categorical Pretreatment Standard ~~Dead Line~~ Deadline

Within ninety (90) days following the date for final compliance with applicable ~~categorical~~ Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any ~~Industrial~~ User subject to Pretreatment Standards and Requirements shall submit to the ~~Control Authority~~ City a report containing the information described in ~~paragraphs (BMR)(Section 16.08.010(B)-(4)-(6) and (5)~~ of this ~~section~~ Title. For ~~Industrial~~ Users subject to equivalent mass or concentration limits established by the ~~Control Authority~~ City in accordance with the procedures in §40 CFR Part 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other ~~Industrial~~ Users subject to ~~categorical~~ Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 16.08.016 of this Title.

16.08.013

Periodic Compliance Reports

A. All ~~Categorical and Significant Non-categorical Permittees~~ Industrial Users (Tier I Users) shall submit reports to ~~Environmental Control Staff~~ the City in accordance with 40 ~~C.F.R. Section~~ CFR Part 403.12(e) and (h), ~~respectively~~. These reports shall be submitted twice each year for the periods July 1 through December 31; and January 1 through June 30; and shall be due on January 15 and July 15 of each year ~~respectively~~, respectively. If a User monitors any regulated pollutant at the appropriate sampling location more frequently than required, using the procedures specified in Section 16.08.030 of this Title, the results of this monitoring shall be included in these reports.

16.08.014

BYPASS/SLUG DISCHARGE

~~B. All other permitted Users are required to notify Environmental Control staff immediately of any facility changes that may affect the potential for a Slug Discharge.~~

~~2. If a User anticipates the need for a Bypass or Slug Discharge, it (Tier II and Tier III) shall submit prior notice to Environmental Control staff, if possible at least 10 days before the date of the Bypass or Slug Discharge.~~

~~3. Environmental Control staff may approve an anticipated Bypass or Slug Discharge after considering reports to the City in accordance with its adverse effects, and in the case of a Bypass, only if Environmental Control staff determines that it will meet the conditions set forth in Section 2.6 of this Ordinance. Approval of an anticipated Bypass or Slug Discharge does not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to Environmental Control staff and/or a Member Agency or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.~~

~~4. A User shall submit to Environmental Control staff oral notice of an unanticipated Bypass or Slug Discharge that violates the User's Wastewater Discharge Permit or this Ordinance within 24 hours after the User has knowledge of the Bypass or Slug Discharge. A User shall submit to EWA a written report within five working days after the User becomes aware of the Bypass or Slug Discharge. The report shall contain a description of the Bypass or Slug Discharge and its cause; the duration of the Bypass or Slug Discharge, including exact dates and times, and, if the Bypass or Slug Discharge has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the Bypass or Slug Discharge. requirements.~~

~~5. Failure to submit oral notice and/or written report may be grounds for Discharge Permit suspension or revocation. Failure to provide timely notice is deemed a waiver of the Bypass defense for any violation.~~

~~6. Notification of Bypass shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to EWA and/or a Member Agency or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.~~

~~7. Users shall post in a prominent place on the User's employee bulletin board or other notice board a notice advising employees whom to call in the event of a Bypass or Slug Discharge. Users shall ensure that all employees who contribute to causing such a Discharge are advised of the emergency notification procedure~~

16.08.016

Notification of Change Discharge

~~All Industrial Users shall promptly notify the Control Authority in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section~~

~~C. All periodic compliance reports must be signed and certified in accordance with Section 16.08.016 of this Title.~~

16.08.015 Hauled Waste Reporting/Requirements

~~Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and address of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.~~

16.08.017

Notification of Hazardous Waste

~~Users shall give notices of Discharge of hazardous waste, as defined in 40 C.F.R. Part 261, in accordance with 40 C.F.R. Section 403.12(p).~~

~~16.08.018~~

~~**Notice of Violation:** If sampling performed by a User indicates a violation, the User must notify Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if [the City] performs sampling at the User's facility at least once a month, or if [the City] performs sampling at the User between the time when the initial sampling was conducted and the time when the 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~~

16.08.015016 Certification Requirement.

~~—All reports shall include the following certification: "I certify under penalty of perjury that this document and all attachments to it were prepared under my direction or supervision and in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or Persons who manage the system or those Persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there~~

are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations." Reports shall be signed by a responsible corporate officer, general partner, or a duly authorized individual as defined in 40 CFR [Part 403.12\(l\)](#). (Ord. 4589, 1989)

16.08.017 Notification of Changed Discharge

All Users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge, or of any planned significant changes to the User's operations or system which might alter the nature, quality or volume of the discharge. Changes in the listed or characteristic hazardous wastes for which a User has submitted initial notification under Section 16.08.018 of this Title shall also be reported to the City. The City may require the 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 Sections 16.08.021 of this Title, if necessary.

16.08.018 Notification of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notification must take place no later than 180 days after the discharge commences. Any notification under this Section must be submitted under Section 16.08.017 of this Title. The notification in this Section does not apply to pollutants already reported by the User subject to Categorical Pretreatment Standard under the self-monitoring requirements of Sections 16.08.010, 16.08.012, and 16.08.013 of this Title.
- B. Users are exempt from Section 16.08.018(A) during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous wastes do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the User must notify the Public Works Director, EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substances within ninety (90) days of the effective date of such regulations.
- D. In case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Title, a permit issued thereunder, or any applicable Federal or State law.

16.08.019 Notification of Violation

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

If the City performed the sampling and analysis in lieu of the User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

16.08.020 Notification of Potential Problems

- A. In case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Public Works Director of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the discharge and measure to be taken to by the User to prevent similar future occurrences. Such notification shall not relive the User of any expense, loss, damage, or other liability that might be incurred as the result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant of this Title.
- C. A notice shall be permanently posted on the User’s bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 16.08.020(A). Employers shall ensure that all employees, who cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a slug discharge.

16.08.021 Wastewater Discharge Permits.

—A. Mandatory Permits. All- Significant Industrial Users proposing to connect or to discharge into a Community Sewer must obtain ~~an Industrial~~ Wastewater Discharge Permit before connecting to or discharging into a Community Sewer. All existing Significant Industrial Users connected to or discharging into a Community Sewer must obtain ~~an Industrial~~ Wastewater Discharge Permit within ninety (90) days after the effective date of this Title. Permits shall be classified as follows:

—B.—(1) Tier I Significant Industrial User

Any User who meets any of the following:

- (a) Has a waste discharge subject to Categorical Pretreatment Standards
- (b) Has an average discharge flow of 25,000 gallons or more per day of process wastewater to the POTW, excluding sanitary, non-contact cooling water, and boiler blowdown wastewater;
- (c) Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or
- (d) Is designated by the City on the basis that the User;

- (i) Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or upon the quality of effluent from the POTW;
- (ii) May cause or threaten to cause the City to violate its NPDES permit; or
- (iii) Has reasonable potential to violate any Pretreatment Standard; or
- (iv) Has in its waste discharge a toxic pollutant.

(2) Tier II Non-Significant Industrial User

Any User who meets any of the following criteria

- (a) Is not required to obtain a Tier I Permit;
- (b) Is a zero-discharge categorical industrial user;
- (c) Has discharge characteristics greater than typical domestic wastewater;
- (d) Discharge industrial or commercial wastewater which may have potential effects on the City's POTW; or
- (e) Has a reasonable potential to violate any Local Limit, Pretreatment Standard, or Pretreatment Requirement.

Optional Permits. The Public Works Director may issue ~~an Industrial a~~ Wastewater Discharge Permit to any User, upon application, in accordance with the terms of this ~~Section, Title,~~ for any of the following kinds of Users:

- ~~1.(a)~~ A User who has elected that user charges and fees be based on an estimation of ~~Wastewater~~wastewater flow;
- ~~2.(b)~~ Any User who has installed or been required to install equipment designed or intended to reduce ~~Wastewater~~wastewater strength;
- ~~3.(c)~~ Where the Public Works Director determines that monitoring is required to ensure that ~~Discharges~~discharges by a particular User comply with all ~~Applicable Regulations.~~ Applicable regulations.

(3) Tier III Groundwater Discharges

Any User who meets any of the following criteria:

- (a) Discharges groundwater to the POTW.

B. Permit Application. Prospective or existing Users seeking a Wastewater Discharge Permit shall complete and file with the ~~Public Works Director~~City an application in the form prescribed by the Public Works Director, accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

(1. ~~Name,)~~ Identifying Information.

- (a) The name and address, and SIC number of applicant; of the facility, including the name of the operator and owner.

~~2.~~ Volume of Wastewater to be discharged;

~~3.~~ Wastewater Constituents and Characteristics, including but not limited to those mentioned in Sections 16.04.100 as determined by a laboratory approved by the Agency;

~~4.~~ Times and duration of all Discharges;

~~5.~~ Average and 30 minute peak Wastewater flow rates, including daily, monthly and seasonal variations if any;

~~6.~~ Site plans, floor plans, mechanical and plumbing plans and details showing all Sewers and

appurtenances by size, location and elevation;

~~7. Description of (b) Contact information, description of activities, facilities, and plant process on the Premises including all materials, production processes and types of materials which are or could be discharged to, on or into any Community Sewer and/or the POTW on the premises;~~

~~8. Each(2) Environmental Permits.~~

A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

(a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production;—), and SIC number of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates the points of discharge to the POTW from regulated processes.

~~9.(b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;~~

(c) Number and type of employees and, hours of work;—operation, and proposed or actual hours of operation;

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

(e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location of monitoring all wastes covered by the Wastewater Discharge Permit;

(6) Flow Measurement.

Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula (40 CFR Part 403.6(e)). Flow rates should also include the 30-minute peak wastewater flow rate and monthly and seasonal variations if they exist.

(7) Measurement of Pollutants.

(a) The User shall identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically-regulated processes for Existing Sources;

(b) The User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the City) of regulated pollutants in the discharge from each regulated process.

(c) Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported.

(d) The sample shall be representative of daily operations. In cases where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard;

(8) Any other information—deemed by the Public Works Director to be necessary to evaluate the permit application.

D(9) Application Signatories and Certifications

All Wastewater Discharge Permit applications must be certified in accordance with Section 16.08.016 of this Title and signed by an Authorized Representative of the User as defined in Section 16.02.040(D) of this Title.

- C. The Public Works Director will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Public Works Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein. The Public Works Director reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the City to violate its NPDES permit.

- ~~E.D.~~ Permit Conditions. Wastewater Discharge Permits shall be ~~subject to all~~ Applicable Regulations ~~applicable regulations~~, User charges and fees established by the ~~Agency-City~~. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Public Works Director in accordance with ~~all~~ Applicable Regulations ~~applicable regulations~~.

Wastewater Discharge Permits ~~are required to~~ must contain the following:

- ~~1.~~ ~~The average and maximum~~ A statement that indicates the Wastewater ~~Constituents~~ Discharge Permit issuance date, expiration date, and effective date;
- (2) A statement that the Wastewater Discharge Permit is nontransferable;
- (3) Effluent limits, including BMPs, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and ~~Characteristics; recordkeeping~~ requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- ~~2.~~ (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control slug discharge, if determined by the Public Works Director to be necessary.

Wastewater Discharge Permits may include some or all of the following:

- (1) Limits on rate and time of ~~Discharge~~ discharge and/or requirements for flow regulations and equalization;
- ~~3.~~ (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including BMPs necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) Requirements for installation and maintenance of inspection and sampling facilities; ~~and~~ equipment, including flow measurement devices;

- ~~4.~~ Pre-treatment requirements;

~~5. Specifications for monitoring programs including but not limited to any or all of sampling locations; frequency and method of sampling; number, types and standards for tests; and reporting schedule;~~

~~6. Requirements for submission of technical reports or Discharge reports;~~

~~7. Requirements for maintaining plant records relating to Wastewater Discharge as specified by the Agency, and affording Agency access thereto;~~

~~(6) A statement of compliance with the Wastewater Discharge Permit does not relieve the User of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit;~~

~~(7) A statement of applicable administrative, civil, and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that requirement by applicable Federal, State, or local law; and/or~~

~~(8. Mean and maximum Mass Emission Rates; and~~

~~9.) Other conditions as deemed appropriate by the Public Works Director -to ensure compliance with all Applicable Regulations.—~~

~~10. Each user shall notify the Control Authority of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.~~

~~11 The Control Authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an IWD permit application under sections 16.08.020 or 16.08.015 of this article, if necessary Title, and State and Federal laws, rules, and regulations.~~

~~FE. Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) consecutive years: from the effective date of the permit. A permit may be issued for a period less than a year or may be stated to expire on a specific date. ~~If the User is not notified by the Agency thirty (30) days prior to the expiration of his, her or its permit, the permit shall be extended one (1) additional year.~~ The terms and conditions of the permit may be subject to modification and change by the Public Works Director during the life of the permit as limitations or requirements as identified in Section 16.04.100 are modified and changed. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. ~~Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.~~ If the User wants to continue discharge after the expiration of the Wastewater Discharge Permit, a Wastewater Discharge Permit application must be submitted a minimum of 120 days prior to the expiration date of the Wastewater Discharge Permit. If the User submits a completed Wastewater Discharge Permit application and through no fault of the User, a new Wastewater Discharge Permit is not issued prior to the expiration of the existing Wastewater Discharge Permit, the existing Wastewater Discharge Permit will remain in effect until the City reissues a new Wastewater Discharge Permit.~~

~~GF. Permit Fees. Wastewater Discharge ~~permit~~Permit fees shall be set by a resolution of the City Council and shall reflect the costs of administering the permit.~~

~~G. Permit Modifications. The terms and conditions of the Wastewater Discharge Permit may be subject to modification and change by the Public Works Director prior to the expiration of the permit. The User must be informed of any modifications to their Wastewater Discharge Permit at least thirty (30) days prior to the effective date. Any modifications or new conditions in the Wastewater Discharge Permit~~

must be issued in writing and include a reasonable time schedule for compliance. A Wastewater Discharge Permit may be modified for any of 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 User's operations, processes, or wastewater volume or character since the time of permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of an authorized discharge;
- (4) Information indicating that the permitted User poses a threat to the City's POTW, personnel, or receiving waters;
- (5) Violation of any terms or conditions of the permit;
- (6) Misrepresentation or failure to fully disclose all relevant facts in the permit application or in any required reporting;
- (7) Revision of, or a grant of variance from, any Categorical Pretreatment Standard; or
- (8) To correct typographical or other errors in the permit.

H. Transfer of a Permit. Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new or different owner, User, or ~~Premises~~premises, or a to new or changed operation at or on any permitted or previously permitted ~~Premises~~premises.

— I. Revocation of Permit. Any User who violates the following conditions of the ~~permit~~Wastewater Discharge Permit or of this Title, or applicable State and Federal regulations, is subject to having his permit revoked:

- ~~_____ (1) Failure of a User to factually report provide prior notification to the Public Works Director of changed conditions pursuant of Section 16.08.017 of this Title;~~
- (2) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Constituents and Characteristics of his Discharge;— Permit application;
- ~~_____ 2.(3) Falsifying self-monitoring reports and certification statements;~~
- (4) Tampering with monitoring equipment;
- (5) Refusing to allow the Public Works Director timely access to the facility premises and/or records;
- (6) Failure of the User to report significant changes in operations, or to meet effluent limitations;
- (7) Failure to pay fines;
- (8) Failure to pay sewer charges;
- (9) Failure to meet compliance schedules;
- (10) Failure to complete a wastewater survey or the Wastewater Constituents and Characteristics;— Discharge Permit application; or

~~_____ 3. Refusal of reasonable access to the User's Premises for the purpose of inspection or monitoring; or,~~

- ~~_____ 4.(11) Violation of conditions any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Title.~~

J. Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of the permit- (Ord. 4589, 1989; Ord. 3883 §1, 1977.)-business ownership. All Wastewater Discharge Permits issued to a User are void upon issuance of a new Wastewater Discharge Permit to that User.

16.08.030 Monitoring Facilities and Sampling Procedures.

- A. The ~~Director of~~ Public Works Director shall require the User to construct, at his, her or its own expense, monitoring facilities adequate to allow inspection and sampling of the Sewer or internal drainage systems at, upon or in the User's ~~Premises-~~premises. The Public Works Director may also require the construction of flow measurement facilities and sampling or metering equipment, which facilities and equipment shall be provided, -installed, and operated at the User's expense. The monitoring facility should normally be situated on the User's ~~Premises-~~premises, but the Public Works Director may, when such a location would be impractical or would cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles; provided, however, that the User shall be required to comply with all applicable encroachment and other land use requirements.
- B. If the monitoring facility is inside or on the User's ~~Premises-~~premises, there shall be accommodations to allow access for Agency-City personnel, such as a gate secured with any Agency-City lock. There shall be ample room in or near -any- facility to allow accurate sampling and compositing of samples for analysis. The- monitoring facility, including any and all measuring equipment, shall be maintained at all times in a safe and proper operating condition and at the expense of the User.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency's-City's requirements and all applicable- construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Agency-City; unless a time extension is otherwise granted by the Agency-City. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.08.040 — Inspection and-D. — Sampling- procedures

~~—A.— As a condition of any Wastewater Discharge Permit issued to a User, whether or not expressly provided in the Permit, the Public Works Director shall have the right to enter and inspect the User's Premises for the purpose of determining whether the User is complying with all Applicable Regulations and the conditions of his, her or its Permit and for the purpose of performing any duties provided in this Title. After giving reasonable prior notice to any User who does not hold a current Wastewater Discharge Permit issued by the Agency, the Public Works Director may enter and inspect the User's Premises for the purpose of determining whether the User is in compliance with all Applicable Regulations and whether the User is required to obtain a Wastewater Discharge Permit, and for the purpose of performing any duties provided in this Title.~~

~~—B.— Subject to Subsection A of this Section, every User shall allow the Public Works Director ready access at all reasonable times to all parts of the User's Premises.~~

~~—C.— Every User shall at all times keep and maintain accurate, current and legible records which show the following:~~

~~———(1. The time, place, quantity, and Wastewater Constituents and Characteristics of all Discharges on or from any Premises under his, her or its control; and~~

~~——— 2. For any sampling required to be taken pursuant to this Title:~~

~~——— a. The date and the exact place, method, and time of sampling;~~

- ~~b. The name or names of the persons taking the samples;~~
- ~~c. The date or dates that all analyses of the samples were performed;~~
- ~~d. Who performed the analyses; and~~
- ~~e. The results of all analyses.~~

~~3 Sample collection~~

~~a) Except as indicated in ~~paragraph~~ Sections 16.08.030(D)(2, below) and (3) of this Title, the ~~Industrial~~User must collect ~~Wastewater~~wastewater samples using ~~24-hour flow-~~proportional composite ~~collection-sampling~~ techniques. ~~In the event flow-, unless time-~~proportional ~~composite sampling or grab~~ sampling is infeasible, ~~authorized by~~ the ~~Administrator may authorize the use of~~Public Works Director. Where time-proportional ~~composite sampling or a minimum of four (4) Grab Samples where the Industrial User demonstrates that this will provide a grab~~ sampling is authorized by the City, the samples must be representative ~~sample of the effluent being discharged-~~of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, ~~multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate.~~ In addition, ~~Grab Samples~~grab samples may be required to show compliance with ~~Maximum Daily Limits~~instantaneous limits.~~

~~b(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Actual sample type requirements shall be included in the Wastewater Discharge Permit.~~

~~D. All records (3) For sampling required in support of the reports required in Sections 16.08.010 and 16.08.012 of this Title, 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 Public Works Director may authorize a lower minimum. For reports required by Section 16.08.013 of this Title, the User is required to be kept collect the number of grab samples necessary to assess and maintained pursuant to Subsection Cassure compliance with applicable Pretreatment Standards and Requirements.~~

16.08.035 Recordkeeping.

~~Users subject to the reporting requirements of this Section-Title shall be maintainedretain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Title, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Section 16.04.100(F) of this Title. 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. These records shall remain available for a period of not less thanat least three (3) years after the date of creation of the record. This period of retention shall be automatically extended during the course and for the duration of any unresolved-litigation regarding Discharges byconcerning the User or when requested by the DirectorCity, or Regional Administratorwhere the User has been specifically notified of the EPA or a longer retention period by the Public Works Director.~~

~~—E.— All records required to be kept~~16.08.040 Inspection and maintained pursuant~~Sampling.~~

~~The Public Works Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Section shall upon request by the Director~~Title and any Wastewater Discharge Permit or Regional Administrator of the EPA or order issued hereunder. Users shall allow the Public Works Director ~~be made available~~ready access to them~~all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.~~

~~—F.— Upon reasonable notice to a User, the Agency shall have the right to set up on the User's Premises such devices as are necessary to conduct sampling or metering operations.—A. —~~Where a User has security measures in force which ~~would~~ require proper identification and clearance before entry into ~~the User's Premises~~its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, ~~personnel from the Agency will~~Public Works Director shall be permitted to enter without delay for the purposes of performing ~~their~~ specific responsibilities. ~~—(Ord. 4589, 1989; Ord. 3883 §1, 1977.)~~

- B. The Public Works Director shall have the right to set up on the User's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the User's operation.
- C. The Public Works Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Public Works Director and shall not be replaced. The costs for cleaning such access shall be borne by the User.
- E. Unreasonable delays in allowing the Public Works Director access to the User's premises shall be a violation of this Title.
- F. If the Public Works 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 Title, 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 Title or any permit or order issued hereunder, or to protect overall public health, safety, and welfare of the City, the Public Works Director may seek issuance of a search warrant from the City Attorney.

16.08.050 ~~Pre-Treatment~~Pretreatment.

———Users shall make ~~Wastewater~~wastewater acceptable under the limitations established herein before discharging to any Community Sewer. Any facilities required to ~~pre-treat Wastewater~~pretreat wastewater to a level acceptable to the AgencyCity shall at all times be provided and maintained in a working condition and at the User's expense. Prior to construction of any facility subject to regulation under the provisions of this Title, detailed plans showing ~~pre-treatment~~pretreatment facilities and operating procedures shall be submitted to the ~~Director of~~ Public Works Director for review, and shall be acceptable to the AgencyCity before construction of the facility. The review of such plans and operating procedures will in no way relieve the User ~~of~~ responsibility for modifying the facility as necessary to produce an effluent acceptable to the AgencyCity under the provisions of this Title. Any subsequent changes in the ~~pre-treatment~~pretreatment facilities ~~or~~ operation thereof shall be reported to and- approved by the Public Works Director prior to implementation. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.08.060 Protection from Accidental Discharge.

- A. Each User shall provide protection from accidental discharge of prohibited materials or other Wasteswastes regulated by this Title. Such facilities shall be provided and maintained at the User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the AgencyCity for review, and shall be acceptable to the AgencyCity before construction of the facility.
- B. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Section:Title. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.08.070 Confidential Information.

~~—A.— All information~~Information and data on a User obtained from reports, ~~questionnaires, permits~~surveys, Wastewater Discharge Permit applications, permitsWastewater Discharge Permits, and monitoring programs, and from ~~inspections~~the Public Works Director's inspection and sampling activities, shall be made available to the public ~~or other governmental agencies~~ without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the ~~Agency~~Public Works Director, that the release of such information would divulge information, processes, or methods ~~which would be detrimental of production entitled to the User's competitive position.~~

~~—B.—~~protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the ~~Person~~User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in making studies; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Person~~person~~ furnishing the report. Wastewater ~~Constituents~~constituents and ~~Characteristics will~~characteristics and other effluent data as defined in 40 CFR Part 2.302 shall not be recognized as confidential information. ~~(Ord. 4589, 1989; Ord. 3883 §1, 1977.)~~ and shall be made available to the public without restriction.

16.08.075 Users Outside City.

~~—~~The provisions of the Title shall apply to all Users who discharge ~~Wastewater~~wastewater to, on or into any Community Sewer or the POTW from ~~Premises~~premises located outside the City limits. (Ord. 4589, 1989)

16.08.080 Special Agreements.

~~—~~Special agreements and arrangements between the ~~Agency~~City and any Persons or agencies may be established when in the opinion of the ~~Director of~~ Public Works Director unusual or extraordinary circumstances compel special terms and conditions. However, in no instance shall special agreements relieve a User from compliance with ~~ategorical pretreatment limits~~Categorical Pretreatment Limits or the ~~national pretreatment regulations~~National Pretreatment Regulations found ~~at~~in 40 CFR Part 403. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

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Chapter 16.10

DETERMINATIONS AND CHARGES

Sections:

- 16.10.010 Determination of Components.
- 16.10.020 Tests, Etc., of Sewage Waste Characteristics.
- 16.10.030 Wastewater Pretreatment Discharge Permit and Resample Fees.

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16.10.010 Determination of Components.

—In order to ensure compliance with the local limitations on Wastewaterwastewater strength outlined in Section 16.04.100 of this Title, a determination of components contained in sewage, liquid Wastewaste, and industrial Wastewaste discharges will be conducted by the Agency-Public Works Director. Monitoring will be performed by means of a sampling device approved by the Public Works Director. Sampling and laboratory work performed by the AgencyCity for monitoring will be at the expense of the Wastewater-dischargerUser as described in SectionSections 16.08.030 and 16.10.030- of this Title. (Ord. 4589, 1989; Ord. 4286, 1984; Ord. 3883 Section 1, 1977.)

16.10.020 Tests, Etc., of Sewage Waste Characteristics.

All analyses shall be performed in accordance with procedures established by the Administrator pursuant to sectionSection 304(h) of the Federal Act and contained in 40 CFR partPart 136 and amendments thereto or with any other test procedures approved by the Administrator. (~~See, §§ 40 CFR Parts 136.4 and 136.5.~~) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR partPart 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, Sampling, sampling and analyses shall be performed using validated analytical methods or any other sampling procedures approved by the Administrator, including procedures suggested by the POTWCity or other parties; approved by The Administrator.

16.10.030 Wastewater PretreatmentDischarge Permit and Resample Fees.

- A. Users required to obtain a Wastewater Discharge Permit shall pay annually to the AgencyCity a permit fee in an amount sufficient to defray the cost to the AgencyCity of routine sampling and inspection activities and permit administration. If, as a result of any violation by a User of this Title, the Public Works Director determines that it is necessary or required that the AgencyCity conduct resampling of the User's Dischargesdischarges, the User shall for each such violation pay to the AgencyCity a resampling fee. The resampling fee shall be in an amount sufficient to defray the average cost of resampling. The amounts of permit and resampling fees shall be set annually by resolution of the AgencyCity Council.
- B. Nighttime Discharges. If a User elects or is required by the AgencyCity to discharge the peak rates of Wastewaterwastewater flow during the nighttime hours between 10:00 p.m. and 8:00 a.m., the flow discharge shall be made approximately uniform during these 10 nighttime hours. If these nighttime Discharges would adversely affect Agency WastewaterCity wastewater treatment operations, the Public Works Director may condition or prohibit them. (Ord. 4589, 1989; Ord. 4286, 1984; Ord. 3883 Section 1, 1977.)

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Chapter 16.12

ENFORCEMENT

Sections:

16.12.005	Purpose.	16.12.020	Issuance of Cease and Desist Orders.
16.12.010	Non-Complying Discharges.	16.12.030	Submission of Time Schedule.
16.12.015	Notice of Violation.	16.12.040	Appeals.

[16.12.050](#) [Affirmative Defenses to Discharge Violations.](#)

16.12.005 Purpose.

The Public Works Director shall investigate instances of noncompliance with any provision of this Title, or with any Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 CFR Part 403.12, or indicated by analysis, inspection, and surveillance activities performed by the Public Works Director. The City shall conduct enforcement proceedings in accordance with its Enforcement Response Plan which may be amended at any time to ensure consistent application of the provisions of this Title and Federal and State regulations. City staff will ensure that sample taking and analysis and the collection of other information from industrial facilities shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

16.12.010 Non-Complying Discharges.

- A. Notification of Discharge. Any User who causes or permits a ~~Discharge~~discharge which violates any ~~Applicable Regulation~~applicable regulation or the ~~User's~~ Wastewater Discharge Permit, if any, shall immediately notify the Public Works Director. Provision by the User of this notification shall not relieve the User of liability for any expense, loss or damage to any Community Sewer or the POTW which occurs, directly or indirectly, as a result of the ~~Discharge~~.discharge. Nor shall provision of this notification relieve the User of liability for any expense, fee or fine incurred by the ~~Agency~~City as a result of the ~~Discharge~~.~~Not~~discharge. ~~No~~ later than fourteen (14) days after the ~~Discharge~~discharge, the User shall deliver to the Public Works Director a detailed written statement describing the cause(s) of the ~~Discharge~~discharge and the measures taken and/or to be taken to prevent similar ~~Discharges~~discharges.
- B. Notices to Employees. Each User shall make available to its employees, if any, current copies of this Title and all other information or notices sent to the User by the ~~Agency~~City, which information and notices describe or discuss effective water pollution control.
- C. Preventive Measures. Each User shall eliminate any direct or indirect connection or entry point in the plumbing and/or drainage system on the User's ~~Premises~~premises if the connection or entry point can or does allow any Incompatible Pollutant to enter a Community Sewer. Where it would be impracticable or unreasonable to eliminate this kind of connection or entry point, the User shall label these connections and entry points in a manner designed to prevent Persons from causing ~~Incompatible~~ ~~Pollutants~~incompatible pollutants to enter the ~~Community~~ Sewer. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.12.015 Notice of Violation.

When the Public Works Director finds that any User has violated, or continues to violate, any provision of this Title, Wastewater Discharge Permit, order issued hereunder, any Pretreatment Standard or Requirement, the Public Works Director may serve upon such User a written Notice of Violation. Within fourteen (14) days of the date receipt of the Notice of Violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the City. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

16.12.020 ~~Issuance of~~ Cease and Desist Orders.

— When the ~~Agency~~Public Works Director finds that a ~~discharge of Wastewater~~User has ~~taken place, in violation of prohibitions~~violated, or ~~limitations~~continues to violate, any provision of this Title, ~~federal categorical pretreatment limits, the provisions of a Wastewater Discharge Permit, or other Applicable Regulations, the Public~~

~~Works Director may or order issued hereunder, or any other Pretreatment Standards or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist and direct that those Persons not complying all violations and directing the User to:~~

~~A. Immediately comply with such prohibitions, limits, all requirements, or provisions; and~~

~~(1) Comply forthwith;~~

~~(2) Comply in accordance with a time schedule set forth by the Agency; or~~

~~(3)B. Take such appropriate remedial or preventive action in the event of actions as may be needed to properly address a continuing or threatened violation. (Ord. 4589, 1989; Ord. 3883 §1, 1977.) , 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 User.~~

16.12.030 Submission of Time Schedule.

~~When the AgencyPublic Works Director finds that a discharge of Wastewaterwastewater has been taking place, in violation of prohibitions or limitations prescribed in this Title, or Wastewaterwastewater source control requirements, effluent limitations or pre-treatmentpretreatment standards, or the provisions of a Wastewater Discharge Permit, the AgencyCity may require the User to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the User shall take in order to prevent or correct a violation of requirements.~~

~~If the Public Works Director determines that a Dischargedischarge has occurred or is occurring and that the Dischargedischarge violates any Applicable Regulationapplicable regulation or Wastewater Discharge Permit, the Public Works Director may require the Person who caused or permitted the Dischargedischarge to submit to the DirectorCity a detailed time schedule of specific actions which the Person shall take in order to prevent or correct any violation of any Applicable Regulationapplicable regulation or Wastewater Discharge Permit. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)~~

16.12.040 Appeals.

- A. Any User, permit applicant, or permit holder affected by any decision, action or determination, including the assessment of fines and civil penalties, Cease and Desist Orders, and other administrative remedies, made by the Public Works Director, interpreting or implementing the provisions of this Title or in any permit issued herein, may file with the Public Works Director a written request for reconsideration within fifteen (15) calendar days of such decision, action, or determination, setting forth in detail the facts supporting the User's request for reconsideration.
- B. The decision, action or determination of the Public Works Director shall remain in effect during such period of reconsideration and during the period of any appeal or judicial review under the provisions of this Code.
- C. A decision, action or determination of the Public Works Director, after reconsideration is determined or denied, may be appealed to the City Council under the provisions of Chapter 1.30 of this Code, except that, as to decisions to assess a civil penalty, the shorter time limit for judicial review that is to be found in ~~California Government Code~~[CCR](#) Section 54740.6, and amendments hereafter adopted to [CCR](#) Section 54740.6, shall prevail, to the extent allowed by law. (Ord. 5078, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.12.050 Affirmative Defenses to Discharge Violations.

A. Upset.

- (1) For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the 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.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable Pretreatment Standards if the requirements of Section 16.12.050(A)(3) of this Title are met.
- (3) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the User can identify the cause(s) of the upset;
 - (b) 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
 - (c) The User has submitted the following information to the City 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] days):
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable Pretreatment Standards.
- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable Pretreatment Standards upon reduction, loss, or failure of their 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.

B. Prohibited Discharge Standards

- (1) A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Chapter 16.04 of this Title 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:
- (2) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during the pass through or interference; or
- (3) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the 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.

C. Bypass

- (1) For the purposes of this Section,
 - (a) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to be 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.
- (2) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is essential for maintenance to assure efficient operation. These bypasses are not subject to the provisions of Sections 16.12.050(B)(3) or (4) of this Title.
- (3) Bypass Notifications
 - (a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director, at least ten (10) days before the date of the bypass, if possible.
 - (b) A User shall submit oral notice to the Public Works Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (4) Bypass
 - (a) Bypass is prohibited, and the Public Works Director may take an enforcement action against a User for a bypass unless:
 - (i) Bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
 - (ii) There were no feasible alternative 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
 - (iii) The User submitted notices as required by Section 16.12.050(C)(3) of this Title.
 - (b) The Public Works Director may approve an anticipated bypass after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in Section 16.12.050(C)(4) of this Title.

Chapter 16.14

ABATEMENT

Sections:

16.14.010	Public Nuisance.	16.14.040	Civil Penalties.
16.14.020	Injunction.	16.14.050	Criminal Penalties.
16.14.030	Damage to Facilities.	16.14.060	Falsifying of Information.
16.14.032	Published Notices of Significant Violators.	16.14.070	Emergency Suspension.
16.14.034	Administrative Penalties.	16.14.080	Termination of Service.

16.14.010 Public Nuisance.

Discharges of wastewater- which in any way violate this Title or any permit or order issued by the Public Works Director pursuant to this Title are hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.14.020 Injunction.

~~Whenever a discharge violates~~When the Public Works Director finds that a User has violated, or continues to violate, any ~~Applicable Regulation or provision of this Title, a~~ Wastewater Discharge Permit or ~~otherwise~~ ~~causes~~order issued hereunder, or ~~threatens to cause a condition of contamination, pollution~~any other Pretreatment Standard or ~~nuisance~~Requirement, the ~~agency~~Public Works Director may petition the Superior Court ~~through the City Attorney~~ for the issuance of a ~~preliminary~~temporary or permanent injunction, ~~or both,~~ as ~~may be~~ appropriate, ~~for the purpose~~which restrains or compels the specific performance of ~~preventing~~the Wastewater Discharge Permit, order, or ~~restraining the continuance or renewal~~other requirement imposed by this order on activities of the User. The Public Works Director may also seek such ~~discharge.~~ (Ord. 4589, 1989; Ord. 3883 §1, 1977.) ~~other action as appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bad against, or a prerequisite for, taking any other action against a User.~~

16.14.030 Damage to Facilities.

When a User causes a discharge of wastes -which obstructs, damages or impairs the POTW or a Community Sewer, the ~~agency~~City may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's sewer service charges. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.14.032 Published Notices of Significant Violators.

~~Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National~~ ~~(j2) Pretreatment Standards. These procedures shall include provision for at least annual public notification~~The City will publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the ~~jurisdiction(s) its jurisdictions~~ served by the POTWCity, a list of ~~Industrial~~the Users which, at any time during the previous ~~twelve (12) months, were in~~ significant noncomplianceSignificant Noncompliance with applicable Pretreatment ~~requirements. For the purposes of this provision, a Significant Industrial User Standards and Requirements. The term Significant Noncompliance shall be applicable to all Tier I Users (or any Industrial~~other User ~~which that~~ violates ~~paragraphs (f)(2)(viii)(Sections 16.14.032(C), (D), or (H) of this section)~~isTitle and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement as defined in significant noncompliance if its violation meets oneChapter 16.04 of this Title;

- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement as defined by Chapter 16.04 of this Title multiplied by the following applicable criteria: (SBMC Section 16.02-040 (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Chapter 16.04 of this Title that the Public Works Director determines caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater 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, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of BMPs, which the Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program.

16.14.034 Administrative Penalties.

—Any provision of this Title ~~16~~ may be enforced by the Public Works Director acting through use of administrative procedures and imposing administrative civil penalties for violations, as follows:

- A. The Public Works Director may determine violations of this Title ~~16~~ by administrative hearing, and, based upon the results of that hearing, order administrative civil penalty(ies) to be assessed against the party responsible for the violation, in accord with the provisions of this Title ~~16~~.
- B. In addition to general enforcement through administrative civil penalties as authorized in Section 16.14.034A/034(A) of this Title, the Public Works Director is designated to be the hearing officer for administrative enforcement authorized pursuant to California Government Code CCR Sections 54739 through 54740.6.
- C. Hearing, waiver of hearing, orders, reconsideration, appeal to the City Council, judicial review, delinquencies, lien, and confirmation regarding administrative remedies under Sections 16.14.034A & 034(A) and (B) of this Title shall be as provided in California Government Code CCR Sections 54740.5, and 54740.6 and amendments hereafter adopted to CCR Sections 54740.5 and 54740.6 and in Section 16.12.040 of this Code Title.
- D. Remedies under this Section are in addition to, and do not supersede or limit the use of, any and all other remedies, civil or criminal, available under this Title ~~16~~ and under the statutes and regulations of the State of California or the United States of America.

—E. Administrative remedies, fines and other civil penalties imposed pursuant to the provisions of this Title ~~16~~ may, at the sole discretion of the Public Works Director, be added to and collected with the applicable user's sewer service charges. (Ord. 5078, 1998; Ord. 4775, 1992; Ord. 4589, 1989.)

F. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

16.14.040 Civil Penalties.

A. Any PersonUser who ~~violates~~violated, or continues to violate, any provision of this Title ~~or permit condition,~~, a Wastewater Discharge Permit or ~~who discharges wastewater which causes pollution~~order issued hereunder, or violates any ~~cease and desist order, prohibition, effluent limitation, national standard of performance,~~other Pretreatment Standard or ~~pretreatment or toxicity standard~~Requirement shall be liable ~~civilly~~to the City for a maximum civil penalty of ~~not more than~~ \$10,000.00 per violation per day, or an amount equal to the damages caused by the violation, whichever is greater. ~~The attorney of the agency, upon order of the agency's governing body.~~ In the case of monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The City Attorney, upon order of the City Council, shall petition the Superior Court to impose, assess and recover such sums. (Ord. 4775, 1992; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

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

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

16.14.050 Criminal Penalties.

~~—~~A. Any person who intentionally or negligently violates any provision of this Title, and Wastewater Discharge Permit or permit conditionorder issued hereunder, or ~~who discharges wastewater which causes pollution or who violates any~~ Cease and Desist Order, prohibition, effluent limitation, national standard ~~pre-treatment or toxicity standard~~other Pretreatment Standard or Requirement, upon conviction, shall be liable to a sum not less than \$1,000 per violation per day and not to exceed \$25,000.00 for each day in which such violation occurs, or to imprisonment for not more than one (1) year in the County jail, or both.

~~—~~B. If the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not less than \$2,000 per violation per day and not more than \$50,000.00 for each day in which such violation occurs, or by imprisonment for not more than two (2) years in the County Jail, or both. The ~~attorney of the agency~~City Attorney, upon order of the ~~agency's governing body~~City Council, shall petition the Superior Court to impose, assess and recover such sums. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.14.060 Falsifying of Information.

—Any person who makes or files, or causes to be made or filed, any statement, representation, record, report, plan or other document which is false and which is required to be made or filed pursuant to any Applicable Regulation applicable regulation or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, sampling or method required under this Title, shall be punished by a fine of not less than \$1,000 but not more than \$10,000.00 or by imprisonment in the County jail for not more than six (6) months, or by both. The ~~attorney of the agency~~ City Attorney, upon order of the ~~agency's governing body~~ City Council, shall petition the Superior Court to impose, assess and recover such sums. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

16.14.070 Emergency Suspension.

The Public Works Director may immediately suspend a User's discharge, after informal notice to the User, 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 Public Works Director may also immediately suspend a User's 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.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Public Works 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 individuals. The Public Works Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Public Works Director that the period of endangerment has passed, unless the termination proceedings of Section 16.14.080 of this Title are initiated against the User.
- B. A User is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any termination hearing under Section 16.14.080 of this Title.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

16.14.080 Termination of Service.

~~—The agency may revoke any Wastewater Discharge Permit, or terminate or cause to be terminated wastewater service to any premises, if a violation of any provisions of this Title is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)~~

Any User who violates the following conditions is subject to discharge termination:

- A. Violation of Wastewater Discharge Permit conditions;
- B. Failure to accurately report wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Chapter 16.04 of this Title.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show why the proposed action should not be taken. Exercise of this option by the Public Works Director shall not be a bar, or a prerequisite for, taking any other action against the User.

Chapter 16.15

**Urban Pollution Controls
Non-Point Source Discharge Restrictions**

Sections:

- 16.15.010 Water Pollution Prohibited.
- 16.15.030 Discharges ~~Which are~~ Exempt from Prohibition.
- 16.15.100 Discharge of Hazardous Substances Prohibited.

16.15.010 Water Pollution Prohibited

—No person, who does not possess a current and valid permit or agreement for the discharge, shall throw, discharge or otherwise deposit or place or cause or permit to be placed into the waters of the state or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the state, any waste, infectious waste, contamination or pollution or other substance which impairs the quality of the drainage, including without limitation:

- A. any pollution or contamination or any substance, matter, or thing, liquid, solid or gas, which materially impairs the esthetics or usefulness of such water, except as may be provided for in this Chapter;

- B. any commercial or industrial waste, including, without limitation, any fuel, solvent, detergent, plastic pieces or other pellets, hazardous substances, fertilizers, pesticides, slag, ash, or sludge;
- C. any measurable quantity of heavy metals including without limitation, any cadmium, lead, zinc, copper, silver, nickel, mercury or chromium, or the elements of phosphorous, arsenic, or nitrogen;
- D. any animal feces, any animal waste or animal discharge from confinement facilities for animals, kennel, coup, pen, stable, or recreational or show facilities;
- E. any human feces, diseased matter or matter containing significant concentrations of fecal coliform, fecal streptococcus, or enterococcus;
- F. any substance having a pH of less than 6 or greater than 9;
- G. any quantity of petroleum hydrocarbons, including without limitation, any crude oil or any fraction thereof, hydrocarbon fuel, solvent, lubricants, surfactants, waste oil, coolant, or grease;
- H. any water or other solvent or substance used for commercial or industrial processing; for commercial washing of automobiles or parts of automobiles; for cleaning industrial or commercial operations or premises; for cleaning debris, waste or residue collectors; for cleaning carpets, pads, flooring or walkways; or for cleaning construction, pavement, concrete, paint or plaster;
- I. any residue or collection from portable toilets or water softeners;
- J. any water or other solvent or substance collected after the use of the substance to clean, cleanse, flush, rinse or otherwise treat any commercial or industrial premises, process or equipment, or food production;
- K. any water for swimming pools, spas or Jacuzzis; or
- L. any economic poison, toxic or hazardous material.

Any permit for such discharge must be approved by the ~~City of Santa Barbara~~ Public Works Director, or a California State official or U.S. Government Official having jurisdiction over such discharge. (Ord. 5087, 1998.)

16.15.030 Discharges ~~Which are~~ Exempt from Prohibition.

—The following discharges are exempt from the prohibitions of Section 16.15.010 of this Title:

- A. Uncontaminated discharges from landscape irrigation;
- B. Uncontaminated discharges from water line flushing;
- C. Uncontaminated discharges from potable water sources;

- D. Uncontaminated discharges from foundation drains;
- E. Uncontaminated discharges from footing drains;
- F. Uncontaminated discharges from air conditioning condensate;
- G. Uncontaminated discharges from irrigation water;
- H. Uncontaminated discharges from lawn watering;
- I. Uncontaminated discharges from crawl space pumps;
- J. Uncontaminated discharges from individual residential automobile washing; and
- K. Uncontaminated discharges from street washing, including sidewalk washing.

(Ord. 5087, 1998.)

16.15.100 Discharge of Hazardous Substances Prohibited.

—No person shall throw discharge or otherwise deposit or cause or permit to be placed into the waters of the state or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the State, any quantity of hazardous substance as included or defined in [California Health and Safety Code §CCR Section 25316](#), without a permit or agreement approved by the Public Works Director, a California State official or U.S. Government Official having jurisdiction over the discharge.
(Ord. 5087, 1998.)

Chapter 16.16

SEVERABILITY

— **Section:**

— 16.16.010 Severability.

16.16.010 Severability.

~~—————If any provision of these regulations or the application to this Title is invalidated by any person or circumstances is held invalid, the remainder court of the regulations or the application of such competent jurisdiction, the remaining provisions to other persons or other circumstances shall not be affected. (Ord. 3883 §1, 1977.) and shall continue in full force and effect.~~