

Chapter 14.12

DISCHARGE OF WASTES INTO THE PUBLIC SEWER AND STORM DRAIN SYSTEMS

Sections:

I. Preamble – Definitions

- 14.12.110 Purpose--Implementation of Regional Board Resolution.
- 14.12.120 Definitions.

II. General Provisions

- 14.12.200 Administration.
- 14.12.205 Notice.
- 14.12.210 Confidentiality.
- 14.12.215 Inspection.
- 14.12.220 Inspection Warrants.
- 14.12.225 Monitoring.
- 14.12.230 Record Keeping.
- 14.12.235 Flow Measurement.
- 14.12.240 Infectious Waste Disposal.
- 14.12.245 Water Softeners.
- 14.12.250 Drain Screen Requirements.
- 14.12.255 Gravity Separation Interceptor.
- 14.12.260 Interceptor Requirements.
- 14.12.265 Standard Interceptor Designs.
- 14.12.270 Interceptor Maintenance.
- 14.12.275 Restaurants.
- 14.12.280 Prohibited Restaurant Surface Discharges.
- 14.12.285 Conditional Waivers.
- 14.12.290 Wastewater Discharge Survey.
- 14.12.295 Liquid Waste Haulers.
- 14.12.300 Mobile Pressure Washers.
- 14.12.305 Use of or Damage to City Equipment or Facilities.
- 14.12.310 Spill Notification.
- 14.12.315 Surface Discharge Prohibitions.
- 14.12.320 Point of Discharge Limitation.
- 14.12.325 Time Limits.

III. Industrial Waste

- 14.12.330 Separation of Domestic and Industrial Waste.
- 14.12.335 Prohibited Waste Discharges.
- 14.12.340 Swimming Pool Discharge Requirements.
- 14.12.345 Limitation on Wastewater Strength.
- 14.12.350 Local Limits.
- 14.12.355 De Minimus Categorization.
- 14.12.360 Industrial Wastewater Pretreatment.

- 14.12.365 Unauthorized Monitoring and Pretreatment Equipment Modifications.
- 14.12.370 Pretreatment Equipment Bypass.
- 14.12.375 Prohibited Discharge of Recovered Pretreatment Waste.
- 14.12.380 Dilution Prohibited as a Substitute for Treatment.
- 14.12.385 Storm Water Diversion.
- 14.12.390 Industrial User Modifications.
- 14.12.395 Spill Containment System.
- 14.12.400 Slug Discharges.
- 14.12.405 Facility Waste Management Plan.
- 14.12.410 Categorical Pretreatment Standards.
- 14.12.415 Commercial/Industrial Tenant Occupancy Notification.
- 14.12.420 Notice of Potential Problems to Director.
- 14.12.425 Written Responses and/or Reports.
- 14.12.430 Falsifying Information.
- 14.12.435 Wastewater Discharge Authorization Certificate (WDAC).
- 14.12.440 Industrial User Group Permits.
- 14.12.445 Industrial User Permits.
- 14.12.450 Permit Duration.
- 14.12.455 Duty to Comply.
- 14.12.460 Permit Renewal.
- 14.12.465 Permit Modifications.
- 14.12.470 Permit Transfer.
- 14.12.475 Fees and Charges.
- 14.12.480 Assessment of Permit Fees and Charges.
- 14.12.485 Payment of Fees, Charges and Penalties; Late Payment.

IV. Enforcement

- 14.12.490 Failure to Comply.
- 14.12.495 Enforcement Response Plan (ERP).
- 14.12.500 Administrative Violations.
- 14.12.505 Violations of Discharge Limitations.
- 14.12.510 Unclassified Violations.
- 14.12.515 Separate Violations.
- 14.12.520 Administrative Orders.
- 14.12.525 Permit Revocation.
- 14.12.530 Termination of Service.
- 14.12.535 Notice Publication.
- 14.12.540 Civil Penalties.
- 14.12.545 Criminal Penalties.
- 14.12.550 Probationary Periods.
- 14.12.555 Remedies Nonexclusive.
- 14.12.560 Judicial Collection.
- 14.12.565 Damage to Facilities or Interruption of Normal Operations.
- 14.12.570 Appeals.
- 14.12.575 Alternative Enforcement Procedures.
- 14.12.580 Invalidity.
- 14.12.585 Interpretation-Intent.

I. Preamble - Definitions

Section 14.12.110 Purpose--Implementation of Regional Board Resolution.

The sewer system of the County of Riverside through Riverside County Service Area ("CSA") 152-C and through agreement with the City of Riverside discharges treated effluent from the City of Riverside's Regional Water Quality Control Plant into permeable soil structures and surface waters of the State, in particular the Santa Ana River. The chemical nature of this effluent affects the quality of water flowing in the receiving stream as well as the quality of underground waters in the vicinity.

The California Regional Water Quality Control Board, Santa Ana Region, hereinafter called the "Regional Board" has established discharge limitations for the chemical content of sewage effluent discharged by the City. These limitations are set forth from time to time in duly enacted resolutions and orders of the Regional Board.

In order to conform to such sewage effluent discharge limitations and requirements, the City must regulate the discharge of waste to the POTW and the flow of waste into its storm drain system.

A. This Chapter shall provide for the regulation of wastewater discharge in accordance with the federal government's objectives of general pretreatment regulations as stated in Section 403.2 of Title 40 of the Code of Federal Regulations (CFR) which are for the following purposes:

1. To prevent the introduction of pollutants into the City's publicly owned treatment works (POTW) which will interfere with the operation of the POTW, including interference with its use or disposal of municipal biosolids;
2. To prevent the introduction of pollutants into the POTW which will pass through the treatment works, inadequately treated, to the receiving waters or otherwise be incompatible with such works;
3. To improve opportunities to recycle and reclaim municipal and industrial wastewater and biosolids;
4. To enable the City to comply with its NPDES Permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the POTW is subjected;
5. To enable the City to control the privileges to any use of the POTW; and
6. To protect and preserve the health and safety of the citizens and personnel of the City and the Community Services Districts.

B. This Chapter shall apply to all users of the POTW. This Chapter authorizes:

1. The issuance of Industrial User Permits;
 2. Monitoring, compliance, and enforcement activities;
 3. Administrative review procedures;
 4. Industrial waste plan check review services;
 5. User reporting requirements;
 6. The establishment of fees; and
 7. The equitable distribution of costs resulting from the program established herein.
- (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

14.12.120 Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

1. **Analytical Methods** means the sample analysis techniques prescribed in 40 CFR Part 136. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be

performed using validated analytical methods, approved by the City, or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties as approved by the EPA.

2. **Authorized Representative** means:

A. A responsible corporate officer, if the user is a corporation, of the level of president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation;

B. A general partner, managing member or proprietor if the user is a partnership, limited liability company or sole proprietorship respectively;

C. If the user is a federal, state, or local government facility: a director, highest appointed official, employee designated to oversee the operation and performance of the activities of the government facility, or his or her designee.

D. A duly Authorized Representative of the individual designated in paragraph A., B. or C. If the person is a manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which 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 law and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

3. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 14.12.335 of this Chapter. 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. POTWs may develop BMPs, which shall be considered local limits and Pretreatment Standards for the purposes of this Ordinance.

4. **Biochemical Oxygen Demand (BOD)** means the quantity of oxygen, expressed in mg/L, required to biologically oxidize material in a waste sample measured under standard laboratory methods of five days at twenty degrees Centigrade.

5. **Bypass** means the intentional diversion of waste streams from any point of a user's pretreatment facility.

6. **Categorical Industrial User** means all industrial users subject to National Categorical Pretreatment Standards promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act (33 U.S.C. Sec.1317 et seq.), and as listed by the EPA under the appropriate subpart of 40 CFR Chapter I, Subchapter N.

7. **Certification Statement** means the following text from 40 CFR Part 403.6(a)(2)(ii):

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

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

8. **Chemical Oxygen Demand (COD)** means the quantity of oxygen, expressed in mg/L required to chemically oxidize material in a waste sample or wastewater sample, under specific conditions of an oxidizing agent, temperature, and time.

9. **City Attorney** means the City Attorney for the City or an authorized representative, deputy, or agent appointed by the City Attorney.

10. **Class I User** means an industrial user with an annual average industrial wastewater discharge of twenty-five thousand gallons or more per day; a Significant Industrial User; and a Categorical Industrial User which has a federally regulated process wastestream discharge.

11. **Class II User** means an industrial user with an annual average industrial wastewater discharge between ten thousand and twenty-four thousand nine hundred ninety-nine gallons per day.

12. **Class III User** means an industrial user with an annual average industrial wastewater discharge between one and nine thousand nine hundred ninety-nine gallons per day where the industrial discharge has a reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard, prohibition, or requirement of this Chapter.

13. **Class IV User** means any industrial or Categorical Industrial User that has a manufacturing or production process or procedure that generates wastewater and/or waste and that wastewater and/or waste is not discharged to the POTW due to the user's reclamation, recycling, segregation, and/or off-site site disposal of the wastewater and/or waste; or a user subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR Chapter I, subchapter N and that never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) and has: 1) consistently complied with all applicable categorical Pretreatment Standards and Requirements; 2) has submitted a certification statement required by 40 CFR Part 403.12(q) together with any additional information necessary to support the certification statement; and 3) has never discharged any untreated concentrated wastewater.

14. **Class V User** means an industrial user that has a temporary need to discharge wastewater to the POTW. The temporary period shall be from one to one hundred eighty days.

15. **Class VI User** means an industrial user that hauls wastewater by truck or other means from septic tanks, cesspools, seepage pits, and private disposal systems.

16. **Collection Agency** means a public agency with which the City has an interjurisdictional agreement addressing that agency's sewage collection and discharge to the City for transmission, treatment, and disposal.

17. **Collection System** means all pipes, sewers and conveyance systems conveying wastewater, owned and maintained by either the City or by tributary Community Services Districts contracting with the City for sewer service, but not including sewer lateral line connections.

18. **Combined Wastestream Formula** means the formula, as outlined in the general pretreatment regulations of the Clean Water Act, 40 CFR 403.6(e), for determining wastewater

discharge limitations for Categorical Industrial Users whose effluent is a mixture of regulated, unregulated, and dilution wastewater as defined in the formula.

19. **Community Services District** means the Edgemont Community Services District, Jurupa Community Services District, Rubidoux Community Services District, or any other district which contracts with the City for sewer service.

20. **Compliance Schedule** means a time schedule enforceable under this Chapter containing increments of progress, i.e. milestones, in the form of dates. These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the user to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the user's wastewater effluent.

21. **Composite Sample** means a series of grab samples of equal volume taken at a predetermined time or flow rate for a predetermined period of time, which are combined into one sample.

22. **Confined Space**, pursuant to California Code of Regulations, Title 8, Section 5157, subsection b, means a space that:

A. Is large enough and so configured that a person can bodily enter and perform assigned work;

B. Has limited or restricted means for entry or exit (for example, tanks vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

C. Is not designed for continuous occupancy by a person.

23. **Conventional Pollutants** means BOD, COD, total suspended solids, pH, fecal coliform, oil and grease, total nitrogen and such additional pollutants as are now or may be in the future specified and controlled in the City's NPDES permit for its POTW where said POTW has been designed and used to reduce or remove such pollutants.

24. **Cooling Water** means all water used solely for the purpose of cooling a manufacturing process, equipment, or product.

25. **De Minimus User** means any user whose industrial wastewater discharge is less than one hundred gallons per day and is not regulated by a federal categorical pretreatment standard or Industrial User Group Permit.

26. **Dilution** means the increase in use of process water or any other means to dilute a wastestream as a partial or complete substitute for adequate treatment to achieve discharge requirements.

27. **Director** means the Public Works Director of the City or an authorized representative, deputy, or agent appointed by the Public Works Director.

28. **Domestic Septic Wastes** means all domestic wastes contained in septic tanks, cesspools, seepage pits, holding tanks and private disposal systems.

29. **Domestic Wastewater** means wastewater from private residences and wastewater from other premises resulting from the use of water for personal washing, sanitary purposes or the discharge of human excrement and related matter. Domestic wastewater when analyzed by standard methods shall contain no more than two hundred fifty-nine mg/L of total suspended solids, two hundred twenty-eight mg/L of BOD and four hundred fifty-five mg/L of COD.

30. **Effluent** means treated wastewater flowing from treatment facilities, a POTW, or a user's pretreatment equipment.

31. **Emergency** means facts or circumstances that City reasonably determines create an imminent threat of harm to public health or safety, the environment or the POTW.

32. **EPA** means the United States Environmental Protection Agency.

33. **Federal Categorical Pretreatment Standard** means the National Pretreatment Standards, established by the EPA, specifying quantities or concentrations of pollutants or

pollutant properties which may be discharged or introduced into the POTW by existing or new industrial users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N.

34. **Good Faith** means the user's honest intention to remedy noncompliance together with actions that support the intention without the use of enforcement actions by the City. Examples of these intentions are improved housekeeping practices or the installation of pretreatment equipment to reduce or eliminate pollutants.

35. **Grab Sample** means an individual sample collected over a period of time not exceeding fifteen minutes.

36. **Gravity Separation Interceptor** means an approved wastewater detention device, equipment or appurtenance and is designed to remove floatable and settleable material by means of gravity and the solubility of the waste in water from industrial wastewater prior to discharge to the POTW and may include but not be limited to grease interceptors, hydromechanical grease interceptors, grease traps, and sand/oil interceptors.

37. **Hazardous Substance** means any substance capable of creating imminent endangerment to health or the environment.

38. **Heating Water** means all water used solely for the heating of a manufacturing process, equipment, or product.

39. **Industrial User** means all persons, entities, public or private, industrial, commercial, governmental, or institutional which discharge or cause to be discharged, industrial wastewater and waterborne waste into the POTW, or stores waste or wastewater on site for treatment and/or subsequent disposal, and includes Mobile Pressure Washers and Liquid Waste Haulers.

40. **Industrial User Permit** means a permit, issued by the Public Works Director, regulating the terms and conditions under which an Industrial User may discharge any non-domestic waste to the POTW.

41. **Industrial Wastewater** means all water containing wastes of the community, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, institutional, governmental, commercial, restaurant, service, agricultural or other operation. Industrial wastewater may also include cooling tower and boiler blowdown water, potable water treatment wastewater and chemical toilet wastewater if the wastewater contains levels of pollutants above the wastewater discharge limitations established by this Chapter. Any wastewater that is hauled by truck, rail or other means, and discharged into the sewerage system, shall be considered industrial wastewater, regardless of the original source.

42. **Infectious Waste** means all disease-containing wastes that normally cause, or significantly contribute to the cause of increased morbidity or mortality of human beings.

43. **Interference** means any discharge from a user which, alone or in conjunction with a discharge or discharges from other sources both: inhibits or disrupts the POTW, treatment processes or operations, or sludge processes, use or disposal; and which is a cause of a violation of any requirement of the City's NPDES permit including an increase in the magnitude or duration of violation) or of the prevention of biosolids use or disposal in compliance with Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly known as the Resource Conservation and Recovery Act (RCRA)), and state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act, and any amendments to these Acts or regulations.

44. **Ion Exchange Water Softener** means a water conditioning apparatus that is designed to remove hardness or other impurities from a user's potable water supply through chemical, not physical means.

45. **Liquid Waste Hauler** means any person engaged in the truck hauling of liquid wastes from septic tanks, seepage pits, cesspools, or any other private disposal system.

46. **Local Limits** means specific prohibitions, Best Management Practices or pollutant limitations or pollutant parameters which are developed by the City in accordance with 40 CFR 403.5(c).

47. **Lower Explosive Limit (LEL)** means the minimum concentration of combustible gas or vapor in the air that will ignite if an ignition source is present.

48. **Mass Emission Rate** means the rate of pollutant discharge in pounds per day to the POTW.

49. **May** means permissive.

50. **mg/L** means milligrams per liter.

51. **Milestone** means a time-based increment of progress in a compliance schedule, not to exceed nine months. Milestones may be set for construction, operations, repairs, the creation of policies and procedures, or other aspects of pretreatment and discharge.

52. **Mobile Pressure Washer** means non-residential user of mobile pressure washing equipment to wash or rinse motor vehicles, machinery, buildings, windows, paved areas, sidewalks, parking lots, and outdoor eating areas, etc.

53. **Monitoring/Production Information Order (MPIO)** means an Administrative Order requiring an industrial user to determine the concentration or mass emission of pollutants in its industrial wastewater discharge, for each day in a fourteen consecutive calendar day period that industrial wastewater is discharged to the POTW, and to provide that data and wastewater discharge flow data for that period.

54. **Monthly Average** means the average of daily measurements over a calendar month as calculated by adding all the daily measurements taken during the calendar month and dividing that sum by the sum of the number of daily measurements taken in the calendar month.

55. **New Source** means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Federal Clean Water Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

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

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

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

56. **NPDES Permit** means the then effective National Pollutant Discharge Elimination System Permit issued by the California Regional Water Quality Control Board establishing the Waste Discharge and Producer/User Reclamation Requirements for the Riverside Regional Water Quality Control Plant or storm water requirements for the City's Municipal Separate Storm Sewer System.

57. **NSIU** means a Non-Significant Industrial User that does not require a Class I-VI Industrial User Permit or is not considered a restaurant.

58. **Non-Significant Categorical Industrial User** means a user subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR Chapter I, subchapter N and that never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) and has: 1) consistently complied with all applicable categorical Pretreatment Standards and Requirements;

2) has submitted a certification statement required by 40 CFR Part 403.12(q) together with any additional information necessary to support the certification statement; and 3) has never discharged any untreated concentrated wastewater.

59. **Oil and Grease** means any of the following in part or in combination:

- A. Petroleum derived products, e.g., oils, fuels, lubricants, solvents, cutting oils;
- B. Vegetable derived products, e.g., oils, shortenings, water soluble cutting oils; or
- C. Animal derived products, e.g., fats, greases, oils, lard

60. **Pass Through** means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the NPDES Permit, including an increase in the magnitude or duration of a violation.

61. **Permit-Required Confined Space** pursuant to California Code of Regulations, Title 8, Section 5157, subsection b means a confined space that has one or more of the following characteristics:

- A. Contains or has the potential to contain a hazardous atmosphere;
- B. Contains a material that has the potential for engulfing an entrant;
- C. Has an internal configuration such that an entrant could be trapped or and tapers to a smaller cross-section; or
- D. Contains any other recognized serious safety or health hazard.

62. **Person** means any individual, firm, company, association, society, general or limited partnership, limited liability company, trust, corporation, governmental agency or group, and includes the plural as well as the singular.

63. **Pollutant** means conventional pollutants, domestic wastewater, hazardous substances, infectious waste, slug discharges, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, medical waste, heat, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.

64. **Pollutant Exceedance Fee** means a fee in addition to the sewer service charge, which is charged on those users whose wastewater discharge pollutants exceed permitted pollutant levels for COD or total suspended solids.

65. **Publicly Owned Treatment Works or POTW** means a wastewater treatment plant, e.g., the RRWQCP. This definition includes the collection system, within the City and the Community Service Districts, which is the sewers, pipes and other conveyances of wastewater to a treatment plant, except for private sewer lateral connections. It also includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes.

66. **Pretreatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by any other means, except dilution.

67. **Pretreatment Waste** means waste removed by pretreatment.

68. **Qualified Professional** means a person qualified by education, training, or experience to evaluate and assess pollutant discharges and violations of this Chapter.

69. **RCRA** means the Resource Conservation and Recovery Act and its Regulations as contained in 40 CFR Part 260-266 and 270.

70. **Restaurant** means all retail establishments selling prepared foods and drinks for consumption on or off the premises; including lunch counters and refreshment stands. Retail establishments, lunch counters, and drinking places selling prepared food and drink as a subordinate service incidental to their primary operations, and institutional facilities (e.g. schools, hospitals, jails, prisons, and juvenile halls), which serve food on the premises shall also

be considered restaurants.

71. **Shall** means mandatory.

72. **Self-monitoring** means wastewater samples taken by a user or the user's contracted laboratory, consultant, engineer, or similar entity.

73. **Sewer Lateral Line** means the wastewater collection pipe extending from the premises where the wastewater is generated to the premises' property line.

74. **Significant Industrial User (SIU)** means all Categorical Industrial Users and any user which discharges one or more of the following:

A. Industrial wastewater at an average rate of at least twenty-five thousand gallons per day (gpd) to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

B. A process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the City's POTW; or

C. Wastewater that the Director requires to be controlled by a Class I Industrial User Permit.

75. **Significant Noncompliance** means any violation meeting one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements for the same pollutant parameter during a six consecutive month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits;

B. Technical Review Criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements taken during a consecutive six month period equal or exceed the product of the numeric pretreatment standard, local limit, or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, COD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a numeric pretreatment standard or requirement (including narrative standards and Best Management Practices) determined by the City to cause, in whole or in part: POTW damage, interference, or pass through; danger to POTW personnel; or the public health, safety and welfare;

D. Any discharge of a pollutant posing imminent danger to human health or welfare, or to the environment, or resulting in the City's exercise of its emergency authority to stop or prevent such a discharge;

E. Failure to meet, within ninety days after the scheduled date, a compliance schedule Milestone;

F. Failure to provide, within forty-five days of the scheduled date, any required reports such as baseline monitoring reports, compliance reports, and self-monitoring reports;

G. Failure to pay, within thirty days, all application, permit, or enforcement fees;

H. Failure to accurately report non-compliance; or

I. Any other violation(s), which may include failure to implement required Best Management Practices, which the City believes will adversely affect the City's pretreatment program.

76. **Single Pass Cooling Water** means water that is used solely for the purpose of cooling and is used only once before being discharged.

77. **Single Pass Heating Water** means water that is used solely for the purpose of heating and is used only once before being discharged.

78. **Slug Discharge** means any discharge of wastewater of a non-routine, episodic nature including but not limited to an accidental spill, or a non-customary batch discharge which could damage, interfere with, or pass through the POTW or otherwise violate this Chapter, local limits, permit conditions, or other regulations.

79. **Storm Drain** means a system of open channels, lined and unlined channels, surface channels, impound basins, ground water recharge basins, storm water holding ponds, underground pipes, curb and gutter, cross gutters, storm water pump and lift stations, parking lots, paved areas, streets, and natural water courses used to collect and direct storm water to a receiving body of water or aquifer recharge basins.

80. **Storm Water** means water flowing or discharged as a result of rain, snow, or other precipitation.

81. **Temporary User** means any user granted temporary permission under a Class V Industrial User Permit to discharge unpolluted water or wastewater to the sewer system.

82. **Total Suspended Solids** means the total amount of residue retained by laboratory filtration and dried at 103-105 degrees C.

83. **Total Toxic Organics (TTO)** means the sum of all quantifiable values greater than 0.01 mg/L of the regulated toxic organic compounds which are found in the user's industrial wastewater discharge.

84. **Unpolluted Water** means cooling and heating water, single pass cooling and heating water, air conditioning condensate, ice melt, condensate, landscape irrigation, crop irrigation, rain water, and other water not containing any pollutant, or water whose discharge would not otherwise violate any receiving water quality standards.

85. **Upset** means an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to a user or the POTW.

86. **User** means any person, public or private, residential, industrial, commercial, governmental, or institutional which discharges or causes to be discharged wastewater or waterborne waste to the POTW or storm drain.

87. **Waste** means any discarded solid, semi-solid, liquid, or gaseous material. (Ord. 7099 §1, 2010; Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6398 §1, 1997; Ord. 6232 §2 (part), 1995)

II. General Provisions

Section 14.12.200 Administration.

A. **Rules.** The Director may adopt rules consistent with this Chapter for the administration of the wastewater system. Those rules may include, but shall not be limited to, discharge limitations, pretreatment requirements, standards for wastewater, sewer connections, and implementation of Federal Water Pollution Control and Clean Water Act standards.

B. **General Powers of the Director.** Except as otherwise provided herein, the Director shall execute the provisions of this Chapter. The Director may delegate powers or duties to persons acting in the beneficial interest or employ of the City, but shall remain responsible. In addition to the authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the Director shall have the following authorities:

1. Protect the health or welfare of the community. The Director, after informal notice to the affected user, may immediately and effectively stop or prevent any discharge of pollutants to the POTW, by any means available, including physical disconnection from the wastewater collection system, whenever the discharge reasonably appears to present an imminent danger to the health or welfare of the community;

2. Protect the environment or the POTW. The Director, after written order to the user, may stop or prevent any discharge of pollutants to the POTW, by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an imminent and substantial danger to the environment or threatens to damage or interfere with the operation of the POTW; and

3. The discharges referred to in subdivisions 1 and 2 above may be stopped or prevented without regard to the compliance of the user with other provisions of this Chapter.

- C. **Specific Powers of the Director.** The Director may take any of the following actions to prevent the actual or threatened discharge of polluted wastewater to the POTW:
1. Stop or prevent the discharge of such wastewater;
 2. Require the user to demonstrate that process modifications will reduce or eliminate the pollutant or substance so that the discharge will not violate this Chapter;
 3. Require treatment to reduce or eliminate the pollutants so that the discharge will not violate this Chapter;
 4. Require the user to pay Industrial User Permit fees, inspection fees and any additional cost or expense incurred by the City by excess pollutant loads discharged to the POTW, or imposed fines, penalties or legal expenses, and attorneys' fees;
 5. Obtain timely and factual reports from the person responsible for such discharge;
- and
6. Take any other action to achieve the purposes of this Chapter (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.205 Notice.

Notices and orders under this Chapter shall be deemed served if given to user as follows:

- A. Correctly addressed, postage pre-paid and deposited in the United States mail, or personally delivered; or
- B. To user or user's authorized representative at user's address as listed in user's permit, or application for a permit, or user's facility that is subject of the notice or order; and
- C. Shall be deemed received on the date personally delivered or on the third day after deposit in the United States mail as provided in this Section. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.210 Confidentiality.

Information submitted by the user to the City pursuant to this Chapter may be claimed as confidential by the user. Any such claim must be asserted at the time of submission by placing the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the City may make the information available to the public without further notice. Sample data obtained by either the user or the City shall not be considered confidential. Production-related information used to calculate mass-based discharge limitations or required to develop an Industrial User Permit shall not be considered confidential information. Confidential information may be made available, upon request, to governmental agencies for enforcement or judicial purposes related to this Chapter, the NPDES Permit or the pretreatment program, and as required by state or federal law. In the event of a conflict between this section and the Public Records Act or Freedom of Information Act, those acts shall prevail. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.215 Inspection.

A. The Director may inspect any user facilities to ascertain whether the requirements of this Chapter are being met. Persons on the premises shall allow the Director ready access at all reasonable times to all parts of the premises for the purpose of inspection, photography or electronic image recording, sampling, and records examination of any facility, equipment (including monitoring and pollution control equipment), practices or operations regulated or required by an Industrial User Permit or other control document, RMC Chapter 14.12, or the City's NPDES Storm Water Permit.

- B. The user shall ensure that there is always a person on site, during normal

business hours, that has knowledge of the user's processes and activities to accompany the Director during the inspection.

C. The user shall provide immediate access when the Director believes an emergency exists, regardless of the hour of the day.

D. All pretreatment equipment shall be immediately accessible at all times for inspection. At no time shall any material, debris, obstacles or obstructions be placed in such a manner that will prevent immediate access to the pretreatment equipment.

E. No person shall interfere with, delay, resist or refuse entrance to the Director when attempting to inspect any facility involved with a discharge into the City's POTW or storm drain.

F. The user shall make all necessary arrangements with the user's security personnel so that, upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

G. The user shall make all records required to be kept under the provisions of this Chapter available for copying by the Director. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.220 Inspection Warrants.

If the Director is refused inspection access to a building, structure, or property, or any part thereof, the Director may obtain an inspection warrant pursuant to Code of Civil Procedure section 1822.50 et seq. No warrant is required in the event of an emergency threatening the public health or safety or the City's POTW. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.225 Monitoring.

A. At the direction of the Director, any user discharging wastewater into the POTW may be required to install sampling station(s) or measuring device(s) to measure the quality and quantity of wastewater discharged or to obtain samples. Measuring devices may include, but are not limited to: flow meters and recorders, pH meters and recorders, electrical conductivity meters and recorders, process water meters, and automatic wastewater samplers.

B. The sampling station and/or measuring device shall be provided by the user in compliance with this Chapter and all applicable building, plumbing, and construction codes. The City may require that the measuring devices have a security closure that can be locked with a City lock. Construction shall be completed within a reasonable time as required in written notification from the Director.

C. The Director may temporarily install upon the user's property devices to conduct wastewater sampling, compliance monitoring or metering operations.

D. No user shall interfere with, delay, resist, or refuse entrance to authorized City personnel installing wastewater monitoring equipment on the user's property. Any permanent or temporary obstruction prohibiting direct access to the sampling station or measuring device shall be immediately removed by the user or property owner at the written or verbal request of the Director and shall not be replaced.

E. The sampling station or measuring devices shall be maintained for continuous sampling or metering. The measuring devices shall be calibrated as often as necessary to ensure accurate measurements according to manufacturer's specifications. All maintenance and calibration work shall be performed at the user's expense.

F. All users that self-monitor shall have all samples collected and analyzed according to 40 CFR 403.12(b)(5).

G. All user sampling and analysis must comply with 40 CFR part 403.12(b)(5). The laboratory must be certified by the State of California, Department of Health Services as being competent to perform the pollutant analyses requested, shall perform all laboratory analyses

and must be acceptable to the Director. All samples must have the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
2. The dates the analyses were performed;
3. Who performed the analyses;
4. The analytical techniques/methods used;
5. The results of such analyses;
6. A copy of the laboratory sample analysis sheet; and
7. The user's completed monitoring report form.

H. All users required to install and maintain measuring devices shall immediately report the failure of such devices. The immediate notification shall be by telephone call, telefax transmission, electronic report, personal visit, or a hand-delivered notification to the City's Environmental Compliance Office. Within five calendar days after discovery of the failure, the user shall submit a written report to the Director documenting the dates, times, and cause of the failure, and the corrective actions taken.

I. Any wastewater samples taken from a user's approved or designated sampling location shall be considered representative of the wastewater discharged to the POTW. For users that have interceptors, but no approved or designated sampling location, the last chamber of the interceptor shall be the designated sampling location.

J. All users required to self-monitor shall report to the Director pollutant violations from any required wastewater sample within twenty-four hours of becoming aware of the violation. The reporting may be by telephone call, telefax transmission, electronic report, or a personal visit to the City's Environmental Compliance Office. The violation report shall contain the date and time of the sample, the daily discharge flow for the sample, possible explanations for the violation, and the date scheduled for the required resample. Failure to report pollutant violations as stated is a violation of this Chapter and may subject the user to enforcement actions.

K. All users required to take daily twenty-four hour readings of their wastewater effluent flow shall notify Director of exceedance of its permitted flow within twenty-four hours of discovering the exceedance by telephone call, telefax transmission, electronic report, personal visit, or a hand delivered notification, to the City's Environmental Compliance Office or file a monthly report indicating the days of the month when the permitted flow was exceeded and the reason for the exceedance. The monthly report shall be submitted to the City's Environmental Compliance Office by the fifth business day following the end of the preceding month. The flow exceedance notice shall have the total flow, date of the violation, the reason for the flow exceedance, and the name of the person reporting the flow exceedance. Failure to report such flow exceedance is unlawful and may subject the user to enforcement actions.

L. All users with a discovered pollutant violation shall resample their wastewater discharge for that pollutant. This mandatory resampling is independent of any other wastewater sampling requirement. User shall submit the laboratory results from the resamples, all required forms and a written explanation detailing the cause(s) and correction action(s) of the violation to the Director no later than forty-five calendar days after the user discovers or becomes aware of the violation. Failure to submit the laboratory results and all required documents within the forty-five-day requirement shall result in Significant Noncompliance for the user and the issuance of a Notice of Violation to the user.

M. All users whose wastewater discharge is monitored by the City shall be responsible for all resampling requirements contained in subsection L of this Section when a pollutant violation is detected. The City shall notify the user of the resampling requirements by a telephone call, telefax transmission, or personal visit within seventy-two hours of confirming a pollutant violation.

N. All users which desire to conduct their own wastewater sampling shall submit a

written plan describing the equipment used, equipment cleaning methodology, employee training, sample preservation methods, and chain of custody procedures. The user's wastewater sampling plan must be approved by the Director prior to the implementation of the plan. Any sample taken by a user without an approved plan or from an unapproved laboratory shall not be valid and may subject the user to enforcement actions.

O. All users are required to submit all monitoring results including non-permit required samples according to 40 CFR 403.12(g) sampled at the appropriate sample point within fifteen calendar days of receiving the sample or monitoring results.

P. All permitted users that take more than one grab sample in a single calendar day to demonstrate compliance with oil and grease shall also comply with the following conditions:

1. A minimum of four grab samples separated by a minimum of two hours each shall be taken in a single calendar day;

2. Each individual oil and grease grab sample shall be analyzed separately and the analytical results from each sample shall be averaged;

3. No single oil and grease grab sample shall exceed the user's permitted limit by more than forty percent; and

4. The average result from all individual oil and grease grab samples taken in a single calendar day shall not exceed the user's permitted limit. (Ord. 7099 §2, 2010; Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.230 Record Keeping.

All users shall keep records of waste hauling, reclamations, wastewater pretreatment, monitoring device recording charts and calibration reports, effluent flow, sample analysis data, and, at the discretion of the Director, BMP effectiveness, on the site of the wastewater generation. All these records are subject to inspection and copy by Director. All records must be kept on the site of the wastewater generation for a minimum period of three years. The record retention period may be extended beyond three years in the event criminal or civil action is taken or an extensive user history is required. Records required by company or corporate policy to be kept off-site shall be telefaxed or submitted electronically to the Environmental Compliance Office within seventy-two hours of the records request. Failure to submit the records as required is a violation of this Chapter and may result in enforcement actions. (Ord. 7150 §1, 2011; Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.235 Flow Measurement.

Any industrial user who discharges twenty-five thousand gallons per day or more of industrial wastewater, or as required by the Director, shall install a continuous monitoring flow meter capable of measuring the industrial user's entire industrial wastewater discharged to the POTW. The user shall record and log the flow on a daily basis. The flow meter shall conform to standards issued by the Director. The user shall report the flow meter type and size to the Director before installation. The flow meter shall be equipped with a non-resetting flow totalizer and a paper chart recorder that records the time, day, date and volume of discharge. All flow meters shall be calibrated as often as necessary to ensure accuracy of the actual flow discharged, within plus or minus five percent. All flow meter installations shall have the flow meter size, type, totalizer units, and flow multipliers posted in a conspicuous place near the flow meter recorder. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.240 Infectious Waste Disposal.

A. No user that generates liquid infectious waste other than domestic wastewater shall discharge to the POTW without first obtaining written permission from the Director. Such a user shall submit a written request to the Director that shall include:

1. The source and volume of the infectious waste;

2. The procedures and equipment used for waste disinfection; and
 3. Employee training procedures for the legal disposal of infectious waste.
- B. If the Director believes that the waste would not be completely disinfected, the Director shall issue a written denial to the user and state the reasons for the denial. This denial shall be issued within thirty days from receipt of the written request.
- C. If the Director believes that complete disinfection of the waste can be achieved prior to discharge of the waste to the POTW, then a conditional approval may be granted for the disposal of the waste. A letter of approval shall be sent to the user within thirty days of receipt of the written request.
- D. If the user is granted permission for disposal, the user:
1. Shall completely disinfect the liquid waste prior to discharge to the POTW as outlined in the approval letter;
 2. Shall not dispose of solid infectious waste to the POTW, including hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or any portions of the human or animal anatomy whether whole, part, or ground; and
 3. Shall be subject to periodic inspections to verify that all disinfection methods, procedures, and practices are being performed. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.245 Water Softeners.

- A. No user shall install, replace, enlarge, or use any regenerative-type water softener unless the apparatus complies with the following conditions:
1. The apparatus is a self-generating water softener;
 2. The brine solutions generated during the backwash cycles of the water softener shall be segregated from the fresh water rinses for disposal to a legal brine disposal site;
 3. The backwash equipment shall be equipped with an electrical conductivity controlled discharge valve that controls the wastewater discharge to the POTW. This valve shall be calibrated to control and prevent any discharge of wastewater that exceeds the maximum total dissolved solids concentration established by resolution; and
 4. The user shall maintain the electrical conductivity controlled discharge valve in proper operating conditions at all times. In the event of a valve failure, the user shall immediately cease the regeneration discharge and immediately notify the Director of the failure by telephone call, telefax transmission, electronic report, personal visit, or a hand delivered notification, to the City's Environmental Compliance Office. Within five calendar days after discovery of the failure, the user shall submit a written report to the Director documenting the dates, times, and cause of the failure, and the corrective actions taken.
- B. Pursuant to California Health and Safety Code Sections 116775-116795, no residential water softening or conditioning appliance may be installed except in the following circumstances:
1. The regeneration is performed at a nonresidential facility separate from the location of the residence where such appliance is used; or
 2. The regeneration discharges to the waste disposal system of the residence where such appliance is used and the following conditions are satisfied:
 - a. The appliance activates regeneration by demand control;
 - b. An appliance installed on or after January 1, 2000, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than three thousand three hundred fifty grains of hardness removed per pound of salt used in generation. An appliance installed on or after January 1, 2002, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than four thousand grains of hardness removed per pound of salt used in generation;

c. The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless such devices are already in place or are prohibited by local and state plumbing and building standards or unless such devices will adversely restrict the normal operation of such fixtures:

- i. Faucet flow restrictors.
- ii. Shower head restrictors.
- iii. Toilet reservoir dams.

iv. A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks which serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.

C. The certification required under Subsection B of this Section shall be provided by the new user of the appliance and shall be completed by a contractor having a valid Class C-55 water conditioning contractor's license or Class C-36 plumbing contractor's license and filed with the City's Building Division. The certification form shall contain all of the following information:

1. Name and address of homeowner;
2. Manufacturer of the water softening or conditioning appliance, model number of the appliance, pounds of salt used per regeneration, and salt efficiency rating at the time of certification;
3. Manufacturer of the water-saving devices installed, model number, and number installed; and
4. Name, address, and the specialty contractor's license number of the C-55 and C-36 licensee making the certification.

D. Any person installing or operating a water conditioning apparatus of any kind shall make such apparatus accessible to the Director for inspection at reasonable times.

E. Notwithstanding Subdivision 2 of Subsection B. of this Section, the City may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTW if Director makes all of the following findings:

1. The POTW is not in compliance with the terms of its NPDES permit;
2. Limiting the availability or installation of the appliances is the only available means of achieving compliance with waste discharge requirements issued by the Regional Board; and

3. All nonresidential sources are limited to the volumes and concentrations of saline discharges to the POTW to the extent technologically and economically feasible.

F. Notwithstanding Subdivision 2 of Subsection B of this Section, the City may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTW if Director makes all of the following findings:

1. The POTW is not in compliance with water reclamation requirements, or a master reclamation permit, issued by the California Regional Water Quality Control Board pursuant to Article 4 (commencing with § 13520) of Chapter 7 of Division 7 of the Water Code;
2. Limiting the availability or prohibiting the installation of the appliances is the only available means of achieving compliance with the water reclamation requirements or the master reclamation permit issued by the Regional Board; and
3. All nonresidential sources are limited to the volumes and concentrations of saline discharges to the POTW to the extent technologically and economically feasible. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.250 Drain Screen Requirements.

Any user that has floor drains, floor sinks, drains, mop sinks, can washes or any other drain designed to convey wastewater to the sewer system, shall have a screen in place in said drains capable of excluding all particles greater than three-eighths of an inch in any dimension. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.255 Gravity Separation Interceptor.

No user that operates or maintains a facility for the servicing or repair of roadway machinery, industrial transportation equipment, motor vehicles, public or private transportation vehicles, and any other facility as required by the Director, shall discharge wastewater to the POTW without a gravity separation interceptor ("interceptor") that complies with all of the requirements of Sections 14.12.255 through 14.12.270. Domestic wastewater shall not be allowed to pass through the interceptor. The Director shall determine the interceptor's operational fluid capacity. The interceptor shall have a minimum operational fluid capacity of not less than one hundred gallons, and shall be designed to retain any material that will float or any material that will settle and shall meet all the requirements of Section 14.12.260 of this Chapter. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.260 Interceptor Requirements.

A. The interceptor shall be watertight, structurally sound, durable, and shall have a minimum of two chambers, excluding sample box if so equipped, with a separate ring and cover for each chamber. The sample box, if the interceptor is so equipped, shall also have a separate ring and cover. All rings shall be affixed to the interceptor to insure a gas and watertight seal.

B. Each interceptor cover shall expose and provide access to each chamber's inlet tee, outlet tee, and/or mid-wall tee.

C. All interceptor chambers shall be immediately accessible at all times for inspection, sampling, cleaning, and maintenance. The user shall provide a separate ring and cover for each separate interceptor chamber, including sample box and any additional covers to insure adequate cleaning and inspection capabilities. All rings shall be affixed to the interceptor to insure a gas and watertight seal. At no time shall any material, debris, obstacles or other obstructions be placed in such a manner that will prevent immediate access to the interceptor.

D. Any interceptor legally and properly installed before the effective date of this Chapter shall be acceptable as an alternative to the interceptor requirements of this Chapter providing that the interceptor shall be effective in removing floatable and settleable material and shall be immediately accessible for inspection, sampling, cleaning, and maintenance.

E. All drains and openings connected to an approved gravity separation interceptor shall be equipped with screens or devices which will exclude from the wastewater discharge all material and particles with a cubic dimension greater than three-eighths of an inch in any dimension.

F. All gravity separation interceptors shall be equipped with an influent tee extending no more than six inches below the operating fluid level of the interceptor. The interceptor shall also have tees extending to within twelve inches of the bottom at the exit side of each chamber in the interceptor, including the final chamber. In a case where a manufacturer's engineered interceptor design is contrary to this requirement, the Director shall review the design and either approve or deny an exemption to this requirement.

G. All interceptors shall be equipped with a sample box or sample wye as determined by the Director.

H. No user shall install or use any elbows or tees in any interceptor sample box.

I. No user shall install any interceptor, sample box, or sample wye in a confined space or a permit-required confined space.

J. At all times, all drain lines leading to the interceptor shall be kept free of any debris or material that may cause a drain line blockage.

K. If the Director finds, either by engineering knowledge or by observation, that an interceptor is incapable of adequately retaining floatable and settleable material in the wastewater flow, is structurally inadequate, or is undersized for the facility, the Director may reject such interceptor and declare that the interceptor does not meet the requirements of this Section. The user shall thereupon be required to, modify or repair the interceptor, or install an adequate interceptor, acceptable to the Director at the user's expense. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.265 Standard Interceptor Designs.

The Director shall maintain a file, available to the public, of suitable interceptor designs. This file shall be for informational purposes only and is not an endorsement of any kind. Installation of an interceptor of a design shown in this file, or of any design meeting the size requirements set forth in this Chapter, shall not subject the City to any liability for the adequacy of the interceptor under actual conditions of use. The user and property owner shall not be relieved of the responsibility for keeping floatable and settleable material out of the POTW. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.270 Interceptor Maintenance.

A. Any person who owns or operates an interceptor shall properly maintain it at all times. The interceptor shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor and odors do not cause a public nuisance. An interceptor is not considered to be properly maintained, if for any reason the interceptor is not in good working condition or if the operational fluid capacity has been reduced by more than twenty-five percent by the accumulation of floating material, sediment, oil or grease, or other liquids that have limited or no solubility in water.

B. The use of chemicals, enzymes, proteins or other materials to emulsify, suspend, or dissolve oil and grease is prohibited. If a user is found using any of these materials, the materials may be confiscated without restitution to the user and the user may be subject to enforcement actions.

C. No user shall use any microbiological product in a grease interceptor that was not specifically designed to use such microbiological agents to metabolize fats, oils, and greases. If a user is found using any of these materials, the materials may be confiscated without restitution to the user and the user may be subject to enforcement actions.

D. When an interceptor is cleaned, the entire contents of the interceptor from all chambers and sample box shall be removed. The removed sediment, solids, liquid and floating material shall not be reintroduced or decanted into the interceptor, sample box, sewer cleanout, other interceptor or other unlawful opening of a collection system or private sewer systems and shall be lawfully disposed of other than to the private sewer systems, POTW or storm drain, and shall not be reintroduced into the interceptor or discharged into another interceptor at another location not designed and permitted to accept such waste. The City's grease wastewater receiving station is an authorized disposal site at the City's treatment plant for disposal of grease interceptor wastewater from authorized companies.

E. If the interceptor is not maintained adequately, then the interceptor shall be resized and the user shall install one that is effective in accomplishing the intended purpose, or the City may require a mandatory pumping schedule for the interceptor. Failure to pump the interceptor as required is a violation of this Chapter and may subject the user to enforcement action.

F. The owner and lessee, sub-lessee, proprietor, operator and superintendent of any facility, required to install an interceptor or use an existing interceptor are individually and

severally liable for any failure to properly maintain such interceptor. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.275 Restaurants.

A. No person who owns, operates, or maintains a restaurant (restaurant user) shall discharge wastewater from such restaurant to the POTW without first receiving a written determination from Director, and complying with such determination, of the POTW interceptor requirements. Restaurant users shall complete and submit a Wastewater Discharge Survey Form and conditional waiver to the Director for review of interceptor requirements. Within ten business days of receipt of the Wastewater Discharge Survey Form, Director shall notify such restaurant user of Director's determination whether an interceptor is required prior to discharge into the POTW. It is unlawful for any restaurant user notified by the Director as needing an interceptor to discharge restaurant wastewater into the POTW without use of a grease interceptor.

B. The Director shall calculate the size of the interceptor in accordance with the Uniform Plumbing Code, Appendix H until January 1, 2008, and Chapter 10, Table 10-3 thereafter, as adopted by the City, provided that any restaurant determined to require an interceptor of more than one hundred gallons and less than seven hundred fifty gallons shall install a minimum seven hundred fifty gallon interceptor. The Director's determination shall consider the type of restaurant, the condition of the collection system serving the restaurant, and the possible adverse affects caused by the restaurant's wastewater discharge.

C. Any restaurant user required to install an interceptor shall direct all wastewater and waste from floor drains, floor sinks, sinks, waste container wash racks, dishwashers, mop sinks, utility sinks and garbage grinders through an approved interceptor complying with this Chapter. The user shall keep all domestic wastewater from restrooms, showers, drinking fountains, and condensate, soda machines, bar sinks, (i.e., ice melt, air conditioning condensate) separate from the restaurant wastewater until the restaurant wastewater has passed through all interceptors, pretreatment equipment, devices, or monitoring stations.

D. All restaurant users shall separate, to the maximum extent practicable, all fats, oils, and greases from the restaurant wastewater for off-site disposal. Each restaurant user shall store these separated wastes in accordance with all applicable laws, rules, policies and regulations, including the Riverside County Department of Environmental Health and this Chapter.

E. All floor sinks, floor drains, and drains shall be equipped with screens or devices that shall exclude from the wastewater discharged all particles larger than three eighths of an inch in any dimension.

F. Any restaurant user required to install an interceptor shall maintain the interceptor in accordance with Section 14.12.270. (Ord. 7099 §3, 2010; Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.280 Prohibited Restaurant Surface Discharges.

A. No restaurant user shall discharge any wastewater to a storm drain, service dock areas, parking lot, or ground. All wastewater generated by restaurants, including trash enclosure wash/rinse water and drive through wash/rinse water, shall be disposed of to sewer through an approved gravity separation interceptor, or a sample station connected to sewer, or hauled off-site and disposed of at a legal disposal site.

B. If a restaurant has a blocked sewer lateral or a failed sewage pumping device which causes the discharge of the wastewater to the storm drain, service dock areas, parking lot, drive through areas, or ground, the restaurant user shall immediately cease all activities causing that discharge and immediately contact a plumber to have the discharges collected and if necessary

have laterals cleared, televised and repaired. Failure to comply with this requirement shall be considered a violation of this Chapter and shall subject the restaurant user to enforcement actions. If the City determines that public safety requires immediate action and the restaurant owner is unable to or unwilling to arrange for a pumping company and plumber, the city may in its discretion contact a pumping company and plumber to mitigate the violation and charge the restaurant user for all associated costs. (Ord. 7099 § 4, 2010; Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.285 Conditional Waivers.

Notwithstanding Section 14.12.275 Subsection B, the Director may conditionally waive the interceptor requirements for any restaurant user determined in the Director's discretion not to pose adverse effects on the POTW. The Director may revoke such conditional waiver and require the installation of an appropriately sized grease interceptor for the following reasons:

- A. Changes in menu;
- B. Falsification of information submitted in the City's wastewater discharge survey form;
- C. Changes in operating hours;
- D. Changes in maximum seating capacity;
- E. Changes in maximum meals served per peak hour;
- F. Changes in equipment used;
- G. Changes in the nature of the wastewater discharged as determined by random and scheduled wastewater sampling and analyses; or
- H. Any overflows caused by the restaurant user's wastewater discharge. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.290 Wastewater Discharge Survey.

The Director may require a non-residential user that has a sewer connection to the POTW or a storm drain connection to the City's storm drain system to complete a Wastewater Discharge Survey. The purpose of the survey is to gather information to determine if an Industrial User Permit or other control document is necessary and to provide current information about the user. Failure to complete and return a required survey may subject the user to enforcement actions. (Ord. 7032 §2, 2009; Ord. 6637 § 2 (part), 2002; Ord. 6232 § 2 (part), 1995)

Section 14.12.295 Liquid Waste Haulers.

A. It is unlawful for any Liquid Waste Hauler to discharge to the City's designated disposal site without a current City Liquid Waste Hauler's permit, a current City business license, Riverside County Department of Environmental Health Liquid Waste Hauler Permit, and decal, or to otherwise fail to comply with the provisions of this Chapter. The City shall only accept domestic wastewater from Liquid Waste Haulers. No other waste shall be accepted or discharged to the City's POTW. No truck or trailer vacuum tank that exceeds 6,000 gallons in volume shall be permitted unless the truck or trailer has been modified to only contain 6,000 gallons of total volume at all times.

B. No person shall violate any term or condition of a City Liquid Waste Hauler Permit, Liquid Waste Hauler Permit conditions may include, but are not limited to, the following:

- 1. Liquid Waste Hauler's obligation to comply with all permit terms and conditions;
- 2. Liquid Waste Hauler's obligation to comply with the terms of this Chapter;
- 3. Liquid Waste Hauler's obligation to comply with the Riverside County Health Department's applicable rules and regulations regarding cleanliness and sanitary conditions;
- 4. Restrictions on operating hours for City's designated disposal site;

5. The revocation, suspension, or placement on probation of the permit and imposition of other enforcement actions against the Liquid Waste Hauler for violation of the permit terms or conditions, or of this Chapter;

6. Record keeping and reporting requirements;

7. The obligation to notify the Director immediately of any unusual circumstances observed during liquid waste pumping operations;

8. Compliance with all applicable California Motor Vehicle Codes; and

9. Other conditions, limitations or prohibitions deemed appropriate by the Director.

C. The City's RWQCP is the only designated Liquid Waste Haulers disposal site.

D. No person shall be issued a City Liquid Waste Hauler Permit without first:

1. Paying all applicable Liquid Waste Hauler Permit fees, established by resolution of the City Council; and

2. Completing and submitting to the City an application for a City Liquid Waste Hauler Permit signed under penalty of perjury certifying that the following information provided by Liquid Waste Hauler is true and correct:

a. Name, address, and phone number of the Liquid Waste Hauler;

b. Number of vehicles (vehicles include trucks, tankers and trailers), gallon capacity, license plate number, registered owner's name, and make and model, of each vehicle operated by the Liquid Waste Hauler for the purpose of hauling liquid wastes;

c. Name of the Liquid Waste Hauler's authorized representative;

d. Name and policy number of the Liquid Waste Hauler's insurance carrier and bonding company, if applicable;

e. The number of the current permit issued to the Liquid Waste Hauler by the Riverside County Department of Environmental Health for transportation and disposal of liquid wastes; and

f. Such other information as may be required by the Director.

E. City issued Liquid Waste Hauler Permits shall be valid for one to three years, and the Director may impose additional, or modify or delete permit terms and conditions at any time during the duration of the permit.

F. Liquid wastes disposed at the City's designated disposal site shall be subject to inspection, sampling and analysis to determine compliance with all applicable provisions of this Chapter by authorized personnel who may perform or supervise such inspection, sampling and analysis at any time before or during the delivery of the liquid waste. If the City finds the wastes do not comply with this Chapter, the Liquid Waste Hauler shall pay the City for all of the City's costs associated with such inspection, sampling, and analysis, and any other fees, charges or penalties assessed by the Director.

G. No Liquid Waste Hauler shall discharge or cause to be discharged into the City's designated disposal site any material defined as hazardous by RCRA.

H. If the City determines the wastes contain hazardous substances, then the Liquid Waste Hauler shall remain at the City's designated disposal site until the hazardous substances is transferred to a waste hauler lawfully authorized to transport and dispose of the hazardous substances. The Director may notify the appropriate law enforcement agency of all violations of this Section.

I. All liquid waste manifest forms shall be completed in full and signed by the Liquid Waste Hauler, and signed by the Director, before any load is discharged into the City's designated disposal site.

J. Providing false information to the City in any permit application, hauler's report or manifest, or correspondence is a violation of this Chapter.

K. Liquid Waste Haulers shall retain all reports and records required to be retained by this Chapter for a minimum of three years and shall make such reports and records immediately available to the City upon request.

L. A Liquid Waste Hauler shall pay all fees, charges and penalties imposed by the Director pursuant to this Chapter within thirty days of receiving notice to pay such fees, charges, or penalties.

M. Only domestic liquid wastes, from septic tanks, seepage pits, cesspools, or any other similar receptacles, that contain no industrial waste, shall be disposed of at the City's designated disposal site.

N. Any Liquid Waste Hauler that hauls both industrial wastes and domestic wastes shall remove all industrial waste contamination from the interior of the vacuum tank prior to loading any domestic wastes into such tank.

O. Liquid Waste Haulers are prohibited from discharging industrial waste into the POTW. No Liquid Waste Hauler shall mix industrial waste and domestic wastes to discharge the mixture to the City's designated disposal site.

P. Any Liquid Waste Hauler seeking to discharge to the City's designated disposal site shall first certify under penalty of perjury as to the origin of the wastes and shall provide documentation as to the address of any location(s) where the Liquid Waste Hauler obtained the wastes.

Q. If the wastes hauled by a Liquid Waste Hauler are found unacceptable for discharge into the POTW, the Liquid Waste Hauler shall dispose of the wastes at a legal disposal site. The Liquid Waste Hauler shall provide the City with a true and correct copy of the waste hauler's manifest documenting the legal disposal of the rejected wastes within fourteen calendar days from the date the wastes were rejected by the City.

R. No Liquid Waste Hauler shall mix or dilute any rejected load in order to achieve compliance with this Chapter without prior written authorization from the Director.

S. No Liquid Waste Hauler shall dispose of any rejected load into any septic tank, cesspool, seepage pit or similar devices, any grease interceptor or trap, any storm drain, or the POTW except as authorized in writing by the Director.

T. The Director may deny a Liquid Waste Hauler Permit for any of the following reasons:

1. The applicant knowingly falsified information on the application or any document required by the application;

2. The applicant's previous Liquid Waste Hauler Permit was suspended or otherwise revoked and the condition upon which such action was taken still exists; or

3. The applicant is not current on all disposal and permit-related reports and charges.

U. If an application is denied, then the Director shall notify the applicant in writing of such denial and the appeal procedures. The notification shall state the grounds for such denial and any actions required for the applicant to obtain a permit.

V. All Liquid Waste Hauler Permits issued may be revoked, suspended or placed on probation up to one year upon a finding by the Director that any of the following facts exist:

1. The permittee failed to display the authorization document upon request;

2. The permittee has changed, altered or otherwise modified the face of a permit or authorization document without the permission of the Director;

3. The permittee has violated any term or condition of the permit;

4. The permittee has falsified any application, record, report or monitoring results required to be maintained, has failed to make them immediately available to the Director upon request, or has withheld required information;

5. The permittee failed to stop immediately the discharge from his or her truck into the designated disposal facilities of the City upon the order of any authorized Public Works Department employee;

6. The permittee discharged or attempted to discharge hazardous substances into the designated disposal site;

7. The permittee failed to comply with the terms of Subsection H of this Section;
8. The permittee discharged or attempted to discharge industrial waste into the designated disposal site;
9. The permittee has repeatedly filed documents with falsified or incorrect information;
10. The permittee has discharged or attempted to discharge waste to the City's designated disposal site, that has been previously rejected by another regulatory agency, municipality, or entity having authority to grant permission for the disposal of the waste, and has failed to notify the Director of the rejected status of the waste;
11. The permittee has done physical violence or harm to any City employee; or
12. The permittee has made threatening remarks or threatening acts toward any City employee.

W. Any Liquid Waste Hauler Permit which has been revoked, suspended or placed on probation pursuant to this Section may be reinstated upon a finding by the Director that the condition which resulted in such revocation, suspension or probation no longer exists.

X. Upon Director's determination of a violation of this Chapter, the Liquid Waste Hauler shall be subject to the enforcement actions set forth in this Section and Part IV of this Chapter, and to such enforcement actions contained in the Liquid Waste Hauler Permit as necessary to protect the POTW, the public, the environment or City employees.

Y. Any authorized POTW employee can order a Liquid Waste Hauler to immediately stop their discharge. The order shall be based on the employee's professional judgment that the discharge may violate this Chapter, threaten or harm the POTW, its employees, the public, or the environment.

Z. Liquid Waste Hauler Permits are exclusive to that permittee. Transfer or assignment of a permit is prohibited and will void the current permittee's permit. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.300 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. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.305 Use of or Damage to City Equipment or Facilities.

A. No person shall use, enter, break, damage, destroy, uncover, deface or tamper with any temporary or permanent structure, equipment, or appurtenance which is part of the POTW without prior written approval by the Director.

B. Any person who discharges or causes the discharge of any wastewater or pollutant which detrimentally effects the POTW, sludge, or causes any other damage, including subjecting the City to any fines or penalties, shall be liable to the City for all damages and costs incurred by the City, including administrative expenses. The City shall calculate its administrative expenses as ninety percent of the cost of repairs and personnel time expended by the City to remedy such damages and costs. All charges shall be payable to the City within thirty days of invoicing by the City. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; §2 Ord. 6232 § 2 (part), 1995)

Section 14.12.310 Spill Notification.

All users shall notify the City immediately upon occurrence of an accidental discharge of substances prohibited by Sections 14.12.280, 315, 335, 375, and 400 of this Chapter (a "spill") or any slug discharges that may enter the POTW or storm drain, storm water channel, or natural water course. During normal business hours, M-F 7:30 a.m. to 4:30 p.m., the City shall be

notified by telephone at (951) 351-6145. After 4:30 p.m. M-F, on all holidays and weekends, the City shall be notified by telephone at (951) 351-6140. The notification shall include the date, time and location of the discharge, type of waste, including concentration and volume, and corrective actions taken. This notification does not relieve the user from any other reporting requirements of any other laws. Within five calendar days following a spill or slug discharge, the user shall submit a detailed written report to the City including:

- A. A description and cause of the event, and the impact on the user's compliance status;
- B. The location, type, concentration, and volume of the spill or slug discharge;
- C. The duration of the event including exact dates and time of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to be achieved;
- D. The description of the remediation or cleanup methods and disposal; and
- E. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such upset, slug load, accidental, negligent, or intentional spill or other conditions of noncompliance. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.315 Surface Discharge Prohibitions.

A. No person shall discharge or cause to be discharged onto the ground, into any permeable sump, pit, or well, storm drain, surface, pipe or waterway leading to a storm drain, whether currently carrying water or not, any pollutant or wastewater which could:

1. Impair the useful function of the storm drain;
2. Cause undue storm drain maintenance expense to the City or other public agency;
3. Create a public nuisance or public hazard;
4. Pollute natural surface or subsurface waters; or
5. Violate any regulation, order, or requirement of the Regional Board, including NPDES Non-Point Source (Storm Water) Permit requirements.

B. Any person violating Subsection A of this Section shall be liable to the City for all damages and costs incurred by the City, including administrative expenses and fines. The City shall calculate its administrative expenses as ninety percent of the cost of repairs and personnel time expended by the City to remedy such damages and costs. All charges shall be payable to the City within thirty days of invoicing by the City.

C. Any person who has violated Subsection A of this Section shall submit a written report of the incident within five business days to the Director. The written report shall include a description of the circumstances causing the discharge, the quantity and qualities of the pollutant(s) discharged the methods of cleanup and disposal, and the corrective measures taken to prevent a reoccurrence.

D. Any user discharging wastewater to the storm drain shall employ effective BMPs to prevent or reduce the discharge of pollutants to the storm drain. The City may require documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the storm drain. (Ord. 7150 §2, 2011; Ord. 7032 §2, 2009; Ord. 6637 §2, 2002; Ord. 6398 §2 (part), 1997; Ord. 6232 §2 (part), 1995)

Section 14.12.320 Point of Discharge Limitation.

No person shall discharge any wastewater directly into a manhole or other opening in a collection system other than through an approved building sewer connection without prior written permission from the Director. This prohibition shall not apply to authorized City personnel carrying out their duties. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.325 Time Limits.

Any time limit provided in any written notice or any provision of this Chapter may be extended only by a written directive of the Director and upon a showing of good cause from the user. (Ord. 7032 §2, 2009; Ord. 6637 § 2 (part), 2002; Ord. 6232 § 2 (part), 1995)

III. Industrial Waste**Section 14.12.330 Separation of Domestic and Industrial Waste.**

Any user who discharges industrial wastewater to the POTW shall keep domestic wastewater separate from all industrial wastewater until the industrial wastewater has passed through all required pretreatment equipment or devices, or the user's industrial wastewater sample point(s). For existing Categorical Industrial Users which cannot separate the domestic wastes from the industrial wastes prior to a permitted sampling point, the combined waste stream formula shall be applied to determine applicable discharge limitations. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.335 Prohibited Waste Discharges.

Except as provided herein, no person or user shall discharge or cause to be discharged any of the following to the POTW:

A. Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, carbon fines, ion-exchange resin fines, gravel, plaster, concrete, glass, metal filings, metal or plastic objects, garbage, grease, viscera, paunch manure, bones, hair, hides, or fleshings, whole blood, feathers, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances, or solid, semi-solid or viscous material in quantities or volume which may obstruct, either partially or completely, the flow of sewage in the collection system or any object which may cause the blockage, either partially or completely, of a sewer or sewage lift pump, or interfere with the normal operation of the POTW.

B. Any compound which will produce noxious odors in the sewer or wastewater treatment facilities.

C. Any portions of human or animal anatomy whether whole, part, or ground.

D. Any solids, liquids, gases, devices, or explosives which by their very nature or quantity are or may be, sufficient either alone or by interaction with other substances or sewage to cause fire or explosion hazards, exceed ten percent of the LEL at the point of discharge or in the collection system, or in any other way create imminent danger to the City's wastewater personnel or POTW, the environment or public health.

E. Any wastewater or material with a closed cup flash point of less than one hundred forty degrees Fahrenheit or sixty degrees Celsius using the test methods specified in 40 CFR 261.21.

F. Any overflow from a septic tank, facility wastewater holding tank, cesspool or seepage pit, or any liquid or sludge pumped from a septic tank, facility wastewater holding tank, cesspool or seepage pit, except as permitted by the Director.

G. Any discharge from the wastewater holding tank of a recreational vehicle, trailer, bus and other vehicle, except as may be permitted by the Director.

H. Any storm water, groundwater, street drainage, subsurface drainage, yard drainage or runoff from any field, roof, yard, driveway or street. The Director may approve, on a temporary basis, the discharge of such water only when no reasonable alternative method of discharge is available.

I. Any substance or heat in amounts that will inhibit biological activity in the City's POTW resulting in interference or which will cause the temperature of the sewage in any public sewer to be higher than one hundred forty degrees Fahrenheit. In no case shall any substance

or heat be discharged to the sewer that will raise the treatment plant's influent higher than one hundred four degrees Fahrenheit (forty degrees Celsius).

J. Any radioactive waste in excess of federal, state or county regulations.

K. Any material or quantity of material that will cause:

1. Damage to any part of the POTW;
2. Abnormal maintenance of the POTW;
3. An increase in the operational costs of the POTW;
4. A nuisance or menace to public health;
5. Interference or pass through in the treatment plant, its treatment processes,

operations, sludge processes, use or disposal; or

6. A violation of the NPDES permit.

L. Any quantities of herbicides, algacides, or pesticides that could cause interference or pass-through at the treatment plant or interfere with the City's biosolids reclamation or pose any danger to POTW employees.

M. Any petroleum oil, non-biodegradable cutting oil, or mineral oil derived products exceeding City's local limits.

N. Any material or quantity of material(s) which may cause abnormal sulfide generation.

O. Any water or wastewater used to artificially raise the industrial user's discharge rate or added for the purpose of diluting wastes that would otherwise exceed applicable permitted discharge limitations.

P. Any wastewater having a corrosive property capable of causing damage to the POTW, equipment, or structures, or harm to POTW personnel. However, in no case shall wastewater be discharged to the City's POTW with a pH below 5.0, or greater than 11.5, or which changes treatment plant influent pH to above 8.0 or below 6.5.

Q. Any substance that will cause discoloration of the POTW's effluent.

R. Any unpolluted water, including cooling water, heating water, storm water, subsurface water, single pass cooling water, and single pass heating water. The Director may approve, on a temporary basis, the discharge of such water only when no reasonable alternative method of discharge is available. The user shall pay all applicable user charges and fees.

S. Any substance which may cause the POTW's effluent or any other product such as residues, sludge, or scums to be unsuitable for reclamation or reuse or which will interfere with any of the reclamation processes. This includes any material which will cause the sludge at the POTW to violate sludge use or disposal regulations developed under the Federal Clean Water Act, 33 USCA, Section 1251 et seq., or any regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, 42 USCA, Section 6901, et seq.; Clean Air Act, 42 USCA, Section 7401, et seq.; Toxic Substance Control Act, 15 USCA, Section 2601, et seq., or any other applicable state regulations.

T. Any hazardous substance which violates the objectives of the General Pretreatment Regulations (40 CFR 403), this Chapter, or any statute, rule, regulation or chapter of any public agency having jurisdiction over the discharge.

U. Any material in excess of the quantities established by resolution.

V. Any discharge from a material processing tank or vessel. These shall include, but not be limited to, all wash tanks, chemical conversion tanks, acid and alkali tanks, lubricating tanks, condensate water from dry cleaning equipment, fruit and vegetable wash and treatment tanks, and any other tank or vessel containing a material which would not meet the pollutant discharge limitations.

W. Any radiator fluid or coolant, cutting oil, water soluble cutting oil, or water-based solvent.

X. Any photo processing waste from developing or fixing solutions not in compliance with local limits or Industrial User Group Permits.

Y. Any pharmaceutical waste except those liquids containing only saline solutions, lactate, nutrients such as glucose (e.g. D5W), vitamins, and added salts such as potassium and/or other electrolytes.

Z. Any chemicals or materials that will cause excessive foaming in the POTW. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.340 Swimming Pool Discharge Requirements.

Discharges from swimming pools, wading pools, spas, whirlpools, therapeutic pools and landscape ponds shall be discharged to the following locations in compliance with Section 14.12.315 of this Chapter and under the following conditions:

1. Surface discharge and/or storm drain, requiring that the chlorine residual is less than 0.1 mg/L; or

2. Sanitary sewer if such discharge to surface or storm drain would create a public nuisance or hazard or violate any regulation, order, or requirement of the Regional Board, including NPDES Non-Point Source (Storm Water) Permit requirements. User shall first obtain permission from the City prior to discharging any of these waters to the City's sanitary sewer. Permission may be granted by the Director if the discharge will not cause a hydraulic overload condition in the area's sewer lines; or

3. Pumped out and hauled off to a legal treatment and/or disposal site if the water is found to have hazardous levels of chemicals, elements, or materials. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.345 Limitation on Wastewater Strength.

No person shall discharge industrial wastewater to the POTW unless the wastewater conforms to this Chapter. Discharge limitations shall be revised and adopted by resolution of the City Council as necessary to ensure the POTW's compliance with the NPDES Permit. For Categorical Industrial Users, the City may exercise one or more of the following options:

A. Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c);

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula; and

C. A variance from a categorical pretreatment standard may be issued if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.350 Local Limits.

A. The Director shall develop and implement specific prohibitions, pollutant limitations, pollutant parameters and Best Management Practices (BMPs) ("local limits"). These local limits are necessary to assure compliance with the City's NPDES permit, including preventing pass through, interference, or impacts to biosolids reclamation or reuse. These local limits may be continually developed as necessary and adopted by resolution after public notice to affected persons or users.

B. The local limits may be allocated among industrial user classes or individual users as uniform concentration limits, or as the ratio of the total mass per user, or as a selected industry reduction, or by such other method considering factors such as persistence of the

pollutant, equity, treatment feasibility, economic feasibility, and economics of scale, pollution prevention and waste minimization measures, anticipated growth and enforcement feasibility.

C. User-specific allocations at current loadings may be created for public health facilities which provide a life saving service or procedure, so long as the pollutant discharged would not contribute to pass-through, interference or other violation of the City's NPDES permit.

D. Pollutant allocations may be granted to Class III or Class V users on a case-by-case basis based upon the POTW's excess treatment capacity for the pollutant requested. These limits shall be based upon the pounds of pollutant(s) discharged and the impacts on the treatment capabilities of the POTW. If the permit is issued for more than one year, a pollutant review will take place annually to determine the POTW's excess treatment capacity for those permitted pollutants. A review may be conducted at any time if the Director finds that the permittee's wastewater discharge has adversely affected the POTW, has caused a rise in that pollutant of more than 20%, or has caused interference, pass through, or violations of the POTW's NPDES permit.

E. When categorical pretreatment standards are expressed only in terms of pollutant concentrations, a Categorical Industrial User may request that the City convert the concentration limits to an equivalent mass limits. To be eligible for equivalent mass limits, the Categorical Industrial User must comply with the requirements in 40 CFR Part 403.6(c)(5)(i-iv). (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.355 De Minimus Categorization.

Any user whose industrial wastewater discharge is less than one hundred gallons per day and is not regulated by a federal categorical pretreatment standard or Industrial User Group Permit may be classified in the Director's discretion as a De Minimus User and shall not be subject to permitting standards or local limits provided that such industrial wastewater discharge is not a hazardous substance, does not contribute to interference or pass through violations at the POTW or violations of the NPDES permit, and does not cause detrimental effects or damage to the POTW, or cause a threat of harm to City personnel, the public, or the environment. De Minimus user status shall terminate upon violation of this Section, or upon written notice to such discharger of Director's determination that such discharger no longer satisfies the criteria of this Section. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.360 Industrial Wastewater Pretreatment.

All users shall:

- A. Provide wastewater pretreatment, as required, to comply with this Chapter;
- B. Achieve compliance with all applicable federal categorical pretreatment standards, as contained in 40 CFR Chapter I, Subchapter N, and local limits, whichever are more stringent, within the time limitations as specified by the federal pretreatment regulations;
- C. Pre-treat wastewater to a level acceptable to the Director and provide, operate, and maintain all necessary equipment, systems, and devices at the user's expense;
- D. Provide detailed plans to the Director for review and approval showing the pretreatment equipment, systems, devices and operating procedures before the beginning of any construction or installation of any equipment. The review of such plans and operating procedures shall not relieve the user from the responsibility of pre-treating wastewater to produce an effluent acceptable to the Director under the provisions of this Chapter;
- E. No user shall install pretreatment equipment, systems or devices in a confined space or a permit-required confined space.
- F. Whenever deemed necessary, the Director may require users to restrict their wastewater discharge, relocate and/or consolidate points of discharge, separate domestic waste streams from industrial waste streams, and other such conditions as may be necessary to

protect the POTW and determine the user's compliance with the requirements of this Chapter; and

G. Notify the Director of any pretreatment equipment failure within twenty-four hours of discovering the failure. The notification shall be made by a telephone call, telefax transmission, electronic report, personal visit or hand delivered notification, to the City's Environmental Compliance Office. Within five calendar days after discovery of the failure, the user shall submit a written report to the Director documenting the dates, times, and cause of the failure, and the corrective actions taken. Failure to provide this notification is a violation of this Chapter and may subject the user to enforcement actions. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.365 Unauthorized Monitoring and Pretreatment Equipment Modifications.

No user shall knowingly falsify, tamper with, or render inaccurate any monitoring device or any pretreatment equipment or device. Such falsification, tampering, or inaccuracy shall be considered a violation of this Chapter and shall subject the user to enforcement actions. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.370 Pretreatment Equipment Bypass.

A. No user shall bypass any pretreatment equipment or device unless the bypass: (i) is necessary to prevent loss of life, personal injury or severe property damage, is not necessitated by some fault of the user, and is the only feasible alternative; or (ii) does not cause local limit violations and is necessary to perform essential maintenance insuring adequate operation of the pretreatment equipment or device.

B. All users shall comply with the following bypass notification requirements:

1. Anticipated bypass: The user shall submit a written notice to the Director at least ten days before the date of the scheduled bypass; or

2. Unanticipated bypass: The user shall notify the Director immediately upon learning that any pretreatment equipment or device has been bypassed. The user shall submit a written report to the Director within five business days after the bypass. The report shall include:

a. A description of the bypass, the cause of the bypass, and the duration of the bypass;

b. If the bypass was corrected; and

c. Actions taken or proposed to reduce or prevent a reoccurrence of the bypass. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.375 Prohibited Discharge of Recovered Pretreatment Waste.

No person shall discharge waste recovered from pretreatment equipment, systems, or devices into any sewer opening or any drains or other openings leading to any sewer without authorization and permits from a regulatory agency having jurisdiction over the discharge of the waste. All recovered pretreatment waste shall be disposed of in accordance with all applicable federal, state, county, and local laws and regulations. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.380 Dilution Prohibited as a Substitute for Treatment.

A. No industrial user shall increase the use of water, or in any other manner attempt, to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Chapter and the industrial user's permit, or to establish an artificially high flow rate for permitted mass emission rates or permitted flow amounts.

B. If an industrial user is found to be using dilution to comply with this Chapter and/or the user's Industrial User Permit, then the City may impose mass limitations to determine

compliance with wastewater discharge limitations. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.385 Storm Water Diversion.

A. All users having outdoor areas which allow wastewater and storm water to enter a common opening also connected to the collection system shall install and maintain, at the user's expense, a storm water diversion valve in the common opening.

B. The storm water diversion valve design and use shall be reviewed and approved by the Director prior to installation.

C. The valve shall allow wastewater to enter the collection system during dry weather and prevent storm water from entering during periods of inclement weather.

D. Unless permitted to do so in accordance with Subsection F. of this Section, no user shall allow wastewater and storm water to mix.

E. During periods of inclement weather, the user shall immediately suspend all outdoor wastewater generating activities and divert all storm water to a storm drain.

F. If the discharge of storm water would create a pollution threat to surface or subsurface waters, the user may make application to the Director requesting that the storm water be discharged to the POTW. Approval of a storm water discharge to the POTW shall be based on:

1. Hydraulic capacity of the collection system;
2. Hydraulic capacity of the treatment plant;
3. Total volume of storm water to be discharged in a twenty-four hour period;
4. A demonstrated need to discharge storm water to the POTW to prevent surface and subsurface water contamination; and
5. A good faith effort made by the user to prevent the pollution of storm water by industrial waste and waste generated by the user. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.390 Industrial User Modifications.

All permitted industrial users shall report proposed changes in their operations in writing to the Director for approval thirty calendar days before those changes are implemented. For the purposes of this Section "changes" shall include any of the following:

A. A sustained twenty percent increase or decrease in production capacity or wastewater discharge;

B. Additions, deletions or changes to processes or equipment; or

C. Experimentation with new processes, materials, chemicals and/or equipment that may affect the wastewater discharged. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.395 Spill Containment System.

Spill containment systems, as may be required, shall conform to requirements established by the Director. These requirements may include but are not limited to the following:

A. No spill containment system shall allow incompatible substances to mix in the event of container failures and thereby create a hazardous or toxic substance.

B. Spill containment systems shall consist of dikes, walls, barriers, berms, or other devices designed to contain spillage of the liquid contents of containers.

C. Spill containment systems shall be constructed of materials that are impermeable and non-reactive to the liquids being contained.

D. Spill containment systems shall conform to local regulations and policies as to percent containment, container type, size, outdoor covering, and the length of time spilled material may remain in the spill containment system.

E. At no time shall a user use a spill containment system for any storage other than from a spill.

F. All users shall keep the spill containment system free of accumulated liquid and debris. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.400 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. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.405 Facility Waste Management Plan.

All permitted industrial users shall develop and maintain a Facility Waste Management Plan (FWMP). The FWMP shall consist of the following applicable documents:

A. Toxic Organic Management Plan (TOMP) is required of all Categorical Industrial Users permitted to submit the TOMP in lieu of required pollutant monitoring.

B. Slug Discharge Prevention Control Plan (SDPCP) is required of all industrial users which have batch discharge provisions, stored chemicals or materials, or the potential for a slug discharge which, if discharged to the POTW or storm drain system, would violate this Chapter. The SDPCP shall contain:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of all stored chemicals;
3. Procedures to immediately notify the City of any slug discharge, including any discharge prohibited under Section 14.12.335;
4. Procedures to provide a written follow-up notification within five calendar days;
5. Procedures to prevent accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, plant and site run-off control, worker training, building of spill containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
6. Procedures to notify the City immediately of any changes in the facilities that may affect the potential for a slug discharge.

C. Pretreatment Systems Operations and Maintenance Manual shall be submitted by all industrial users that operate and maintain pretreatment equipment.

D. Hazardous Materials and Hazardous Waste Management Plan is required of all industrial users that use, possess, or generate hazardous substances. The City's Fire Department-required Business Emergency Plan may be substituted for this management plan.

E. Waste Minimization/Pollution Prevention Plan (WM/PPP) is required of any industrial user:

1. For whom the Director has determined such WM/PPP is necessary to achieve a water quality objective;
2. Determined by the California State Water Quality Control Board ("State Board") to be a chronic violator, and the State Board, Regional Board or the City determines that pollution prevention (as defined in Water Code Section 13263.3(b)) could assist; and
3. That significantly contributes, or has the potential to significantly contribute, to the creation of a toxic hot spot as defined in Water Code Section 13391.5.

- F. A WM/PPP shall include all of the following:
1. An analysis of the pollutants, as directed by the State Board, Regional Board, or the City, that the user discharges to the POTW, the sources of the pollutants, and a comprehensive review of the processes that generate and discharge the pollutants.
 2. An analysis of the effectiveness of pollution prevention, including any innovative and alternative technologies and possible adverse environmental impacts resulting from the use of those methods.
 3. A detailed description of the tasks and schedules required to investigate and implement the pollution prevention techniques.
 4. A statement of the discharger's pollution prevention goals and strategies, including priorities for short-term and long-term action.
 5. A description of the discharger's existing pollution prevention methods.
 6. A statement that the discharger's existing and planned pollution prevention strategies do not constitute cross media pollution transfers unless clear environmental benefits of such an approach are identified, and information that supports that statement, to the satisfaction of City.
 7. Proof of compliance with the Hazardous Waste Source Reduction and Management Review Act of 1989 (Article 11.9 (commencing with Section 25244.12) of Chapter 6.5 of Division 20 of the Health and Safety Code) if the discharger is subject to that act.
 8. An analysis, to the extent feasible, of the relative costs and benefits of the possible pollution prevention activities.
 9. A specification of, and rationale for, the technically feasible and economically practicable pollution prevention measures selected by the discharger for implementation.
- G. Any person who fails to complete a pollution prevention plan required by the City, submits a plan that does not comply with this Section, or fails to implement a plan required by the City, shall be liable to the City for any civil penalty assessed administratively by the City or by a court in accordance with this Chapter.
- H. The City shall not include a WM/PPP in any local limits or permit issued by the City. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.410 Categorical Pretreatment Standards.

A. The federal categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N are hereby incorporated into this Chapter by reference. It is unlawful for any Categorical Industrial User to discharge wastewater to the POTW in violation of federal categorical pretreatment standards or any limitation in this Chapter or that user's permit. Where there is more than one limitation for a pollutant, the more stringent limitation shall prevail. Compliance with federal categorical pretreatment standards for existing sources subject to such standards or for existing sources, which hereafter become subject to such standards, shall be achieved within three years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the Director. New sources shall install, have in operating condition and "start-up" all pretreatment equipment to insure compliance before beginning any discharge. New sources must meet all applicable pretreatment standards within the shortest feasible time, not to exceed ninety days.

B. The City may authorize a Categorical Industrial User to forego sampling of a pollutant regulated by a federal categorical pretreatment standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the wastewater discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1. The City may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary

wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

2. The monitoring waiver is valid only for the duration of the effective period of the Industrial User's Permit, and in no case shall exceed five years. The Industrial User must submit a new request for the waiver with each permit renewal.

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

4. The request for a monitoring waiver must be signed by the Industrial User's authorized representative and include the certification statement, Section 14.12.120(7).

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

6. Any grant of the monitoring waiver by the City will be incorporated into the Industrial User's Permit. All data and information to support the City granting the waiver will be maintained for three years after the expiration of the waiver.

7. Upon approval of the waiver and incorporation into the Industrial User's Permit, the Industrial User must certify on each report submitted with the following statement, that there has been no increase in the pollutant in its wastestream due to the activities at the Industrial User's facility:

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

8. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the Industrial User's operations, the Industrial User must immediately notify the City and resume quarterly monitoring of the waived pollutant.

9. This waiver provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.415 Commercial/Industrial Tenant Occupancy Notification.

Pursuant to 40 CFR 403.8(f)(2)(i) all owners of multiple tenant commercial/industrial developments within the POTW service area shall submit, upon request by the Director, a current list of tenants. This list shall provide the name, address, unit space designation and type of business activity for each tenant space in the development. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.420 Notice of Potential Problems to Director.

All users shall immediately notify the Director of all wastewater discharges that could adversely affect the POTW or storm drain, including any slug discharges. Wastewater discharges that may adversely affect the POTW include, but are not limited to, acids, alkalis, oils, greases, high strength organic waste, salt, hazardous substances and waste, colored wastes, and batch discharges. The notification shall be made by a telephone call, telefax transmission, electronic report, personal visit or hand delivered notification, to the City's Environmental Compliance Office. Within five calendar days after discovery of the discharge, the user shall submit a written report to the Director documenting the dates, times, and cause of the failure, and the corrective actions taken. Failure to provide this notification is a violation of

this Chapter and may subject the user to enforcement actions. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.425 Written Responses and/or Reports.

All users required to provide a written report, or response to any correspondence, order, or notice from the Director shall do so in accordance with the date and requirements specified in the correspondence, order, or notice. Failure to provide the written response or report by the date requested shall constitute a violation of this Chapter and may subject the user to enforcement actions. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6223 §2 (part), 1995)

Section 14.12.430 Falsifying Information.

No person shall knowingly make any false statement, representation, or certification in any record, correspondence, or other document submitted or required to be maintained under this Chapter. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.435 Wastewater Discharge Authorization Certificate (WDAC).

Any non-residential user desiring to discharge wastewater to the City's POTW, that does not qualify for an Industrial User Permit, Industrial User Group Permit, or De Minimus Category and whose wastewater shall not have an adverse affect on the City's POTW, may be required to obtain a WDAC from the Director. WDACs shall not be issued to categorical industrial users. WDACs may be issued for indefinite time periods, subject to periodic review and reconsideration by the Director. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.440 Industrial User Group Permits.

Certain classes of industrial users, as determined by the Director, may be eligible to participate in an Industrial User Group Permit. Permittees within this designation shall share a common business identification as defined by the Federal North American Industry Classification System ("NAICS") code book. Industrial users permitted by this group permit shall abide by general permit conditions specific for that particular group being permitted. These permit conditions shall be established by the Director. (Ord. 7032 §2, 2009; Ord. 6377 §2(part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.445 Industrial User Permits.

A. It is unlawful for any Class I, II, III, IV, V, or VI industrial user to connect or discharge to the POTW without a valid Industrial User Permit. It is unlawful for any Class III industrial user to connect or discharge to the POTW without a valid Industrial User Permit, WDAC, or Industrial User Group Permit, as determined by the Director based upon the industrial user's potential effect on the POTW. Issuance of any such permit or WDAC shall not vest any right in a user to continue connection or discharge to the POTW beyond the express terms of the permit or WDAC.

B. Plans and building permits for Class I, II, IV, V, or VI Industrial User Permits and those users designated by the Director shall not be approved by the Director for any sewer connection which will convey industrial wastewater to the POTW unless the user has first obtained an Industrial User Permit, or the user has received written permission from the Director after agreeing in writing not to discharge industrial wastewater until an Industrial User Permit has been obtained.

C. Users required to obtain an Industrial User Permit shall complete and file with the Director a permit application form provided by the Director and shall pay all applicable fees

within thirty days of invoicing by the City. The application form may require applicant's submission of any or all of the following:

1. Name, address, and location (if different from the site address);
2. NAICS number under the Federal North American Industry Classification System, Office of Management and Budget, 1997, as amended;
3. EPA hazardous waste generator's number;
4. Wastewater samples analyzed for specified pollutants by a State certified laboratory in accordance with the methods published by EPA in 40 CFR Part 136 and amendments thereto;
5. Time and duration of the wastewater discharges;
6. Average and maximum daily wastewater flow rates, including any seasonal variation of all waste streams discharged;
7. A list of all environmental control permits held;
8. A written statement from the property owner or landlord, if different from the industrial user, agreeing to the industrial user's activities, manufacturing processes, and chemical and material storage;
9. Site plans, floor plans, mechanical and plumbing plans with details to show all sewers, sewer connections, pretreatment equipment, systems and devices, production areas and all areas of wastewater generation;
10. A description of operations including the nature, average rate of production, and NAICS code of the operation(s) carried out by the industrial user, and a schematic process diagram that indicates points of discharge to the POTW;
11. Flow measurement information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process waste streams and other waste streams as necessary to allow use of the combined waste stream formula;
12. Measurement of pollutants identifying the National Categorical Pretreatment Standard applicable to each regulated process, with the results of sample analyses identifying the nature and concentration (or mass where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration or daily maximum and average mass shall be reported. All analyses shall be performed in accordance with the techniques prescribed in 40 CFR Part 136;
13. Certification statement, as set forth in 40 CFR Part 403.6(a)(2)(ii), executed by an authorized representative of the industrial user and prepared by a qualified professional, indicating whether or not pretreatment standards (categorical and local) are being met on a consistent basis. If not, the industrial user shall state if additional operation and maintenance or additional pretreatment equipment is necessary to achieve compliance with pretreatment standards and requirements;
14. Best Management Practices necessary to comply with this Chapter; and
15. Any other information as may be necessary for the Director to evaluate the permit application.

D. Within forty-five days after receiving the completed application and all required supporting information, the Director shall evaluate the application and information furnished by the applicant. The Director shall issue the permit, if the Director believes that sufficient and accurate information has been provided by the applicant in the permit application and the Director finds that all of the following conditions are met:

1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of this Chapter;
2. The proposed operation and discharge of the applicant would not interfere with the normal and efficient operation of the POTW;

3. The proposed discharge, operation or business activity of the applicant shall not result in a violation by the City of the terms and conditions of its NPDES permit or cause a pass through of any toxic materials to the environment or the POTW sludge; and

4. The applicant has paid all applicable Industrial User Permit fees.

E. The Director may suspend the permit application process if the user's business will not be operational and no wastewater is planned for discharge at the conclusion of the application review process. The user must notify the Director at least fourteen calendar days before starting business activities and wastewater discharge.

F. If the Director determines that the proposed discharge will not be acceptable, the Director shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process under Section 14.12.570 APPEALS.

G. Industrial User Permits shall be subject to all provisions of this Chapter and all other applicable regulations, charges and fees established by the City Council of the City of Riverside or the Riverside County Board of Supervisors resolution. Permits may include one or more of the following:

1. The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW as established by ordinance or resolution;

2. Schedule of penalties for noncompliance as established by resolution;

3. Limitations on the average monthly and maximum daily wastewater pollutants and mass emission rates for pollutants;

4. Limitations on the average monthly and maximum daily wastewater flow rates;

5. Requirements for the submittal of a Facility Waste Management Plan;

6. Requirements for the submittal of daily, monthly, annual and long term production rates;

7. Requirements for reporting changes and/or modifications to equipment and/or processes that affect the quantity or quality of the wastewater discharged;

8. Requirements for installation and maintenance of monitoring and sampling equipment and devices;

9. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate spill containment devices;

10. Requirements to comply with Best Management Practices and periodic written documentation that the Best Management Practices are being implemented and the affects on compliance;

11. Specifications for monitoring programs which may include: sampling location(s); frequency of sampling; pollutant violation notification and resampling requirements; number, types and standards for tests; reporting schedules; TTO monitoring; and self-monitoring standard operating procedures (SOPs);

12. Requirements for reporting flow exceedances and pollutant violations;

13. Consent to the City's entry onto the user's premises to assess compliance by inspection, photography, electronic image recording, records examination, sampling, and monitoring;

14. Compliance schedules. Compliance schedule progress reports, as required, shall be submitted every thirty days during the time the compliance schedule is in force, including a final compliance report at the conclusion of the compliance schedule. The industrial user shall state whether or not compliance was achieved for the increment of progress to be met on such a date. If progress cannot be achieved, the industrial user shall state the reasons for the delay and the steps to be taken to return to the dates originally established in the compliance schedule;

15. Modified compliance schedules if pretreatment standards compliance cannot be met on a consistent basis. A modified compliance schedule shall provide the shortest possible

time for the industrial user to provide additional pretreatment and/or operations and maintenance to achieve compliance, and may contain milestones;

16. Requirements for submission of technical or discharge reports, Baseline Monitoring Reports (BMR), compliance reports, and reports on continued compliance;

17. Requirements for submission of a Slug Discharge Plan according to 40 CFR 403.8(f)(1)(iii)(B)(6);

18. Reports on compliance with federal categorical pretreatment standards deadlines. All Categorical Industrial Users shall submit reports to the Director containing the information described in this Section as required by the permit. For existing Categorical Industrial Users, the report shall be submitted within ninety days following the date for final compliance with applicable categorical pretreatment standards. For new Categorical Industrial Users, the report shall be due thirty days following the commencement of wastewater discharge into the POTW. These reports shall contain long-term production rates and actual production during the wastewater sampling periods;

19. All Significant and Categorical Industrial Users shall submit progress reports on compliance every six months. These reports shall include effluent sample analyses with the pollutant names and concentration or masses; average and maximum daily wastewater flows for all regulated processes and total flow for the reporting period; average and maximum daily production rates; and total production rate for the reporting period;

20. All required reports: BMRs, compliance reports, periodic reports on continued compliance, and sample data submittals, must be signed by an authorized representative of the user;

21. All reports required by this Section must have an accompanying certification statement by a qualified professional stating whether the pretreatment standards are or are not being met as set forth in 40 CFR Section 403.12(b)(6);

22. Requirements for maintaining and retaining all records relating to the wastewater monitoring, sample analyses, production, waste disposal, recycling, and waste minimization as specified by the Director;

23. Requirements for notification of slug or accidental discharges and significant changes in volume or characteristics of the pollutants discharged;

24. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and this Chapter; and

25. Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter. (Ord. 7099 §5, 2010; Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.450 Permit Duration.

Industrial User Permits shall be issued for a specified time period, not to exceed three years. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.455 Duty to Comply.

All users that have been issued an Industrial User Permit, Industrial User Group Permit, WDAC, or De Minimus categorization have a duty to comply with all conditions and limitations in these control documents ("control documents"). Any user failing to comply with the requirements of such user's control documents shall be subject to administrative, civil or criminal enforcement actions in accordance with this Chapter. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.460 Permit Renewal.

All users shall submit a completed Industrial User Permit application, required monitoring information or production reports, and any other information required for permit renewal a

minimum of ninety calendar days prior to the expiration of the existing Industrial User Permit. All users shall pay all applicable permit fees no later than thirty calendar days after invoicing by the City. If the Director fails to notify a user of Director's decision to issue or not issue a renewed permit prior to the expiration date of the current permit, the user's timely submission of a completed application and all other required information and reports shall automatically extend the permit for up to thirty working days until the actual permit can be issued or denied. Any discharge of industrial wastewater to the POTW with an expired Industrial User Permit shall be a violation of this Chapter and subject the user to enforcement action. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.465 Permit Modifications.

- A. The Director may modify the Industrial User Permit terms and conditions as follows:
1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 2. To address significant alterations or modifications to the user's operation, processes, or wastewater volume or character since the time of the Industrial User Permit issuance;
 3. For a change in the POTW that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 4. If the permitted wastewater discharge poses a threat to the POTW, city personnel, residents, or receiving waters;
 5. For violation of any term or condition of the Industrial User Permit;
 6. For misrepresentations or failure to fully disclose all relevant facts in the Industrial User Permit application or in any required reporting;
 7. To correct typographical or other errors in the Industrial User Permit; or
 8. For other reasons as the Director deems necessary.
- B. City shall notify the user of any proposed permit changes at least thirty calendar days prior to the effective date of the changes. Any modifications in the permit shall include a reasonable time schedule for compliance. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.470 Permit Transfer.

Each Liquid Waste Hauler Permit, Industrial User Permit, WDAC, or Industrial User Group Permit is issued to a specific user for a specific operation for a specified time. Any assignment, transfer or sale of any permit to a new owner, new user, different premises, or different use is prohibited and is a violation of this Chapter. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.475 Fees and Charges.

The City is authorized to impose fees and charges to recover the costs of its pretreatment program. These fees and charges are exclusive to this Chapter and are separate from all other fees or costs. The amount of these fees and charges and method of implementation may be established by resolution of the City Council. The City may assess fees and charges to recover the costs for:

- A. Developing, implementing, and operating the City's pretreatment program and this Chapter;
- B. Monitoring, inspection, surveillance procedures and laboratory costs;
 - C. Reviewing plans and construction inspections;
 - D. Industrial User Permit application review;
 - E. Industrial User Permit, Industrial User Group Permit, and WDAC issuance;
 - F. Enforcement actions;

- G. Liquid Waste Hauler's permit issuance;
- H. Temporary user permit issuance;
- I. Exceeding conventional pollutant limitations in the Industrial User Permit or other applicable pollutant limitations. These fees shall be based on the POTW costs of operations, maintenance and treatment for the pounds of COD and Total Suspended Solids;
- J. Non-residential user sewer service fees shall be assessed considering the following conditions:
 - 1. All non-residential users that discharge any volume of wastewater to the POTW that has amounts of Chemical Oxygen Demand (COD) or Total Suspended Solids (TSS) greater than or equal to the average amounts of COD or TSS normally found in twenty-five thousand gallons of domestic sewage shall be designated "Large Industrial Users" and shall pay monthly sewer service fees based on the industrial user sewer rates established periodically by resolution. The non-residential user will be qualified as a Large Industrial User if two or more of the qualifying criteria are met, i.e. COD, TSS, or total wastewater discharged. The Large Industrial User sewer rates shall be based upon the City's costs for providing services and treatment for the total volume of wastewater discharged and for the pounds of COD and TSS contained in the wastewater discharged.
 - 2. All non-residential users that discharge any volume of wastewater to the POTW that has amounts of COD, TSS less than the average amounts of COD, TSS normally found in twenty-five thousand gallons of domestic sewage, shall be designated "commercial users". These commercial users shall pay monthly sewer service fees based upon the commercial sewer use rates established periodically by resolution. The commercial sewer use rates shall be based on the costs for providing services and treatment for the amounts of COD, TSS and gallons of wastewater discharged. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.480 Assessment of Permit Fees and Charges.

Permit fees for multi-year permits shall be payable in advance for the entire term of the permit, as invoiced by the City's Finance Department. If a permit is terminated prior to thirty calendar days after the date of issuance, then the Director shall refund fifty percent of the original permit fee to the user, less any fees, charges or penalties owing to the City provided that no refund shall be made to a permit holder which is in violation of this Chapter or permit at any time prior to such termination. After a permit has been issued thirty days or more, all fees for that permit are non-refundable. No permit application fee shall be refundable at any time. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.485 Payment of Fees, Charges and Penalties; Late Payment.

Unless otherwise specified, all fees, charges and penalties imposed pursuant to this Chapter are due and payable within thirty calendar days after the date of the notice or invoice from the City. Users who fail to pay any required fee, charge or penalty by the due date shall pay a fifty percent surcharge in addition to the original fee, charge or penalty. The City shall give notice to a user of any permit termination associated with the unpaid amounts and such permit will be automatically revoked on the thirtieth day after the date of such notice if the amount due is not paid in full. The Director shall refer the unpaid amount to the City's Finance Department for collection. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

IV. Enforcement

Section 14.12.490 Failure to Comply.

Failure to comply with this Chapter, or any Section, Subsection, or part of this Chapter, is a violation of this Chapter and may be punished by administrative, civil, and/or criminal penalties. The remedies available under this Chapter are in addition to all other remedies available under the law. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.495 Enforcement Response Plan (ERP).

The City shall use an Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f)(5), and adopted by resolution of the City Council, to guide the City in imposing progressive enforcement actions against users and persons in noncompliance with this Chapter. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.500 Administrative Violations.

There is hereby established a class of violations to be known as Administrative Violations that are further subdivided into minor and major administrative violations as follows:

- A. Minor Administrative Violations include, but are not limited to, the following:
 1. Submission of incomplete reports or questionnaires;
 2. Failure to submit reports by the scheduled due date;
 3. Failure to respond to questionnaires;
 4. Missing a compliance date without proper prior notification to the City;
 5. Failure to conduct sampling when required;
 6. Failure to notify the Director of a violation of a permit condition within twenty-four hours after discovery of the violation; or
 7. Failure to pay all required fees, penalties and charges within thirty calendar days from the due date.
- B. Major Administrative Violations include, but are not limited to, the following:
 1. Failure to notify the Director of a slug discharge immediately after discovery of said discharge;
 2. Failure to respond, by a given date, to letters requiring responses or to administrative orders;
 3. Missing a compliance date by more than thirty calendar days;
 4. Falsification of documents or attempting to mislead City officials in any manner whatsoever;
 5. Failure to cooperate with City officials exercising their authority under this Chapter, including monitoring and inspection activities;
 6. A pattern of minor administrative violations;
 7. Failure to provide the City with access to user's premises for the purpose of inspection, photography, electronic image recording, monitoring, or sampling;
 8. Failure to produce records as required;
 9. Failure to accurately report noncompliance;
 10. Failure to submit required reports (self-monitoring, one hundred eighty-day baseline monitoring report, ninety-day compliance report, Compliance Schedule progress reports) or submitting such reports more than forty-five calendar days late;
 11. Failure to pay charges pursuant to Section 14.12.460 of this Chapter, permit application fees, permit renewal fees, and Civil Penalties within sixty calendar days after the due date; or
 12. Failure to pay all other required fees, penalties, and charges within sixty calendar days after the due date.

C. Upon notice of appropriate mitigating circumstances and consistent with applicable federal and state laws, the Director has sole discretion to treat a major administrative violation as a minor administrative violation, or a pattern of minor administrative violations with aggravating circumstances as individual major administrative violations. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.505 Violations of Discharge Limitations.

A. There is hereby established a class of violations to be known as discharge violations that are further subdivided into minor and major discharge violations as follows:

1. Minor discharge violations are those that, either alone or in combination with similar user discharge violations, pose, as determined by the Director, no significant threat to the public health, safety or welfare, the environment, the POTW, the beneficial use of the biosolids or to any City employee or contractor.

2. Major discharge violations include, but are not limited to, the following:

- a. Significant Noncompliance;
- b. Discharge violations which, either alone or in combination with similar discharges pose, as determined by the Director, a significant threat to the public health, welfare or safety, the environment, the safe and efficient operation of the POTW, the beneficial use of biosolids or to any POTW employee or contractor, or cause or contribute to additional treatment costs incurred by the City or a violation of the NPDES permit, or cause or contribute to pass-through, interference, or other known damages;
- c. Discharging regulated pollutants to the POTW without a current discharge permit;
- d. A pattern of minor discharge violations;
- e. Failure to correct a minor discharge violation within a specific time period as directed by the Director;
- f. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained pursuant to this Chapter;
- g. Intentional discharge of a prohibited waste by a Liquid Waste Hauler into the POTW; or
- h. Discharging wastewater without a valid Industrial User Permit after notification.

B. Upon notice of appropriate mitigating circumstances, the Director has sole discretion to treat a major discharge violation as a minor discharge violation. The Director also has sole discretion to treat a pattern of minor discharge violations with aggravating circumstances as individual major discharge violations. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.510 Unclassified Violations.

For any violation by any user or person that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the Director shall have the discretion to treat such violation as a minor or major violation and to exercise enforcement authority accordingly. In exercising this enforcement authority, the Director shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the POTW, the POTW's biosolids, the health and safety of City employees, contractors, users, and the general public. The Director shall also evaluate the user's or person's compliance history, good faith, and any other factors the Director deems relevant. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.515 Separate Violations.

Each violation of this Chapter may be charged as a separate violation for each day the same violation exists. Each wastewater pollutant violation is considered an individual violation

for each pollutant in violation for each day in violation. (Ord. 7032 §2, 2009; Ord. 6377 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.520 Administrative Orders.

The Director may require compliance with this Chapter and any permit or order issued under this Chapter by issuing Administrative Orders that are enforceable in a court of law, or by directly seeking court action. The Director may use Administrative Orders, either individually, sequentially, concurrently, or in any order for one or more violations as appropriate for the circumstances. Administrative Orders include, but are not limited to the following:

A. Stop Work Order.

The Director may issue a written Stop Work Order to any person engaged in doing or causing to be done new construction, tenant improvements, alterations, or additions relative to the City's pretreatment program if:

1. City permits have not been obtained;
2. Work has begun without prior written approval by the Director; or
3. Violations of this Chapter are found at the site of the new construction, tenant improvements, alterations, or additions. Any person served a Stop Work Order pursuant to this Section shall immediately stop such work until written authorization for such work is issued by the Director.

B. Correction Notice.

The Director may issue a correction notice for minor violations noted during an inspection of the user's facility. Extensions may be granted to a user who fails to correct minor violations required by a correction notice, upon a showing of good cause, where "good cause" means an unforeseeable and unavoidable event or series of events, over which user had no control that prevented or significantly impaired the user's ability to comply with the correction notice.

C. Written Warning.

The Director may issue a written warning to notify a user of a minor violation or any violation that has not been corrected as required by a correction notice. The written warning shall state the provision(s) violated and the facts supporting the violation, and may include any proposed corrective actions or monitoring to be required.

D. Monitoring/Production Information Order (MPIO).

The Director may issue an MPIO when two consecutive violations for the same pollutant are detected in City or user samples, when a pattern of wastewater pollutant non-compliance has been detected or when inconsistent wastewater pollutant compliance had resulted in Significant Non-Compliance. The MPIO shall be used to determine if discharge compliance has been achieved or if a detected violation is consistent. The MPIO shall require the user to sample the user's wastewater discharge for the pollutant(s) in violation and record the daily effluent wastewater flow for all days within a fourteen consecutive day period that industrial wastewater is discharged to the POTW. Production information shall be required of all Categorical Industrial Users which have production based discharge limits. The user required to conduct an MPIO shall comply with all the instructions given in the MPIO.

E. Notice of Violation (NOV).

An NOV shall be issued to a user for a violation of a written warning, stop work order, Industrial User Permit, of this Chapter, an MPIO that has resulted in Significant Non-Compliance or any other violation that has resulted in Significant Non-Compliance. The recipient shall pay an NOV fee as established by resolution. The Director may serve the user with a written NOV personally or by certified mail. The NOV shall state the provision(s) violated and the facts supporting the violation, and may include any proposed corrective actions or monitoring to be required. The NOV shall require the user to respond in writing to the Director, within ten calendar days from the date of service of the NOV, with a written explanation of or response to

the violation(s) and a plan for the satisfactory correction or prevention thereof, including specific required actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

F. Violation Meeting.

A violation meeting shall be required of all users who have failed to achieve compliance after the issuance of an NOV or at the conclusion of an MPIO that has resulted in significant noncompliance. This meeting shall be for the City to draft a consent order or compliance order or for the user to propose solutions, request time extensions, draft a compliance schedule, or file an appeal. Any user for whom a violation meeting is scheduled shall pay the City a violation meeting fee in an amount as established by resolution.

G. Consent Order.

The Director may, at any time after finding a violation of this Chapter, enter into an agreement with the violating user known as a consent order. Such agreement may be a compliance schedule with milestones, other specific actions to be taken by the user to correct or prevent the noncompliance within a specified time period, payment of damages, consent order fees, penalties, or other remedies. The consent order is developed between the user and the City. A consent order has the same force and effect as any other administrative order issued pursuant to this Chapter. Any user subject to a consent order shall pay the City a consent order fee as established by resolution.

H. Compliance Order.

1. The Director may issue a compliance order for a violation of this Chapter, the user's Industrial User Permit, or an order issued thereunder. Compliance orders shall specify the provisions violated and the facts constituting the violation(s), and direct that adequate treatment be installed and operated by a specified time period. Compliance orders may also contain such other requirements as the Director deems appropriate to assure timely compliance with this Chapter, such as installation of pretreatment technology, additional self-monitoring or management practices, adherence to a compliance schedule, submission of action plans, and appearance by the user at a specific time and place for a compliance meeting, or other measures necessary to achieve and maintain compliance. Compliance orders are developed without user comment. A user subject of a compliance order shall pay a compliance order fee as established by resolution.

2. If no public hearing on the violation has been previously conducted, the alleged violating user may either submit a written explanation or other response to the compliance order or request that the Director conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the Director no later than ten calendar days after service of the compliance order. The submission or request shall not stay the compliance order.

I. Civil Penalty Order.

A civil penalty order may be issued to assess penalties and any other costs incurred by the City in the investigation, monitoring, legal assistance, enforcement, cleanup or repair caused by the user's violation. The civil penalty order may be included with any other administrative order.

J. Cease and Desist Order.

A cease and desist order shall be issued by the Director to any user or person whose violation of this Chapter, Industrial User Permit, or any order issued under this Chapter, poses a threat to the POTW, storm drain, personnel, environment or the public. A cease and desist order may also be issued by the Director to a user who continues to discharge industrial wastewater to the City's POTW without a valid Industrial User Permit. The Director may issue a cease and desist order immediately upon discovering any such violation and direct a user or person in noncompliance to take such appropriate remedial or preventive actions as Director deems are needed to eliminate a continuing or threatened violation, including stopping operations and terminating the discharge. Such cease and desist order shall include the

provision violated and the facts constituting the violation. A user subject to a cease and desist order shall pay City a cease and desist order fee as established by resolution.

K. Show Cause Order.

The Director may set a hearing requiring a user to show cause why the City should not take a proposed enforcement after issuance and conclusion of a consent order, compliance order, or cease and desist order. The hearing shall be held before the enforcement action is executed. The hearing shall follow written procedures established by the Director, maintained for public review in the office of the Director, and provided to the user together with the hearing notice. The hearing procedures shall provide the user with notice and an opportunity to be heard, and may include the following:

1. Appearance by the user to show cause to the Director why a proposed enforcement action should not be taken;

2. The hearing shall be open to the public;

3. A notice of the hearing and order shall be served on the user specifying the time and place for the hearing; the proposed enforcement action and the reasons for such action, the alleged violation and the facts supporting the violation, and a request that the user show cause why the proposed enforcement action should not be taken;

4. The Director shall permit the user to respond to the notice and order, to present evidence and argument on all relevant issues, and to conduct cross-examination of any witnesses necessary for the full disclosure of the facts;

5. The Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek subpoenas from the appropriate court to compel the presence of witnesses;

6. The testimony taken shall be under oath and recorded, with a transcript prepared and provided to any person upon payment of the usual charges for such transcript;

7. The notice of the hearing and the order to show cause shall be served upon the user personally or by registered or certified mail (return receipt requested) at least fifteen calendar days prior to the hearing; except that the Director may set an earlier date for the hearing at the user's request. Such notice may be served on any authorized representative of the user;

8. Upon review of the evidence, the Director shall make written findings of fact and decision in the nature of an order, which shall be served upon user; and

9. The City may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as noticed. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002; Ord. 6232 §2 (part), 1995)

Section 14.12.525 Permit Revocation.

The Director may revoke any Permit if the user violates any provision of this Chapter or the Permit. Those violations include but are not limited to: falsification of information; denial of the right of entry when conditioned in the Permit; user's failure to re-apply for a Permit or request a required permit modification; user's failure to pay required permit fees or charges; or user's discharge in violation of this Chapter. Validity of a Permit shall be conditioned upon industrial user's compliance with this Chapter. The Director may revoke the Permit upon a minimum notice of fifteen calendar days when the Director finds that user violated any provision of this Chapter or Permit. Within the fifteen days prior to the intended permit revocation, the Director shall make a hearing available to the industrial user. All costs for Permit revocation and reissuance will be paid by the user. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.530 Termination of Service.

The Director may immediately order a user to cease discharge of wastewater to the POTW, and may suspend wastewater disposal and treatment service to stop an actual or

threatened discharge that presents or may present an imminent danger to the health or welfare of persons or to the environment, causes interference or pass-through, causes the City to violate its NPDES permit, or if the user has failed to obtain a valid Permit. If the user fails to voluntarily comply with the suspension order, the Director may take such steps as deemed necessary, including severing a sewer connection, to prevent damage to the POTW, or danger to any person or the environment. All costs for terminating or reestablishing sewer service shall be paid by the user. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.535 Notice Publication.

The names of all significant industrial users which are found to be in significant noncompliance with this Chapter shall be published at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the City, in accordance with 40 CFR 403.8(f)(2)(vii). The names of all industrial users shall also be published whose violation of a pretreatment standard or requirement or whose discharge that the City determines has:

A. Caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the public;

B. Posed imminent danger to human health, welfare or to the environment or resulted in the City exercising its emergency authority to stop or prevent a harmful discharge; or

C. Adversely affected the operation or implementation of the City's Pretreatment Program, including violation(s) of Best Management Practices. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.540 Civil Penalties.

A. Any user violating any provision of this Chapter, user's permit, or administrative order shall be liable to the City for a civil penalty of not more than one thousand dollars per violation per day for as long as the violation continues, plus actual damages incurred by the City. In addition to these penalties and damages, the Director may order user to pay the City's costs, including reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling, monitoring, laboratory costs and inspection expenses.

B. Upon petition by the Director, through the City Attorney, an award of such penalties, damages and costs shall be ordered against such user by an appropriate court in the County of Riverside. In determining the amount of such penalties, damages and costs, 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, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW, and any other factor as justice requires. The purpose of any civil penalty is to encourage compliance and remedy unquantified damage to the POTW and environment, and not to impose criminal sanctions or retribution.

C. If any user discharges wastewater to the POTW contrary to the provisions of this Chapter, federal or state pretreatment requirements, or any order of the City or permit issued under this Chapter, the Director through the City Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court in the County of Riverside. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.545 Criminal Penalties.

A. Any user which willfully or knowingly violates any provision of this Chapter, or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean

Water Act, 33 U.S.C. 1251, et seq., and shall apply to the exclusion of any other more lenient Chapter provision. A user shall be guilty of a separate violation for each day a violation of any provision of this Chapter or Industrial User Permit is committed or continued by such user.

B. Any user that willfully or knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or the user's Industrial User Permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars per violation per day or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq., and shall apply to the exclusion of any other more lenient Chapter provision. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.550 Probationary Periods.

A user issued a written warning may be placed on probation for up to six months. A user issued a Notice of Violation may be placed on probation for up to twelve months. If the user commits the same violation within the probationary period, more severe enforcement may follow. Violations committed after the probationary period, will be treated as a new violation for purposes of enforcement. Repeated same violations can only be granted two probationary periods. If the same violation occurs after two consecutive probationary periods accompanying either a written warning or a notice of violation, more severe enforcement may follow. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.555 Remedies Nonexclusive.

The remedies in this Chapter are non-exclusive. The Director may take any, all, or any combination of these remedies against a noncompliant user. Enforcement of Chapter violations will generally be in accordance with the City's Enforcement Response Plan. The Director, however, may take alternative actions against a user as circumstances warrant. The Director may also take multiple enforcement actions against a user. (Ord. 7032 §2, 2009; Ord. 6637 §2 (part), 2002)

Section 14.12.560 Judicial Collection.

After an order making any monetary amount owing under this Chapter has become final, or after a court in an action has entered a final judgment in favor of the City, the Director through the City Attorney may initiate a civil action, if not earlier filed as a part of the judicial review, in the appropriate court to recover such amount plus prevailing interest from the date of the final order or the date of the final judgment, as the case may be. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any user who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in this Section shall be required to pay to the City, in addition to such amount and interest, the City's attorneys' fees and costs, including filing fees, process service fees for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter. (Ord. 7032 §2, 2009)

Section 14.12.565 Damage to Facilities or Interruption of Normal Operations.

When a user's discharge causes an obstruction, damage, interference, pass-through or otherwise adversely impacts the POTW, the Director may assess a charge, including administrative costs attributable thereto, against the user for costs incurred by the City for extra monitoring, investigation, quantifiable damages and work required to clean, repair and resume

normal operations. A ninety percent administrative fee shall be added to the direct charges. Unless appealed as provided herein, such charge shall be payable by the user within thirty calendar days of being notified of such charge and is subject to collection by civil suit or other procedures provided in this Chapter. (Ord. 7032 §2, 2009)

Section 14.12.570 Appeals.

A. Any user affected by and dissatisfied with any decision, order, Industrial User Permit, or enforcement action under this Chapter may file an appeal with the Director requesting reconsideration. The appeal must be in writing, detail the facts supporting the user's disagreement, and submitted within ten calendar days of receiving notice of the matter to be appealed. The Director shall decide the matter and issue a written decision within ten calendar days of receiving the appeal. Submitting an appeal does not automatically suspend any obligations or enforcement.

B. If the appellant is not satisfied with the Director's decision, then the appellant may, within ten calendar days after receiving the Director's decision, file a written appeal with the City Council, lodging such appeal with the City Clerk along with an appeals fee of one hundred dollars. The City Council will hear the appeal within thirty calendar days of filing or the next regularly scheduled meeting. The City Council will normally make a ruling on the appeal within 15 days of the hearing.

C. That the degree of protection shall be commensurate with the degree of hazard City Council's final ruling shall be deemed the City's final decision on the matter. No person may obtain judicial review of any decision, order, or enforcement action by the City under this Chapter without first having exhausted his or her administrative remedies set forth in this Section. (Ord. 7032 §2, 2009)

Section 14.12.575 Alternative Enforcement Procedures.

The Director may also seek penalties, payments, and liens on a user's property as provided in Government Code Sections 54739 et seq. (Ord. 7032 §2, 2009)

Section 14.12.580 Invalidity.

If any provision of this Chapter or the application thereof to any user or circumstance is held invalid, the remainder of this Chapter and the application of such provision to other users or circumstances shall not be affected thereby. (Ord. 7032 §2, 2009)

Section 14.12.585 Interpretation - Intent.

All the provisions of this Chapter are to be reasonably interpreted. The intent herein is to recognize that there are varying degrees of hazard to the POTW, the POTW's sludge, storm drain, personnel, environment and the public, and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. (Ord. 7032 §2, 2009)