

ORDINANCE NO. 890-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARSTOW, CALIFORNIA AMENDING IN ITS ENTIRETY CHAPTER 13.12 ("DISCHARGE-PROTECTIONS") OF THE BARSTOW MUNICIPAL CODE TO IMPLEMENT AND ENFORCE A PRETREATMENT PROGRAM FOR THE REGULATION OF WASTEWATER DISCHARGES TO THE BARSTOW WASTEWATER TREATMENT FACILITY

WHEREAS, standards for pretreatment of industrial waste are necessary in order for the City of Barstow to meet standards established by state law, including the Porter-Cologne Water Quality Control Act (Water Code Sections 13000 et seq.), to protect the Barstow Wastewater Treatment Plant (BWWTP) and the proper and efficient operation thereof, and to protect the health and safety of its employees and the environment; and,

WHEREAS, the City of Barstow is required by state and local law to meet applicable standards of treatment plant effluent quality; and,

WHEREAS, the adoption of this Ordinance is statutorily and categorically exempt under the California Environmental Quality Act pursuant to the provisions of the California Public Resources Code Section 21080(b)(8) and Title 14, California Code of Regulations Sections 15273(a), 15301, 15302, 15303, 15307, 15308, 15309, and 15321.

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

Section 1. Municipal Code Amendment. Chapter 13.12 of Title 13 of the Barstow Municipal Code is hereby amended in its entirety to read as set forth in Exhibit "A" attached hereto and incorporated by reference herein.

Section 2. Severability, Savings and Resurrection Provisions

To the extent the provisions of the Barstow Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

Section 3. Fees. This ordinance shall not be construed as in any way limiting the ability of the City to collect any fees or charges previously authorized, including those fees authorized by the City Council at its March 11, 2011 meeting via Ordinances 874-2011, 874A-2011 and 875-2011.

Section 4. California Environmental Quality Act. The adoption of this Ordinance is statutorily and categorically exempt under the California Environmental Quality Act pursuant to the provisions of the California Public Resources Code Section 21080(b)(8) and Title 14, California Code of Regulations Sections 15273(a), 15301, 15302, 15303, 15307, 15308, 15309, and 15321.

Section 5. Table of Contents

The table of contents appearing at the beginning of Chapter 13.12 is not adopted as a part of this Ordinance, but is included for convenience only, and shall be editorially changed from time to time to conform with amendments and additions to the Barstow Municipal Code.

Section 6. Clerk's Certification

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Section 7. Effective Date.

This Ordinance shall take effect thirty days after second reading as provided in Government Code Section 36937.

PASSED, APPROVED and ADOPTED this 18th day of June, 2012.

Joe D. Gomez, Mayor

ATTEST:

Tanya F. Concho, Deputy City Clerk

I, Tanya F. Concho, Deputy City Clerk of the City of Barstow, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Barstow held on the 7th day of May, 2012, and was adopted at the regular meeting of the City Council of the City of Barstow on 18th day of June, 2012 by the following vote:

AYES: Council Member Saenz, Silva and Hailey, Mayor Pro Tem Hackbarth-McIntyre and Mayor Gomez

NOES: None

ABSENT: None

ABSTAIN: None

Tanya F. Concho, Deputy City Clerk

EXHIBIT A

CHAPTER 13.12 DISCHARGES-PROTECTION

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I. ADMINISTRATIVE PROVISIONS

13.12.100 FINDINGS

- A. The wastewater facilities of the City of Barstow (City) discharge treated effluent to percolation ponds adjacent to the Mojave River Bed.
- B. Existing laws and regulations establish limits on the nature of all effluent discharged to waterways, to the surface, or underground.
- C. The Regional Water Quality Control Board (RWQCB), Lahontan Region, has established limits on the concentration of selected biological and chemical constituents of the effluent discharged by the City. These limits are set forth in orders adopted by the RWQCB.
- D. In order to comply with the requirements contained in those orders, the City must regulate the content of wastes discharged into the City's Waste Water Treatment Plant (BWWTP). This chapter establishes requirements for discharges into the BWWTP in order to enable the City to comply with the provisions of the its Waste Discharge Requirement (WDR) permit issued by the RWQCB the Porter-Cologne Water Quality Control Act and with other criteria required or authorized by state law.
- E. The City has undertaken and completed specific financial studies relating to the capital needs, as well as the operation and maintenance needs of the facilities and system.

F. The financial requirements of the City, as shown in the current reports prepared by Staff and Consultants, are based on current, reliable information and data relating to population projections, wastewater flow and capital facilities needs and are expected to be realized in each year of the report.

G. The revenues derived under the provisions of this chapter will be used for the acquisition, construction, reconstruction, maintenance and operation of the sewage collection, wastewater treatment and disposal facilities of the City; to repay principal and interest on debt instruments; or to repay federal and state loans issued for the construction and reconstruction of said sewerage facilities, together with costs of administration and provisions for necessary reserves.

H. The need for upgraded and improved treatment of all wastewater collection, treatment and disposal facilities is required to protect the public health and safety, and to preserve the environment without damage.

I. The charges established and levied by this chapter are to allow the City to recover the costs necessary to provide sewer service to individual parcels of real property, and shall not be construed as overriding the authorization for any fees which were previously lawfully approved by the City Council. The basis for the respective charge is the request of the owner of a parcel, for the benefit of him/herself or the occupants of the property, to receive a service based upon actual use, consumption and disposal of water to the BWWTP in lieu of disposal by other means.

13.12.105 PURPOSE AND POLICY

A. This chapter provides for the regulation of wastewater discharges in accordance with the following objectives:

1. To prevent the introduction of pollutants into the BWWTP which will interfere with the operation of the BWWTP, including interference with its use or disposal of municipal biosolids;
2. To prevent the introduction of pollutants into the BWWTP 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 wastewater and biosolids;
4. To enable the City to comply with its WDR Permit conditions, biosolids use and disposal requirements, and any other applicable federal or state laws ;
5. To provide for the equitable distribution of the costs associated with the operation of the BWWTP; and

6. To protect and preserve the health and safety of the citizens and personnel of the City and adjacent service areas.

B. This chapter shall apply to all users of the BWWTP. This chapter authorizes:

1. The issuance of industrial user permits;
2. Monitoring, compliance, and enforcement activities;
3. Administrative review procedures;
4. 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.

C. This chapter is adopted pursuant to the City's authority under Government Code section 54739.

13.12.110 ADMINISTRATION OF POLICY

A. ADOPTION OF INTERPRETIVE RULES

The Industrial Pretreatment Coordinator may adopt interpretive rules consistent with the provisions of this chapter for the protection of the BWWTP. Interpretive rules by the Industrial Pretreatment Coordinator pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards for wastewater lines and services.

B. GENERAL POWERS OF THE INDUSTRIAL PRETREATMENT COORDINATOR

Except as otherwise provided herein, the Industrial Pretreatment Coordinator shall administer, implement and enforce the provisions of this chapter. In addition to the authority to regulate discharges through enforcement of discharge limitations and prohibitions, the Industrial Pretreatment Coordinator shall have the authority to respond to the following:

1. Endangerment to the health or welfare of the community. The Industrial Pretreatment Coordinator, after informal notice to the affected user, may immediately and effectively halt or prevent any discharge of pollutants into the BWWTP, by any means available, including physical disconnection from the BWWTP, whenever the discharge reasonably appears to present an imminent endangerment to the health or welfare of the community;

2. Endangerment to the environment or the BWWTP. The Industrial Pretreatment Coordinator, after written order to the user, may halt or prevent any discharge of pollutants into the BWWTP, by any means available, including physical disconnection from the BWWTP, whenever such discharge presents or may present an imminent and substantial endangerment to the environment or threatens to damage or interfere with the operation of the BWWTP; and

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

C. SPECIFIC POWERS OF THE INDUSTRIAL PRETREATMENT COORDINATOR

If wastewater containing any pollutant in excess of discharge limitations as specified in this chapter, is discharged or proposed to be discharged into the BWWTP, the Industrial Pretreatment Coordinator may take any action necessary to:

1. Prohibit the discharge of such wastewater;
2. Require the person discharging to demonstrate that in-plant modifications will reduce or eliminate the pollutant or substance so that the discharge will not violate this chapter;
3. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the pollutants or substance so that the discharge will not violate this chapter;
4. Require the person making, causing or allowing the discharge to pay any required industrial user permit fees, inspection fees that may be authorized by the city council via resolution, and any additional cost or expense incurred by the City in handling, treating or disposing of excess pollutant loads imposed on its BWWTP, including but not limited to, any fines, penalties or legal expenses, including attorneys fees, payable by the City associated with alleged or actual violations of the City's WDR permit attributed to the person's discharge;
5. Obtain timely and factual reports from the person responsible for such discharge; and
6. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of this chapter.

13.12.115 DELEGATION OF AUTHORITY

All power and authority granted to the Industrial Pretreatment Coordinator may be delegated by the Industrial Pretreatment Coordinator to any person capable and qualified to carry out the delegated power and authority.

13.12.120 AUTHORIZATION TO DISCHARGE

It shall be unlawful for any user to commence, significantly increase, or substantially change the quantity or quality of wastewater discharged to the BWWTP without the express written consent of the Industrial Pretreatment Coordinator.

13.12.125 CONFIDENTIAL INFORMATION

All user information and data on file with the City shall be made available to the public and governmental agencies without restriction unless the user specifically claims the information to be confidential and is able to demonstrate to the satisfaction of the City that the release of such information would divulge proprietary information or trade secrets. Any such claim must be asserted when the information is submitted to the City 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 notification to the user. All sample data obtained by either the user or the City shall not be considered confidential information. All production related information used to calculate mass based discharge limitations or required for the development of 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 WDR permit or the pretreatment program, and as required by federal or state law.

13.12.130 SIGNATORY REQUIREMENTS

All monitoring reports, permit applications, and other information as required by the Industrial Pretreatment Coordinator shall contain the following certification statement signed by an authorized representative of the industrial user:

"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."

13.12.135 DELIVERY OF NOTICE

Any notice, order or requirement issued by the Industrial Pretreatment Coordinator to a user determined to be in violation of the conditions or requirements specified in this chapter, the industrial user permit, or discharge limitations shall be deemed served if it is correctly addressed, postage pre-paid and deposited in the United States mail, to the address on file for the user; or hand delivered to the user or authorized representative or designated contact of the user, at the address on file for the user.

Any notice, order or requirement issued by the Industrial Pretreatment Coordinator 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.

13.12.140 INTERPRETATION

All the provisions of this chapter are to be reasonably interpreted. The intent is to recognize there are varying degrees of hazard to the BWWTP, the BWWTP sludge, personnel, surface and subsurface waters, environment and the public, and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

13.12.145 DEFINITIONS OF TERMS

A. Unless the context specifically indicates otherwise, terms within this chapter not defined in subsection B of this section shall have the same meaning as commonly used within the industry.

B. Unless the context specifically indicates otherwise or as previously indicated, the meaning of the terms used in this chapter shall be as follows:

1. **Approved Analytical Methods** shall mean the sample analysis techniques prescribed in 40 CFR Part 136 and amendments thereto. 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** shall mean:

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; or the manager of one or more manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

c. A director, highest appointed official, or employee designated to oversee the operation and performance of the activities of a federal, state or local government facility.

d. A duly Authorized Representative of the individual designated in a, b, or c, provided such authorization is confirmed in writing by the individual described in a, b, or c; and the authorization specifies the individual is a plant manager or holds a position of equivalent responsibility or an individual having overall responsibility for environmental matters.

3. **Average Daily Flow** shall mean the mathematical daily average flow of industrial wastewater discharged from a user to the BWWTP over a 30-day period.
4. **Biochemical Oxygen Demand (BOD)** shall mean the quantity of oxygen, expressed in mg/L, required to biologically oxidize material in a waste or wastewater sample measured under standard laboratory methods of five days at twenty degrees Celsius.
5. **BMC** shall mean the City of Barstow Municipal Code.
6. **Building Official** shall mean the employee for the City of Barstow Building Department, an authorized representative, or any City Officer who is subsequently empowered to assume the duties of the Building Official.
7. **BWWTP** shall mean the Barstow Waste Water Treatment Plant and shall include the collection system and all other devices, equipment, pipes, and systems used in the transmission, storage, treatment, recycling and reclamation of municipal sewage, sludge, or industrial wastewater, except sewer service lateral line connections.
8. **Bypass** shall mean the intentional diversion of waste streams from any point of a user's pretreatment facility.
9. **Categorical Industrial User** shall mean 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 amendments thereto, and as listed by the EPA under the appropriate subpart of 40 CFR Chapter I, Subchapter N, and amendments thereto.
10. **Chapter** shall mean Chapter 13.12 of the BMC.
11. **Chemical Oxygen Demand (COD)** shall mean 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. COD results are not necessarily related to BOD results.
- 12.. **City** shall mean the City of Barstow, acting through its elected officials and authorized representatives.
13. **City Attorney** shall mean the City of Barstow Attorney or an authorized representative, assistant, deputy, or agent appointed by the City Council.
14. **City Council** shall mean the City of Barstow City Council .
15. **City Engineer** shall mean the Engineer for the City of Barstow, an authorized representative, deputy, or agent appointed by the City Council.

16.. **Class I User** shall mean an industrial user (IU) classified as a Significant Industrial User (SIU).

17. **Class II User** shall mean an industrial user with an average discharge between ten thousand and twenty-four thousand nine hundred ninety-nine gallons per day of industrial wastewater to the BWWTP.

18. **Class III User** shall mean an industrial user with an average discharge between one and nine thousand nine hundred ninety-nine gallons per day of industrial wastewater to the BWWTP that requires pretreatment to reduce the potential for adversely affecting the operation of the BWWTP or violating any pretreatment standard, prohibition, or requirement of this chapter.

19. **Class IV User** shall mean an industrial user that has a temporary need, less than 180 days, to discharge wastewater to the BWWTP.

20. **Collection System** shall mean all pipes, sewers and conveyance systems carrying wastewater to the BWWTP, owned and maintained by the City , excluding sewer service lateral line connections.

21.. **Combined Wastestream Formula** shall mean 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 industrial users whose effluent is a mixture of regulated, unregulated, and dilution wastewater as defined in the formula.

22. **Compliance Order** shall mean a time schedule issued to an industrial user by the City which specifies corrective actions called milestones to be completed by the IU to correct violations of the industrial user's wastewater discharge permit or this chapter.

23. **Consent Order** shall mean a time schedule agreed upon between the City and an industrial user which specifies corrective actions called milestones to be completed by the industrial user to correct violations of the IU's wastewater discharge permit or this chapter.

24. **Compliance Schedule** shall mean 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.

25. **Composite Sample** shall mean a collection of individual samples obtained at selected time or flow based increments, which are combined into one sample.

26. **Confined Space**, pursuant to California Code of Regulations, Title 8, Section 5157, subsection b, and amendments thereto, shall mean 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.

276. **Constituent** shall mean any physical, chemical, or biological component of water or wastewater which can be quantified using Approved Analytical Methods.

27. **Conventional Pollutants** shall mean BOD, COD, total suspended solids, pH, fecal coliform, oil and grease, total nitrogen and such additional pollutants which may be specified and controlled in the WDR permit issued by the RWQCB.

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

29. **County** shall mean the County of San Bernardino or the Board of Supervisors of the County of San Bernardino.

30.. **Day** shall mean calendar day unless otherwise specified by the Industrial Pretreatment Coordinator.

31. **Dilution** shall mean the increase in use of water, wastewater or any other means to dilute a wastestream as a partial or complete substitute for adequate treatment to achieve discharge requirements.

32. **Discharger** shall mean any person who directly or indirectly causes or contributes to a discharge to the BWWTP.

33. **Domestic Liquid Wastes** shall mean all domestic wastes contained in septic tanks, cesspools, seepage pits, holding tanks, private disposal systems, or chemical toilets not connected to the BWWTP.

34. **Domestic Wastewater** shall mean 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.

35. **Effluent** shall mean treated wastewater flowing from a user's pretreatment equipment to the BWWTP.

36. **Emergency** shall mean facts or circumstances that the City, acting by and through its employees or the City Council, reasonably determines create an imminent threat of harm to public health or safety, the environment or the BWWTP.

37. **EPA** shall mean the United States Environmental Protection Agency.
38. **Federal Categorical Pretreatment Standard** shall mean 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 BWWTP 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, and amendments thereto.
39. **Flow Monitoring Equipment** shall mean the equipment and structures required to be installed, maintained, and calibrated at the user's expense to measure, totalize, and record the amount of water used at the facility or the quantity discharged to the BWWTP.
40. **Good Faith** shall mean 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 Best Management Practices (BMP) or the installation of pretreatment equipment to reduce or eliminate pollutants.
41. **Grab Sample** shall mean an individual sample collected over a period of time not exceeding fifteen minutes.
42. **Grease Waste** shall mean the floating, solid, and semi-solid waste contained within an approved oil/grease interceptor located at a restaurant user.
43. **Grease Wastehauler** shall mean any person engaged in the removal, transport, and disposal of grease waste removed from a permitted restaurant user.
44. **Grease Wastehauler Manifest** shall mean the manifest required to document the removal of pretreatment waste from a permitted restaurant user.
45. **Hazardous Material** shall mean any material capable of creating imminent endangerment to health or the environment including, but not limited to, any substance designated under 40 CFR Section 310.11(d) and amendments thereto, or any hazardous chemical substance subject to regulation under the Toxic Substances Control Act, 15 USCA Section 2601, et seq. and amendments thereto. In general, substances which are toxic, explosive, corrosive, flammable or irritants, or which generate pressure through heat or decomposition, e.g., heavy metals, pesticides, strong acids or bases, distillate fuels, oxidants, etc.
46. **Heating Water** shall mean all water used solely for the heating of a manufacturing process, equipment, or product.
47. **Industrial Pretreatment Coordinator** shall mean the Industrial Pretreatment Coordinator of the City, or any authorized representative, deputy, or agent of the Industrial Pretreatment Coordinator appointed by the City Council. If there is no person that would otherwise qualify as the Industrial Pretreatment Coordinator, "Industrial

Pretreatment Coordinator” shall mean the City Manager and any appointee of the City Manager.

48. **Industrial User (IU)** shall mean all persons, entities, public or private, industrial, commercial, governmental, educational, or institutional which discharge or cause to be discharged, industrial wastewater into the BWWTP.

49.. **Industrial User Permit** shall mean the regulatory permitting procedure established and enforced by the Industrial Pretreatment Coordinator to authorize and control the discharge of industrial wastewater from industrial users into the BWWTP.

50. **Industrial Wastewater** shall mean all water containing wastes of the community, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, governmental, educational, institutional, commercial, service, agricultural or other operation. Industrial wastewater may also include cooling tower and boiler blowdown water, brine wastewater from the regeneration of water conditioning equipment, and potable water treatment wastewater as determined by the Industrial Pretreatment Coordinator.

51. **Infectious Waste** shall mean all wastes that normally cause, or significantly contribute to cause, increased morbidity or mortality of human beings.

52. **Interceptor** shall mean an approved detention chamber designed to remove floatable and settleable material from industrial wastewater prior to discharge to the BWWTP.

53. **Interference** shall mean any discharge from a user which, alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the BWWTP, treatment processes or operations, or sludge processes, use or disposal or which causes or threatens to cause a violation of any requirement of the WDR permit (including an increase in the magnitude or duration of violation) or of the prevention of sewage sludge use or disposal in compliance with Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), 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.

54. **Liquid Wastehauler** shall mean any person engaged in the removal, transport, and disposal of domestic liquid wastes from chemical toilets, septic tanks, seepage pits, cesspools, or any other private disposal system for domestic wastewater.

55. **Local Discharge Limit** shall mean the maximum concentration of a pollutant, determined from either a grab or composite sample, that may be discharged to the BWWTP, developed by the City.

56. **Lower Explosive Limit (LEL)** shall mean the minimum concentration of combustible gas or vapor in the air that will ignite if an ignition source is present.
57. **Mass Emission Rate** shall mean the pounds per day of a particular pollutant or combination of pollutants discharged to the BWWTP , as contained in an industrial user permit.
58. **Maximum Daily Flow** shall mean the highest total daily flow of industrial wastewater that a user discharges to the BWWTP in a calendar month.
- 59.. **May** shall mean permissive.
60. **Medical Waste** shall mean infectious agents, human blood, blood products, pathological wastes, sharps, recognizable body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory waste, dialysis waste, hypodermic needles, syringes, medical instruments/utensils, or any other paper or plastic items of disposable nature used for medically related purposes. The term “Medical Waste” shall exclude de minimus amounts of wastes, human blood and paper items of a disposable nature associated with domestic wastewater discharges.
- 61.. **mg/L** shall mean milligrams per liter.
62. **Milestone** shall mean increments of progress in the form of dates, not to exceed nine months, and are used in compliance schedules. 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.
- 63.. **Monthly Average** shall mean 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.
64. **National Pretreatment Standard** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Clean Water Act, which applies to industrial users, including but not limited to, federal categorical pretreatment standards.
65. **Noncompliance Monitoring Program (NMP)** shall mean an administrative order issued to an industrial user which requires the user to submit production and flow data and complete monitoring, at a frequency determined by the Industrial Pretreatment Coordinator, for all pollutants determined to be in violation of discharge limits.

66. **Non Contact Cooling or Heating Water** shall mean any water which is used for temperature control and has no direct contact with any raw material, or intermediate or final product.

67. **Non Domestic Wastewater** shall mean all wastewater except domestic wastewater, domestic liquid waste, and unpolluted water including but not limited to wastewater resulting from industrial, commercial, producing, manufacturing, processing, governmental, educational, institutional, and agricultural operations, brine wastewater from the regeneration of water conditioning equipment, and all non exempt truck hauled liquid wastewater.

68. **Oil and Grease** shall mean 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;
- c. Animal derived products, e.g., fats, greases, oils, lard.

69. **Pass Through** shall mean any discharge which exits the BWWTP in quantities or concentrations which, alone or in conjunction with other discharges from other sources, causes or threatens to cause a violation of any requirement of the WDR permit, including an increase in the magnitude or duration of a violation.

70. **Permit-Required Confined Space** shall mean 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 asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- d. Contains any other recognized serious safety or health hazard.

71. **Permittee** shall mean any user which is issued a permit pursuant to this chapter.

72. **Person** shall mean 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.

73. **pH** shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, as analyzed in accordance with Approved Analytical Methods. pH represents both acidity and alkalinity on a scale ranging from 0-14 where 7 represents

neutrality, values less than 7 represent acidity and values greater than 7 represent alkalinity.

74. **Pollutant** shall mean any constituent or characteristic of wastewater including but not limited to 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.

75. **Pollution** shall mean the man made or man induced adverse alteration of the chemical, physical, biological, or radiological integrity of water.

76. **Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into the BWWTP. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, waste minimization, or other legal means designed to remove or reduce pollutants in a wastestream, except dilution.

77. **Pretreatment Requirement** shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user other than a pretreatment standard.

78. **Pretreatment Standard** shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by EPA, the State or the City, applicable to industrial users, including but not limited to federal categorical pretreatment standards; general discharge prohibitions contained in BMC Section 13.12.305; and local discharge limits established by the City.

79. **Pretreatment Waste** shall mean all waste, liquid, solid, or semi-solid removed from a waste stream or discharge by physical, chemical, or biological means.

80. **Prohibited Discharges** shall mean all discharges specified in Section III of this chapter which are prohibited from being discharged to the BWWTP.

81.. **Qualified Professional** shall mean any person who by virtue of experience, education, or training, is qualified to evaluate and assess pollutant discharges and violations of this chapter.

82. **RCRA** shall mean the Resource Conservation and Recovery Act, 42 USC §§ 6901 *et seq.* and the regulations promulgated thereunder.

83. **Restaurant User** shall mean all retail establishments selling prepared foods and drinks for consumption on or off the premises; and lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. 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, churches, jails, prisons, and juvenile halls), which serve food on the premises may also be considered restaurant users.

84. **Sample Location** shall mean a location approved by the Industrial Pretreatment Coordinator where a representative sample of non-domestic wastewater is collected from an industrial user.

85. **Service Area** shall mean the physical geographic area where wastewater is generated and discharged to the BWWTP.

86. **Self-monitoring** shall mean wastewater samples collected by a user or the user's contracted laboratory, consultant, engineer, or similar entity.

87. **Service Lateral Line** shall mean the wastewater collection pipe extending from the premises where the wastewater is generated up to and including the connection to the City's collection system.

88. **Shall** means mandatory.

89. **Significant Industrial User (SIU)** shall mean any user that meets any of the following conditions:

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

b. Contributes a process wastestream discharge which makes up five percent or more of the average dry weather hydraulic or organic capacity of the BWWTP; or

c. Is designated by the Industrial Pretreatment Coordinator on the basis that the user has a reasonable potential for adversely affecting the BWWTP or for violating any pretreatment standard or requirement.

90. **Significant Noncompliance (SNC)** shall mean any compliance violation that meets one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, which are defined as those in which sixty-six percent or more of all of the measurements for each pollutant taken during a consecutive six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant;

b. Technical review criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements for each pollutant taken during a consecutive six month period equal or exceed the product of the daily maximum limit or

the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of BWWTP personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in an Administrative Order, for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within thirty days of the due date, any required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to pay, within thirty days, all applicable industrial user application, permit, and enforcement penalty fees;

h. Failure to accurately report non-compliance; or

i. Any other violations or group of violations which the City believes will adversely affect the operation and implementation of the City's pretreatment program.

91. **Single Pass Non Contact Cooling Water** shall mean water that is used solely for the purpose of cooling, has no direct contact with any raw material, or any intermediate, final or waste product, and is used only once before being discharged.

92. **Single Pass Non Contact Heating Water** shall mean water that is used solely for the purpose of heating, has no direct contact with any raw material, or any intermediate, final or waste product, and is used only once before being discharged.

93. **Slug Discharge** shall mean any non-routine, episodic discharge of wastewater, material or waste with such a high volume or pollutant concentration which will violate any Pretreatment Standard or requirement, or cause damage to, interference with, or pass through in the BWWTP, or BWWTP sludge processes, use, or disposal.

94. **Slug Load Control Plan** shall mean a plan submitted by an Industrial User as required by BMC Section 13.12.475(B), which contains the elements described in 40 CFR 403.8(f)(2)(vi).

95. **Spent Solutions** shall mean any concentrated non domestic wastewater, such as plating solutions or static rinses, brine wastewater from the regeneration of water conditioning equipment, which contains concentrations of pollutants, the discharge of which may cause interference, pass through, or a violation of any pretreatment standard or requirement.
96. **Spill Containment** shall mean a protection system consisting of berms, dikes, or containers, which are used to prevent the discharge of raw materials, waste materials, chemicals, or finished products to the storm drain or BWWTP.
97. **Standard Methods** shall mean the most recently updated “Standard Methods for the Examination of Water and Wastewater” prepared and published by the American Public Health Association, American Water Works Association, and Water Environment Federation, which specifies accepted procedures used to assess the quality of water and wastewater.
98. **Storm Drain** shall mean 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 precipitation and surface runoff to a receiving body of water or underground aquifer recharge basins.
- 99.. **Storm water** shall mean water flowing or discharged as a result of rain, snow, or other precipitation.
100. **Total Dissolved Solids (TDS)** shall mean the total amount of nonvolatile residue by laboratory filtration and dried at 180 degrees C.
101. **Total Suspended Solids (TSS)** shall mean the total amount of residue retained by laboratory filtration and dried at 103-105 degrees C.
102. **Toxic Organic Management Plan (TOMP)** shall mean a plan submitted by an industrial user pursuant to BMC Section 13.12.475(A), which specifies the solvents and other toxic organics used and stored, the methods of delivery, storage and disposal; and the procedures for preventing or controlling the discharge of the solvents and toxic organics to the BWWTP or ground.
- 103.. **Total Toxic Organics (TTO)** shall mean the sum of all quantifiable values of the regulated toxic organic compounds which are found in the user’s industrial wastewater discharge.
104. **Unpolluted Water** shall mean cooling and heating water, single pass cooling and heating water, air conditioning condensate, ice melt, condensate, groundwater, landscape irrigation, crop irrigation, rain water, and water that meets the effluent

standards in effect or water that would not cause a violation of receiving water quality standards.

105. **Upset** shall mean an exceptional incident which causes temporary and unintentional non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of a user .

106.. **User** shall mean any person, public or private, residential, industrial, commercial, governmental, educational, or institutional which discharges or causes to be discharged, wastewater into the BWWTP.

107. **Waste** shall mean any discarded solid, semi-solid, liquid, or gaseous material.

108. **Waste Discharge Requirements (WDR) Permit** shall mean the permit issued by the Regional Water Quality Control Board pursuant to Section 13263 of the Porter-Cologne Water Quality Act establishing waste discharge requirements for the BWWTP.

109.. **Waste Manifest** shall mean the waste hauling receipt which is required to be retained on site by an industrial user for any hazardous, non-hazardous, or pretreatment waste.

110. **Wastewater** shall mean the liquid and water carried domestic waste or non domestic waste from residential, commercial, industrial, governmental, educational, or institutional facilities, together with any groundwater, surface water, and storm water, that may be present which is discharged to the BWWTP.

111. **Water Supply** shall mean the water supply serving the City.

II. GENERAL REQUIREMENTS

13.12.200 USE OF CITY EQUIPMENT OR FACILITIES

A. No person or user shall enter, break, damage, destroy, uncover, deface or tamper with any temporary or permanent structure, equipment, or appurtenance which is part of the BWWTP without prior written approval by the Industrial Pretreatment Coordinator.

B. Any person or user who discharges or causes the discharge of any wastewater or pollutant which causes detrimental effects on the BWWTP, sludge, or any other damages, including the imposition of fines by federal, state, or other regulatory agencies against the City, shall be liable to the City for all damages and costs incurred by the City, including administrative expenses, attorneys' fees, penalties and fines imposed on the City by any federal, state, or other regulatory agencies. 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.

13.12.205 PLAN CHECK REQUIREMENTS

A. All industrial users who request authorization to connect to the BWWTP and all existing industrial users who propose tenant improvements shall be required to submit detailed site plans, including plumbing plans which describe the proposed project, facility expansion, or process modifications, in addition to any other information as required by the Industrial Pretreatment Coordinator. The Industrial Pretreatment Coordinator shall review the required information and notify the user of any pretreatment requirements. Compliance with the requirements specified by the Industrial Pretreatment Coordinator is required before the City will release the project to the Building Department. The project must be released by the Industrial Pretreatment Coordinator before the Building Department will issue a building permit authorizing construction for the project. A Stop Work Order may be issued for any construction projects which have not been issued the required building permit.

B. All industrial users are required to notify the City during the construction phase of the project in order to conduct onsite inspections of the project. The Industrial Pretreatment Coordinator is required to sign off on the Building Department job card for underground plumbing and final plumbing of any required pretreatment equipment. All plumbing and pretreatment equipment are required to be exposed during the underground and final plumbing inspections. The industrial user may be required to expose any plumbing or pretreatment equipment which are not visible during the underground and final plumbing inspections. Failure to notify the City and obtain the necessary onsite inspections and job card signatures may delay the issuance of a Certificate of Occupancy by the Building Department.

13.12.210 INSPECTION REQUIREMENTS

A. The Industrial Pretreatment Coordinator shall inspect the facilities of any user to ascertain whether all requirements of this chapter are being met. Persons on the premises shall allow the Industrial Pretreatment Coordinator ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination.

B. The user shall ensure that there is always a person on site, during normal business hours, knowledgeable of the user's processes and activities to accompany the Industrial Pretreatment Coordinator during the inspection.

C. The user shall provide immediate access when an emergency exists.

D. All pretreatment equipment shall be immediately accessible at all times for the purpose of 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 user shall interfere with, delay, resist or refuse entrance to the Industrial Pretreatment Coordinator when attempting to inspect any facility which discharges wastewater to the BWWTP.

F. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make all necessary arrangements so that, upon presentation of identification, the Industrial Pretreatment Coordinator will be permitted to enter, without delay.

G. The user shall make available for copying by the Industrial Pretreatment Coordinator, all records required to be kept under the provisions of this chapter.

13.12.215 INSPECTION WARRANTS

If the Industrial Pretreatment Coordinator has been refused access to a building, structure, or property, or any part, and is able to demonstrate cause that there may be a violation of this chapter, or that there is a need to inspect or monitor the user's facilities to verify compliance with this chapter or any permit or order issued hereunder, or to protect the public health, environment, and the safety and welfare of the community, then the Industrial Pretreatment Coordinator may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure and amendments thereto. However, in the event of an emergency affecting the public health or safety, an inspection or monitoring may be performed without consent or the issuance of a warrant.

13.12.220 MONITORING REQUIREMENTS

A. As required by the Industrial Pretreatment Coordinator, any user discharging industrial wastewater to the BWWTP may be required to install monitoring equipment to measure the quality and quantity of wastewater discharged. The monitoring equipment may include but is not limited to: wastewater sampling equipment, flow meters and recorders, pH meters and recorders, electrical conductivity meters and recorders, and process water meters.

B. The monitoring equipment shall be provided by the user in compliance with this chapter and all applicable building, plumbing, and construction codes. The Industrial Pretreatment Coordinator may require the monitoring equipment have a security closure that can be locked by the City during any monitoring activities. The installation of any required monitoring equipment shall be completed within a reasonable time frame as required in written notification from the Industrial Pretreatment Coordinator.

C. The Industrial Pretreatment Coordinator shall have the right to temporarily install upon the user's property such devices as are necessary to conduct wastewater monitoring or metering operations.

D. No user shall interfere with, delay, resist, or refuse entrance to authorized City personnel attempting to install wastewater monitoring equipment on the user's property. Any permanent or temporary obstruction which prevents access to the monitoring equipment shall be immediately removed by the user or property owner at the written or verbal request of the Industrial Pretreatment Coordinator and shall not be replaced.

E. Any required monitoring equipment shall be maintained by the user for continuous monitoring and metering. The monitoring equipment shall be calibrated by the user 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. The user shall report any monitoring equipment failure to the Industrial Pretreatment Coordinator within twenty-four (24) hours after the user is aware of the failure. The notification shall be accomplished by a telephone call, telefax transmission, personal visit, or hand delivered notification, to the City. The user shall submit a written report to the Industrial Pretreatment Coordinator documenting the cause of the failure and the corrective actions to be completed within five calendar days after the user discovers the equipment failure.

G. All monitoring shall be completed at the time, place, and frequency as specified by the Industrial Pretreatment Coordinator.

H. Samples for pH, cyanide, total phenols, oil/grease, sulfide, and volatile organics shall be analyzed from grab samples. The Industrial Pretreatment Coordinator may elect to collect either a twenty-four (24) hour composite sample comprised of discrete time or flow proportioned samples or a grab sample, as appropriate, for all other pollutants.

I. Any wastewater samples collected from a sampling location approved by the Industrial Pretreatment Coordinator shall be considered representative of the wastewater discharged from the user to the BWWTP.

J. All users who request permission to conduct their own wastewater sampling shall submit a written wastewater monitoring plan describing the sample collection methods, equipment used, equipment cleaning practices, employee training, sample preservation methods, and chain of custody procedures. The monitoring plan shall be approved by the Industrial Pretreatment Coordinator prior to the implementation of the plan. Any sample(s) collected by a user without an approved plan shall be considered invalid.

K. All users that are required to self-monitor shall have all samples collected according to 40 CFR 403.12(b)(5) specifications and analyzed by a laboratory certified by the State of California, Department of Health Services to complete the specific pollutant analyses.

L. All users that are required to self-monitor shall submit all reporting forms, required by the Industrial Pretreatment Coordinator, that include the following information and documents:

1. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
2. The name of the person who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. Beginning and ending flow meter readings which correspond to the time period of the 24 hour composite sample;
5. The name of the person who performed the analyses;
6. The analytical techniques or methods used;
7. The results of such analyses; and
8. The reporting limits for each pollutant

M. All users that are required to self-monitor shall submit a copy of the sample analysis and all required reporting forms within the timeframe established by the Industrial Pretreatment Coordinator. All sample analysis reports which include discharge violations shall be reported to the Industrial Pretreatment Coordinator within twenty-four hours of becoming aware of the violation. The results of the required resample and correspondence which includes a possible explanation for the violation(s) shall be submitted to the Industrial Pretreatment Coordinator within 30 days after the user is aware of the initial violation. Failure to report pollutant violations as stated shall constitute a violation of this chapter and may subject the user to enforcement actions.

13.12.225 NONCOMPLIANCE MONITORING REQUIREMENTS

A. Noncompliance with any concentration or mass based discharge limit specified in this chapter or the user's permit may be determined by an analysis of a grab or composite sample collected from a designated sample location and shall constitute a violation of this chapter.

B. As required by the Industrial Pretreatment Coordinator, a wastewater resample shall be collected and analyzed for all pollutants in noncompliance with discharge limits. The resample is separate and independent of any wastewater monitoring performed by the City. All resamples shall be collected according to 40 CFR 403.12(b)(5) specifications and analyzed by a laboratory certified by the State of California, Department of Health Services to complete the specific pollutant analyses. The analysis of all wastewater resamples collected by a user shall be submitted with all required reporting forms to the Industrial Pretreatment Coordinator no later than thirty days after the City has informed the user of the initial violation or the user becomes aware of the violation. Failure to submit the laboratory results within the thirty-day requirement shall constitute a violation of this chapter and may subject the user to enforcement actions.

C. As required by the Industrial Pretreatment Coordinator, a Noncompliance Monitoring Program (NMP) shall be completed by a user for any wastewater resamples which are determined to be in noncompliance with discharge limits. The NMP requires the user to collect a representative wastewater sample from the designated sample location at a frequency determined by the Industrial Pretreatment Coordinator. The samples are to be analyzed for all pollutants which were determined to be in violation of discharge limits. Continued noncompliance may result in escalated enforcement action and additional monitoring requirements as specified by the Industrial Pretreatment Coordinator.

13.12.230 REPORTING REQUIREMENTS

A. All industrial users shall submit self monitoring reports, as required by the Industrial Pretreatment Coordinator, which identify the characteristics of the industrial wastewater discharged to the BWWTP. The self monitoring reports shall be used to determine compliance with the conditions and discharge requirements specified in this chapter, the industrial user permit, and federal and state regulations. Reports which may be required include:

1. Baseline Monitoring Reports
2. Compliance Schedule Progress Reports
3. Ninety (90) day Compliance Reports
4. Periodic Reports on continued Compliance
5. Other reports as required by the Industrial Pretreatment Coordinator

B. The monitoring frequency and pollutants required to be analyzed shall be specified by the Industrial Pretreatment Coordinator in the industrial user permit issued to the user. All costs associated with the collection and analysis of the required monitoring and the submittal of all required reports shall be the responsibility of the industrial user.

C. Failure to complete any required monitoring or failure to submit any required reports shall be a violation of this chapter and may subject the user to enforcement actions.

13.12.235 FLOW MEASUREMENT CONDITIONS

A. Any Class I User, an industrial user who is designated as an industrial rate facility for sewer billing purposes, or any other industrial user as required by the Industrial Pretreatment Coordinator, shall install a continuous monitoring flow or water meter approved by the Industrial Pretreatment Coordinator, which is capable of measuring the volume of industrial wastewater discharged from the industrial user to the BWWTP. The readings collected from the flow or water meter shall be used to calculate the average daily flow and maximum daily flow

B. The user shall record daily flow water meter readings, as specified by the Industrial Pretreatment Coordinator, on an approved log sheet. As required by the

Industrial Pretreatment Coordinator, monthly flow or water meter records shall be submitted to the City by the fifth calendar day of each month for the preceding month. The flow or water meter shall conform to standards issued by the Industrial Pretreatment Coordinator and shall be equipped with a non-resetting flow totalizer. All flow and water meters shall be calibrated at least annually to ensure the accuracy of the actual flow. All industrial users shall post the type, size, totalizer units, and flow multipliers for any flow or water meters used to measure the volume of wastewater discharged from the user.

13.12.240 RECORD KEEPING

All industrial users shall keep records of all waste hauling, pretreatment equipment maintenance reports, monitoring equipment recording charts and calibration reports, effluent flow, sample analysis data, and any other information required by the Industrial Pretreatment Coordinator, on the site of the wastewater generation. All records are subject to inspection by the Industrial Pretreatment Coordinator and shall be copied as needed. All records must be kept on the site of wastewater generation for a minimum period of three years. The record retention period may be extended beyond three years in the event enforcement proceedings have been initiated against the user or an extensive history of the industrial user is required.

13.12.245 WRITTEN RESPONSES

All users required by the Industrial Pretreatment Coordinator to provide a written response to any correspondence, order, or notice shall do so by the date specified.

13.12.250 COMPLIANCE EXTENSION

Any time limit or due date required in any report, written notice or any provision of this chapter may be extended only upon a showing of good cause by the user and a written extension by the Industrial Pretreatment Coordinator.

13.12.255 FALSIFYING INFORMATION

Any user who knowingly makes any false statement, representation, or certification in any record, correspondence, or other document submitted or required to be maintained by the Industrial Pretreatment Coordinator shall be in violation of this chapter and may subject the user to enforcement actions.

III. DISCHARGE PROHIBITIONS

13.12.300 POINT OF DISCHARGE

No person or user shall discharge any wastewater directly into a manhole or other opening in the collection system other than through an approved building sewer connection, unless written permission for the discharge has been granted by the Industrial Pretreatment Coordinator. This prohibition shall not apply to authorized City

or contract city personnel involved with the maintenance, cleaning, repair, or inspection of the collection system.

13.12.305 PROHIBITED WASTE DISCHARGES

Except as hereinafter provided, no person or user shall discharge or cause to be discharged into the BWWTP, or any opening, sump, tank, clarifier, piping or waste treatment system, which drains or flows into the BWWTP, any of the following:

A. Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, gravel, plaster, concrete, glass, metal filings, or 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 will obstruct the flow of sewage in the collection system or any object which will cause clogging of a sewer or sewage lift pump, or interfere with the normal operation of the BWWTP.

B. Any compound which will produce noxious odors in the BWWTP.

C. Any recognizable portions of human or animal anatomy.

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, to 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 or City personnel, the BWWTP, 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 and amendments thereto.

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.

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

H. Any storm water, groundwater, well water, street drainage, subsurface drainage, roof drainage, yard drainage or runoff from any field, driveway or street. The Industrial Pretreatment Coordinator may temporarily approve the discharge of such waters, to the BWWTP, when no reasonable alternative method of discharge is available, subject to the payment of all applicable user charges and fees by the discharger. Water from

swimming pools, wading pools, spas, whirlpools, and therapeutic pools may be discharged to the BWWTP between the hours of 8:00 pm and 6:00 am, unless specifically prohibited by the Industrial Pretreatment Coordinator.

I. Any substance or heat in amounts that will inhibit biological activity in the BWWTP resulting in interference or which will cause the temperature of the sewage in the BWWTP 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 BWWTP 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 pollutant(s), material or quantity of material which causes or contributes to:

1. Damage to any part of the BWWTP;
2. A need for non-routine maintenance or increased maintenance of the BWWTP;
3. An increase in the operational costs of the BWWTP;
4. A nuisance or menace to public health;
5. Interference or pass through in the BWWTP, its treatment processes, operations, sludge processes, use or disposal. This applies to each user introducing pollutants into the BWWTP whether or not the user is subject to other national pretreatment standards or any Federal, State, or local pretreatment requirements; or
6. A violation of the City's WDR permit.

L. Any quantities of herbicides, algaecides, or pesticides.

M. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in excess of local discharge limits or national pretreatment standards.

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

O. Any wastewater having a corrosive property capable of causing damage to the BWWTP, equipment, or structures, or harm to the City or City personnel. However, in no case shall wastewater be discharged to the BWWTP with a pH below 5.0, or greater than 11.0, or which will change the influent pH of the BWWTP to below 6.5 or above 8.0.

P. Any substance that will cause discoloration of the BWWTP effluent.

Q. Any unpolluted water, including cooling water, heating water, storm water, subsurface water, single pass cooling water, and single pass heating water except as permitted by the Industrial Pretreatment Coordinator. The Industrial Pretreatment Coordinator may approve, on a temporary basis, the discharge of such water only when no reasonable alternative method of discharge is available and the user pays all applicable user charges and fees.

R. Any substance which may cause the BWWTP 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 BWWTP to violate applicable 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 federal, state, or local regulations, and any amendments thereto.

S. Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the BWWTP.

T. Pollutants that result in the presence of toxic gases, vapors, or fumes within the BWWTP in a quantity that may cause acute worker health and safety problems.

U. 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 said discharge, and any amendments thereto.

V. Any discharge from any groundwater remediation projects, except as may be permitted by the Industrial Pretreatment Coordinator.

W. Any slug loads from raw material, spent solutions, or sludges generated from processing tanks or vessels, unless no reasonable alternative is available to prevent severe loss of life or to protect the environment. These shall include, but are not limited to wash tanks, chemical conversion tanks, acid and alkali tanks, lubricating tanks, condensate from dry cleaning processes, fruit and vegetable wash tanks, brine wastewater from soft water regeneration processes above permitted limits, and any other tank or vessel containing a material which would exceed permitted discharge limits.

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

Y. Any photo processing waste from developing or fixing solutions or rinse waters that violate the discharge limits specified in this chapter.

Z. Any Toxic Organics in amounts which are determined to be toxic to the maintenance or operation of the BWWTP. The City may require the submittal of a Toxic Organic Management Plan (TOMP) from any user determined to discharge Toxic Organics above detection limits.

AA. Any Domestic Liquid Wastes. Such wastes shall only be disposed of at a legal disposal site.

13.12.310 INTERCEPTOR PROHIBITIONS

The use of any biological or chemical products or other materials designed to metabolize, emulsify, suspend, or dissolve oil and grease within any sand/oil or oil/grease interceptor is prohibited.

13.12.315 PROHIBITED DISCHARGE OF PRETREATMENT WASTE

No person shall discharge any waste removed from any pretreatment equipment, systems, or devices into any sewer or storm drain opening or any drains or other openings leading to any sewer or storm drain or to the ground without authorization and permits from the regulatory agency having jurisdiction over the discharge of such waste. All waste removed from pretreatment equipment shall be disposed of in accordance with all applicable federal, state, county, and local laws and regulations.

13.12.320 MEDICAL WASTE DISPOSAL

A. No user shall discharge medical waste to the BWWTP without first complying with all requirements of the California Medical Waste Management Act (California Health and Safety Code Sections 117600 – 118360) and obtaining written permission from the Industrial Pretreatment Coordinator. The request shall be submitted to the Industrial Pretreatment Coordinator and shall include:

1. The source and volume of the medical waste;
 2. The procedures and equipment used for disinfection of the medical waste;
- and
3. Employee training procedures for the legal disposal of the medical waste.

B. If the Industrial Pretreatment Coordinator believes that the waste would not be adequately disinfected, the Industrial Pretreatment Coordinator 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 Industrial Pretreatment Coordinator believes that adequate disinfection of the waste can be achieved prior to discharge of the waste to the collection system, then 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 of the medical waste, the user:

1. Shall adequately disinfect the medical waste prior to discharge to the BWWTP as outlined in the approval letter;

2. Shall not dispose of solid medical waste to the BWWTP, including hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or recognizable portions of human or animal anatomy; and

3. Shall be subject to periodic inspections to verify that all disinfection methods, procedures, and practices are being performed.

E. As authorized by the Industrial Pretreatment Coordinator, wastewater generated from medically required life saving operations, including but not limited to dialysis facilities, may be approved for disposal to the BWWTP.

13.12.325 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT

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 user's permit, or to establish an artificially high flow rate for permitted mass emission rates or permitted flow amounts.

13.12.330 WATER SOFTENING PROHIBITIONS

A. No industrial user shall install, replace, enlarge, or use any apparatus for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated at the site of use with the regeneration wastes being discharged to the ground, storm drain or the BWWTP unless the apparatus is in compliance with the following conditions:

1. 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;

2. The backwash equipment shall be equipped with an electrical conductivity controlled discharge valve that controls the wastewater discharged to the BWWTP. The electrical conductivity valve shall be calibrated at a minimum annually or as often as necessary to control and prevent any wastewater from being discharged to the BWWTP that exceeds the maximum electrical conductivity, total dissolved solids, or associated sodium and chloride concentrations established in the local discharge limitations specified in this chapter; and

3. The industrial user shall maintain the electrical conductivity controlled discharge valve in proper operating condition at all times. The industrial user shall notify the Industrial Pretreatment Coordinator within twenty-four (24) hours in the event of a valve failure and immediately cease the discharge of all wastewater to the BWWTP associated with the soft water regenerating processes. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the Industrial Pretreatment Coordinator, within five calendar days after discovery of the electrical conductivity valve failure.

B. Pursuant to California Health and Safety Code Sections 116775-116795 and amendments thereto, no residential water softening or conditioning appliance shall be installed except in either of the following circumstances:

1. The regeneration of the appliance is performed at a nonresidential facility separate from the location of the residence where such appliance is used; or

2. The regeneration of the appliance discharges to the waste disposal system of the residence where such appliance is used and the following conditions are met:

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 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 Industrial Pretreatment Coordinator for inspection at reasonable times.

13.12.335 LIMITATION ON WASTEWATER STRENGTH

No user shall discharge industrial wastewater to the BWWTP unless the wastewater conforms to the limitations and requirements of this chapter. Discharge limitations shall be revised and adopted by the City Council to ensure compliance of the BWWTP effluent and biosolids reuse in compliance with the City's WDR permit.

13.12.340 LOCAL DISCHARGE LIMITATIONS

As required by the Industrial Pretreatment Coordinator, all users shall comply with the Local Discharge Limits as set forth in this section.

INDUSTRIAL USER LOCAL DISCHARGE LIMITATION TABLE (the "Daily Maximum Constituent Discharge Limit")

Constituent	Daily Maximum Constituent Discharge Limit in Milligrams/Liter
Arsenic	0.249
Bio-Chemical Oxygen Demand (BOD ₅)	500.0
Boron	1.0
Cadmium	0.2
Chemical Oxygen Demand (COD)	750.0
Chloride ¹	WS+200
Copper	2.0
Cyanide	1.0
Fats, Oils and Grease (non-polar)	40
Fluoride	3.8
Chromium (Total)	0.05
Lead	1.8
Methylene Blue Active Substances (MBAS)	40
Mercury	0.05
Molybdenum	0.1
Nickel	2.2
Nitrate as NO ₃	WS + 10
Nitrogen, Ammonia	50.0
PCB	0.0
Pesticides	0.0
pH	5.5-9.5
Phenol	0.05
Selenium	0.023
Silver	2.5
Sodium ¹	WS + 110
Sulfate ¹	WS + 140

Temperature	140°F at Discharge Point
Total Dissolved Solids (TDS) ¹	WS + 650.0
Total Petroleum Hydrocarbons (TPH)	0.50
Total Suspended Solids (TSS)	300.0
Total Toxic Organics (TTO)	0.50
Zinc	1.8

¹WS= Water Service plus assigned limit (per constituent equals Local Discharge Limit)

13.12.345 WATER EXAMINATION PROCEDURES

Except as may otherwise be stated in this chapter, the Industrial Pretreatment Coordinator will comply with and utilize the wastewater examination procedures set forth in the current edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

IV. PRETREATMENT REQUIREMENTS

13.12.400 SEPARATION OF WASTEWATER

Any user who discharges industrial wastewater to the BWWTP shall keep domestic wastewater separate from all industrial wastewater until the industrial wastewater has passed through all required pretreatment and monitoring equipment or devices. For existing users subject to federal categorical pretreatment standards that cannot separate the domestic wastes from the industrial wastes prior to the permitted sample location, the combined wastestream formula shall be applied to determine applicable discharge limitations.

13.32.405 PRETREATMENT OF INDUSTRIAL WASTEWATER

All industrial 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 amendments thereto, and local limits, whichever are more stringent, within the time limitations specified by the Industrial Pretreatment Coordinator;
- C. Install, operate, and maintain all equipment, systems, and devices required to comply this chapter at the user's expense;
- D. Provide detailed plans to the Industrial Pretreatment Coordinator for review and approval indicating the pretreatment equipment, systems, devices and operating procedures prior to beginning any construction or installation of any equipment. The review of such plans and operating procedures by the Industrial Pretreatment Coordinator shall not relieve the user from the responsibility for pretreating wastewater

to produce an effluent acceptable to the Industrial Pretreatment Coordinator 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 Industrial Pretreatment Coordinator 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 BWWTP and determine the user's compliance with the requirements of this chapter; and

G. Notify the Industrial Pretreatment Coordinator of any pretreatment equipment failure within twenty-four (24) hours after the user is aware of the failure. The notification shall be accomplished by a telephone call, telefax transmission, personal visit or hand delivered notification, to the City. A written report documenting the cause of the failure and the corrective actions completed shall be submitted to the Industrial Pretreatment Coordinator, within five calendar days after discovery of the pretreatment equipment failure.

13.12.410 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) is necessary to perform essential maintenance ensuring adequate operation of the pretreatment equipment or device and does not cause a violation of applicable discharge limits.

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

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

2. Unanticipated bypass: The user shall notify the Industrial Pretreatment Coordinator within twenty-four (24) hours upon learning that any pretreatment equipment or device has been bypassed. The user shall submit a written report to the Industrial Pretreatment Coordinator within five working days after the bypass. All bypass reports shall include:

a. A description of the bypass, including the volume and duration;

b. If the bypass was corrected; and

c. Actions completed or proposed to prevent a recurrence of the

bypass.

13.12.415 STANDARD INTERCEPTOR DESIGNS

The Industrial Pretreatment Coordinator shall maintain a file, available to the public, of suitable designs of gravity separation interceptors. This file shall be for informational

purposes only and shall not provide or imply any endorsements 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 of preventing the discharge of industrial wastewater to the BWWTP which exceeds permitted discharge limits.

13.12.420 INTERCEPTOR REQUIREMENTS FOR EXISTING RESTAURANT USERS

All existing restaurant users shall install a grease interceptor that complies with the requirements of this chapter within 60 days of notification by the Industrial Pretreatment Coordinator. The Industrial Pretreatment Coordinator may require an existing restaurant user to install a grease interceptor under the following conditions:

- A. The user has been determined to cause or contribute to an increase in the frequency of sewer line maintenance cleaning or repairs.
- B. The user has been determined to cause or contribute to sewer line blockages or Sanitary Sewer Overflows (SSOs).
- C. The user has sold or transferred operation of the facility to a new user or operator.
- D. The user has completed any changes to the following:
 - 1. A significant interior plumbing modification;
 - 2. A significant increase in seating capacity;
 - 3. A significant increase in operating hours;
 - 4. A significant change in the type of food prepared at the facility;
 - 5. A significant change in the maximum meals served per peak hour;
 - 6. A significant change in the type of equipment used;
 - 7. Any other changes which result in a significant change to the quantity or quality of the wastewater discharged to the BWWTP.

13.12.425 INTERCEPTOR REQUIREMENTS

All interceptors and grease traps required to be installed must be approved by the Building Official prior to installation. Any user required by this chapter to install an interceptor shall install, operate, and maintain an adequately sized interceptor that complies with the following conditions:

- A. The interceptor shall be watertight, structurally sound, durable and have a minimum of two chambers with a separate ring and cover for each chamber, unless otherwise approved by the Building Official, to insure adequate cleaning capabilities. All rings shall be affixed to the interceptor to insure a gas and watertight seal.
- B. All interceptor chambers shall be immediately accessible at all times for the purpose of inspection, sampling, cleaning, and maintenance. 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.

C. Any interceptor legally and properly installed before the effective date of this chapter shall be acceptable as an alternative to the current interceptor requirements provided the interceptor is effective in removing floatable and settleable material and is accessible for inspection, sampling, cleaning, and maintenance.

D. All drains, openings and service lateral lines connected to an approved interceptor shall be kept free from any obstructions or restrictions to wastewater discharge. All drains and openings connected to an approved interceptor shall be equipped with screens or devices which will prevent all material and particles with a cubic dimension greater than three-eighths of an inch from being discharged to the BWWTP.

E. All interceptors shall be equipped with an influent tee extending no more than twelve 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 interceptor chamber, including the final chamber. The Building Official shall review and either approve or deny any alternate manufacturers engineered interceptor designs contrary to standard requirements.

F. All interceptors shall be equipped with a sample box as required by Building Official.

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

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

I. If the Building Official finds, either by 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 Building Official shall reject such interceptor and declare that the interceptor does not meet the requirements of this Section. The user shall be required to promptly install, at the user's expense, an interceptor that is acceptable to the Building Official.

J. No user shall abandon, seal, fill, or in any other way bypass an existing interceptor or grease trap unless prior approval has been requested and granted by the Building Official and the Industrial Pretreatment Coordinator. .

13.12.430 SAND/OIL INTERCEPTORS

A. Any user that owns, operates, or maintains a new facility for the servicing, repair, cleaning, washing, or any other type of maintenance activities performed on roadway machinery, industrial transportation equipment, motor vehicles, public or private

transportation vehicles, shall, prior to discharging wastewater to the BWWTP, install a sand/oil interceptor in compliance with requirements specified in the most recent version Chapter 10 of the California Plumbing Code as may have been amended by the City, or any successor provisions. Such users shall complete and submit a City business questionnaire and a Class III industrial user permit application to the Building Official for review. Any facility for the servicing, repair, cleaning, washing, or any other type of maintenance activities performed on roadway machinery, industrial transportation equipment, motor vehicles, public or private transportation vehicles shall be required to comply with this section as a condition of any expansion or remodeling of the facility that allows the user to increase the level of service, repair, cleaning, washing or maintenance activities at the facility.

B. The Building Official shall calculate the size of the sand/oil interceptor required to be installed in accordance with the sizing criteria specified in the most recent version of the California Plumbing Code (CPC), Appendix H, as amended. The interceptor shall have a minimum operational fluid capacity of one hundred gallons and be designed to retain material which will float or settle and comply with BMC Section 13.12.425. Domestic wastewater, including but not limited to, wastewater from restrooms, showers, drinking fountains, and condensate (i.e., ice melt, air conditioning condensate) shall not be allowed to pass through the interceptor.

C. Any user required to install a sand/oil interceptor shall direct all wastewater from all drains, sinks, and wash racks, through the approved sand/oil interceptor..

D. Any user required to install a sand/oil interceptor shall maintain such interceptor in accordance with BMC Section 13.12.445.

13.12.435 RESTAURANT USER REQUIREMENTS

A. Except as otherwise provided under Section 13.12.440 (“conditional waiver”), no Restaurant User shall discharge wastewater to the BWWTP without first complying with all oil/grease interceptor requirements in the most recent version Chapter 10 of the California Plumbing Code, or any successor code, and as may have been amended by the City .

B. Interceptor sizing requirements shall be determined in accordance with the sizing criteria specified in the most recent version of the California Plumbing Code (CPC) ; provided however, in order to provide adequate retention time for the separation of oil/grease, no interceptor shall have a capacity less than 750 gallons. .

The Building Official’s reserves the right to determine interceptor size and type based on the type of restaurant, the condition of the collection system serving the restaurant, and possible adverse affects caused by the restaurants discharge. The Building Official also reserves the right to require a larger interceptor when necessary

and to set a maximum interceptor size when appropriate, to prevent the accumulation of sewer gas in underutilized interceptors.

C. Any restaurant user required to install an oil/grease interceptor shall direct all wastewater from all restaurant drains, sinks, wash racks, dishwashers, and garbage grinders through an approved grease interceptor which complies with BMC Section 13.12.425. No domestic wastewater, including but not limited to, wastewater from restrooms, showers, drinking fountains, and condensate (i.e., ice melt, air conditioning condensate) shall be allowed to pass through the grease interceptor.

D. Any restaurant user required to install a grease interceptor shall maintain such interceptor in accordance with BMC Section 13.12.445.

E. All restaurant users shall segregate all waste oil from deep fryers, cookers, etc. from all other waste streams. The segregated waste oil shall not be discharged to the BWWTP. The waste oil shall be stored onsite and hauled to an approved disposal site.

13.12.440 CONDITIONAL WAIVERS

The Building Official may conditionally waive the requirement to install an Interceptor for any restaurant user who can demonstrate to the satisfaction of the Building Official that the use does not generate any fat, oil or grease or otherwise have any reasonable potential to cause an adverse effect on the operation of the BWWTP. The Building Official may revoke such conditional waiver for the following reasons:

- A. Changes in menu;
- B. Falsification of information submitted in the 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 quantity or quality of the wastewater discharged; or
- H. Increased sewer line maintenance or sanitary sewer overflows (SSOs) which is attributed to the restaurant user's wastewater discharge.

13.12.445 INTERCEPTOR MAINTENANCE

A. All interceptors shall be properly maintained 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 accumulate which would cause a public nuisance. An interceptor is considered to be in violation of this chapter under the following conditions:

1. Odors generated from the interceptor cause a public nuisance.
2. The interceptor is not in good working condition and appears to be surcharging.
3. The operational fluid capacity of the interceptor has been reduced by more than twenty-five percent by the accumulation of floating material, sediment, solids, oil or grease.
4. The industrial wastewater discharged from the user is determined to contain more than 250 mg/L of oil and grease.

B. When an interceptor is cleaned, the interceptor must be pumped out completely and the removed sediment, liquid and floating material shall be disposed by a licensed grease hauler at an approved disposal site in accordance with all applicable federal, state, and/or local laws.

C. The user shall maintain a manifest for the removed interceptor waste. The manifest shall include at a minimum: the name and address of the facility where the waste is removed, the name and address of the grease hauler, the name and address of the disposal site for the interceptor waste, the volume removed, and the date and time of removal. Failure to maintain and provide the required information shall be a violation of this chapter and may require the user to document the required information on a City issued grease hauler manifest form.

D. The removed pretreatment waste shall not be reintroduced into the interceptor or discharged into another interceptor at another location.

E. If the interceptor is not maintained adequately and increased pumping is determined to be insufficient to maintain the effective operation of the interceptor, the user shall install an interceptor of sufficient size that pretreats the wastewater to acceptable standards.

F. The owner, lessee, sub-lessee, proprietor, operator and superintendent of any facility required to install an interceptor, are individually and severally liable and responsible for any failure to properly maintain such interceptor.

13.12.450 SILVER RECOVERY PRETREATMENT SYSTEMS

A. All industrial users who discharge wastewater to the BWWTP which is generated from the development of photographic film, film negatives, x-rays, or plate negatives shall install silver recovery pretreatment equipment approved by the Industrial Pretreatment Coordinator.

B. The silver recovery equipment shall sufficiently remove silver from the fixer solution and any silver laden rinse water to meet the required local discharge limits specified herein.

C. The photo developing solution shall be separated, reclaimed, and hauled by a licensed liquid waste hauler to an approved disposal site and shall not be discharged to the silver recovery equipment.

D. The user shall install an approved sample collection device at the discharge end of the silver recovery equipment to facilitate the collection of representative wastewater samples.

13.12.455 INDUSTRIAL USER MODIFICATIONS

All permitted users shall report in writing to the Industrial Pretreatment Coordinator for review and approval any proposed changes to the user's operations which may alter the nature, quality, or volume of its wastewater at least thirty days prior to initiation of the proposed changes. The report shall be signed by the authorized representative of the permitted industrial user. For the purposes of this section "changes" shall include, but not be limited to, any of the following:

A. A sustained twenty percent increase or decrease in the industrial wastewater flow discharged or in production capacity;

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

C. Experimentation with new processes and/or equipment that will affect the quantity or quality of the wastewater discharged.

13.12.460 UNAUTHORIZED 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.

13.12.465 NOTICE OF POTENTIAL PROBLEMS TO INDUSTRIAL PRETREATMENT COORDINATOR

All users shall notify the Industrial Pretreatment Coordinator within twenty-four (24) hours of all wastewater discharges that could cause a problem at the BWWTP, including any slug loadings of any material. Wastewater discharges that may cause a problem at the BWWTP include, but are not limited to, acids, alkalis, oils, greases, high strength organic waste, salts, hazardous substances and waste, colored wastes, and batch discharges. All users shall provide the Industrial Pretreatment Coordinator, within five business days from the incident, a written report detailing the cause of the discharge and the corrective actions completed to prevent a recurrence.

13.12.470 SPILL CONTAINMENT SYSTEMS

If required by the Industrial Pretreatment Coordinator, users shall install spill containment systems which conform to the requirements of this Section. The spill containment systems shall be sufficient to prevent the discharge of any bulk chemicals, raw materials, finished product, etc. to the BWWTP. Spill containment requirements include but are not limited to the following:

A. Spill containment systems for tanks, carboys, and vats shall consist of a system of dikes, walls, barriers, berms, or other devices approved by the Industrial Pretreatment Coordinator which are designed to contain a minimum of 110% of the liquid contents of the largest container stored in the containment device.

B. Spill containment systems for drums and barrels may consist of individual spill containment skids, pallets, or other devices approved by the Industrial Pretreatment Coordinator which are designed to contain a minimum of 110% of the entire contents of all containers stored in the containment device.

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

D. Outdoor spill containment systems shall be constructed with adequate covering to prevent the accumulation of water from inclement weather or irrigation within the spill containment device.

E. Spill containment systems shall not allow incompatible substances to mix and cause a hazardous situation in the event of a failure of one or more containers.

F. At no time shall a user use a spill containment system for the storage of waste other than from a spill generated from a contained liquid.

G. Liquid contained within the spill containment system shall be removed as soon as possible or as instructed by the Industrial Pretreatment Coordinator to restore the capacity of the spill containment system to the original volume.

13.12.475 FACILITY WASTE MANAGEMENT PLAN

Permitted Uses shall develop and maintain a Facility Waste Management Plan (FWMP). As determined by the industrial pre-treatment coordinator, such FWMP may include the following documents, as appropriate:

A. TOXIC ORGANIC MANAGEMENT PLAN (TOMP) is required of all categorical industrial users which are permitted to submit a TOMP in lieu of required pollutant monitoring.

B. SLUG LOAD CONTROL PLAN (SLCP) 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 BWWTP, would violate any of the prohibited discharge requirements of this chapter.

C. PRETREATMENT SYSTEMS OPERATIONS MANUAL is required of all industrial users that operate and maintain pretreatment equipment.

D. HAZARDOUS MATERIALS/WASTE MANAGEMENT PLAN is required of all industrial users that use or possess a hazardous substance or generate a hazardous substance. The City's Fire Department-required Business Emergency Plan may be substituted for this management plan.

E. 1. A WASTE MINIMIZATION/POLLUTION PREVENTION PLAN (WM/PPP) is required of any industrial user:

a. For whom the Industrial Pretreatment Coordinator has determined such WM/PPP is necessary to achieve a water quality objective;

b. Determined by the California State Water Quality Control Board (State or Regional Board) to be a chronic violator, and the State Board, RWQCB or City determines that pollution prevention (as defined in Water Code Section 13263.3(b)) could assist in achieving compliance; or

c. That the Industrial Pretreatment Coordinator determines 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.

2. Any required WM/PPP shall include the following information::

a. A wastewater analysis of pollutant(s) that the user discharges to the BWWTP, a description of the source(s) of the pollutant(s), and a comprehensive review of the processes used by the users that result in the generation and discharge of the pollutant(s).

b. An analysis of the potential for pollution prevention to reduce the generation of the pollutant(s), including the application of innovative and alternative technologies and any adverse environmental impacts resulting from the use of those methods.

c. A detailed description of the tasks and time schedules required to investigate and implement various elements of pollution prevention techniques.

d. A statement of the user's pollution prevention goals and strategies, including priorities for short-term and long-term action.

e. A description of the user's existing pollution prevention methods.

f. A statement that the user's existing and planned pollution prevention strategies do not constitute cross media pollution transfers unless clear environmental benefits of such an approach are identified to the satisfaction of the City.

g. Proof of compliance with the Hazardous Waste Source Reduction and Management Review Act of 1989 (Article 11.9 of Chapter 6.5 of Division 20 of the Health and Safety Code, commencing with Section 25244.12), if applicable.

h. An analysis of the pollution prevention measures, relative costs, and benefits of the proposed pollution prevention activities selected by the user.

i. A specification of, and rationale for, the technically feasible and economically practicable pollution prevention measures selected by the discharger for implementation.

V. WASTEWATER DISCHARGE PERMITS

13.12.500 GENERAL PERMIT REQUIREMENTS

A. It is unlawful for any Class I, II, III, or user to connect or discharge to the BWWTP without a valid industrial user permit.

B. Plans and building permits shall not be approved by the Industrial Pretreatment Coordinator for any sewer connection to the BWWTP unless the user has first obtained the appropriate industrial user permit or the user has received written permission from the Industrial Pretreatment Coordinator to connect to the BWWTP after agreeing in writing not to discharge industrial wastewater until an industrial user permit has been obtained.

C. The Industrial Pretreatment Coordinator shall have the authority to deny or establish discharge limitations for all users who propose new or increased contributions of pollutants, or changes in the nature of pollutants to the BWWTP where the contributions do not meet applicable pretreatment standards, requirements or would cause the City to violate its WDR permit.

13.12.505 INDUSTRIAL USER PERMIT APPLICATION REQUIREMENTS

A. All users required to obtain an industrial user permit shall complete and file with the Industrial Pretreatment Coordinator a permit application form provided by the Industrial Pretreatment Coordinator and shall pay all applicable fees invoiced by the City. The permit application may require the applicant to supply any or all of the following information:

1. Name, address, and location of the facility (if different from the mailing address);
2. Name, title and phone number of authorized representative(s) and contact(s);
3. NAICS number of the operation(s) carried out by the industrial user, according to the Federal North American Industry Classification System, Office of Management and Budget, 1997, as amended;
4. EPA hazardous waste generator's number, if applicable;
5. A description of operations including the nature, average rate of production, and a schematic process diagram which indicates points of discharge to the BWWTP;
6. Flow measurement information showing the measured average daily and maximum daily flow in gallons per day discharged to the BWWTP from process waste streams and all other waste streams, as necessary, to determine the permitted flow of the user and to allow use of the combined waste stream formula;

7. Time and duration that wastewater is discharged;
8. Wastewater samples collected according to 40 CFR 403.12(b)(5) and 40 CFR 136 specifications and analyzed by a laboratory certified by the State of California, Department of Health Services to complete the specific pollutant analyses;
9. Measurement of pollutants identified in 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 constituent maximum and average constituent concentration (or mass) shall be reported. All analyses shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto
10. A list of all environmental control permits held;
11. Site plans, floor plans, process and pretreatment flow charts, mechanical and plumbing plans with details to show all sewers, sewer connections, monitoring equipment, pretreatment equipment, systems and devices, production areas and all areas of wastewater generation;
12. Certification statement, as set forth in 40 CFR Part 403.6(a)(2)(ii) and amendments thereto, 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 pretreatment equipment is necessary to achieve compliance with pretreatment standards and requirements;
13. A statement in a form agreeable to the City Attorney that the applicant will reimburse the city for any fines the applicant is assessed as a result of violation of the permit and hold harmless and indemnify the city from any third party claims relating to the permit; and
14. Any other information as may be necessary for the Industrial Pretreatment Coordinator to evaluate the permit application. The accuracy of all data submitted, including monitoring data, shall be certified by an authorized representative of the industrial user as set forth in 40 CFR Part 403.6(a)(2)(ii).

B. After receiving the completed application and all required support information, the Industrial Pretreatment Coordinator shall evaluate the application and information furnished by the applicant and either issue an industrial user permit subject to the terms and conditions provided in this chapter, suspend the issuance of the permit or disapprove the application pursuant to Subsection F of this Section. The Industrial Pretreatment Coordinator shall issue the permit, if the Industrial Pretreatment Coordinator believes that sufficient and accurate information has been provided by the applicant in the permit application and the Industrial Pretreatment Coordinator 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 BWWTP;

3. The proposed operation and discharge of the applicant shall not result in a violation by the City of the terms and conditions of its WDR permit or cause a pass through of any toxic materials to the BWWTP; and

4. The applicant has paid all applicable industrial user permit fees.

C. The Industrial Pretreatment Coordinator may suspend the permit application process if the user's business will not be operational at the conclusion of the application review process. The Industrial Pretreatment Coordinator will supply the user with an interim approval letter in order to receive a permit to commence construction from the Building Department. The user is required to notify the Industrial Pretreatment Coordinator at least fourteen days prior to the commencement of business operations. The industrial user permit will be issued upon proper notification by the user.

D. If the Industrial Pretreatment Coordinator determines that the proposed discharge will not be acceptable, the Industrial Pretreatment Coordinator shall deny the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process.

13.12.510 INDUSTRIAL USER PERMIT REQUIREMENTS

A. Industrial user permits shall be subject to all provisions of this chapter and all other applicable regulations, charges and fees established by resolution(s) approved by the City Council.

B. Permits may contain or require any or all of the following:

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

2. Limitations on the average daily flow and maximum daily flow rates;

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

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

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

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

7. 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);

8. Requirements for reporting flow exceedances and pollutant violations;

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

10. Requirements for collection and analysis of representative wastewater samples from the approved sample location during the first month of the first and third quarters. Unless otherwise specified in the permit, the sample analysis compliance

reports shall be submitted to Barstow by the end of the second month of the first and third quarter. Unless otherwise specified in the permit, these reports shall include effluent sample analyses results with the name and concentration or mass of the pollutants in the industrial user permit; average and maximum daily wastewater flows for all processes and total flow for the reporting period; average and maximum daily production rates; and total production rate for the reporting period;

11. Requirement that all required reports be signed by an authorized representative of the user;

12. Requirement that all required reports be accompanied by certification statement, by an authorized representative, stating whether the pretreatment standards are or are not being met as set forth in 40 CFR Section 403.12(b)(6) and amendments thereto;

13. 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 Industrial Pretreatment Coordinator;

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

15. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements of this chapter and amendments thereto; and

16. Other conditions or requirements as deemed appropriate by the Industrial Pretreatment Coordinator to ensure compliance with this chapter and amendments thereto.

13.12.515 PERMIT DURATION

Industrial User permits shall be issued for a specified time period, not to exceed three years.

13.12.520 DUTY TO COMPLY

All users that have been issued an industrial user permit have a duty to comply with all permit conditions and limitations . Any user failing to comply with the requirements of the permit shall be subject to administrative, civil or criminal enforcement actions in accordance with this chapter.

13.12.525 PERMIT RENEWAL

All industrial users shall submit a completed permit application, required monitoring information or production reports, and any other information required by the Industrial Pretreatment Coordinator for permit renewal a minimum of ninety calendar days prior to the expiration of the existing permit. All users shall pay all applicable permit fees after invoicing by the City. If the Industrial Pretreatment Coordinator fails to notify user of the 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 existing permit for up to thirty working days until the actual permit can be issued or denied. Any discharge of industrial

wastewater to the BWWTP with an expired permit shall be a violation of this chapter and may subject the user to enforcement action.

13.12.530 PERMIT MODIFICATIONS

A. The terms and conditions of the industrial user permit shall be subject to modification during the term of the permit for reasons specified by the Industrial Pretreatment Coordinator, including the following:

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 permit issuance;
3. A change in the BWWTP that requires either a temporary or permanent reduction or elimination of the permitted discharge;
4. The permitted wastewater discharge poses a threat to the BWWTP or City personnel, residents, or receiving waters;
5. Violation of any term or condition of the user's permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the user's permit application or in any required reporting; or
7. To correct typographical or other errors in the user's permit; or

B. When possible, the City shall notify the user of any proposed permit changes at least thirty days prior to the effective date of the changes. Any modifications in the permit shall include a reasonable time schedule for compliance.

13.12.535 PERMIT TRANSFER

Each industrial user permit is issued to a specific user for a specific operation for a specified time. Any assignment, transfer or sale of an industrial user permit to a new owner, new user, different premises, or different use is prohibited and is a violation of this chapter.

13.12.540 PERMIT REVOCATION

The Industrial Pretreatment Coordinator may revoke any industrial user permit if the user is in violation of any provision of this chapter or user permit. These violations include but are not limited to: falsification of any required information; denial of the City right to entry; failure to re-apply for a permit or request a required permit modification; failure to pay required permit fees or charges; or any discharges in violation of this chapter. The Industrial Pretreatment Coordinator may revoke the industrial user permit upon a minimum notice of fifteen calendar days when the Industrial Pretreatment Coordinator finds the user violated any provision of this chapter or user permit. The permit revocation will result in the immediate suspension of all discharge rights and privileges as specified in BMC Section 13.12.640. All costs for permit revocation and reissuance shall be paid by the user.

VI. ENFORCEMENT NOTICES

13.12.600 ENFORCEMENT RESPONSE PLAN

the City shall use an Enforcement Response Plan adopted by the City Council, to guide the City in imposing progressive enforcement actions against users in noncompliance with this chapter.

13.12.605 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 required reports or correspondence by the scheduled due date;
 3. Failure to submit a compliance report by the due date specified without prior notification to the City;
 4. Failure to conduct required monitoring;
 5. Failure to notify the Industrial Pretreatment Coordinator of a violation of a permit condition within twenty-four hours after discovery of the violation; or
 6. Failure to pay any 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 Industrial Pretreatment Coordinator of a slug discharge immediately after discovery of said discharge;
 2. Failure to submit required reports or correspondence within 30 days after the original due date;
 3. Failure to submit a compliance report within 30 days after the original due date;
 4. Falsification of documents or attempting to mislead City officials;
 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 the user's premises for the purpose of inspection, monitoring, or sampling;
 8. Failure to produce records as required;
 9. Failure to accurately report noncompliance;
 10. Failure to submit required reports or submitting such reports more than thirty calendar days late;
 11. Failure to pay charges pursuant to BMC Section 13.12.700, permit application fees, permit renewal fees, administrative fines and penalties pursuant to BMC chapter 6.30, and Civil Penalties or attorney fees 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 Industrial Pretreatment Coordinator 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 an individual major administrative violation.

13.12.610 DISCHARGE VIOLATIONS

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 the Industrial Pretreatment Coordinator has determined, either alone or in combination with other discharge violations; pose no significant threat to the operation of the BWWTP, the environment, or the health and safety of the general public or the City and City employees.

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

- a. Violation(s) which result in significant noncompliance;
- b. Discharge violations which, either alone or in combination with other discharge violations; pose a significant threat to the operation of the BWWTP, the environment, or the health and safety of the general public or City employees, or cause or contribute to additional treatment costs incurred by the City or a violation of the WDR permit, or cause or contribute to pass through, interference, or other known damages;
- c. Discharging industrial wastewater to the BWWTP without a current industrial user permit;
- d. A pattern of minor discharge violations;
- e. Failure to correct a minor discharge violation within a specific time period as specified by the Industrial Pretreatment Coordinator; or
- f. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained by the City or the user.

B. Upon notice of appropriate mitigating circumstances, the Industrial Pretreatment Coordinator has sole discretion to treat a major discharge violation as a minor discharge violation. The Industrial Pretreatment Coordinator also has sole discretion to treat a pattern of minor discharge violations with aggravating circumstances as an individual major discharge violation.

13.12.620 UNCLASSIFIED VIOLATIONS

For any violation by any user that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the Industrial Pretreatment Coordinator 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

Industrial Pretreatment Coordinator shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the BWWTP, the BWWTP sludge, the health and safety of the City and City employees, contractors, users, and the general public. The Industrial Pretreatment Coordinator shall also evaluate the user's compliance history, good faith, and any other factors the Industrial Pretreatment Coordinator deems relevant.

13.12.625 PUBLIC NUISANCE

The provisions of BMC section 1.01.110, including subsection (c) declaring violations of this code to be a public nuisance applies to this chapter.

13.12.630 ADMINISTRATIVE ORDERS

The City Manager may require compliance with this chapter and any permit or order issued hereunder, by issuing Administrative Orders that are enforceable in a court of law, or by directly seeking court action. The Industrial Pretreatment Coordinator 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:

A. NOTICE OF NONCOMPLIANCE (NNC): A Notice of Noncompliance shall be issued to a user for any initial pollutant violations of any minor violations of the requirements of an industrial user's permit or this chapter. A copy of the NNC shall be submitted to the user at the conclusion of the inspection or mailed to the user with a written receipt of delivery. The NNC shall require the user to correct the violation by a specified date or submit a written explanation of the violation(s) and a plan to achieve immediate compliance. An extension of the compliance deadline specified in the NNC may be granted, at the discretion of the Industrial Pretreatment Coordinator upon a showing of good faith by the user.

B. VERBAL NOTICE (VN): A Verbal Notice shall be used to notify a user that required correspondence, monitoring data, or any other type of required report has not been received by the required compliance date. The VN shall be completed through a phone call, telefax, or personal visit and shall be completed within five days after the original compliance date. All VNs issued to a user shall be documented in writing in the user's file.

C. WARNING NOTICE (WN): A Warning Notice shall be issued to a user when compliance has not been achieved by the original due date specified in the NNC issued to the user. The WN state the provision(s) violated and the facts alleged to constitute the violation. The WN will also inform the user that additional enforcement action, including the issuance of a Notice of Violation and monetary penalties, will be taken if compliance is not achieved by the date specified. A WN shall be documented in a written inspection report at the time of the follow up inspection or mailed to the user with a written receipt of delivery.

D. **NONCOMPLIANCE MONITORING PROGRAM (NMP):** A Noncompliance Monitoring Program (NMP) shall be issued to a user when analysis results from consecutive samples indicate violations for the same pollutant. The NMP requires the user to collect a representative wastewater sample from the designated sample location at a frequency determined by the Industrial Pretreatment Coordinator and to analyze the samples for all pollutants which were determined to be in violation of discharge limits. The user shall be responsible for all costs associated with the NMP. Production information, including daily flow meter records shall be submitted for each sample, as required by the Industrial Pretreatment Coordinator. The NMP shall be hand delivered or delivered certified mail with a written receipt of delivery. Continued noncompliance may result in escalated enforcement action and additional monitoring requirements as specified by the Industrial Pretreatment Coordinator.

E. **NOTICE OF VIOLATION (NOV):** A Notice of Violation shall be issued to a user for any repeat pollutant violations, any violations which result in significant noncompliance, or any major violations of the user's permit or this chapter. A Notice of Violation shall also be issued to a user who has not complied with the requirements contained in a Notice of Noncompliance, Warning Notice, or Stop Work Order. The NOV shall state the provision(s) violated and the facts alleged to constitute the violation, and may include proposed compliance measures or require additional monitoring. The NOV will also inform the user that additional enforcement action, up to and including suspension or termination of sewer service will be taken if compliance is not achieved. The NOV shall require the user to correct the violation or submit a written explanation of the violation(s) and a plan to achieve immediate compliance. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. The NOV shall be hand delivered or delivered certified mail with a written receipt of delivery.

F. **STOP WORK ORDER (SWO):** A Stop Work Order shall be issued to a user to stop any new construction, tenant improvements, alterations, or additions, when the user has not received all necessary City permits, has initiated work without written approval of the Industrial Pretreatment Coordinator, or violations of this chapter related to the building activity have been discovered at the site. The SWO requires the user to cease all building activity until the user has achieved compliance with the conditions specified in the SWO and received authorization from the Industrial Pretreatment Coordinator to resume building activity. The SWO shall be documented in a written inspection report completed during the onsite inspection. A copy of the SWO is either submitted to the user at the conclusion of the inspection or mailed to the user with a written receipt of delivery.

G. **VIOLATION MEETING ORDER (VMO):** A Violation Meeting Order shall be issued to a user who has failed to achieve compliance after the issuance of an NOV, or at the conclusion of an NMP that has resulted in significant noncompliance. A VMO is an informal meeting between the user and the Industrial Pretreatment Section and is intended for the user to propose possible corrective actions and request time extensions

to comply with the NOV. The VMO is also used by the user to demonstrate good faith efforts towards achieving compliance. The VMO may also be used by the City to draft a consent order or compliance order, or for the user to draft a compliance schedule, or file an appeal. The VMO shall be hand delivered or delivered certified mail with a written receipt of delivery.

H. CEASE AND DESIST ORDER (CDO): A Cease and Desist Order shall be issued to a user who is in violation of an NOV, or the requirements of this chapter, an industrial user permit, or any order issued under this chapter, which is determined to pose an immediate threat to the BWWTP, City personnel, the environment or the public. A CDO may also be issued to a user who is discharging industrial wastewater to the BWWTP without a valid industrial user permit. The CDO may result in the immediate revocation of the user's permit and shall require the user to take such appropriate remedial or preventive action as determined by the Industrial Pretreatment Coordinator to achieve immediate compliance and eliminate the threat, including halting operations and terminating the discharge to the BWWTP. The CDO shall state the provision(s) violated and the facts constituting the violation. The CDO shall be hand delivered or delivered certified mail with a written receipt of delivery.

I. CONSENT ORDER : A Consent Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in this chapter, an industrial user permit, or any order issued under this chapter. The Consent Order is routinely developed as a result of information collected during the VMO between the City and a user who has exhibited a willingness to comply. The Consent Order is a written agreement developed jointly between the City and the user with individual milestones, specific actions to be taken by the user, or other remedies necessary to achieve compliance. The Consent Order shall specify the provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions, is permitted to exceed nine months in length. The Consent Order shall be hand delivered or delivered certified mail with a written receipt of delivery. The user is required to submit written progress reports to the City every 30 days, as scheduled by the Industrial Pretreatment Coordinator, to accurately document the current status of the project and to maintain the required schedule.

J. COMPLIANCE ORDER: A Compliance Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in this chapter, an industrial user permit, or any order issued under this chapter. The Compliance Order is routinely developed as a result of information collected during the VMO between the City and a user who has exhibited a lack of cooperation and is unwilling to comply. The Compliance Order is used to compel uncooperative users to achieve compliance and shall be developed by the City with no input from the user. The Compliance Order is a compliance schedule with individual milestones developed by the City which requires the user to complete specific actions, or other remedies to achieve compliance with the violation(s). The Compliance Order shall specify the

provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine months in length. The Compliance Order shall be hand delivered or delivered certified mail with a written receipt of delivery. The user is required to submit written progress reports to the City every 30 days, as scheduled by the Industrial Pretreatment Coordinator, to accurately document the current status of the project and to maintain the required schedule.

K. SHOW CAUSE ORDER : A show cause order shall be issued to a user who is in violation of this chapter a user permit, or any order issued under this chapter, and has failed to achieve compliance with previous enforcement actions. The show cause 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, including any alleged violation(s) and the facts constituting the violation. The show cause order allows the user an opportunity to show why a civil and/or criminal action should not be brought against the user for failure to comply with previous enforcement actions. The show cause order notice shall be served upon the user personally or by certified mail at least fifteen calendar days prior to the hearing; unless the user requests an earlier date for the hearing. The Industrial Pretreatment Coordinator shall permit the alleged violating 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. The Industrial Pretreatment Coordinator may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek the issuance of a subpoena from the hearing officer for the presence of prospective witnesses. 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. Attendees at the show cause hearing may include, but not be limited to any of the following: a representative from the City Attorney's Office, the City Manager, and the Industrial Pretreatment Coordinator. Prior to the issuance of a show cause order, representatives from the City shall review the case to determine possible compliance measures. Upon review of the findings of fact, the City Manager or his designee shall make a final decision which shall be served upon the user. The City may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as required.

L. PROBATION ORDER: A probation order may be issued to any user for any repeat violations of this chapter. The probation order shall require the user to conduct repeated monitoring, as determined by the Industrial Pretreatment Coordinator, submit recurring documentation as required by the Industrial Pretreatment Coordinator, or complete any other actions the Industrial Pretreatment Coordinator deems necessary to affirm the continued compliance of the user. The probation order shall be hand delivered or delivered certified mail with a written receipt of delivery.

M. PERMIT REVOCATION ORDER (PRO): A permit revocation order may be issued to any user who has not complied with the requirements contained in any

enforcement action. The permit revocation requires the user to immediately cease the discharge of all wastewater determined by the Industrial Pretreatment Coordinator to be in noncompliance. The permit revocation requires the user to demonstrate continued compliance prior to the re-issuance of a permit authorizing the continued discharge of the specified wastewater to the sewer system. The permit revocation order shall be hand delivered or delivered certified mail with a written receipt of delivery. The user shall be responsible for all costs associated with the re-issuance of the permit.

13.12.635 SEWER SUSPENSION ORDER

A sewer suspension order may be issued to any user who has either willfully or negligently violated the requirements contained in a Permit Revocation Order, failed to comply with the requirements of a Consent Order or Compliance Order, or whose actual or impending discharge to the BWWTP presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the BWWTP, is in violation of this chapter or the user's permit, or may cause the City to violate its WDR permit or any other federal or state law or regulation. The Suspension Order shall be hand delivered or delivered certified mail with a written receipt of delivery. Any user issued a Suspension Order shall immediately cease the discharge of all wastewater to the BWWTP, as specified by the Industrial Pretreatment Coordinator. The Suspension Order will result in the immediate revocation of the user's permit. Noncompliance with the conditions of the Suspension Order may result in the immediate termination of sewer service as specified in BMC Section 13.12.640. As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the Suspension Order, the Industrial Pretreatment Coordinator shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the Suspension Order should not be executed. The scheduled hearing shall not delay or prevent the effects of the Suspension Order. The hearing shall be conducted in accordance with procedures established by the City Council. Within five (5) business days following the hearing, the City Manager shall issue a written decision to the user regarding the status of the Suspension Order. The Industrial Pretreatment Coordinator may allow the user to resume sewer service if the user demonstrates continued compliance with all discharge requirements and requirements of this chapter. The user shall be responsible for all costs associated with the issuance of the Suspension Order. The user shall be responsible for all costs associated with the Suspension Order and re-issuance of the permit.

13.12.640 SEWER TERMINATION ORDER

A Sewer Termination Order may be issued to any user who has either willfully or negligently violated the requirements contained in a Sewer Suspension Order, failed to comply with the requirements of a Consent Order or Compliance Order, or whose actual or impending discharge to the BWWTP presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the BWWTP, is in

violation of this chapter or the user's permit, or may cause the City to violate its WDR permit or any other federal or state law or regulation. The Termination Order shall be hand delivered or delivered certified mail with a written receipt of delivery. The Termination Order will result in the immediate revocation of the user's permit and the immediate severance of the user's sewer connection and/or the termination of water service. As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the Termination Order, the Industrial Pretreatment Coordinator shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the Termination Order should not be executed. The scheduled hearing shall not delay or prevent the effects of the Termination Order. The hearing shall be conducted in accordance with procedures established by the City Council. Within five (5) business days following the hearing, the Industrial Pretreatment Coordinator shall issue a written decision to the user regarding the status of the Termination Order. The City Manager may allow the user to reconnect to the sewer and/or resume water service if the user demonstrates continued compliance with all discharge and Ordinance requirements. The user shall be responsible for all costs associated with the Termination Order, including the termination and reconnection of sewer and/or water service, and re-issuance of the permit.

13.12.645 CIVIL PENALTIES

Any user who is in violation of the user's permit or any provision of this chapter or who has failed to comply with the requirements or conditions specified in a previous enforcement action under this chapter, shall be responsible for all costs associated with the violation(s); 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.

A. **AUTHORITY:** All users of the BWWTP are subject to enforcement actions administratively or judicially by the City, United States Environmental Protection Agency, State of California Regional Water Quality Control Board, or the County of San Bernardino District Attorney. The actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739 -54740.

B. **RECOVERY OF FINES OR PENALTIES:** If the City is required to pay fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and the violation can be attributed to the discharge of the user in violation of any provision of this chapter, the user's permit, , or an administrative order issued pursuant to this chapter; the City shall

be entitled to recover all costs and expenses, including, but not limited to, the full amount of said fines or penalties from the user.

C. CIVIL PENALTIES: Notwithstanding any limitations in Barstow Municipal Code 1.01.110, pursuant to the Authority of California Government Code Sections 54739-54740, any person who violates any provision of this chapter; the user's permit, including but not limited to, any prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The City Attorney, at the request of the Industrial Pretreatment Coordinator may petition a court of competent jurisdiction to impose, assess and recover all costs pursuant to federal and/or state legislative authorization.

D. ADMINISTRATIVE CIVIL PENALTIES

1. Notwithstanding any provision in the Municipal Code to the contrary, pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the City may issue an administrative complaint to any person who violates:

- a. any provision of this chapter;
- b. any permit condition, prohibition, or effluent limit; or
- c. any suspension or revocation order.

2. The administrative complaint shall be served by personal delivery or certified mail and shall inform the user that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of this chapter, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the Industrial Pretreatment Coordinator or a designated representative. The user to whom the administrative complaint has been issued may waive the right to a hearing, in which case the hearing will not be conducted.

3. At the hearing, the user shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the Industrial Pretreatment Coordinator and approved by the City Council. After the conclusion of the hearing, the Industrial Pretreatment Coordinator shall complete a written report which includes a brief statement of facts, a review of the issues involved, and the amount of the .

4. If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the hearing officer or board may assess a civil penalty against that person. In determining the amount of the civil penalty, the hearing officer or board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

5. Upon receipt of the written report, the Industrial Pretreatment Coordinator shall make a determination regarding the issuance of a civil penalty against

the user. The Industrial Pretreatment Coordinator shall issue an administrative order regarding the civil penalty to the user within thirty (30) calendar days after the hearing date.

6. Civil penalties may be assessed as follows:
 - a. In an amount which shall not exceed two thousand dollars (\$2000.00) for each day for failing or refusing to furnish technical or monitoring reports;
 - b. In an amount which shall not exceed three thousand dollars (\$3000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the City;
 - c. In an amount which shall not exceed five thousand dollars (\$5000.00) for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the City;
 - d. In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the City.

7. An order assessing administrative civil penalties issued by the City shall be effective and final upon issuance thereof unless the user files a notice of appeal with the City Council pursuant to BMC Section 13.12.670 no later than the thirtieth (30th) day following delivery of the notice of the Industrial Pretreatment Coordinator decision. An order assessing administrative penalties issued by the City Council shall be final.

8. Copies of the administrative order shall be either hand delivered or by certified mail to the user served with the administrative complaint.

9. Payment of the administrative civil penalties shall be made within thirty (30) days of the date the administrative order becomes final. A lien shall be placed against the user's real property for any outstanding penalties which remain delinquent sixty (60) days. The lien shall not be in effect until recorded with the county recorder. The City may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the administrative order becomes final.

10. No administrative civil penalties shall be recoverable under BMC Section 13.12.645 (D) for any violation which the City has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

13.12.650 CRIMINAL PENALTIES

A Criminal Penalty may be issued to any user in violation of the user's permit, this chapter, or an enforcement order issued by the City Manager or has failed to comply with the requirements or conditions specified in previous enforcement orders. A Criminal Penalty may also be issued to 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 permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter. The penalties shall be consistent with any relevant State laws. The user 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. A user shall be guilty of a separate violation for each day a violation of any provision of this chapter or user's permit is committed or continued by such user.

13.12.655 REMEDIES NONEXCLUSIVE

The enforcement remedies set forth in this chapter are not exclusive. In addition to the remedies listed in Section 1.01.110 of the BMC, the city may take any, all, or any combination of the enforcement responses against a user who is in noncompliance with conditions and requirements specified in this chapter, the user's permit, or discharge limits.

13.12.660 DAMAGE TO BWWTP OPERATION

A. Any user who discharges any wastewater which causes or contributes to any obstruction, interference, damage, or any other impairment to the operation of the BWWTP shall be liable for all costs required to resume normal operations of the BWWTP.

B. Any user who discharges any wastewater which causes or contributes to the City's violation of any limitation, condition or requirement in its WDR permit or any other discharge requirement established by any regulatory agency shall be liable for any fines, penalties, fees or assessments imposed on the City by other regulatory agencies or the courts as a result of such violation.

13.12.665 WRITTEN APPEALS

A. Any person dissatisfied with any decision, order, or enforcement action, made by the Industrial Pretreatment Coordinator or designee interpreting or implementing the provisions of this chapter or user's permit, may file with the City Manager a written appeal requesting reconsideration of such decision, order or enforcement action within ten calendar days from the issuance of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the request for reconsideration. The City Manager shall render a ruling on the request for reconsideration in writing within ten (10) business days from receipt of the appeal, and provide a copy of the determination to the user and the appealing party. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.

B. If any party finds the ruling on the request for reconsideration made by the City Manager to be unsatisfactory, the user may file a written appeal with the City Council, after lodging the required appeal fee with the city, in the amount established by the applicable resolution of the city council. In any appeal, the user shall state with specificity the specific reasons the user finds the City Manager's ruling to be

unsatisfactory. Any appeal must be filed within ten business days after receipt of notice of the City Manager's ruling, except that an appeal under BMC Section 13.12.645 may be filed within 30 calendar days following delivery of the notice. The written appeal shall result in a hearing, after notice to the affected parties, for a complete review of the basis of the order. The hearing shall be conducted within 30 days of the written request. The hearing may be recorded or transcribed and the testimony may be required to be given under oath. The City Council shall make a ruling on the appeal within forty-five calendar days from the date of filing and shall contain the findings of facts regarding the order.

C. The ruling of the City Council shall be deemed a final decision, order or action by the City which any person adversely affected by such decision, order or action may appeal to the appropriate court in the County of San Bernardino. 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.

VII. FEES AND CHARGES

13.12.700 SEWER SERVICE CHARGES

A. All single family residential dwelling units shall be charged a fixed monthly fee for each individual dwelling unit. The residential sewer charge shall be established by resolution or Ordinance, as appropriate. The sewer fees shall be sufficient to cover the share of sewerage costs attributed to the residential class of users. The costs shall include all costs associated with financing, maintaining, and operating the sewerage system and developing the necessary reserve funds to ensure future development and operation of the system.

B. Multi-family residential units, commercial users, and other designated users shall be charged on the basis of total water consumption during a comparable water billing cycle. Commercial users shall be placed in the appropriate sewer class based on the primary operations conducted for proper billing. The rate for each class of users shall be established by resolution or Ordinance, as necessary. The sewer fees shall be sufficient to cover the share of sewerage costs attributed to this class of users. The costs shall include all costs associated with financing, maintaining, and operating the sewerage system and developing the necessary reserve funds to ensure future development and operation of the system.

C. All users that discharge wastewater to the BWWTP that contains an average of more than 300 mg/L of BOD or TSS or any users that discharge large volumes of wastewater, as determined by the Industrial Pretreatment Coordinator, shall be designated "industrial rate users" and shall pay monthly sewer service fees based on the industrial rate established periodically by resolution. Unless otherwise approved by the Industrial Pretreatment Coordinator, all Industrial Rate monitoring shall consist of individual twenty-four (24) hour composite samples collected over three consecutive production days during the first month of the quarterly monitoring cycle. The sample

analysis are averaged together to determine the BOD and TSS for each billing cycle. Monthly flow discharge rates are used to calculate the amount of BOD and TSS discharged to the BWWTP each month. All self monitoring completed for Industrial Rate billing must be approved by the City and will be considered along with the data collected from City monitoring for the months remaining in the quarterly monitoring cycle. The industrial sewer rates shall be based upon total volume of wastewater discharged and City costs for providing services and treatment for the pounds of BOD, and TSS discharged.

13.12.705 PERMIT FEES AND CHARGES

All users shall be required to pay a permit fee based on the designated class of permit issued to the user. The permit fee shall include charges for the issuance of the user's permit and the costs for routine inspections and monitoring as established by resolution for the specific class of user.

13.12.710 MONITORING AND INSPECTION CHARGES

All users shall be charged additional monitoring and/or inspection fees, as established by resolution, for all supplemental activities completed by the City which are necessary to verify compliance with previously issued violations of this chapter, the user's permit, applicable discharge limits, or any other related proceedings completed by the City.

13.12.715 PAYMENT OF FEES AND CHARGES

All fees, charges, and penalties established by this Article VII or related Resolution are due and payable upon receipt. All fees required of this chapter and related Resolutions shall be included in the user's monthly water service bill or supplemental invoice submitted by the City.

13.12.720 DELINQUENT PAYMENT OF FEES AND CHARGES

- A. In the event a user fails to pay any required fee, charge, or penalty established by this Article VII; the Industrial Pretreatment Coordinator may elect to sever all water and/or sewer service to the user.
- B. The City Manager shall submit notice to the user a minimum of five days prior to the severance of water and/or sewer service.
- C. Water and/or sewer service shall not be resumed until all outstanding fees, charges, penalties, and all costs for the resumption of service have been paid by the user.

13.12.725 SEWER USE DEPOSIT REQUIREMENTS

A. COMPLIANCE DEPOSIT: The City may require a user that has been subject to enforcement and/or collection proceedings to submit a compliance deposit to the City in an amount determined necessary by the Industrial Pretreatment Coordinator to guarantee payment of all future charges, fees, penalties, costs and expenses that may be incurred, before continued sewer service is provided by the City.

B. SECURITY DEPOSIT: The City may require a user who has been suspended or revoked sewer service to submit a security deposit to the City in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. The deposit shall be used to guarantee payment of all future fees and charges incurred for sewer service provided by the City.

C. SECURITY DEPOSIT RETURN: The City will either return the security deposit or credit the account of a user provided the user remits all required payments in full within the time prescribed over a continuous two year period.1811055.1

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