

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2761

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CERTAIN SECTIONS OF OXNARD CITY CODE CHAPTER 19 RELATING TO THE WASTEWATER SYSTEM AND WASTEWATER DISPOSAL

WHEREAS, the federal Clean Water Act and associated regulations require public owned treatment works such as the Oxnard Wastewater Treatment Plant to implement a federally approved treatment program; and

WHEREAS, in order to implement such a program the City has to confirm its legal authority in the form of an ordinance; and

WHEREAS, the United States Environmental Protection Agency (EPA) has finalized a new regulation known as the "Pretreatment Streamlining Rule" which revised several provisions of the general treatment regulations; and

WHEREAS, as a result of the EPA streamlining rule changes certain sections of Oxnard City Code Chapter 19 require revision.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain that Chapter 19 Sections 19-3, 19-4, 19-26, 19-39, 19-58, 19-71, 19-74, 19-76, 19-78, 19-80, 19-83, and 19-93 are amended to read as follows:

Part 1.

**SEC. 19-3. ABBREVIATIONS.**

For purposes of this article, the following abbreviations shall have the designated meanings:

- (A) BOD – biochemical oxygen demand
- (B) BMP – Best Management Practice
- (C) BMR – Baseline Monitoring Report
- (D) CFR – Code of Federal Regulations
- (E) CIU – Categorical Industrial User
- (F) COD – chemical oxygen demand
- (G) EPA – U.S. Environmental Protection Agency
- (H) gpd – gallons per day
- (I) IU – Industrial User
- (J) IWD – industrial wastewater discharge
- (K) LC50 – lethal concentration for 50 percent of the test organisms
- (L) L – liter
- (M) mg – milligrams, mg/l – milligrams per liter

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- (N) NPDES – national pollutant discharge elimination system
- (O) NSCIU – Non-Significant Categorical Industrial User
- (P) O&M – operation and maintenance
- (Q) RCRA – Resource Conservation and Recovery Act
- (R) SIC – Standard Industrial Classification
- (S) SIU – Significant Industrial User
- (T) SNC – Significant Noncompliance
- (U) SWDA – Solid Waste Disposal Act (42 USC Sections 6901 *et seq.*)
- (V) TDS – total dissolved solids
- (W) TSS – total suspended solids
- (X) TTO – total toxic organics
- (Y) USC – United States Code

#### **SEC. 19-4. DEFINITIONS.**

For the purposes of this article, the following words shall have the following meanings:

- (A) ACT - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC Sections 1251 *et seq.*
- (B) APPROVAL AUTHORITY - California State Water Resources Control Board or Regional Water Quality Control Board, Los Angeles Region.
- (C) AUTHORIZED REPRESENTATIVE OF THE USER –
  - (1) If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) If the user is a partnership, association, or sole proprietorship, a general partner or proprietor, respectively.

- (3) If the user is a federal, State, or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (4) The individuals described in subdivisions (1) through (3) above, may designate another authorized representative, if the authorization is in writing. The authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.
- (D) BIOCHEMICAL OXYGEN DEMAND - Quantity of oxygen utilized in the biochemical oxidation of organic material under standard laboratory procedures for 5 days at 20 degrees centigrade, usually expressed as a concentration such as mg/l.
- (E) BEST MANAGEMENT PRACTICES (BMPs) – The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)] including treatment requirements, operating procedures, practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage and also including alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- (F) BUILDING SEWER - A sewer conveying wastewater from the premises of a person to the public sewer, private sewer, individual wastewater disposal system or other approved point of disposal.
- (G) BYPASS - The intentional diversion of waste and/or wastewater from any portion of a user's pretreatment facility.
- (H) CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC Section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.
- (I) CATEGORICAL INDUSTRIAL USER - An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (J) [CITY]. The City of Oxnard or the City Council of Oxnard.
- (K) CHEMICAL OXYGEN DEMAND (COD) - A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

- (L) COLOR - The optical density at visual wave length of maximum absorption, relative to distilled water in which 100% transmittance is equivalent to zero optical density.
- (M) COMPLIANCE SCHEDULE - A schedule containing increments of progress, in the form of dates, for the commencement and completion of major events leading to the construction and operation of pretreatment equipment and/or systems required for the user to meet applicable pretreatment standards.
- (N) COMPOSITE SAMPLE - The sample resulting from the combination of individual wastewater samples taken at selected intervals, based on an increment of either flow or time.
- (O) CONNECTION - The part of any sewer extending from a sewer main in a public easement or right-of-way to private property for exclusive use of the property.
- (P) CONTROL AUTHORITY - The city.
- (Q) COOLING WATER - The water discharged from any use, including but not limited to, air conditioning, cooling or refrigeration units to which the only pollutant added is heat.
- (R) DAILY MAXIMUM - The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (S) DAILY MAXIMUM LIMIT - The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (T) DISCHARGE - The discharge or the introduction of pollutants into the system by a person.
- (U) DOMESTIC WASTEWATER - Human excrement and gray water from such uses as household showers and dish washing.
- (V) ENVIRONMENTAL PROTECTION AGENCY (EPA) - The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official.
- (W) EXISTING SOURCE - Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (X) FEE - Any charge assessed to a person associated with the use, or continued use, of any portion of the system and includes, but is not limited to, a charge for connection or tap for new customers; monthly sewer service; IWD permit; excess capacity connection; wastewater treatment; excessive wastewater strength; laboratory testing; waste hauler's permit; oversize sewer; and noncompliance.
- (Y) FOOD ESTABLISHMENT - Any facility engaged in the preparation of food products for sale. A facility engaged in the sale of food products that are wholly prepared off-site is not included within this definition.
- (Z) FORMULA USERS - Those users who are regulated under the IWD permit system and billed according to a formula based on the measured or set strength and volume of their wastewater discharged.
- (AA) GARBAGE - The putrescible animal and vegetable wastes resulting from the handling, preparation and consumption of foods.
- (BB) GRAB SAMPLE - A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
- (CC) GRAVITY SEPARATION DEVICE - A device designed, constructed, and operated for the purpose of retaining sand, silt, grit, mineral material, and oil by gravity-differential separation from wastewater.
- (DD) GREASE - A varied group of compounds having the common properties of immiscibility with water and a specific gravity lower than water as determined by appropriate procedures set forth in 40 CFR Part 136.
- (EE) GREASE INTERCEPTOR or INTERCEPTOR - A device of at least 750 gallon capacity designed, constructed, and operated to separate and retain grease while permitting the wastewater to be discharged into the system.
- (FF) GROUND GARBAGE - The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in a public sewer, with no particle greater than ½-inch in any dimension.
- (GG) HOLDING TANK WASTEWATER - Any wastewater from holding tanks including, but not limited to, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (HH) INDIRECT DISCHARGE - The introduction of pollutants into the system from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.

- (II) INDUSTRIAL USER - Any producing, manufacturing, processing, institutional, commercial, agricultural or similar person that discharges, directly or indirectly, wastewater into the system that is solid, liquid or gaseous waste and contains pollutants different from, or stronger than, or with constituents other than those defined for domestic wastewater.
- (JJ) INDUSTRIAL WASTEWATER - The liquid and water-carried industrial waste, whether treated or untreated, which is contributed into or permitted to enter the system.
- (KK) INDUSTRIAL WASTEWATER DISCHARGE PERMIT or PERMIT - A conditionally written authorization to allow a user to utilize the system for the discharge of industrial wastewater.
- (LL) INSTANTANEOUS MAXIMUM DISCHARGE LIMIT - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (MM) INTERFERENCE - A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the system, its treatment processes or operations or its biosolids processes, use or disposal, and that is therefore a cause of a violation of the city's NPDES permit or of the prevention of biosolids use or disposal in compliance with all applicable federal, State, or local regulations, including but not limited to: Section 405 of the Act, the SWDA, including Title II, commonly referred to as RCRA, any and all federal and State clean air acts, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.
- (NN) LOCAL LIMIT - Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (OO) MASS EMISSION RATE - The weight of material discharged to the system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
- (PP) MEDICAL WASTE - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (QQ) MONITORING FACILITIES - An approved opening to a building sewer for the purpose of inspection, sampling and/or flow measurement.

- (RR) MONTHLY AVERAGE - The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (SS) MONTHLY AVERAGE LIMIT - The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (TT) MUNICIPAL WASTEWATER SYSTEM or SYSTEM - A "treatment works," as defined by Section 212 of the Act, owned by the city and includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater (domestic or industrial) and any conveyances which convey wastewater to the treatment plant.
- (UU) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - A permit issued pursuant to Section 402 of the Act.
- (VV) NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD - Any regulation developed under the authority of Section 307(b) of the Act.
- (WW) NEW SOURCE -
- (1) Any building structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge or pollutants at an existing source; or
    - (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Any construction on a site at which an existing source is located and results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subdivisions (1)(a) or (1)(c) above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source, as defined under this subsection, has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment;
  - (b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.
- (XX) NONCONTACT COOLING WATER - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (YY) PASS THROUGH - A discharge that exits the system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.
- (ZZ) PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns; and including all federal, State and local governmental entities.
- (AAA) pH - A measure of the acidity or alkalinity of a substance, expressed in standard units.
- (BBB) POLLUTANT - Dredged spoil, solid waste, incinerator residue, filter backwash, domestic wastewater, garbage, sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharge

equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of the wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

- (CCC) PRETREATMENT or TREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the system. Such pretreatment or treatment can be accomplished by physical, chemical, biological processes, or by other means, with the exception of diluting the concentration of the pollutant unless allowed by an applicable pretreatment standard.
- (DDD) PRETREATMENT FACILITY - Any works or device for the treatment or flow limitation of domestic wastewater, liquid waste, industrial waste or industrial wastewater prior to discharge into the system.
- (EEE) PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (FFF) PRETREATMENT STANDARDS or STANDARDS - Prohibited discharge standards, categorical pretreatment standards, and/or local limits.
- (GGG) PRIVATE SEWER - A sewer, other than a connection, laid by a person to serve one or more buildings, so as to connect a building to a public sewer and irrespective of whether the sewer is constructed on public or private property.
- (HHH) PRIVATE WASTEWATER DISPOSAL SYSTEM - A septic tank with the effluent discharging into a subsurface disposal field, into one or more seepage pits or into a combination of subsurface disposal field and seepage pit or other wastewater holding facilities.
- (III) PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGE - Absolute prohibitions against the discharge of certain substances: these prohibitions appear in section 19-13 of this article.
- (JJJ) PUBLICLY OWNED TREATMENT WORKS (POTW) - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by [the City] and includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (KKK) RADIOACTIVE MATERIAL - Material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms in excess of normal background radiation.

- (LLL) SEEPAGE PIT - A lined excavation in the ground which receives the discharge of a septic tank and is designed to permit the effluent from the septic tank to seep through its bottom and side.
- (MMM) SEPTAGE - Any domestic wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (NNN) SEPTIC TANK - A watertight receptacle which receives the domestic wastewater discharge of a building and is designed and constructed to separate solids from the liquid, digest organic matter through a period of detention and allow the liquid to discharge into the soil outside of the tank through a system of open joint or perforated piping or a seepage pit.
- (OOO) SETTLEABLE SOLIDS - Any solid that will settle out of a liquid in a specified interval of time as determined by appropriate procedures set forth in 40 CFR 136.
- (PPP) SEWAGE - Human excrement and gray water (household showers, dishwashing operations, etc.).
- (QQQ) SEWER - A pipe or conduit together with appurtenances for carrying wastewater.
- (RRR) SIGNIFICANT CHANGE - Plus or minus 25% in an industrial user's typical discharge pattern, flow rate, peak flow rate, constituents, concentration of constituents or characteristics.
- (SSS) SIGNIFICANT INDUSTRIAL USER -
  - (1) A user subject to categorical pretreatment standards; or
  - (2) A user that:
    - (a) Discharges an average of 10,000 gpd or more of industrial wastewater to the system;
    - (b) Contributes a waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the system; or
    - (c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the system's operation or for violating a pretreatment standard or requirement.
  - (3) The [City] may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler

blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to [City's] finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement.
- (+) Upon a finding that a user meeting the criteria in subdivision (2) above has no reasonable potential for adversely affecting the system operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR Part 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- (TTT) SLUG LOAD or SLUG DISCHARGE - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (UUU) STANDARD INDUSTRIAL CLASSIFICATION (SIC) - A classification pursuant to the Standard Industrial Classification Manual, latest edition, issued by the U.S. Office of Management and Budget.
- (VVV) STANDARD METHODS - Standard Methods for the Examination of Water and Wastewater, latest edition, published by American Water Works Association, Water Environment Association, and the American Public Health Association, 1015 18th Street, NW, Washington, D.C. 20036.
- (WWW) STANDARD SPECIFICATIONS - The current edition of standards and requirements relating to size, quantity, quality and performance, including standard drawing, as detailed and made available by the city.
- (XXX) STATE - State of California.
- (YYY) STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelts.

- (ZZZ) · SUSPENDED SOLIDS - The total suspended matter in wastewater, as determined by the appropriate procedures set forth in 40 CFR Part 136.
- (AAAA) TOTAL DISSOLVED SOLIDS - The solid matter in solution in wastewater, as determined by the appropriate procedures set forth in 40 CFR Part 136.
- (BBBB) TOTAL TOXIC ORGANICS - The summation of all quantifiable values greater than 0.01 milligrams per liter of the organics contained in 40 CFR Part 403, Appendix B, incorporated herein by reference.
- (CCCC) TOXIC POLLUTANT - The pollutants, or combination of pollutants, listed as toxic in regulations promulgated by the EPA (40 CFR Part 401.15) under authority of Section 307 of the Act.
- (DDDD) UNCONTAMINATED WATER - Any water not contaminated or polluted with sewage or other waste and which is suitable for discharge into the storm water drainage system, excluding unlined natural water courses.
- (EEEE) UPSET - An exceptional incident in which there is unintentional and temporary noncompliance with categorical and/or local pretreatment standards because of factors beyond the reasonable control of the industrial user; this does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (FFFF) USER - A source of direct or indirect discharge.
- (GGGG) WASTEWATER - Liquid and water-carried industrial wastes and domestic wastewater from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed directly or indirectly to the system.
- (HHHH) WASTEWATER TREATMENT PLANT or TREATMENT PLANT - That portion of the system designed to provide treatment of domestic and industrial wastewater.

**SEC. 19-26. LOCAL LIMITS.**

(A) Limits for the pollutants listed below are established to protect against pass through and interference. No person shall introduce, or cause to be introduced, wastewater containing excessive quantities or concentrations, as set out in a resolution adopted by the city council and in accordance with 40 CFR Part 403.5(c), of the following pollutants:

- (1) Arsenic;
- (2) BOD<sub>5</sub>;
- (3) Cadmium;
- (4) Chromium;
- (5) Copper;
- (6) Cyanide;
- (7) Lead;
- (8) Mercury;
- (9) Nickel;
- (10) Oil and grease (petroleum or mineral oil products);
- (11) Silver;
- (12) Total suspended solids;
- (13) Total toxic organics; and
- (14) Zinc.

(B)

- (1) Concentration limits apply at the point designated by the city manager. All concentrations for metallic substances are for "total" metal. At the discretion of the city manager, mass limitations may be imposed on users in addition to or in place of the concentration based limitations on the above listed pollutants.

- (2) Compliance with all parameters may be determined from a single grab sample.
- (C) The city manager may develop BMPs. by ordinance or in individual wastewater discharge permits or general permits. to implement Local Limits and the requirements of Section 19-26.

**SEC. 19-39. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.**

- (A) The city manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The city manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the city manager may develop such a plan for any user.
- (B) An accidental discharge/control slug plan shall address, at a minimum, the following:
  - (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the city manager of any accidental or slug discharge; and
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

**SEC. 19-58. CONTENTS.**

- (A) An IWD permit shall include such conditions as are reasonably deemed necessary by the city manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and reuse, and protect against damage to the system.
- (B) IWD permits shall contain:

- (1) A statement of the duration of the permit, which in no event shall exceed five years;
  - (2) A statement that the permit is nontransferable without prior notification to and approval of the city manager in accordance with section 19-61, and provisions for furnishing the new owner or operator with a copy of the existing permit;
  - (3) Effluent limits, including BMPs based on applicable pretreatment standards;
  - (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, State and local law;
  - (5) A statement of applicable civil, criminal and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, State or local law; and
  - (6) Requirements to control Slug Discharge, if determined by the city manager to be necessary.
- (C) IWD permits may contain additions as the city manager deems necessary, including, but not limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the system;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the system;
  - (5) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

- (6) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the permit; and
- (7) Other conditions as deemed appropriate by the city manager to ensure compliance with this article, and State and federal laws, rules and regulations.

#### **SEC. 19-71. BASELINE MONITORING REPORTS.**

- (A) Within either 180 days after the effective date of a categorical pretreatment standard by an agency with the appropriate jurisdiction and authority to adopt categorical pretreatment standards, or within 180 days after the final administrative decision on a category determination under 40 CFR Part 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the system shall submit to the city manager a report which contains the information listed in subsection (C) below.
- (B) At least 90 days prior to commencement of discharge, new sources, and sources that become categorical users subsequent to the promulgation of applicable categorical standard, shall submit to the city manager a report which contains the information listed in subsection (C) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of anticipated flow and quantity of pollutants discharged.
- (C) Users described above shall submit the information set forth below:
  - (1) The name and address of the facility, including the name of the operator and owner;
  - (2) A list of any environmental control permits held by or for the facility;
  - (3) A brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by the user including a schematic process diagram that indicates points of discharge to the system from the regulated processes;
  - (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR Part 403.6(e);

- (5)
  - (a) The categorical pretreatment standards applicable to each regulated process;
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or the city manager, of regulated pollutants in the discharge from each regulated process including instantaneous, daily maximum, and long-term average concentrations, or mass, where required;
  - (c) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 19-79 of this article. Sampling shall be performed in accordance with procedures set out in section 19-80 of this article.
- (6) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;
- (7) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall provide the city manager with the shortest schedule by which the user shall complete such additional pretreatment and/or O&M. The completion date shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 19-72 of this article;
- (8) Any other relevant information requested by the city manager; and
- (9) Signed and certified baseline monitoring reports in accordance with section 19-71 of this article.

**SEC. 19-74. PERIODIC COMPLIANCE REPORTS.**

- (A) All significant industrial users shall, at a frequency determined by the city manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the

User must submit documentation required by the city manager of the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with section 19-55 of this article.

- (B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (C) If a user, subject to the reporting requirement in this section, monitors any pollutant more frequently than required by the city manager, using the procedures prescribed in section 19-79 of this article, the results of this monitoring shall be included in the report sent to the city manager.

#### **SEC. 19-76. REPORTS OF POTENTIAL PROBLEMS.**

- (A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, which may cause potential problems for the system, the user shall immediately telephone and notify the city manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (B) Within five days following such discharge, the user shall, unless this requirement is waived by the city manager, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the system, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed by this article or any other applicable provision of federal, State or local law.
- (C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (D) Significant Industrial Users are required to notify the city manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

**SEC. 19-78. NOTICE OF VIOLATION; REPEAT SAMPLING AND REPORTING.**

If a user's sampling indicates a violation, the user shall notify the city manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city manager within 30 days after becoming aware of the violation. The user is not required to resample if the city manager conducts monitoring at the user's facility at least once a month, or if the city manager samples between the user's initial sampling and when the user receives the results of this sampling. If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it the City notifies the Industrial User of the violation and requires the User to perform the repeat sampling and analysis.

**SEC. 19-80. SAMPLE COLLECTION.**

- (A) Except as indicated in subsection (B) below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the city manager may authorize the use of time proportional sampling. Where time-proportional composite sampling or grab sampling is authorized by the city manager, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city manager, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
- (C) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 19-71 and 19-73 [40 CFR 403.12(b) and (d)], a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city manager may authorize a lower minimum. For the reports required by Section 19-74 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

**SEC. 19-83. RECORD KEEPING.**

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under Section 19-26 (C). Records shall include the date, exact place, method, and time of sampling and the name of the person taking the samples, the dates analyses were performed, who performed the analyses, the analytical techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city or where the user has been specifically notified of a longer retention period by the city manager.

**SEC. 19-93. PUBLICATION OF SIGNIFICANT VIOLATORS.**

(A)

- (1) The city manager shall annually publish, in the largest daily newspaper published in the area where the system is located, a list of the users that, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.
- (2) The cost of such publication, if any, may be charged to such users by the city manager in accordance with division 11 of this article.

(B) The term "significant noncompliance" shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Division 3;
- (2) Technical review criteria violations, defined as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by Division 3, multiplied by the applicable criteria (1.4 for BOD, TSS, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation of a Pretreatment Standard or Requirement as defined by Division 3 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the city manager believes

has caused, alone or in combination with other discharges, interference or pass through, and/or endangered the health, safety and welfare of city employees or the general public:

- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an IWD permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of BMPs, that the city manager determines will adversely affect the operation or implementation of the city's pretreatment program.

Part 2. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 2007, and finally adopted on \_\_\_\_\_, 2007, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

**000145**

Ordinance No. 2761  
Page 22 of 22

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel Martinez, City Clerk

*Gary L. Gillig* 11-15-07  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

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