

CITY OF ESCONDIDO SEWERAGE SYSTEM

INDUSTRIAL USER DISCHARGE PERMIT APPLICATION

CLASS V. PERMITS: GROUNDWATER REMEDIATION PROGRAMS
OR BATCH DEWATERING DISCHARGE

The completed and signed application is to be mailed to:

Industrial Waste Program
City of Escondido
1521 S. Hale Ave.
Escondido, CA 92029
Telephone (760) 839-4257

FOR CITY USE ONLY	
IND. NO.	_____
SIC(S)	_____
CATEGORY	_____
REVIEWER	_____
DATE	_____
APPROVED	<input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION A. GENERAL INFORMATION

1. PROJECT SITE NAME: _____

2. ADDRESS:
STREET _____
CITY _____ ZIP CODE _____

3. RESPONSIBLE PARTY/ NAME _____
PROPERTY OWNER:
STREET _____
CITY _____ ZIP CODE _____

4. CONTRACTOR/ CONSULTANT RESPONSIBLE FOR REMEDIATION AND OR DEWATERING:
NAME _____
NAME OF BUSINESS _____
STREET _____
CITY _____ ZIP CODE _____
TELEPHONE NUMBER _____

5. CHECK ONE: EXISTING DISCHARGE PROPOSED DISCHARGE
IF PROPOSED DISCHARGE, ANTICIPATED DATE OF DISCHARGE INITIATION _____

NATURE OF DEWATERING DISCHARGE
 CONSTRUCTION
 REMEDIATION
 FOUNDATION
 OTHER _____

6. GIVE A BRIEF DESCRIPTION OF THE MAIN SCOPE OF WORK: _____

7. WAS AREA PREVIOUSLY CONTAMINATED? YES ___ NO ___

8. IF SO, PLEASE GIVE A DETAILED DESCRIPTION: _____

9. IS PRETREATMENT OF THE CONTAMINATED GROUNDWATER PRIOR TO DISCHARGE PROPOSED? _____

IF YES, DESCRIBE PROPOSED SYSTEM: _____

SECTION B. PLANT OPERATIONAL CHARACTERISTICS

1. SUBMIT AN ANALYSIS OF THE RAW GROUNDWATER INCLUDING CONCENTRATION VALUES FOR ALL POLLUTANT CONTAMINATES OF CONCERN. IN ADDITION, THE DISCHARGER MUST SAMPLE FOR MTBE, CONDUCTIVITY, TSS, TDS, TTO, FLUORIDE, pH, BORON AND MANGANESE. A CERTIFIED LABORATORY SHALL PERFORM ANALYSIS USING EPA APPROVED METHOD.

PRESENT

__ cyanide (total)
__ antimony (total)
__ arsenic (total)
__ beryllium (total)
__ cadmium (total)
__ chromium (total)
__ copper (total)
__ lead (total)
__ mercury (total)
__ nickel (total)
__ selenium (total)
__ silver (total)
__ thallium (total)
__ zinc (total)
__ acenaphthene
__ acenaphthylene
__ acrolein
__ acrylonitrile
__ aldrin
__ anthracene
__ benzene
__ benzidine
__ benzo (a) anthracene
__ benzo (a) pyrene
__ 3, 4 - benzofluoroanthene
__ benzo (g, h, i) perylene
__ benzo (b) fluoroanthene
__ a-BHC (alpha)
__ b-INC (beta)
__ d-Bb4C (delta)
__ g-BHC (gamma)

__ bis (2 - chloroethyl) ether
__ bis (2 - chloroethoxy) methane
__ bis (2 - chloroisopropyl) ether
__ bis (chloromethyl) ether
__ bis (2 - ethylhexyl) phthalate
__ bromodichloromethane
__ bromoform
__ bromomethane
__ 4-bromophenyl phenyl ether
__ butyl benzyl phthalate

__ carbon tetrachloride
__ chlordane
__ 4-chloro-3-methylphenol

PRESENT

__ chlorobenzene
__ chloroethane
__ 2-chloroethyl vinyl ether
__ chloroform
__ chloromethane
__ 2-chloronaphthalene
__ 2-chlorophenol
__ 4-chlorophenyl phenyl ether
__ chrysene
__ 4 , 4' - DDD
__ 4 , 4' - DDE
__ 4 , 4' - DDT
__ dibenzo (a ,h) anthracene
__ dibromochloromethane
__ 1 ,2-dichlorobenzene
__ 1 ,3-dichlorobenzene
__ 1 ,4-dichlorobenzene
__ 3, 3-dichlorobenzene
__ 1 ,1-dichlorobenzene
__ 1 ,2-dichlorobenzene
__ 1 ,1-dichlorobenzene
__ 1 ,2-trans-dichloroethylene
__ 2,4-dichlorophenol
__ 1,2-dichloropropane
__ 1 ,2-dichloropropylene
__ dieldrin
__ diethyl phthalate
__ 2,4-dimethyl phenol
__ di-n-butyl phthalate

__ di-n-octyl phthalate
__ 4, 6 -dinitro-o-cresol
__ 2, 4-dinitrophenol
__ 2, 4-dinitrotoluene
__ 2, 6-dinitrotoluene
__ 1, 2-diphenylhydrazine
__ a-endosulfan (alpha)
__ b-endosulfan (beta)
__ endosulfane sulfate
__ endrin
__ endrin aldehyde
__ ethylbenzene
__ fluoranthene
__ fluorene
__ heptachlor

PRESENT

__ heptachlor epoxide
__ hexachlorobenzene
__ hexachlorobutadiene
__ hexachlorocyclopentadiene
__ hexachloroethane
__ indeno (1, 2, 3-cd) pyrene
__ isophorone
__ MTBE (methyl-tert-butyl-ether)
__ methylene chloride
__ naphthalene
__ nitrobenzene
__ 2-ni trophenoL
__ 4-nitrophenol
__ N-nitrosodimethylamine
__ N-nitrosodi-n-propylamine
__ N-nitrosodiphenylamine
__ PCB-1016
__ PCB-1221
__ PCB-1232
__ PCB-1242
__ PCB-1248
__ PCB-1254
__ PCB- 1260
__ pentachlorophenol
__ phenanthrene
__ phenol
__ pyrene
__ 2, 3 ,7 , 8-tetrachlorodibenzo-p-dioxin
__ 1, 1, 2 , 2-tetrachloroethane
__ tetrachloroethylene
__ toluene
__ toxaphene
__ tributyl tin
__ 1 , 2 , 4-trichlorobenzene
__ 1 , 1, 1-trichloroethane
__ 1 , 1 , 2-trichloroethane
__ trichloroethylene
__ 2, 4 , 6-trichlorophenol
__ vinyl chloride
__ xylene
__ total petroleum hydrocarbons

SECTION C. PRETREATMENT PRIOR TO DISCHARGE

APPROPRIATE PRETREATMENT OF THE CONTAMINATED GROUNDWATER PRIOR TO DISCHARGE SHALL BE INCORPORATED INTO THE GROUNDWATER CLEANUP PROGRAM. PROVIDE THE FOLLOWING INFORMATION ON ATTACHED DOCUMENTS.

1. DESCRIBE IN DETAIL THE PRETREATMENT TECHNOLOGY TO BE USED. IN DESCRIBING THE PRETREATMENT TECHNOLOGY, AN ESTIMATE OF THE PROCESS EFFICIENCY FOR REMOVAL OF CONTAMINANTS WILL BE INCLUDED AND ANY REQUIREMENTS FOR MAINTAINING PROCESS EFFICIENCY WILL BE STATED (MAINTENANCE PROCEDURES, O & M COSTS, MAINTENANCE SCHEDULES, ETC.).
2. A PLOT PLAN SHOWING LOCATIONS OF WELLS, PRETREATMENT FACILITIES, SEWER LATERALS, SAMPLING LOCATIONS AND ANY OTHER PERTINENT PHYSICAL STRUCTURES IS TO BE SUBMITTED. USE THE SPACE PROVIDED BELOW OR ATTACH USING 8 1/2 x 11 INCH PAPER.

SECTION D. RATE OF WASTEWATER DISCHARGE

1. ESTIMATE OF DAILY WASTEWATER DISCHARGE TO THE SEWER (GALLONS PER DAY)_____

2. DESCRIBE THE TYPE OF FLOW METER TO BE USED TO REPORT FLOW VOLUMES :

3. WILL DISCHARGE BE: ___ CONTINUOUS ___ INTERMITTENT ___ SEASONAL

IF NECESSARY. BRIEFLY DESCRIBE MANNER OF DISCHARGE:

SECTION E. SCOPE OF PROJECT

1. ESTIMATE OF TIME REQUIRED FOR COMPLETING THE ONSITE REMEDIATION _____

2. DESCRIBE THE LEVEL OF GROUNDWATER CLEANUP TO BE ACHIEVED WHICH WILL TERMINATE THE PROJECT AND DISCHARGE OF WASTEWATER TO THE SEWER (ATTACH DOCUMENTS IF APPROPRIATE):

3. DESCRIBE THE MECHANISM BY WHICH THE REMEDIATION PROGRAM WILL BE TERMINATED:

SECTION F. MONITORING

1. DESCRIBE SAMPLING FREQUENCIES FOR RAW AND TREATED GROUNDWATER DISCHARGE UTILIZED FOR THE REMEDIATION PROGRAM:

2. DESCRIBE SCOPE OF ANALYSES PERFORMED ON SAMPLES COLLECTED IN F.1. ABOVE:

3. LIST ALL REPORTS REQUIRED TO BE SUBMITTED BY OTHER REGULATORY AGENCIES, INCLUDING FREQUENCY AND SUBMITTAL DATES, AND ANY ASSOCIATED PERMITS AS REGARDS THE REMEDIATION PROGRAM:

SECTION G. CERTIFICATION

NOTE TO SIGNING OFFICIAL: INFORMATION AND DATA IDENTIFYING THE NATURE AND FREQUENCY OF A DISCHARGE SHALL BE AVAILABLE TO THE PUBLIC. REQUESTS FOR CONFIDENTIAL TREATMENT OF ALL OTHER INFORMATION SHALL BE GOVERNED BY PROCEDURES SPECIFIED IN 40 CFR PART, 2 SUBPART A.

I HEREBY CERTIFY THAT THE INFORMATION FOUND IN THE APPLICATION IS FAMILIAR TO ME, IS COMPLETE, AND REPRESENTS AN ACCURATE STATEMENT OF FACT TO THE BEST OF MY KNOWLEDGE.

THE CITY OF ESCONDIDO RESERVES THE RIGHT TO TERMINATE GROUNDWATER REMEDIATION PERMITS AT ANY TIME.

PRINT FULL NAME _____

TITLE _____

AGENCY/COMPANY
NAME _____

SIGNATURE _____

DATE _____

GROUNDWATER REMEDIATION PROGRAM
PERMIT APPLICATION

CLASS V PERMITS: Groundwater Remediation Programs

Groundwater discharged into the City of Escondido (COE) sewerage system for the purposes of remediation, and or dewatering for construction purposes is required to obtain a permit from the Industrial Waste Program (Escondido Municipal Code, Chapter 22-Article 8). The information requested in this permit application will be used in determining permit feasibility and if approved, conditions for the discharge of contaminated groundwater into the sewerage system. Prior to approving any discharge permit the discharger must sample the groundwater to be discharged and submit the results from a certified laboratory to the COE Industrial Waste Department. The COE may require a second groundwater test at any time. The discharger may be required to cease and desist their discharge to the sanitary sewer system at any time the Hale Avenue Resource Recovery Facility (HARFF) deems necessary. The discharger shall contact the Industrial Waste Department after approval of the Groundwater Remediation Permit to coordinate the groundwater discharge and verify the sewer connection being used for said discharge.

IMPORTANT: All sections of the application are to be completed to start permit review.

BILLING/ FEES:

In March 2011 the City of Escondido City Council passed Resolution No. 2011-03 (RR) (A Resolution of the city Council of the City of Escondido Establishing New Water and Wastewater Fees and Service Charges) This resolution Provides for non-residential wastewater rates based on the cost to treat the waste being discharged. Groundwater to sewer was assigned a classification of “All Other Commercial” discharge classification and the discharge rate was changed to \$5.98 per 1000 gallons. The discharge fee may be increased due to fee structure modifications within the City of Escondido.

(5) Class V – Ground water or batch discharge. Ground water or batch discharge is defined as ground water remediation sites, and/or ground water dewatering site or facility that has a need to discharge to the HARRF. The discharger shall meet all the City’s local discharge limits at the end of the pipe before it discharges into the City sewage system. May or may not require pretreatment and will be charged sewer use fees based on loading and current wastewater rates.

- (a) Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set out in this Chapter within the time limits specified by EPA, the State or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.
- (b) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestream, and such other conditions as may be necessary to protect the POTW and determine the users’ compliance with the requirements of this Chapter.
- (c) The City may require any person discharging into the POTW to install and maintain on their property and at their expense a suitable storage and flow-control facility to ensure equalization of flow.
- (d) All non-domestic dischargers are required to have a current business license with the City.
- (e) Industrial users in significant noncompliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 302.2(l);

- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand (“BOD”), total suspended solids (“TSS”), fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation(s) or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation of implementation of the local pretreatment program.

Sec. 22-173. Prohibited discharges.

The following general prohibitions apply to all users of the HARRF whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirement. No facility or person shall, discharge, deposit, or cause or allow to be discharged or deposited or passed through into the City’s wastewater system or industrial brine collection system any wastewater containing or exhibiting the following:

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees celsius) using the test methods specified in 40 CFR 261.21;
- (b) Any toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create pass through or interference as defined by section 22-1, or create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the wastewater system;
- (c) A pH lower than 6.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system;
- (d) Any solids or viscous substance of such size or character, or in such quantity that they may cause obstruction to flow in the collection system or be detrimental to proper wastewater treatment plant operations. Any particulate material that has not been ground sufficiently to pass through a three-eighths (3/8) inch screen;
- (e) Any rainwater, storm water, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water;
- (f) Any water added for the purpose of diluting wastes as a partial or complete substitute for adequate treatment to achieve compliance with this Chapter;
- (g) Any refined petroleum products, gasoline, mercury, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, solvents, pesticides, lubricants, stripping agent and coolant.
- (h) Any dispersed petroleum or mineral based cutting oils, biodegradable oils, fats or greases in excessive concentrations that would tend to cause adverse effects on the wastewater system;
- (i) Any unreasonably large amount of suspended solids;
- (j) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (k) Any strongly odorous compounds or compounds tending to create odors;

- (l) Dissolved sulfides above a concentration of one-tenth (0.1) milligram/liter;
- (m) Any material inducing a high pH (pH greater than 10 .0) which causes incrustations, scale or precipitates on sewer walls or other adverse effects on the wastewater system;
- (n) Any substance promoting or causing the promotion of toxic gases;
- (o) Any flow having a temperature of one hundred and four (104) degrees Fahrenheit or higher.
- (p) Any material requiring an excessive quantity of chlorine or other chemical compound used for disinfecting purposes;
- (q) Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds;
- (r) Any deionized water, steam condensate, distilled water, reverse osmosis backwash or anything creating brine in amounts that the control authority deems excessive;
- (s) Any substance that may precipitate, solidify, gel, polymerize or become viscous under conditions normally found in the wastewater treatment plant effluent;
- (t) Any wastewater containing pigment which is removed in the ordinary HARRF treatment process and which creates a visual contrast with the material appearance of the HARRF discharge observable at the point of HARRF discharge;
- (u) Medical wastes, except as specifically authorized by the City in an individual wastewater discharge permit.
- (v) Any detergents, surface-active agents or other substances in quantities sufficient to cause foaming in the wastewater system;
- (w) Any radioactive wastes in excess of federal, state or county regulations;
- (x) Any trucked or hauled pollutants; and
- (y) Any discharge in violation of the Escondido Municipal Code

Sec. 22-174. Limitations on discharges.

- (a) General Limitations. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to the City wastewater system any pollutants of such character or quantity that will:
 - (1) Not be susceptible to treatment or interfere with the process of efficiency of the treatment system;
 - (2) Constitute a hazard to human or animal life, or to the stream or watercourse receiving the treatment plant effluent;
 - (3) Violate any federal, state or local pretreatment standards, including federal categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471;
 - (4) Any material or quantity of material which will cause or have the potential to cause the HARRF's effluent to exceed the concentration limits of its NPDES permit as established by the San Diego regional water quality control board, and any subsequent amendments as are duly adopted from time to time by the Regional Water Quality Control Board.
- (b) City of Escondido local limits shall apply to all discharges to the City's sewage system. The local limits may be allocated among industrial user classes or individual users as uniform or non-uniform concentration limits and mass loading limits. The industry being issued daily maximum concentrations may vary depending on the type of industry, flow and loading that may impact the HARRF and will be issued limits applicable to that specific industry. The following values represent the daily maximum concentration levels limits of specific contaminants which may be present in a user's discharge to the City sewage system.

Discharge Local Limits

Parameter	Local Limits Daily Maximum
	mg/L
Arsenic (T)	0.1
Cadmium (T)	0.107
Chromium (T)	0.96
Copper (T)	1.05
Lead (T)	0.58
Mercury (T)	0.8
Nickel (T)	1.34
Silver (T)	0.214
Zinc (T)	2.63
Cyanide (T)	0.207
TTO	2.13
Boron	3.0
Manganese	2.9
Fluoride	6.4
Oil & Grease	100
pH	6.0-10.0

Sec. 22-175. Prohibited discharge locations.

(a) It is unlawful for any person to discharge or cause to be discharged into any storm drain or storm water channel or natural watercourse, whether currently carrying water or not, or into any pipe or waterway leading to such drain, channel or watercourse, any solid or fluid material which will or has the potential to impair the useful functioning of such drain, channel or water course or cause expense to the city, or other public agency, in maintaining the proper functioning of same, or cause public nuisance or public hazard or cause detrimental pollution of natural surface or subsurface waters.

(b) It is unlawful for any person to deposit or discharge into any sump which is not impermeable or into any pit or well, or onto the ground, or into any storm drain or watercourse any material which, by seeping underground or by being leached or by reacting with the soil, is detrimental to the usable underground waters and exceeds the range of the effects of ordinary nonindustrial land uses on underground waters into which such wastes seep, or which violate any requirements of the San Diego regional water quality control board.

Sec. 22-176. Permit requirement.

Permits must be obtained by all nondomestic users whose wastewater contains or may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater. Those users requiring permits shall include, but not be limited to, the following categories:

- (a) Users whose wastewater contains or may contain any substance which would cause the wastewater to be considered a prohibited discharge under this article;
- (b) Any user that meets the criteria set forth in 40 CFR 403.3, is designated as a significant industrial user and is categorized as a Class I category in Sec. 22-172.
- (c) Any other users determined by the Director to require special regulation or source control;
- (d) Non-domestic discharges of wastewater to the sewer system is prohibited unless the discharger obtains a discharge permit or other authorization to discharge from the city;
- (e) Class I, Class IV, and Class V dischargers are required to obtain a sewer use permit from the City prior to initiating discharge;
- (f) The Director or designee is authorized to make the determination as to which discharge class the discharger will be assigned, and
- (g) The Director is authorized to require each discharger to submit a discharge permit application in accordance with section 22-177.

Sec. 22-177. Application.

(a) Any users required to obtain an individual wastewater discharge permit who have a permit and have been discharging wastewater into the POTW prior to the effective date of this ordinance and who wish to continue such discharges in the future, shall, within 180 days before permit expired, apply to the industrial waste program division for an individual wastewater discharge permit. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system. The application may require information including, but not limited to: estimated wastewater strength; estimated wastewater flow; average and peak wastewater discharge flow rates for each side sewer; locations of side sewers; sampling points and pretreatment facilities; description of activity; facilities and plant processes on the premises; including raw materials, processes and types of materials which are or could be discharged; SIC number; total product produced, by type; number and responsibilities of employees; and any other information the Director may deem necessary to evaluate the permit application.

- (c) Incomplete or inaccurate applications will not be processed and will be returned to the discharger for revision.
- (d) The Director or designee shall notify the discharger when the application is deemed to be complete.
- (e) The Director or designee will approve or deny the completed application within ninety (90) days of receipt.
- (f) Application signatories and certification. All wastewater permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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.

Sec. 22-178. Terms and conditions of permit.

(a) Terms. All wastewater discharge permits shall be expressly subject to all provisions of this article. All permits shall contain the following terms:

- (1) A group classification designation;
- (2) Monitoring requirements;
- (3) Requirements for reports of initial and continuing compliances;
- (4) Requirements for pretreatment facilities; and

(5) A statement of all applicable civil and criminal penalties for violation of this article, and any applicable compliance schedule.

(b) Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations established by the City. Permits may contain the following:

- (1) A permit application fee;
- (2) Limitations on wastewater strength for the flow in each side sewer, including average and maximum concentrations of the wastewater constituents and characteristics;
- (3) Limits on average and maximum rate of discharge, restriction of discharge to certain hours of the day, or requirements for flow regulation and equalization;
- (4) Requirements for the installation of flow measurement or other facilities;
- (5) Requirements for installation and maintenance of inspection and sampling facilities, including City access to the facilities;
- (6) Specifications for monitoring programs which may include sampling locations, method of sampling, those chemical constituents to be reported upon, frequency of sampling, number, types and standards for tests;
- (7) Requirements for submission of technical reports or discharge reports, and authority for the Director or designee to copy all such reports kept at the premises of the user;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording access to the city for the purposes of inspection and copying; and/or
- (9) Requirements for facilities to prevent accidental discharge or slug discharge of prohibited materials or other wastes regulated by this article.

Sec. 22-179. Permit duration.

Permits shall be issued for a time period not to exceed five (5) years and shall be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred and eighty (180) days prior to the expiration of the user's existing permit.

Sec. 22-180. Change of permit terms and conditions.

(a) The City may change the terms and conditions of a wastewater discharge permit, including changing the average limits on the elements of wastewater strength, from time to time as circumstances may require. The City shall allow a user reasonable time to comply with any City required changes in the permit.

(b) Any user desiring to make alterations of connections to the wastewater collection system, or desiring to modify its industrial plant, process or wastewater treatment facilities in a manner which would increase or decrease the flow rate or alter the quality of the wastewater discharge described in its wastewater discharge permit shall first apply for an amended permit and obtain a revised wastewater discharge permit approved by the Director or designee prior to the commencement of any construction of new facilities or operation of modified facilities. The Director or designee shall treat this in the same manner as an original application under section 22-178 of this article.

(c) Upon promulgation of a national categorical pretreatment standard, the Director shall notify by registered letter all users who may be subject to such standard, including the applicable reporting requirements under 40 CFR Section 403.12. Within one hundred eighty (180) days after the promulgation of a national categorical pretreatment standard, all applicable users shall make an application to the Director or designee for a wastewater discharge permit. Likewise, applicable users with an existing wastewater discharge permit shall make application to the Director or designee for a revised permit within one hundred eighty (180) days after the promulgation of such standard. The City shall respond by issuing new or revised wastewater discharge permits to the applicants. The new or revised permit shall be issued within three (3) months of the promulgation of the National Categorical Pretreatment Standard, and shall require compliance with such standard within the time frame prescribed by the standard.

Sec. 22-181. Transfer of permit prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation unless approved by the Director.

Sec. 22-182. Revocation of permit.

- (a) Any user, who violates the following conditions of its permit or of this article, or of applicable state and federal regulations, is subject to having its permit revoked by the Director or designee upon a minimum notice of three (3) days.
- (b) Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:
 - (1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge;
 - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit.

Sec. 22-183. Unusual conditions, special agreements and waivers.

- (a) No statement contained in this article prevents any special agreement or arrangement between the City and any industrial concern whereby a nonresidential waste of unusual strength or character may be accepted by the city for treatment.
- (b) If any discharge contains or may contain constituents which cause it to fail to conform to any of the requirements set forth in section 22-175, but the Director finds that:
 - (1) The discharge will not cause harm to the wastewater system nor unreasonably or inequitably burden the operations of the system; and
 - (2) When considered together with similar excesses in discharges of other limited herein will not materially affect the ability of the City to meet the requirements of the regional water quality control board on the City's wastewater treatment plant effluent (NPDES permit), the Director shall grant approval for discharge to the sewer with waiver or modifications of the requirements which would not be met, and so indicate on the user's permit.
- (c) The Director shall not grant a waiver of any requirement set forth by federal or state regulation.

Sec. 22-184. Administrative authority.

(a) The Director is charged with responsibility for the City's wastewater control program, the administration and enforcement of the provisions of this article, and the City of Escondido municipal industrial waste program enforcement response procedures.

(b) To effectively administer and enforce the provisions of these regulations, the Director or designee may require any discharger to comply with any or all of the requirements of this Chapter.

Sec. 22-185. Pretreatment.

(a) Pretreatment requirements for food service establishments, automotive service establishments, and other commercial/industrial establishments.

- (1) Each establishment shall have their own separate FOG removal equipment.
- (2) Any tenant improvement, addition of fixtures or remodel of an existing facility shall require install or upgrade of F.O.G. removal equipment. F.O.G. removal equipment sizing will be determined by the most recently adopted version of the Uniform Plumbing Code by the Building Standards Commission, as well as any other requirements mandated by the pretreatment department. Any equipment added must be approved by the pretreatment department prior to the installation of F.O.G. removal equipment. Any establishment that uses oil shall have a grease recycling container with a locking lid supplied and serviced by a certified waste hauler. Hauling and disposal manifests shall be kept on-site and readily available for inspection at all times. Falsified maintenance records shall result in an administrative citation and any other enforcement action.
- (3) Interceptors, grease traps, clarifiers and sand/oil separators shall be provided when, in the expert view of the Director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or regulated wastes, sand and other harmful or potentially harmful materials; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity as required by the most recently approved Uniform Plumbing Code (UPC) and approved by the Director or designee and located so as to be readily and easily accessible for cleaning and inspection. The requirement for installation of an interceptor, grease trap, clarifier or sand oil separator shall be indicated in the user's wastewater discharge permit. Interceptors, grease traps, clarifiers and sand oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All interceptors, grease

traps, clarifiers and sand oil separators deemed necessary shall be installed and maintained at the owner's expense. Interceptors, grease traps, clarifiers and sand oil separators shall be in efficient operation at all times. Maintenance records must be current, kept onsite and available for inspection. Each individual discharger shall retain their own maintenance records for pretreatment equipment, even when there is existing communal pretreatment equipment onsite.

- (4) Any maintenance service establishment that generates automotive waste shall have a proper California Hazardous Waste Permanent ID number provided by the Department of Toxic Substances Control. All generated waste shall be disposed of properly through a licensed hauler for the automotive wastes generated onsite including, but not limited to, motor oil, oil filter, antifreeze, transmission fluid, and paint waste wet and dry. Hauling manifests shall be kept onsite and available for inspection at all times. Falsified maintenance records shall result in an administrative citation and any other enforcement action.

(b) Mercury Reduction Program.

The City may require onsite silver recovery and/or mercury pretreatment at photographic, medical, dental facilities or the like, in order to insure compliance with the City's local limits for silver and mercury. The City will regulate these industries under Class II permits.

Sec. 22-186. Protection from accidental/slug discharge.

(a) The City shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The City may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.

(b) Each nonresidential user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of such materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the Director or designee for review, and shall be approved by the Director or designee before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this article.

(c) Each user required to provide facilities for protection from accidental discharge shall be identified in the user's wastewater discharge permit. Permit provisions shall describe the extent of facilities required and shall outline a compliance schedule.

(d) If, for any reason, a facility does not comply with or is unable to comply with the protection from accidental discharge limitations of this article, the facility responsible for such discharge shall immediately notify the POTW or appropriate response authority so that corrective action may be taken to protect the treatment system.

(e) In the event of any accidental discharge, a written report addressed to the Director or designee detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible nonresidential facility within five (5) days of the occurrence of the noncomplying discharge.

(f) At least once every two (2) years, the Director or designee shall evaluate whether each significant industrial user needs an accidental discharge/sludge control plan. The Director or designee may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director or designee may develop such a plan for any user. An accidental discharge/slug control 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 Director of any accidental or slug discharge, as required by this section; 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.

(g) Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 22-187. Discharge reports.

The Director or designee may require discharge reports including, but not limited to questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of wastewater discharge. Reporting requirements shall be as specified in the user's wastewater discharge permit.

When a report filed by a user pursuant to this section is not adequate in the judgment of the Director, such user may be required to supply additional information as deemed necessary.

The discharge report may include, but shall not be limited to, the nature of the process, volume and rates of wastewater flow, a lab analysis of wastewater samples, elements, constituents and characteristics of the wastewater, together with any information required in an application for wastewater discharge permit.

All costs associated with preparation of discharge reports, including the costs of wastewater analysis, shall be the responsibility of the user.

Those users subject to national categorical pretreatment standards shall comply with all reporting requirements in accordance with the general pretreatment regulations for existing and new sources of pollution (Title 40 CFR Part 403). All reports specifically set forth in 40 CFR Part 403 shall be required pursuant to this article. These include, but are not limited to:

(a) Baseline Monitoring Reports.

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director or designee a report which contains the information listed in paragraph (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director or designee a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(A) Identifying Information. The name and address of the facility, including the name of the operator and owner;

(B) Environmental Permits. A list of any environmental control permits held by or for the facility;

(C) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(D) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);

(E) Measurement of Pollutants.

(i) The categorical pretreatment standards applicable to each regulated process,

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director or designee, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 22-190 (b),

(F) Certification. 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;

(G) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule 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 subsection (b) of this section;

(H) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 22-177(e) of this article.

(b) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by subsection (a)(2)(G) of this section:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the Director or designee no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the

increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the Director or designee.

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director or designee a report containing the information described in subsections (a)(2)(D)—(F) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 22-177(e) of this article.

(d) Periodic Compliance Reports.

(1) All significant industrial users shall, at a frequency determined by the Director- or designee, but in no case less than two (2) times per year (in June and December, unless otherwise stated), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 22-177(e) of this article.

(2) 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.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director or designee, using the procedures prescribed in subsection (j) of this section, the results of this monitoring shall be included in the report.

(e) Reports of Changed Conditions. Each user must notify the Director or designee of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least ninety (90) days before the change.

(1) The Director or designee may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 22-177 of this article.

(2) The Director or designee may issue a wastewater discharge permit under section 22-176 of this article or modify an existing wastewater discharge permit under section 22-180 in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously reported pollutants.

(f) Reports of Potential Problems.

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director or designee of the incident. This notification shall include the callers name, phone number, location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge, the user shall, unless waived by the Director or designee, submit a detailed written report describing the cause(s) 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 which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (f)(1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

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

(g) Reserved.

(h) Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports, including manifests or any other requested information, to the Director or designee as the Director may require.

(i) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Director or designee within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation.

(j) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. Non-detectable results may be used only as demonstration that the pollutant is not present if EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for the pollutant was used in the analysis.

(1) The reports required in paragraphs (a), (c), and (d) of this section must be based upon data obtained through sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW. Where time-proportional composite sampling or grab sampling is authorized by the POTW, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. 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 & 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 POTW, as appropriate.

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33 (e). Discharge of more than fifteen kilograms on non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under Section 22-194, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(k) Sample Collection.

(1) Except as indicated by paragraph (k)(2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports; a minimum of four (4) individual 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 does not exist. For facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by 40CFR 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.

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

(m) 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 best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Escondido, or where the user has been specifically notified of a longer retention period by the Director or designee.

(n) Significant Noncompliance. The City shall publish at any time during the previous twelve (12) months, in a newspaper(s) of general circulation that provides meaningful public notice of the industrial users which were in significant noncompliance with applicable pretreatment standards and requirements. This procedure shall be as specified in 40 CFR Section 403.8(f)(2)(viii).

(o) Notification of Changed Discharge. All industrial users shall promptly notify the Director or designee in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under section 22-194.

(p) Certification Statements

- 1) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted users submitting baseline monitoring reports under section 22-187(a) and must be signed by an authorized representative:

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.

The following annual certification statement must be signed by an authorized representative. Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ (months, days, year); (a) The facility described as _____ (facility name) met the definition of a Non-

Significant Categorical Industrial User as described in Sec 22-172(4). (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and the facility never discharge more than 100 gallons of total categorical wastewater on any given day during this reporting period.

Sec. 22-188. Monitoring and inspection facility.

(a) The City may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such a facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications shall be met. Construction shall be completed within ninety (90) days following written notification by the City. Such notification may be as indicated in the user's wastewater discharge permit.

(b) The monitoring program may require the user to conduct a sampling and analysis program of a frequency and type specified in the user's waste-water discharge permit to demonstrate compliance with prescribed wastewater discharge limits. As specified in the user's wastewater discharge permit, the user shall either:

- (1) Conduct his or her own sampling and analysis program provided he or she demonstrates to the Director or designee that he or she has the necessary qualifications and facilities to perform the work; or
- (2) Engage a private laboratory, certified by the state of California Department of Public Health.

Sec. 22-189. Inspection of facilities.

(a) The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Chapter and any individual wastewater discharge permit. The City may inspect the facilities of any user to ascertain whether the purpose of this article and all requirements are being met. Persons or occupants of premises where nonresidential wastewater is discharged, have the potential of being discharged or are suspected of being discharged shall allow the City access at all times to all parts of the premises for the purposes of inspection, photographing, video recording, sampling, records examination and copying, or any

other form of inspection or documentation required in the performance of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the city, the EPA or their authorized representatives will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(b) The City shall randomly sample and analyze the effluent from nonresidential users to identify, independently of self-monitoring information supplied by the user, occasional and continuing noncompliance with the user's permit or other regulations set forth by this article.

(c) The City shall investigate instances of noncompliance as indicated in the user's self-monitoring reports or random inspection and surveillance activities described in this section. Sample collection and analysis and the acquisition of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions, and the user so investigated shall be liable for all charges incurred by the city for such investigation.

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

- (1) Fees for wastewater discharge permit applications, including the cost of processing such applications;
- (2) Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines and penalties chargeable by the city. These fees may be set from time to time by resolution of the city council.

Sec. 22-190. Sampling.

(a) The point of determining compliance with the provisions of this article (and of the user's wastewater discharge permit, if applicable) at the point of the discharge to the public wastewater system or such other upstream sampling point on the private lateral as mutually agreed upon by the nonresidential user and the Director or designee. Where multiple discharge points to the City wastewater collection system are regulated by a waste-water discharge permit, sampling must be carried out at an acceptable location for each permitted discharge. Where certain wastes are critical, the Director or designee may specify, through the provisions of the user's permit, procedures for obtaining necessary samples and require that any persons discharging industrial wastewater install a measuring device and that samples be analyzed and measurements of flow taken and reported to the City, and such sampling and measuring device shall be made accessible to the Director or designee.

Unless otherwise specified in the provisions of the user's wastewater discharge permit, compliance with the requirements of this article are based on the mean values obtained from analysis of composite industrial waste samples representative of the quality and quantity of discharge to the sewer. All such samples shall be weighted with the flow at the sampling point to furnish values weighted with time and quantity for each required chemical constituent. The frequency of monitoring shall be as prescribed in the user's wastewater discharge permit.

(b) Sampling and analysis shall be performed in accordance with Section 304(g) of the Federal Water Pollution Control Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Director or designee. Where 40 CFR Part 136 does not include a sampling of analytical technique for pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Director.

Sec. 22-191. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Director or designee inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director or designee, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the

NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 22-192. Enforcement.

In addition to the enforcement and remedy provisions set forth in Article 1, the City may adopt procedures and rules for the implementation and administration of this article. The city shall enforce the provisions of this article, including all requirements established or permits issued pursuant to this article.

(a) Requiring Discharger to Submit Schedule of Remedial or Preventive Measures. When the Director finds that a discharge of wastewater is taking place, has taken place, or is threatening to take place that has violated, violates or will violate prohibitions or limits prescribed by this article or wastewater source control requirements or the provisions of a wastewater discharge permit, the Director may require the user to submit for approval of the Director, with such modifications as deemed necessary, a detailed time schedule of specific actions the user shall take to correct or prevent a violation of this Chapter.

(b) Issuance of Cease and Desist Order. When the Director finds that a discharge of wastewater has taken place, is taking place or threatening to take place in violation of prohibitions or limits of this article or wastewater source control requirements or the provisions of a wastewater discharge permit, the Director may issue an order to cease and desist and direct that those users not complying with such prohibitions, limits, requirements or provisions to (1) comply forthwith, (2) comply in accordance with a time schedule set up by the Director, or (3) in the event of a threatened violation, take appropriate remedial or preventative action.

Sec. 22-193. Appeal procedure.

(a) Any permit applicant, permit holder or other user affected by any decision, action or determination, including cease and desist orders, made by the Director in interpreting or implementing the provisions of this article, or any permit issued hereunder, may file with the Director written request for reconsideration within ten (10) days of such a decision, action or determination, setting forth in detail the facts supporting the request. The Director may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Director within ten (10) days from the date of filing or the close of the reconsideration hearing. The decision, action or determination shall remain in effect during such period of review by the Director.

(b) If the ruling made by the Director is unsatisfactory to the user requesting reconsideration, he may, within ten (10) days after notice of the action by the Director, file a written appeal to the City Council.

(c) The written appeal shall state all pertinent aspects of the matter and shall include the hearing record if one was requested. The City Council may amend, modify,

confirm or reject any decision, judgment or finding (including waivers) of the Director provided the purpose and intent of this article is not violated.

Sec. 22-194. Industrial User Discharge Notification Requirements.

The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications shall be provided no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

Secs. 22-195. Reserved.