

# city of san luis OBISPO

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879 Morro Street, San Luis Obispo, CA 93401

September 20, 2011

**SUBJECT: Update to the Sewer Use Ordinance and Industrial Discharge Limits**

Dear Industrial User:

The City of San Luis Obispo administers a pretreatment program that regulates the discharge of non-domestic wastewater from industrial and food establishments to the City's sewer and Water Reclamation Facility (WRF). This program is designed to protect the City's wastewater facilities, human health and safety, and prevent water quality violations. This letter is to inform you of proposed changes to the sewer use ordinance that will be reflected in your discharge permit.

These changes will not significantly affect the majority of current dischargers, and further, may serve to decrease violations for some industries. Along with the update to the discharge limits, this proposed ordinance has been modified to include new rules required by the Environmental Protection Agency.

These proposed local limits and required updates will be presented to City Council in a public hearing on the evening of October 4, 2011. Upon approval of the updated local limits, new Industrial Discharge permits will be issued to all currently permitted facilities. The current discharge permits are scheduled to expire on December 31, 2011.

Please feel free to contact me if you would like to discuss the upcoming City Council meeting or the proposed changes.

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# Chapter 13.08

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## **Article I. Sewer Connection**

### **13.08.010 Fee required prior to permit issuance for newly annexed territory.**

Before a permit shall be issued for a sewer connection in any area now outside the city limits which shall hereafter be annexed to the city, the owner or applicant shall pay to the city for such privilege a sum of money to be ~~computed by the city engineer as~~ the property's share of the cost of the existing sewerage facilities of the city to be used by the property. (Prior code § 7500)

### **13.08.020 Computation of fee.**

The sum shall be the equivalent of the cost to similar properties then within the city which have paid for the facilities so to be used. (Prior code § 7500.1)

### **13.08.030 Exemption of outstanding bonds from fee determination.**

The sum shall not include any amounts from which bonds of the city are then outstanding and to which the property shall become subject upon annexation. (Prior code § 7500.2)

### **13.08.040 Main extensions to customers other than subdivisions—Terms and conditions.**

A. Sewer mains may be extended by developers or other interested parties that would benefit by their extension, at their cost, providing the improvements are designed to current city standards and policy and are approved by the director of public works and director of utilities.

B. The owner or developer who installs improvements which abut property other than that being developed, or in a greater size or capacity than that required for the development of the property under consideration, may be reimbursed as provided in Section 16.44.090 of this code. (Ord. 1133 § 4, 1989)

### **13.08.090 Use of existing sewer.**

A. Payment of Costs Prior to Sewer Connection Permit Issuance. Before a permit shall be issued for a sewer connection in any areas within the city, which property shall use any existing city sewerage facilities which were constructed by a developer under a

reimbursement agreement for which such property shall not have made full payment of its share of the cost thereof, the owner or applicant shall pay to the city a sum of money for such privilege ~~to be computed by the city engineer~~ in the same manner as provided in this chapter.

B. Installation of Water Meters on Private Wells Serving Commercial Properties for Determining Sewer Service Charges. All commercial properties where private well water is used and discharged to the existing sewer system shall install a water meter on the well in order to determine the appropriate sewer charges. Installation of the water meter shall be in accordance with the standards established by the city engineer. ~~Private wells serving commercial properties in existence on the first reading of the ordinance shall have until October 1, 1997, to comply with the established standards.~~ (Ord. 1428 § 3, 2002; Ord. 1307 § 1, 1996; prior code § 7500.8)

### **13.08.100 Design standards—Conformance with required.**

All sewers whether built on public streets or in public easements shall be designed by a registered engineer and shall conform to the Uniform Design Standards adopted by the city. (Prior code § 7500.9)

## **Article II. Discharges**

### **13.08.110 Purpose and Policyscope.**

A. ~~This ordinance provisions sets forth uniform~~ requirements for Users standards and regulations governing discharges into of the Publicly Owned Treatment Works (POTW) for the City of San Luis Obispo. These ~~standards and regulations~~ uniform requirements enable the city to comply with all applicable State and Federal laws, including required by the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) ~~of 1977~~ and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR]; Part 403).

B. The objectives of these provisions are:

1. To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with the use or disposal of municipal sludge;
2. To prevent the introduction of pollutants into the POTW which will pass through the system inadequately treated, into receiving waters, or otherwise be incompatible with the system;

3. To improve opportunities to recycle and reclaim wastewaters and sludges from the system;

4. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public from exposure to hazardous chemicals;

5. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

C. These provisions provide for the regulation of direct and indirect contributors to the POTW through the issuance of permits to industrial users, pretreatment and reporting requirements for permittees, monitoring and enforcement of noncompliance. (Ord. 1195 § 1, 1991)

D. Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized City of San Luis Obispo employee.

### **13.08.120 Definitions.**

The following words shall have the following meanings:

A. "Authorized representative" means any of the following:

1. A principal executive officer of at least the level of vice-president or any other person who performs similar policy or decision-making functions, if the industrial user submitting the reports is a corporation;

2. A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship 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 (A)(1) through (A)(3), above, may designate a ~~A~~duly ~~A~~authorized ~~R~~representative if the authorization is in writing, the authorization specifies of the individual ~~designated in subsection (A)(1) or (A)(2) of this section if such representative or position~~is 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 or as provided for by federal and state law.

B. “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade and expressed in milligrams per liter (mg/L).

C. “Best Management Practices” (or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article II and 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or sewage disposal, or drainage from raw materials storage.

D. “Categorical Industrial User” means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

~~E. “Categorical Pretreatment Standard or Categorical Standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Part 405-471 the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.~~

F. “City” means the city of San Luis Obispo.

~~G. “Class I industrial user” means any industrial user, not defined as a significant industrial user, that user that~~ has materials and/or wastes on site that if discharged to the sewer may impact the POTW in a negative manner. These materials and wastes include, but are not limited to, any and all prohibited discharges described in Section 13.08.140 of this chapter.

~~H. “Class II industrial user” means any industrial user, not defined as a significant industrial user, that may discharge conventional pollutants to the POTW which may cause interference or pass-through. These wastes include but are not limited to laundry discharges, nonhazardous solids and oil and grease of animal or vegetable origin.~~

~~I. “Conventional pollutants” means pollutants which are usually found in domestic and/or commercial wastes such as suspended solids, biological oxygen demand, pathogenic organisms, and oil and grease of animal or vegetable origin.~~

~~J. “City” means the city of San Luis Obispo.~~

~~K. “Director” means the utilities director of the city of San Luis Obispo or his or her duly authorized representative. Any notice required to be given to the director shall be delivered to the director at 879955 Morro Street, San Luis Obispo, or as otherwise directed.~~

LI. “Domestic wastewater” means water bearing only those wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal to, and treatment in, the POTW.

M. “Grab Sample” means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

NJ. “Grease” means all fat, grease, oil, wax or other trichlorotrifluoroethane soluble matter of animal, vegetable, petroleum or mineral origin.

OK. “Industrial user” or “User” means a person who discharges nondomestic wastewater into the city sewer system.

PL. “Industrial user’s survey” means a questionnaire (and related process) used by the city to identify and categorize industrial users and the characteristics of their wastewater discharge.

QM. “Infectious waste” means any waste material or article which harbors or may reasonably be considered to harbor any type of microorganism, helminth or virus which causes or significantly contributes to increased morbidity or mortality in human beings.

RN. “Interference” means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act.

S. “Medical Waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes.

TO. “Natural outlet” means any outlet into a watercourse, pond, lake or other body of surface water or ground water.

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

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

V. "Pass-through" means the discharge of pollutants to the POTW in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

W. "Person" means any individual, firm, company, association, society, corporation, group, governmental agency or educational institution.

X. "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Y. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, or certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Z. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

AA. "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BB. "Pretreatment Standards" or "Standards" shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

CC. "Prohibited Discharge Standards or Prohibited Discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.08.140 of this ordinance.

DDS. “Publicly owned treatment works (POTW)” means city-owned sewer system, including sewer pipes within the city that convey wastewater to the treatment plant, the treatment plant, sewer pipes that convey wastewater to the treatment plant from persons outside the city who contract with the city to use the sewer system, and related facilities.

EE. “Septic Tank Waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, or septic tanks.

FF. “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

GG. “Significant industrial user (SIU)” means any industrial discharger subject to federal categorical pretreatment standards or any industrial discharger that:

1. Discharges ten thousand gallons per day or more of process wastewater;
2. Contributes five percent or more of the average dry weather hydraulic capacity of the treatment plant;
3. Discharges either continuously or intermittently to the POTW, process wastewaters containing priority pollutants as determined through analytical procedures or reasonable technical ~~judgement~~judgment; or
4. Has a reasonable potential, in the opinion of the director, to adversely affect the POTW treatment plant.

HH. “Significant noncompliance” means any one of the following:

1. Chronic violations of wastewater discharge limits, as defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or average limit multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
3. Any violation of a pretreatment effluent limit (daily maximum or longer term average) that the city determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of 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 as stated in this chapter to halt or prevent such a discharge;
5. Failure to meet, within ninety days after 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 thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

II. "Slug Load or Slug Discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 13.08.140 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.

JJ. "Stormdrain" means a sewer which is designed to carry storm and surface waters and drainage rather than sewage or industrial wastes.

KK. "Storm Water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

LL. "Total Suspended Solids" or "Suspended Solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

MM. "Toxic or poisonous" means any solid, liquid or gas in such quantity that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere with sewage treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

NN. "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~OO. “Wastewater Treatment Plant (WWTP)” or “Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.~~

~~V. “Stormdrain” means a sewer which is designed to carry storm and surface waters and drainage rather than sewage or industrial wastes.~~

~~W. “Toxic or poisonous” means any solid, liquid or gas in such quantity that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere with sewage treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.~~

~~X. “Wastewater treatment plant (WWTP)” means city owned and operated sewage treatment plant. (Ord. 1195 § 1, 1991)~~

### **13.08.130 Stormwater and unpolluted drainage.**

~~A. No person shall discharge or cause to be discharged rain, stormwater, surface water, ground water, seepage, roof runoff, street or yard drainage, subsurface drainage, ponds or lawn sprays or uncontaminated water or water added for the purpose of diluting wastes which exceed maximum concentration limitations, as stated in Section 13.08.140, to the Publicly Owned Treatment Woks. any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted process waters other than to those sewers designated as stormdrains or to a natural outlet approved by the director. Appropriate permits from all affected public agencies may be required by the city and shall be obtained by the applicant.~~

~~B. No person shall discharge or cause to be discharged any sewage, garbage, rubbish, rubble or otherwise polluted water to any stormdrain or natural outlet. (Ord. 1195 § 1, 1991)It shall be unlawful to discharge any wastewater, including domestic sewage, and industrial wastewater, petroleum products, or otherwise polluted water, derived from residential dwellings, commercial buildings, industrial and manufacturing facilities, or institutions, to any stormdrain or natural outlet.~~

~~C. The Director may develop Best Management Practices (BMPs), in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 13.08.140.~~

### **13.08.140 Prohibited discharges.**

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

BA. It shall be unlawful for an industrial user to discharge pollutants into the POTW:

1. Without a permit.
2. When with a properly issued wastewater discharge permit, such pollutants are not covered by that permit.
3. Where such pollutants would cause the POTW to violate its NPDES permit.

CB. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sewers:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the treatment plant, resulting in Interference, but into the sewer and in no case higher than one hundred four (104) degrees Fahrenheit (40 degrees Celsius) at introduction into the wastewater treatment plant.

2. Any waters or wastes containing oil and grease such that the discharge results in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to or increased maintenance of sewers or sewerage facilities. No person shall discharge oil and grease which results in pass-through and/or interference.

3. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW and/or cause acute worker health and safety problems to its personnel or to the operation of the system.

4. ~~At no time shall any~~ waters or wastes be discharged to the sewer that has a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit ~~(60 or sixty)~~ degrees Celsius), using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene or xylene.

54. Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewers or other interference with the proper operation of the POTW.

~~65.~~ Any waters or wastes having pH lower than ~~5.0six~~ or higher than nine, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

~~76.~~ Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit.

~~87.~~ Any waters or wastes including oxygen demanding pollutants (BOD, etc.) at a flow rate and/or concentration which will, either singly or by interaction with other pollutants, will cause Interference or Pass-Through.

~~98.~~ Any average daily flow greater than two percent of the WWTP average daily sewage flow shall be subject to the review and approval of the director.

~~10.~~ Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

~~11.~~ Any trucked or hauled pollutants, except at discharge points designated by the Director.

~~120.~~ Any waters or wastes containing any radioactive materials or wastes of such half life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the California Code of Regulations).

~~134.~~ Any infectious wastes.

~~14.~~ Any Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit or a general permit.

~~152.~~ Any waters or wastes containing color which is not removed in the ordinary WWTP treatment process.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

#### E Local Limits.

1. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

2. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

<b>CONSTITUENT</b>	<b>UNIFORM LIMIT (mg/L)</b>	<b>CONTRIBUTORY LIMIT A (mg/L)</b>	<b>CONTRIBUTORY LIMIT B (mg/L)</b>
Ammonia	32	50	
Biochemical Oxygen Demand (BOD)	226	400	250
Chloride	1523		
Sodium	1200		
Total Dissolved Solids (TDS)	2215		
Total Suspended Solids (TSS)	2346		
Copper	0.14	0.20	
Zinc	0.17	1.00	0.50

Unless otherwise stated in individual discharge permit, the uniform limits shall apply to all dischargers. Application for contributory levels A or B may be made to the Director. The Director's decision shall be the City's final decision.

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

**FE.** Limitations on wastewater strength in this chapter may be supplemented with more stringent limitations if:

1. The director determines that the limitations listed in this chapter may not be sufficient to protect the operation of the city's treatment works; or

2. The director determines that the limitations listed in this chapter may not be sufficient to enable the city's treatment works to comply with water quality standards or effluent limitations specified in the city's NPDES permit.

~~GD~~. When the director determines that a user is contributing any of the substances mentioned in subsection A of this section in such amounts as to interfere with the operation of the POTW, the director shall:

1. Advise the user of the impact of the contribution on the POTW;

2. Develop effluent limitations for the user to correct;

3. Place limits on rate and time of discharge or requirements for flow regulations and equalization;

4. Require pretreatment of discharge prior to discharge to POTW; or

5. Take any other action necessary to eliminate the interference. (Ord. 1195 § 1, 1991)

### **13.08.150 Federal categorical pretreatment standards—Applicability.**

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

~~Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard shall apply in any instance where its limitations are more stringent than those in this chapter. (Ord. 1195 § 1, 1991)~~

### **13.08.160 Grease, oil, and sand interceptors.**

Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease, flammable wastes, sand or other harmful constituents; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director in accordance with the Uniform Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors 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. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. Failure to properly maintain interceptors in continuously efficient operation may be considered sufficient cause for disconnection

of premises from the POTW or punitive actions as provided for in this chapter. (Ord. 1195 § 1, 1991)

### **13.08.170 Pretreatment facilities.**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 13.08.140 of this ordinance within the time limitations specified by EPA, the State, or the Director, 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 Director for review, and shall be acceptable to the Director 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 ordinance. All Pretreatment facilities must comply with all other applicable laws.

~~Where pretreatment of discharge is required by the director, the necessary facili-~~

~~ties shall be provided, operated and maintained at the user's expense. Detailed plans showing the facilities and their operating procedures shall be submitted to the city for review. Such plans must be acceptable to the city before construction is begun. Any changes in the pretreatment facilities or method of operation must be reported to and approved of by the city prior to implementation of the proposed changes. Operational difficulties or failures of pretreatment facilities shall be reported immediately to the director. (Ord. 1195 § 1, 1991)~~

### **13.08.180 Control manhole.**

When required by the director, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and flow measurement of the discharge. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 1195 § 1, 1991)

### **13.08.190 Measurements and tests.**

All measurements, tests and analyses of the characteristics of water and wastes shall be determined by the testing procedures specified in 40 CFR Part 136. When required by the ~~D~~irector, the industrial user shall provide safe and secure access to the proper sampling point for the determination of compliance with federal categorical standards and/or local discharge limits. This may require the installation of a control manhole as described

above. All testing shall be performed by an approved laboratory and conducted at the expense of the discharger. (Ord. 1195 § 1, 1991)

### **13.08.200 Drainage below curb and below main sewer level.**

A. Drainage Piping Serving fixtures. Drainage piping serving fixtures, the flood level rims of which are located below the elevation of the curb or property line, at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved type backwater valve, and each such backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line. If the drainage piping is lower than the next upstream manhole, the property owner may be required to install a backwater valve.

B. Director Empowered To Stop Overflow. If the property owner fails to install and maintain a backwater trap or backwater valve in good working condition, when required under this section, the director may order and require the plumbing fixture to be disconnected and removed and the outlet plugged or capped. In the event that the property owner fails to disconnect and plug or cap the sewer connection within ten days after written notice by the director, then the director shall arrange for such disconnection and capping, the cost of which may be collected by court action or may be declared to be a lien by action of the council after public hearing and notice of the property owner and shall be added to and collected as part of the tax roll.

C. Alternate Right to Terminate Water Service. As an alternate to the procedure set forth in subsection B of this section, if the property owner fails to install and maintain a backwater trap valve in good working condition when requested under this chapter, the director may order and require termination of water service to the parcel and all structures connected to the sewer outlet subject to overflow. The water service shall not be reinstated until the maintenance or installation of the backwater trap or backwater valve has been approved by the director.

D. Maintenance of House Connection Sewers. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing or hereafter conducted, shall be maintained by the owner of the property in a safe and sanitary condition; and all devices or safeguards which are required by the section for the operation thereof shall be maintained in a good working order. If a property owner fails to maintain the wastewater disposal facilities in a safe and sanitary condition, the director may order and require termination of water service to the parcel and all structures connected to the sewer outlet subject to improper conditions. The water service shall not be reinstated until the maintenance or installation of appropriate wastewater disposal facilities has been approved by the director. (Ord. 1195 § 1, 1991)

### **13.08.210 Powers and authority of inspectors.**

A. Inspection of Premises. The ~~D~~irector, ~~the health officer,~~ or other duly authorized employees or representatives of the city ~~or the health department~~ bearing proper credentials and identification shall be readily permitted to enter all properties for the purposes of inspection, observation, record examination and copying, measurement, sampling, and testing in accordance with the provisions of this chapter at all reasonable times. If the ~~D~~irector, health officer, or other duly authorized employee or representative of the city or the health department has reasonable cause to believe that wastewater discharge conditions on or emanating from a facility are so hazardous, unsafe or dangerous-as to require immediate inspection to safeguard public health or safety or the integrity of the POTW, they shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect such entry and make such inspection.

B. The Director shall have the right to set up on the User's property, or require installation of, such devices as necessary to conduct sampling and/or metering of the User's operations. The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be removed by the User at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be born by the User. Unreasonable delays in allowing access to the User's premises shall be a violation of this ordinance.

~~Process and product information collected during inspection of premises may be kept confidential at the request of the business owner or his or her representative, insofar as such confidentiality is allowed pursuant to applicable law. All records compiled pursuant to the pretreatment program shall be accessible at time of inspection.~~

CB. Cost of Inspection. Each discharger shall pay a reasonable inspection fee sufficient to cover the costs of the inspection. Such costs may be incorporated in the industrial user wastewater discharge permit fee.

DC. Liability for Injury. While performing the necessary work on private properties referred to in subsection A of this section, authorized employees, and the city shall indemnify the company against loss or damage to its property by such employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.

**ED.** Rights of City Entry. The **De**irector, the health officer, and other duly authorized employees of the city or health department bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW. (Ord. 1195 § 1, 1991)

### **13.08.220 Permit—Required—Term—Transfer—Revocation— Completion of an industrial user’s survey required.**

All dischargers of nondomestic wastewater to the city sewer system shall complete an industrial user’s survey and shall obtain a wastewater discharge permit from the **De**irector. It is unlawful to discharge nondomestic wastewater without a permit, or to fail to complete an industrial user’s survey.

A. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the **De**irector in accordance with this chapter, and applicable state and federal regulations. Permit requirements may include but not be limited to the following:

1. The unit charge or schedule of user charges and fees for wastewater to be discharged to a community sewer.
2. The average and maximum wastewater constituents and characteristics.
3. Limits on rate and time of discharge or requirements for flow regulations and equalization.
4. Requirements for installation of inspection and sampling facilities.
5. Pretreatment requirements.
6. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
7. Requirements for submission of technical reports or discharge reports.
8. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by city ordinance) are proposed or present in the user’s wastewater discharge.
9. Requirements for submission to inspections.

10. Other conditions as deemed appropriate by the Director to ensure compliance with this chapter.

B. Duration of Permits. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than one year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the director during the life of the permit as limitations or requirements as identified in this chapter are modified and changed. The user shall be informed of any proposed changes in their permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

C. Transfer of a Permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. Provided that, if in the opinion of the director, the sale or transfer of an operation does not result in a change in use, the permit may be reassigned.

D. Revocation of Permit. Any user who violates any of the conditions of this chapter, of applicable state and federal regulations, or of any of the following conditions, is subject to permit revocation:

1. Failure to factually report the wastewater constituents and characteristics of discharge.
2. Failure 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.
4. Failure to provide official evidence of proper disposal of nondomestic wastes not permitted by city ordinances (hazardous wastes) (Ord. 1195 § 1, 1991)

### **13.08.230 Reporting requirements for permittees.**

A. Any discharger of nondomestic wastewater may be required to submit to the director a report indicating the nature, concentration and daily flows of all limiting pollutants. The report shall also state whether the applicable pretreatment standards and requirements are being consistently met.

B. After meeting the requirements set forth in subsection A of this section, the user shall submit self-monitoring reports, as required by the director, to assess and assure continued compliance with pretreatment standards and requirements, including, but not limited to, the reports required in 40 CFR 403.12 These reports shall contain the results of sampling and analysis of the discharge, done in accordance with the procedures approved by the POTW.

C. Reports, such as those identified in subsections A and B but not limited to, shall be signed and certified by an authorized representative of the discharging facility.

D. All industrial users shall be required to retain for a minimum of three years any records and/or reports of monitoring activities or results and shall make such records/reports available for inspection and copying by the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user. (Ord. 1195 § 1, 1991)

### **13.08.240 Confidentiality—Public disclosure.**

Process and product information collected during inspection of premises may be kept confidential at the request of the business owner or his or her representative, insofar as such confidentiality is allowed pursuant to applicable law. All records compiled pursuant to the pretreatment program shall be accessible at time of inspection. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Director's 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, 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 at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

~~A. Effluent data shall be available to the public without restriction.~~

~~B. Notification of significant violators and significant noncompliance shall be published at least once every twelve months in the major local newspaper. (Ord. 1195 § 1, 1991)~~

## **Article III. Charges and Fees**

### **13.08.250 Determination—User classification.**

A schedule of charges and fees shall be adopted by the city by resolution and may be amended from time to time which will enable the city to comply with the revenue requirements of the State Clean Water Grant Program. Charges and fees shall be determined in a manner consistent with regulations of the grant program.

1. All users shall be classified by assigning each one to a user classification (Significant Industrial User, Class I User or Class II User) category according to the principal activity conducted on the user's premises and appropriate nonindustrial classifications as determined by the city. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of user charges and industrial user wastewater discharge permit fees which will ensure an equitable recovery of the city's cost for operation of the pretreatment program.

2. The charges for each wastewater constituent and characteristic shall be established by the city and set forth in the city's schedule of charges and fees, which may include, but shall not be limited to:

a. User classification charges.

b. Fees for monitoring and inspections.

c. Charges and fees based on wastewater constituents and characteristics to include industrial cost recovery provisions of the Federal Act (i.e., PL 92-500).

d. In case a residence or place of business becomes vacant, the minimum sewer charge shall be collected until the city is requested to shut off the water.

e. All charges for such sewage service shall be paid at the same time as water charges are paid to the city and shall be billed upon the same water bill sent to the user; and both amounts must be paid or the city may, in addition to other remedies, shut off the water service.

f. Any person failing to pay the sewer service charge when due, and if the water service has been disconnected, shall pay the water restoration-reconnection charge provided for in Section [13.04.180](#).

When user classification charges are established, they shall be based upon a minimum basic charge for each premises, computed on the basis of wastewater from a domestic premises.

~~The charges for all classifications of users other than the basic domestic premises shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premises.~~

~~Such charges and fees may be based upon the measured or estimated constituents and characteristics of that user which may include, but not be limited to, BOD, COD, SS, oil and grease, chlorine demand, heavy metals and volume. (Ord. 1195 § 1, 1991)~~

### **13.08.260 Use of revenues.**

Revenue derived by the city under the provisions of the ordinance codified in this article shall be used for the operation, acquisition, construction, reconstruction and maintenance of the sanitary sewer system and shall be applied to the retirement of any bonded indebtedness which was incurred to improve the sanitary sewer system. (Ord. 1195 § 1, 1991)

## **Article IV. Rules and Regulations Governing the Disposal of Septic Tank Cleanings**

### **13.08.270 Unlawful to dump on land.**

It is unlawful for any person to dump or discharge raw or chemically treated sewage from any source onto the surface of any lands within the city, except such lands as the city utilizes in connection with the operation of its wastewater treatment plant. (Ord. 1195 § 1, 1991)

### **13.08.280 Unlawful to dump into city collection system except as provided in this chapter.**

It is unlawful for any person to dump or discharge into the city sewer collection system septic tank cleanings or any raw or chemically treated sewage from septic tanks or any industrial or unidentified liquid waste or any hazardous waste except as provided in this article. (Ord. 1195 § 1, 1991)

### **13.08.290 Dumping regulations.**

Raw or chemically treated sewage from chemical toilets may be discharged or dumped into the city sewer collection system only at the places designated by the director. (Ord. 1195 § 1, 1991)

### **13.08.300 Dumping permit and fees.**

Each person dumping or discharging raw or chemically treated sewage into the facilities of the city shall pay the appropriate fees established in accordance with the criteria set forth in Section [13.08.250](#). (Ord. 1195 § 1, 1991)

## **Article V. Enforcement**

### **13.08.310 Unlawful discharges.**

#### A. Notification of Discharge.

1. Users shall notify the director immediately upon discharging wastes in violation of this chapter to enable countermeasures to be taken by the city to minimize damage to the community sewer, treatment facility, treatment process, treatment personnel and the receiving waters.
2. This notification shall be followed within fifteen days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.
3. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the city by any public entity on account thereof.

B. Notices to Employees. In order that employees of users be informed of city requirements, users shall make available to their employees copies of this chapter, together with such other wastewater information and notices which may be furnished by the city from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.

C. Preventive Measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this chapter. (Ord. 1195 § 1, 1991)

#### **13.08.320 Issuance of cease and desist orders.**

When the director finds that a violation of this chapter has occurred, or appears imminent, and the violation appears to present an imminent endangerment to the health or welfare of persons, or the environment, or which threatens to interfere with the operation of the POTW or cause pass-through, the director may, after informal notice to the violator, issue an order to cease and desist and direct those persons not complying with this chapter to:

- A. Comply forthwith; or
- B. Comply in accordance with a time schedule set forth by the director; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation. (Ord. 1195 § 1, 1991)

#### **13.08.330 Submission of time schedule.**

When the director finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the director may require the user to submit to the appropriate POTW representative ~~manager~~, a report containing methods to eliminate illegal discharges, a time schedule for the commencement and completion of any equipment installation or maintenance necessary to comply with discharge limitations and methods of assurance of continued compliance. (Ord. 1195 § 1, 1991)

### **13.08.340 Appeals.**

A. Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the director, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the city clerk a written appeal within ten days of such decision, action or determination, setting forth in detail the facts supporting the appeal.

B. The written appeal shall be heard by the council within thirty days from the date of filing. The council shall make a final ruling on the appeal within ten days of the close of the meeting. Pending final determination on the appeal by the council, the decision appealed from shall remain in full force and effect. (Ord. 1195 § 1, 1991)

## **Article VI. Abatement and Penalties**

### **13.08.350 Use of provisions.**

The actions and remedies available to the director in the sections set forth in this article may be utilized separately or in combination by the director as it deems appropriate. (Ord. 1195 § 1, 1991)

### **13.08.360 Declaration of public nuisance.**

Discharges of wastewater in any manner in violation of this chapter or of any order issued by the director as authorized by this chapter constitutes a misdemeanor and is also declared to be a public nuisance which may be corrected or abated as directed by the director. (Ord. 1195 § 1, 1991)

### **13.08.370 Injunctive relief.**

The director is authorized to seek injunctive relief to halt the noncompliance by any industrial user with any pretreatment standard or requirement under this chapter, or permit issued hereunder. (Ord. 1195 § 1, 1991)

### **13.08.380 Assessment of cost.**

Any person who discharges or causes to be discharged any water or wastewater in violation of this chapter and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, stormdrain system or waters of the state shall be liable to the director for expenses necessary to correct that damage, detriment or adverse effect. The expenses may include, but are not limited to, costs for labor, material, inspection and overhead. Any expenses resulting from the investigation of unlawful discharges shall be collected from the responsible party. In addition, any monetary penalties imposed against the director shall also be costs for which the violator is liable to the director. (Ord. 1195 § 1, 1991)

### **13.08.390 Civil penalties.**

Any person who violates any provision of this chapter or permit issued hereunder, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable for an administrative civil penalty of not less than one thousand dollars per day per violation. Penalties shall be assessed by the director, after opportunity is given for a hearing. (Ord. 1195 § 1, 1991)

### **13.08.400 Criminal penalties.**

Any person who violates any provision of this chapter or permit issued hereunder, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense. The penalty for violation shall include a fine of not less than one thousand dollars per violation. (Ord. 1195 § 1, 1991)

### **13.08.410 Falsifying information.**

Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the director, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor. (Ord. 1195 § 1, 1991)

### **13.08.420 Termination of service.**

The director may revoke any wastewater discharge permit, or terminate or cause to be terminated wastewater and/or water service to any premises if a violation of any provision of this chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this chapter. This provision is in addition to other statutes, rules or regulations, authorizing termination of services for delinquency in payment. (Ord. 1195 § 1, 1991)

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Former Ch. 13.08, Arts. II—VII were entirely amended by Ord. 1158. The prior history for those provisions includes prior code §§ 7501, 7501.2—7501.16, 7502, 7503, 7504.1—7504.4, 7505.1—7505.4, 7506, 7506.1—7506.7, 7508.1—7508.5 and Ords. 935, 942 and 982. Subsequently, Arts. II—VII were reenacted by Ord. 1195.