SUBJECT: SETTING A DATE FOR A PUBLIC HEARING FOR CONSIDERATION OF REVISIONS TO THE SEWER USE ORDINANCE

SOURCE: Public Works Department

COMMENT: The California Regional Water Quality Control Board (RWQCB) has required the City to implement an Industrial Pretreatment Program and revise its Sewer Use Ordinance as part of Cease and Desist Order No. 5-01-104.

The revised Sewer Use Ordinance is attached and it has been approved by RWQCB’s staff, RWQCB’s Office of Chief Counsel, and the City Attorney.

The Industrial Pretreatment Program has been designed to meet the requirements of Federal Regulations CFR Title 40 Part 403 and the program is now acceptable to tie RWQCB staff. The Sewer Use Ordinance is part of the Industrial Pretreatment Program. The RWQCB will formally approve the Industrial Pretreatment Program once the City has adopted the revised Sewer use Ordinance. Revisions of the Sewer Use Ordinance require a public hearing. The Industrial Pretreatment Program is available for review in the Public Works Department.

RECOMMENDATION: That the City Council set a date of June 17, 2003 to hold a Public Hearing to consider comments on the proposed revisions to the Sewer Use Ordinance.

ATTACHMENT: Revisions to Sections 25-59 to 25-125 of the Sewer Use Ordinance
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 25-59 TO SECTION 25-125 OF THE CODE OF THE CITY OF
PORTERVILLE, ADOPTING A REVISION OF ARTICLE IV AND ARTICLE V TO
COMPLY WITH THE CODE OF FEDERAL REGULATIONS TITLE 40 PART 403 -
GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES
OF POLLUTION.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

A. That Section 25-59 through 25-125 of the Code of the City of Porterville is amended to read as follows:

ARTICLE IV. REQUIREMENTS AND SURCHARGES FOR SEWAGE
DISCHARGES INTO THE CITY SANITARY SEWER SYSTEM

Sec. 25-59. Definitions.
For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

*Biochemical oxygen demand* (abbreviated as BOD₅) shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees Celsius.

*City* The City of Porterville.

*Manhole* A hole through which a person may go to gain access to an underground or enclosed structure.

*pH* shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter.

*Standard Methods* shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater”, published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

*Suspended solids* shall mean solids that are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device and retained on a glass fiber filter with a nominal pore size of 1.5 μm and dried at 103-105°C to a constant weight in accordance with the procedure set forth in Standard Methods.
Sec. 25-60. Permissible sewage discharges and requirements.

(a) Normal sewage discharges shall consist of waters or wastes having the following:

1. Suspended solids content not in excess of one hundred seventy five (175) mg/L, and
2. BOD$_5$ not in excess of two hundred and fifty (250) mg/L.

Sewage discharges exceeding any of the limits as set forth herein for normal sewage discharges shall be classified as industrial wastes, and may be subject to Article V of this Chapter.

(b) Water which has been used as a cooling medium in any cooler, appliance, device or other apparatus, may be discharged directly or indirectly into the City sanitary sewer system, provided, however, that such discharge is not in excess of fifteen (15) percent of intake water.

(c) Swimming pools may discharge into the City sanitary sewer system.

(d) Any person proposing to discharge industrial wastes into the City sanitary sewer system shall first obtain a Permit For Non-Residential Wastewater Discharge from the City. Application for such permit shall be made in writing to the City and shall contain, at a minimum, the following information:

1. Name and address of applicant.
2. Location of connection or proposed connection with the City sanitary sewer system.
3. Estimated gallons of wastes proposed to be discharged and a statement as to approximate time of discharging same, together with information as to peak loads, and such other similar data as the City may require.
4. Statement of the character of the waste proposed to be discharged, including such detail in connection therewith as the City may require. The City may, at its discretion, require that the applicant file a bond in an amount deemed adequate by the City to indemnify the City and any other person against all loss, expense, or damage which may result from or arise out of the granting of the permit and the discharge of industrial wastes into the City sanitary sewer system. The City may require the bond as a condition precedent to the issuance of the permit or at any time after the permit is granted.

(e) No person shall be permitted to maintain or use any facility or connection to the City sanitary sewer system which is in violation of this Article IV of chapter 25 of the Municipal Code, and any such facility or connection in existence at the time of the effective date of this Article IV shall be immediately corrected or disconnected from the City sanitary sewer system.
Sec. 25-61. Prohibited sewage discharge.

No person, firm or corporation shall discharge or cause to be discharged into the City sanitary sewer system any of the following:

(a), (b), (c), (d) Reserved.

(e) Any liquid or vapor having a temperature higher than 150°F or 65°C.

(f) Any waters or wastes containing emulsified oil and grease exceeding fifty (50) mg/L. In addition, disposal of petroleum oil, non-biodegradable cutting oil or products of mineral oil origin which may cause Interference or Pass Through is prohibited.

(g) Any waters or wastes which contain grease or oil or other substance which will become discernibly viscous at temperatures between 32° and 150°F.

(h) Any radioactive isotopes having a half-life of more than one hundred (100) days.

(i) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

(j) Any household garbage that has not been properly comminuted or tritutated. All ground garbage shall be capable of passing through a one-half (1/2) inch mesh screen before being introduced into the City sanitary sewer system.

(k) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, chemical residues, paint residues, unscreened cannery waste, bulk solids, or any other solid or viscous substance capable of causing an obstruction to flow in sewers or other interference with the proper operation of the City sanitary sewer system.

(l) Any waters of non-sewage or non-industrial waste origin, such as waters from water well developments, storm water, etc., except by special permission of the City.

All waters or wastes not meeting the applicable requirements of this section 25-61 shall be pretreated to meet such requirements before such waters or wastes enter the City sanitary sewer system. Pretreatment shall be approved by the City.
Sec. 25-62. Industrial waste discharges and surcharges.

(a) All persons or corporations discharging industrial wastes into the City sanitary sewer system shall be subjected to a surcharge, in addition to any other sewer service charges. The amount of surcharge shall reflect the cost incurred by the City in removing the excess BOD₅ and suspended solids in the waste load. This surcharge will be determined as follows:

The excess pounds of BOD₅ and suspended solids will be computed by multiplying the industrial wastes flow volume in million gallons per day by the constant 8.345, and then multiplying this product by the difference between the industrial wastes concentration of BOD₅, and suspended solids and the aforementioned “normal” concentration in milligrams per liter. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the rate of surcharge and by the number of days in the billing period.

The City may charge a surcharge fee for excess BOD and/or TSS at five (5) times the established rate to encourage pretreatment of waste discharges.

The rates of surcharge for BOD₅ per pound and suspended solids per pound shall be established by resolution of the City Council.

The rates of surcharge are to be reviewed periodically by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation as determined from City records. However, failure of the City to so review, shall not invalidate any provision of this article and the fee established shall remain in effect until changed by resolution of the City Council.

(b) The volume of flow used for computing industrial waste surcharges shall be the metered water consumption as shown in the records of meter readings maintained by the City. If the person or corporation discharging industrial wastes into the City sanitary sewer system procures any part, or all, of his water from sources other than the City, the person or corporation shall install and maintain a water meter of a type approved by the City, for the purpose of determining the volume of water obtained from these other sources. Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot be otherwise determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by said person or corporation. Following approval and installation, such meters shall not be removed without the consent of the City.

(c) Each person or corporation discharging industrial wastes into the City sanitary sewer system shall, when required by the City, construct and maintain one or more industrial waste monitoring manholes or access points to facilitate observation, measurement and sampling of wastes, including domestic sewage. Industrial waste monitoring manholes or access facilities shall be located and built in a manner acceptable to the City.
(d) Industrial wastes discharged to the City shall be subject to periodic inspection and a determination of character and concentration of said wastes. Said inspections and determination shall be made as often as may be determined necessary by the City.

(e) Industrial waste surcharges provided for in this article shall be included as a separate item on the regular bill for sewer charges or sent as a separate bill.

For sewer surcharge bills that remain unpaid at the due date for the payment of said bills, there shall be added to the sewer surcharge the same penalties and interest as are required for delinquencies or nonpayment of water bills. Water services may be discontinued for non-payment of the charge for sewer surcharge or sewer surcharge penalties and interest and any unpaid charge for sewer surcharge or sewer surcharge penalties or interest may be placed as a lien on the real property involved.

(f) Significant industrial users as defined by Section 25-75 shall be subject to the provisions in Article V of this Chapter.

Sec. 25-63. Violation of article.

(a) In the event that any person or corporation discharges any substance into the City sanitary sewer system in violation of the provisions of this article, in addition to any other penalties provided by this article, such person or corporation shall pay the City for the damage caused thereby and for the cost of any repair or cleaning of any portion of said sanitary sewer system made necessary by reason thereof. The City shall determine the amount of such damage and costs.

(b) The City shall have the authority to shut off any premises from the use of the City sanitary sewer system where the occupant or user of such premises is placing, discharging or conducting any water or wastes into the City sanitary sewer system in violation of this article.

(c) Penalty for violation. Any person or corporation violating any provision of this article shall be deemed guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of said provisions is committed, continued or permitted and upon conviction of any such violation such person or corporation shall be punishable by a fine in accordance with minimum federal penalty guidelines for each offense.

(d) Additional penalties and enforcement action will apply if a violation involves a “Significant industrial user” as defined by Section 25-75.

Secs. 25-64--25-73. Reserved.
ARTICLE V. WASTEWATER DISCHARGE REQUIREMENTS

DIVISION 1. GENERALLY.

Sec. 25-74. Purpose and policy.
This article sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the City and enables the City to comply with all applicable state and federal laws required by the Clean Water Act of 1972 and amendments thereto, and the General Pretreatment Regulations (40 CFR, part 403) as amended from time to time.

The objectives of this article are:

(a) To prevent the introduction of pollutants into the City's municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the City's wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To provide for equitable distribution of the cost of the municipal wastewater system.

The article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City's POTW. Except as otherwise provided herein, the City Manager shall administer, implement and enforce the provisions of this article.

Sec. 25-75. Definitions.
The definitions given in this section shall be used in the interpretations of this article, the issuance of permits, the establishment of charges for service and all other operations of this article unless the context specifically indicates otherwise.

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
**Applicant:** Any person or group of persons, who applies for sewer service or a wastewater discharge permit.

**Approval authority:** California Regional Water Quality Control Board, Central Valley region.

**Average daily flow:** The total quantity of liquid tributary to a point divided by the number of days of flow measurement.

**Biochemical oxygen demand (BOD<sub>5</sub>):** Shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees Celsius.

**Building sewer:** A sewer conveying wastewater from the premises of a user to the Publicly Operated Treatment Works (POTW).

**Categorical standards:** 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.

**City:** The City of Porterville.

**City Manager:** The City Manager of the City of Porterville or his or her designee.

**Code:** Porterville Municipal Code.

**Compatible pollutants:** Pollutants that are capable of being processed
(a) Under normal loading conditions by a biological wastewater treatment plant, and
(b) In concentrations that are normally present in wastewater without any detrimental effect on the City’s POTW.

**Compliance determination:** The sampling and analysis conducted on specific industrial wastes to ascertain compliance with applicable federal or state pretreatment standards, whichever is more stringent.

**Compliance schedule:** “Compliance schedule” shall mean the time period allowed by the City in which an industry shall comply with permit conditions or discharge requirements.

**Composite samples:** A combination of individual samples of sewage taken at hourly or selected intervals to minimize the variability of the individual sample. Individual samples may be combined in quantities that are proportional to the flow at the time of sampling.

**Control authority:** The City Manager or his or her designee.

Cooling water: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
**Domestic wastewater:** The liquid and waterborne wastes derived from, or equivalent to that of, ordinary residential living processes and which are of such a character as to permit satisfactory disposal, without special treatment, into the service lateral.

**EPA:** Environmental Protection Agency.

**Grab sample:** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**Grease, Oil, Fats:** Any material, or like material, that is extractable.

**Holding tank or pond waste:** Any wastewater or processed wastewater received from holding tanks or ponds such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum tank trucks, and industrial or agricultural process or wastewater holding tanks or ponds.

**Indirect discharge:** The discharge or the introduction of pollutants, including holding tank discharge, from any non-domestic source regulated under the section 307(b), (c) or (d) of the Act into the City's POTW.

**Industrial user or User:** A source of indirect discharge.

**Industrial wastes:** “Industrial wastes” shall mean all wastewater of a community, excluding domestic and pollutant-free wastewater, and shall include all such wastewater from any producing manufacturing, processing, institutional, commercial, agricultural or other operation which contains characteristics unlike that of domestic wastewater.

**Interference:** A discharge which alone or in conjunction with a discharge or discharges from another source, contribute to an inhibition or disruption of the City’s POTW treatment process or operations, or its sludge processes, use or disposal; and therefore is a cause of violation of any requirement of the City’s waste discharge requirements. Interference includes any discharge that causes the prevention of sewage sludge use or disposal in compliance with Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including any State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, as amended from time to time.

**May:** "May" is permissive. **Shall** is mandatory.

**Monitoring:** The practice of investigating, surveying and sampling wastewater sources in an effort to obtain information on the quality and quantity of the wastewater flow.

**National Pollutant Discharge Elimination System (NPDES) Permit:** A permit issued a POTW pursuant to section 402 of the Act.
New Source:
(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
   (1) Begun, or caused to begin, as part of a continuous onsite construction program
      (A) any placement, assembly, or installation of facilities or equipment; or
      (B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
   (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Pass Through: A discharge which exits the City’s POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s waste discharge requirements.
Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

Pollutant: Any dredged spoil, solid waste, incinerator residue, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste discharged into the City's POTW.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes; process changes; or by other means, except dilution is not an acceptable means to reduce the amounts of pollutants in a waste stream.

Pretreatment requirements: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Pretreatment standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with the Act which applies to any user of the City's POTW.

Publicly owned treatment works (POTW): A treatment works as defined by the Act, including sewer lines, lift stations that convey wastewater to the POTW plant and shall include any sewers that convey wastewater to the POTW from persons outside the City who are, by agreement with the City, users of the City's POTW.


Sampling well: “Sampling well” shall mean an approved opening to a building sewer for the purpose of sampling and flow measurement.

Sewer: A pipe or conduit for carrying sewage.

Shall: “Shall” is mandatory; “May” is permissive.

Significant industrial user: Any industrial user of the City's wastewater disposal system that:

(a) Is subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subchapter N as amended from time to time; or
(b) Has an average discharge flow of twenty-five thousand (25,000) gallons or more per day; or

(c) Contributes a process waste stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity in the City’s waste treatment system; or

(d) Has in its waste discharge, any toxic pollutants defined in the Act; or

(e) Is found by the City, state agency or U.S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Slug Discharge: Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.


State: The State of California.

Storm water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent: The person designated by the City Manager to supervise the operation of the publicly owned treatment works, and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Suspended solids: Shall mean solids that are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device and retained on a glass fiber filter with a nominal pore size of 1.5 µm and dried at 103-105°C to a constant weight in accordance with the procedure set forth in Standard Methods.

Toxic pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under provision of the Act.

User or Industrial User: A source of indirect discharge.

Wastewater: The liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater discharge permit: As set forth in section 25-103 of this article.
Sec. 25-76. Abbreviations.
The following abbreviations shall have the designated meanings:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>BOD₄</td>
<td>Biochemical Oxygen Demand</td>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>EC</td>
<td>Electrical Conductance</td>
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<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
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<td>L</td>
<td>Liter</td>
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<tr>
<td>mg</td>
<td>Milligram</td>
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<tr>
<td>mg/L</td>
<td>Milligrams per liter</td>
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<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
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<tr>
<td>POTW</td>
<td>Publicly Owned Treatment Works</td>
</tr>
<tr>
<td>RCRA</td>
<td>Resource Conservation and Recovery Act</td>
</tr>
<tr>
<td>SIC</td>
<td>Standard Industrial Classification</td>
</tr>
<tr>
<td>TSS</td>
<td>Total Suspended Solids</td>
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</table>

Secs. 25-77--25-81. Reserved.

DIVISION 2. REGULATIONS

Sec. 25-82. General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause Pass-Through or interference with the operation or performance of the City's POTW. These general prohibitions apply to all such users of the City's POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user shall have an affirmative defense in any action brought against it alleging a violation of general or specific prohibitions where the user can demonstrate that it did not know or have reason to know that its waste discharge, alone or in conjunction with a discharge or discharges from other sources would cause Pass Through or Interference and that the ongoing compliance of their waste discharge met all federal, state and local limits or that their waste discharge experienced only minimal deviation from their norm prior to or during the Pass Through or Interference.

A user shall not contribute the following substances to the City's POTW:

(a) Fire/explosion hazard: 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 or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosion limit (LEL) of the meter. These hazards include, but are not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21 as amended from time to time. Prohibited materials include...
but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the City, the state, or the EPA has notified the user is a fire hazard or a hazard to the system.

(b) $pH$: Any wastewater having a pH less than 6.0 and higher than 9.0, or wastewater having any corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

(c) **Solid or viscous substances**: Which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.

(d) **Toxic pollutants**: Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act as amended from time to time.

(e) **Noxious or malodorous liquids**: Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW’s effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act as amended from time to time; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

(g) Any substance which causes Pass Through or Interference and, therefore, causes the POTW to violate its NPDES and/or State Waste Discharge Requirement permit.

(h) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye waste and vegetable tanning solutions.

(i) Reserved.
(j) Any pollutants, including oxygen demanding pollutants (BOD₅, etc.), released at a flow rate and/or pollutant concentration which will cause Interference or Pass Through at the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any sulfide-forming pollutants or wastes which, when discharged to the sewer, generate sulfide concentrations in excess of one (1) mg per liter.

(n) Reserved.

(o) Reserved.

(p) Any trucked or hauled pollutants are prohibited from disposal except at those discharge points so designated by the POTW.

(q) Heat in any amount which will inhibit biological growth activity in the POTW resulting in Interference, but in no case, heat in such quantities that the temperature at the POTW exceeds 40°C (104°F) unless the Approval Authority approves alternate temperature limits.

(r) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

Sec. 25-83. National Pretreatment Standards: Categorical Standards.

The City, as legal control authority, will require compliance by all industrial users of all applicable Categorical Standards and Requirements. The reporting requirements for industrial users subject to Categorical Standards are covered in Sec. 25-104 of this chapter.

Sec. 25-84. Modifications of Categorical Pretreatment Standards.

Where the City's wastewater treatment system achieves consistent removal of a pollutant or pollutants limited by Categorical Pretreatment Standards, the City may apply to the approval authority for modification of specific limits in the Categorical Pretreatment Standards. “Consistent removal” shall mean the average of the lowest 50 percent of the removal measured by approved methods.

Sec. 25-85. Specific pollutant limitations.

The specific pollutant limitations will be set by resolution of the City.
Sec. 25-85.1.  Grease, oil and sand traps.

(a)  Generally. Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of the sewage system from liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required, for example, on discharges from all service stations, dry cleaning establishments, eating establishments and food preparation establishments.

(b)  Construction. All traps shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. Restaurant traps shall be gas tight, of a type approved for restaurant use by the state and/or county health departments. Traps for all other facilities, including service stations and garages, shall be in accordance with the adopted plan of the City for such traps or shall be approved equal thereof as determined by the City.

(c)  Maintenance. When installed, all grease, oil and sand traps shall be inspected and maintained by the owner at his expense, in continuously efficient operation at all times.

Sec. 25-86.  State requirements.

State requirements and limitations on discharges shall apply in any case where they apply to charter cities and are more stringent than federal requirements and limitations or those in this article.

Sec. 25-87.  City's right of revision.

(a)  The City reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 25-74 of this article.

(b)  In addition to the limitations upon the characteristics or quantity of wastewater discharged, caused to be discharged or permitted to be discharged into any public sewer pursuant to this section, the City may, in connection with the issuance of permits pursuant to the provisions of this section, establish additional specific limitations on wastewater strengths upon a finding by the City that:

1. The limitations set forth in this section may not be sufficient to protect the operation of the City's sewer system, treatment facilities or any portion thereof, or the waste or wastewater proposed to be discharged otherwise constitutes a hazard to, or unreasonable burden upon, such operation;

2. The limitation expressly set forth in this section may not be sufficient to enable the operation of the City's sewage system of treatment facilities to comply with water quality standards of effluent limitations specified in the City's National Pollutant Discharge Elimination System (NPDES) permit and/or state waste discharge requirement permit, or
(3) The permit for which application is made will cover new sources in which case the permit shall require compliance with the best available technology.

Sec. 25-88. Excessive dilution/discharge.

No user shall ever increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitations developed by the City or State.

Sec. 25-89. Accidental discharges.

Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detail plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. No user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

(a) Written notice: All significant Industrial Users shall notify the POTW immediately of all discharges (accidental or non-accidental) that exceed their permit limitations, including any slug loadings by the user. Within five (5) days following an accidental or non-accidental discharge, the user shall submit to the City a detailed written report describing the cause of the discharge and the measure to be taken by the user to prevent similar future occurrences. Such modification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of the damage to the POTW or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable laws.

(b) Notice to employees: 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 dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 25-90. Hazardous waste discharge.

Any industrial user, permitted or non-permitted, shall notify the POTW in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under federal regulations 40 CFR 261 as amended from time to time. Notification must include the name of the hazardous waste set forth in 40 CFR 261 as amended from time to time,
the EPA hazardous waste number, and type of discharge (continuous, batch, other). If the Industrial User discharges more than 100 kilograms of such wastes 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, an estimation of the mass and concentration 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 must take place within 180 days after discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, all Industrial Users shall promptly notify the POTW 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. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sec 25-104 of this chapter.

Dischargers are exempt from the requirements of the above paragraph 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) as amended from time to time, Discharge of more than fifteen kilograms of 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 wastes do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a 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.

In the case of any notification made under the preceding paragraphs, 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 been determined to be economically practical.

Secs. 25-91--25-94. Reserved.

DIVISION 3. FEES

Sec. 25-95. Purpose.

It is the purpose of this article to provide for the recovery of costs from users of the City's wastewater disposal system and for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of Fees and Charges.

Sec. 25-96. Fees and Charges.

The City may adopt fees and charges which may include:
(a) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;

(b) Fees for monitoring inspection and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit applications;

(e) Fees for filing appeals;

(f) Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards; and

(g) 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 chargeable by the City.


DIVISION 4. ADMINISTRATION.

Sec. 25-102. Wastewater dischargers.

It shall be unlawful to discharge without City approval to any natural outlet within the City or in any area under the jurisdiction of the City and/or to the POTW any wastewater except as authorized by the City in accordance with the provisions of this article.

Sec. 25-103. Industrial User Wastewater discharge permit application.

(a) General permits: All significant industrial users connected to or proposing to connect to the POTW shall obtain an Industrial User Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain an Industrial User Wastewater Discharge Permit within one hundred eighty (180) days after the effective date of this article.

(b) Industrial User Wastewater Discharge Permit application: Users required to obtain an Industrial User Wastewater Discharge Permit shall complete and submit the Non-residential Wastewater Discharge Permit Application form, accompanied by the required fee.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue an Industrial User Wastewater Discharge Permit subject to terms and conditions provided herein.
(c) **Permit modifications:** The City may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's POTW, personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13
8. To correct typographical or other errors in the wastewater discharge permit.
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

(d) **Permit conditions:** Industrial User Wastewater Discharge Permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the City. Permits shall contain the following:

1. a statement of duration (in no case more than five years);
2. a statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
3. effluent limits based on general pretreatment standards in sec 25-82 of this chapter, categorical pretreatment standards, local limits, and State and local law;
4. self monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on applicable pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
5. a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the compliance date beyond applicable federal deadlines.
(e) **Permit duration:** Permits shall be issued for a period not to exceed five (5) years. A permit may be issued for a period of less than one (1) year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the City during the term of the permit as limitations or requirements, as identified in Division 2, are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) **Permit transfer:** Industrial User Wastewater discharge permits are issued to a specific user for a specific operation. An Industrial User 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 without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) **Permit Revisions:** If an Industrial User increases the concentration, or type of pollutants in their discharge over their permitted levels they must reapply for a permit to cover the increased discharge. Discharge from a new source shall require a revision of the user’s Industrial User Wastewater Discharge Permit.

**Sec. 25-104. Reporting requirements for permittee.**

Significant industrial users and categorical users shall submit Monitoring reports and Compliance Schedule reports as described below.

(a) **Baseline Monitoring Report:** Industrial users subject to categorical pretreatment standards shall submit a baseline report within 180 days after the effective date of the standard or 180 days after the final administrative decision made upon an industrial user that the industrial user must comply with the categorical standards, which ever is later. The report shall contain the following information, applicable environmental permits, description of operations, flow measurements, measurements of pollutants, certification by an authorized representative of the industrial user of whether Pretreatment Standards are being met on a consistent basis and, if not, a compliance schedule of additional operation and maintenance and/or additional pretreatment required to be in compliance.

(i) Name and address of the facility including the name of the operator and owners;
(ii) A list of any environmental permits held;
(iii) A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user. This description should include a schematic diagram which indicates points of discharge from the regulated process to the POTW;
(iv) The User shall submit information showing the measured average daily flow, in gallons per day, to the POTW from each of the following:
   (1) Regulated process streams and
   (2) Other streams as necessary to allow use of the combined wastestream formula if so used.
(v) The user shall identify the Pretreatment Standards applicable to each regulated process;

(2) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.

(3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional sampling techniques or through a minimum of four (4) grab samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged.

(4) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.

(5) Samples should be taken immediately downstream from the pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in order to evaluate compliance with the Pretreatment Standards.

(6) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or the Approval Authority determines that part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Approval Authority;

(7) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(8) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;

(vi) A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and
maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements;

(vii) If additional Pretreatment and/or Operation and Maintenance will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or Operation and Maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(b) The Compliance Schedule Progress Report. The Report required by (a)(vii) above shall contain increments of progress (dates) for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet pretreatment standards (e.g., hiring an Engineer, completing preliminary and final plans, executing contract for major components, commencing and completion of construction, etc.). No increment shall exceed nine (9) months. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the City indicating the status of compliance.

(c) The Report On Compliance With Categorical Deadline shall contain the information listed in (a)(iv) to (a)(vi) above. The reporting requirement may include the actual production during an appropriate sampling period for those users subject to allowable pollutant discharge per unit of production. This report shall be submitted within 90 days of the final compliance with applicable pretreatment standards, or in the case of a New Source, following the commencement of the introduction of waste discharge into the POTW system.

(d) Periodic Reports, Categorical Users: Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the City during the months of June and December, unless required more frequently in the pretreatment standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for discharges from regulated process streams. At the discretion of the City and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted.

Where the City has imposed mass limitations on industrial users this report shall indicate the mass of pollutants, regulated by pretreatment standards, in the discharge from the industrial user.

A certification is required by an authorized representative of the industrial user of whether Pretreatment Standards are being met on a consistent basis and, if not, a compliance schedule of additional operation and maintenance and/or additional pretreatment required to be in compliance. Records of all information resulting from any required monitoring activities must be maintained for a minimum of three (3) years.
(e) **Notice of Potential Problems(slug loadings).** All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges, including any slug loadings, that could cause problems to the POTW.

(f) **Periodic Compliance Reports** are required from significant industrial users not subject to Categorical Pretreatment Standards. Reports are to be submitted to the City at least once every six months, describing the nature, concentration and flow of the pollutants required to be reported. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with techniques outlined in 40 CFR 136 and as amended from time to time. The sampling and analysis may be performed by the City in lieu of the significant non-categorical industrial user. If this is the case, the significant non-categorical industrial user will not be required to submit the report.

(g) **Monitoring and analysis to demonstrate compliance:** Reports in paragraphs (a), (c), (d), (f) of this section shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the City, of pollutants contained therein which are limited by the applicable pretreatment standards. The sampling and analysis may be performed by the City in lieu of the Industrial user. If this is the case, the industrial user will not be required to submit the report. If sampling performed by the industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the City within 30 days of becoming aware of the violation.

(h) **General reporting requirements:** All reports required by this section shall contain the following certification:

“I certify under penalty of law 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 immediately 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.”

All reports in this section shall be signed as follows:

(i) By a responsible corporate officer if the industrial user submitting the reports required by paragraphs (a), (c) and (d) of this section is a corporation.

A responsible corporate officer shall mean:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.

(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million if authority to sign documents has been
assigned or delegated to the manager in accordance with corporate procedures.

(ii) By a general partner or proprietor if the industrial user submitting the reports required by paragraphs (a), (c) and (d) of this section is a partnership or sole proprietorship respectively.

(iii) By a duly authorized representative of the individual designated in (i) or (ii) above if:

1. The authorization is made in writing by the individual described in (i) and (ii);
2. The authorization specifies either an individual or a person having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
3. The written authorization is submitted to the control authority.

(iv) If an authorization under paragraph (iii) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (iii) above must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

All sampling and analysis shall be performed in accordance with procedures established by the administration pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and as amended from time to time or any other test and sampling procedures approved by the City.

If an industrial user subject to the reporting requirements of paragraph (d) or (f) of this section monitors any pollutant more frequently than required by the City using the procedures in paragraph (g) of this section, then the industrial user shall included the results of this monitoring in their report.

Records of all information resulting from any required monitoring activities must be maintained for a minimum of three (3) years.

Sec. 25-105. Monitoring facilities.

The City shall 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 sampling manhole or 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. Construction shall be completed within ninety (90) days following written notification by the City.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for City personnel, such as a gate secured with a City lock.

Sec. 25-106. Inspection and Sampling.

The City shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all times for the purpose of inspections, sampling, records examination and record copying or in the performance of any of their duties. Access to the primary sampling point and meter location shall be unrestricted. All other access shall be requested in advance. The City, approval authority, and (where the NPDES state is the approval authority) the EPA 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 with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and the EPA will be permitted to enter without delay for purposes of performing their specific responsibilities.

Sec. 25-107. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this article. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to, and acceptable to, the City prior to the user's initiation of the changes. These requirements apply to both permitted and non-permitted industrial users.

In addition, all non-permitted industrial users are required to provide notice of changes in wastewater flow and characteristics to the City so that the City can review and deny or condition these contribution changes.
The City shall annually publish in the largest daily newspaper published in the municipality a list of the users which were in significant noncompliance with applicable pretreatment requirements. Significant noncompliance is defined as meeting one or more of the following:

(a) Chronic violations of wastewater discharge limits, defined 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;

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

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or passthrough (including endangering the health of POTW personnel or the general public);

(d) 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 under sec 25-114 of this chapter to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the City’s control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 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;

(g) Failure to accurately report non-compliance;

(h) Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the City’s pretreatment program.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

**Sec. 25-108. Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge
information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; however, such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential information.

Records of all information resulting from any required monitoring activities must be maintained for a minimum of three (3) years and available for inspection and copying by the City, State and EPA. This period of retention may be extended during the course of unresolved litigation regarding the discharge from an industrial user or the operation of the POTW pretreatment program or when requested by the State or EPA. These requirements apply to both permitted and non-permitted industrial users.

DIVISION 5. ENFORCEMENT.

Sec. 25-109. Enforcement Program.

Whenever the City finds that any user has violated or is violating this article, their wastewater discharge permit, or any prohibition, or limitation of requirements contained herein, the City may take enforcement action to correct the violation. Enforcement action is through the issuance of Notices of Violation, Consent Orders, Compliance Orders, Cease and Desist Orders, Emergency Suspension, Termination of Discharge, Show Cause Hearings, Legal Action, and Administrative Fines. The level of enforcement is dependent on the level and/or frequency of the violation.

Sec. 25-110. Notice of violation.

The City may issue a notice of violation to a user when a specific violation of this ordinance or their wastewater discharge permit has occurred. The notice will state the nature of the violation and require the user, within thirty (30) days of the date of the notice, to submit to the City a plan for the satisfactory correction of the violation.

If sampling performed by an industrial user indicates a violation, the user must notify the City within 24 hours of becoming aware of each violation. The user shall immediately repeat sampling, have the samples analyzed and submit results to the City within 30 days of becoming aware of the violation.
Sec. 25-111. Consent Orders.
The City may enter into a Consent Order with any user responsible for noncompliance of this ordinance. The consent order will contain milestone tasks and completion dates developed by the user to correct the noncompliance and prevent future violations.

Sec. 25-112. Compliance Orders.
The City may issue a compliance order to the user to achieve compliance with this ordinance or with their wastewater discharge permit. The Compliance order shall contain milestone dates for the completion of intermediate tasks, developed by the City, required for the user to achieve full compliance.

Sec. 25-113. Cease and Desist Order.
The City may issue a Cease and Desist Order requiring the user to halt specific activities that are releasing pollutants to the POTW in violation of this ordinance and/or their wastewater discharge permit. The Cease and Desist Order shall require the user take immediate action to reduce or eliminate the adverse impact to the POTW caused by its discharge.

Sec. 25-114. Emergency Suspension.
The City may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES permit and/or State Waste Discharge Requirement permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of the occurrence.

Sec. 25-115. Termination of Discharge.
Any user who violates the following conditions is subject to having their permit revoked and their discharge terminated:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operation or wastewater constituents and characteristics;
(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(d) Violation of conditions of the wastewater discharge permit.

The user will be notified of the proposed termination and offered an opportunity to show cause under sec.25-117 of this ordinance why the proposed action should not be taken.

Sec. 25-116. Reserved.

Sec. 25-117. Show-cause hearing.

(a) The City Manager may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the City why the proposed enforcement actions should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The City may itself conduct a hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

(1) Issue in the name of the City notices of hearing, requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, transcripts and other evidence, together with recommendations to the City Council for action thereon.

(c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the City has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on the existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
Sec. 25-118. Legal action.

If any person discharges sewage, industrial waste or other waste into the City's wastewater disposal system contrary to the provision of this article, Federal or State pretreatment requirements, or any other order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Sec. 25-119. Administrative Fines.

(a) When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed the maximum fine allowed under State law. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after the due date, be assessed the same penalties and interest as are required for delinquencies or nonpayment of water bills. Water services may be discontinued for non-payment of the unpaid charges, fines, and penalties and any unpaid charge, fines, penalties or interest may be placed as a lien on the real property involved.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit the City may convene a show cause hearing on the matter under sec. 25-117 of this ordinance. In the event the user’s appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative actions, such as notices and orders to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

Secs. 25-120-25-123. Reserved.

DIVISION 6. PENALTY COSTS

Sec. 25-124. Civil penalties.

Any user who is found to have violated an order of the City Council or who willfully or negligently failed to comply with any provision of this article and the orders, rules, regulations and permits issued hereunder, may be fined in accordance with minimum federal penalty guidelines for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney’s fees, court costs, court reporters’ fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued hereunder.
Sec. 25-125. Falsifying information.

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than six (6) months or by both.

B. That Ordinance Nos. 1047 (Article IV) and 1288 (Article V) of the City of Porterville are hereby repealed in their entirety.

C. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED AND ADOPTED this _____ day of ____________, 2003.

______________________________
Richard Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Deputy