

# City of Grass Valley



## Industrial Pretreatment Program Sewer Use Ordinance

# City of Grass Valley Sewer Use Ordinance

## Chapter 13.12 SEWER SERVICE SYSTEM

### Section 13.12.040 Unauthorized uses.

A. It shall be unlawful for any person to willfully break, damage, destroy, uncover, obstruct maintenance access, deface and/or tamper with any sewer, structure, appurtenance or equipment which is a part of the sewerage system of the City. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct. Cost of repairs or replacement of any part of the sewerage system of the City will be the responsibility of the person(s) causing the damage.

B. It shall be unlawful for any person to make a connection with or opening into, use, alter, or disturb any public sewer, service sewer, or appurtenance thereof except as hereinafter provided.

C. Septic tanks, cesspools, or any drains therefrom shall not be connected to any building sewer, service sewer, or any other sanitary sewer.

D. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any public sanitary sewer. Stormwater and all other unpolluted waters shall be discharged to such pipe lines as are specifically designated as storm drains, or to a natural outlet approved by the City Engineer.

E. Any swimming or wading pool over two (2) thousand gallons in capacity with a drain connection to the public sewer shall be provided with a recirculation system equipped with an approved filter. Where a storm drain is available, discharge to a sanitary sewer shall be prohibited. When discharge of the swimming pool water to a public sewer is authorized; the following conditions shall apply:

1. An approved sand interceptor shall be provided for filter backwash and pool drainage waters.

2. The maximum size of discharge pipe from the pool or sump shall be one and one-half inches, with a control valve provided for possible future regulation in the event the sanitary sewer capacity is exceeded.

3. Disconnection from the sanitary sewer by the owner shall be mandatory if the sanitary sewer capacity becomes inadequate for both sanitary flows and swimming pool discharges.

4. The draining of swimming pools into a public sewer shall be limited to the hours between nine p.m. and seven a.m.

F. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters to any public sewer:

1. Any liquid or vapor having a temperature higher than sixty degrees Centigrade (60°C, or equivalent 140° Fahrenheit).

2. Any water or waste which contains more than two hundred milligrams per liter (200 mg/L) of fat, oil, or grease.

3. Any water or waste having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the Publicly-Owned Treatment Works (POTW).

4. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving waters of the sewage treatment plant.

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5. Any water or waste containing radioactive material in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving waters of the sewage treatment plant.

6. Any water or waste containing synthetic detergents in sufficient quantity to injure or interfere with any sewage treatment process or create problems in the receiving water of the sewage treatment plant.

7. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

8. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

9. Any garbage that has not been properly shredded. For the purpose of this chapter, this shall mean that it has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

10. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.

11. Any noxious or malodorous gas or substance capable of creating a public nuisance.

G. Grease, oil or sand interceptors shall be provided when in the opinion of the City Engineer they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any sand, flammable material, or other harmful ingredients, 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 City Engineer, and shall be located in such a manner as to be readily and easily accessible for inspection and cleaning. They shall be of substantial construction, made of impervious materials, capable of withstanding abrupt and extreme changes in temperature, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

All grease, oil, and sand interceptors shall be maintained in continuously efficient operation at all times by the owner, at his expense and the owner/operator shall be required to forward to the City and the Nevada County Department of Environmental Health regular and complete documentation of fats, oils and grease disposal by an approved licensed hauler.

H. The admission into the public sewers by any industrial or commercial user of any waters or wastes having:

1. An average flow greater than two per cent (2%) of the average daily flow of the system or greater than twenty-five thousand gallons per day (25,000 gpd) as recorded at the treatment plant;

2. A five day B.O.D. concentration greater than three hundred milligrams per liter (300 mg/L);

3. A C.O.D. concentration high enough to constitute a hazard or create problems in the sewage treatment process or damage to the receiving waters;

4. Containing more than three hundred milligrams per liter (300 mg/L) of suspended solids;

or

5. Containing any quantity of substances having the characteristics described in subsection F of this section, shall be subject to review and approval by the City Engineer. Costs of serving such users shall be allocated individually to the user.

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I. When required by the City Engineer, the owner of any property served by a building sewer carrying industrial or commercial wastes with a volume greater than two per cent of the system flow or greater than twenty-five thousand gallons per day (25,000 gpd), shall install and maintain at his expense, an approved flow recording device for continuous measurement of the volume of waste discharged to the public sewer. The flow-measuring station and the records therefrom shall be accessible at all times to the City Engineer or designee, and copies of the flow measurements shall be regularly furnished to the City Engineer.

J. Where necessary in the opinion of the City Engineer, the owner shall provide, at his own expense, such treatment as may be necessary to eliminate or reduce the objectionable characteristics or constituents to within the maximum limits provided for in subsections F and H of this section, or control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the engineer and no construction or such facilities shall be commenced until such approval is obtained in writing.

Preliminary treatment facilities shall be maintained continuously in satisfactory and effective operation by the owner at his expense, to the satisfaction of the City Engineer.

K. When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer for observation, sampling, and measurement of the wastes. Such manhole shall be fully accessible and safely located, and shall be constructed in accordance with plans approved by the City Engineer. It shall be installed and maintained in its approved condition by the owner at his expense.

L. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater 21st Edition (2005), as revised or amended," published by the American Public Health Association and shall be determined at the control manhole provided for in this section or upon suitable samples taken at such control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the service sewer is connected.

M. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

N. If it becomes necessary or desirable to change the conditions prescribed at the time permission to discharge into the public sewer was granted, by reason of increased flow, change of character of the discharge, or for any cause whatsoever, the City Engineer may impose further conditions with respect thereto.

O. When authorized by the City Engineer, any representative of the City may enter upon the premises, or any part thereof, of any person discharging sanitary sewage or industrial wastes into the sewer system of the City for the purpose of observation, inspection, measurement, sampling, and testing, or protecting any rights of the City.

P. A sewer service charge as hereinafter established shall be applicable to all wastes permitted to be discharged to the City sewerage system.

Q. Outside users may be permitted to connect to the City sewer only when the City Engineer determines that such connection will not be adverse to the City's interests and that sufficient

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capacity is available in the sewerage system. Rules and regulations of the City shall be applicable to all users.

In the event that it shall subsequently develop by reason of increased flows, change in character of discharge, or changes of any cause whatsoever, that the flow becomes adverse to the City's interest or that capacity is no longer available for outside users, such users may be disconnected ninety days after notice is given in writing that such service is to be terminated. (Ord. 474 § 2, 1992: prior code § 20-4)

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## Chapter 13.20 INDUSTRIAL WASTEWATER

### Section 13.20.010 Purpose and policy.

This chapter sets forth uniform requirements for direct and indirect contributors 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 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the municipal wastewater system (including the collection and treatment systems) which will interfere with the designed effective operation of the systems or contaminate the resulting sludge resulting from treatment processes;
- B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system (including the collection and treatment system), inadequately treated, into receiving waters or the atmosphere or otherwise by incompatibility with the system;
- C. To maximize and improve the opportunity to recycle and reclaim wastewaters and;
- D. To protect Publicly Owned Treatment Works (POTW) personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To provide for the fair and equitable distribution of the cost of operations of both the municipal wastewater treatment and collection systems; and,
- F. To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

This chapter and chapter 13.12 provides for the regulation of all non-residential users of the POTW. This chapter authorizes the issuance of discharge permits to certain non-domestic, non-residential users; authorizes enforcement of general requirements for the other non-residential users; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires non-residential 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 in this chapter.

This chapter shall apply to persons in the City and to persons outside the City who are users of the City POTW. (Prior code § 25-1)

### Section 13.20.020 Administration.

Except as otherwise provided, the Public Works Director, or designee, shall administer, implement, and enforce the provisions of this chapter. (Prior code § 25-2)

Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to other City personnel.

### Section 13.20.030 Definitions.

Unless explicitly stated otherwise, the following terms and phrases, as used in this chapter, shall have the meanings designated in this section.

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"Act" or "the Act" refers to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"Approval authority" refers to the California Regional Water Quality Control Board, Central Valley Region following designation by the Director of Region 9, United States Environmental Protection Agency.

"Authorized representative of non-residential user" is defined as an authorized representative or agent of industrial non-residential user, who may be:

(1) If the non-residential user is a corporation:

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

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred and fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) If the non-residential user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the non-residential user is a federal, state, or local governmental facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(4) The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

"Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 centigrade expressed in terms of weight and concentration [*e.g.*, milligrams per liter (mg/l)].

"Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317 et seq.) which applies to a specific category of users and which appears in 40 CFR chapter I, subchapter N, parts 405-471.

"City" means the City of Grass Valley. "Color" means the optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

"Composite sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Sample collection must be conducted in accordance with proper techniques and equipment identified in 40 CFR Part 136.

"Control authority" is the term that refers to the POTW (City) if the POTW's pretreatment program submittal (40CFR §402.2(t)(1)) has been approved in accordance with the requirements of 40CFR §403.11, or the approval authority if the pretreatment program submittal has not been approved.

"Cooling water/non-contact cooling water" means the water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished

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product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat, i.e., the water has not been treated with any chemical or product such as to control slimes or bacterial growths, etc.

"Director" means the Director of Public Works. The Director is the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly Director authorized representative.

"Discharge" means the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

"Domestic user" (or residential user) means any person who contributes, causes, or allows the discharge of wastewater into the City POTW from a residential dwelling unit in which no activity requiring a business license takes place.

"Engineer" means the City Engineer acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties entrusted to them.

"Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency, or where appropriate the director of the EPA Region XI Office of Water, or other duly authorized official of that agency.

"Existing non-residential user" means any non-residential user which was discharging wastewater prior to the effective date of this chapter.

"Food service establishment" means any commercial facility discharging kitchen or food preparation wastewaters including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, etc. and or any other facility which in the Director's opinion, would require a grease, fats and oils removal system installation by virtue of its operation.

"Grab sample" means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time. Sample collection must be conducted in accordance with proper techniques and equipment identified in 40 CFR Part 136.

"Grease" means ether-soluble matter, and shall include each of the following two types:

- (i) Dispersed grease, which means grease which is not floatable grease;
- (ii) Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats when mixed or added to water.

"Grease, fats and oils removal system" means interceptors, separators, traps, or grease recovery devices, which prevents free floating grease, fats, and oils from entering the sewage system.

"Grease interceptor" means a passive interceptor which separates and removes grease, fats, and oils from and serves as a fixture trap that is usually located outside the building.

"Grease laden waste" means an effluent discharge that is produced from food processing, food preparation, or other commercial sources where grease, fats, and oils enter automatic dishwasher pre-rinse stations, sinks or other appurtenances.

"Grease recovery device" means an active automatic device which separates and removes grease, fats, and oils from effluent discharge, and cleans itself of accumulated grease, fats, and oils at least once every twenty-four (24) hours, utilizing electromechanical apparatus to accomplish removal.



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“Grease trap” means a passive interceptor designed to remove grease, fats, and oils and serves as a fixture trap that is usually located inside the building.

"Industrial user" means any non-residential user that is required under the provision of this chapter to obtain a wastewater discharge permit.

“Industrial wastewater discharge permit” (or wastewater discharge permit) means the authorization or equivalent control document issued by the City to certain non-residential users allowing the discharge of wastewater into the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

“Instantaneous maximum allowable discharge limit” means the maximum concentration and/or mass loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, and the associated waste flow rate.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal; or (3) is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act or the Toxic Substances Control Act.

"National Pollution Discharge Elimination System" or "NPDES permit" means the permit issued to the City of Grass Valley by the California Regional Water Quality Control Board, Central Valley Region, that regulates the disposal of liquids and solids of wastewater origins.

“Maximum allowable discharge limit” means the maximum concentration and/or mass loading of a pollutant allowed to be discharged over the course of a specified time period (e.g., one day, seven days, one month, etc) as determined from the analysis of grab or composite samples collected and waste flow rate data collected over the course of the specified time period. Any calculation of a maximum concentration or load over the course of the specified time period shall be flow weighted.

“Medical wastes” includes, but is not limited to, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes. Medical wastes also include dental wastes.

“New source” includes the following:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining

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whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) 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 (1)(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) 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

(b) 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.

“New non-residential user” is a non-residential user that is not regulated under federal categorical pretreatment standards but that applies to the City for a new building permit, or occupies an existing building and plans to commence discharge of wastewater to the City’s collection system after the effective date of this chapter. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an existing “non-residential user” if no significant changes are made 1) in the quantity and quality of non-domestic wastewater discharged to the City’s sewer system, and 2) to the processes and operations that produce the non-domestic wastewater, manufacturing operation, and if transference of the existing wastewater discharge permit is approved by the City as described, herein.

“Non-residential user” is a user of the City POTW that pays fees to discharge domestic and/or industrial/commercial waste into the sewer system from an activity requiring a business license.

“Pass through” means a discharge to the City’s sewer system which exits the 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 NPDES permit (including an increase in the magnitude or duration of a violation).

“Permittee” means a non-residential user issued a wastewater discharge permit.

"Person" means any individual, partnership, co-partnership or any partnership of any legal or practical definition limited or otherwise, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, food preparation / serving waste products, biological materials, radioactive materials, heat, wrecked or discharged equipment,

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

"Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties prior to (or in lieu of) introducing such pollutants into a 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.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on a non-residential user, other than pretreatment standards.

"Pretreatment standard" (or standard) means prohibited discharge standards, categorical pretreatment standards, and local limits established by the City as listed, herein.

"Prohibited discharge standards" (or prohibited discharges) include those absolute prohibitions against the discharge to the sewer system of certain substances, which appear in section 13.20.050 of this chapter.

"Publicly-owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances which convey wastewater to a treatment plant. The term also means the City.

"Residential user" (or domestic user) is a user of the city's POTW that pay fees to discharge domestic waste into the sewer system from activities in a residential setting that does not require a business license.

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"Sewage" means human excrement and gray water (e.g., household showers, dishwashing operations, etc.)

"Sewer" means any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

"Shall" and "may" have the following meanings. "Shall" is mandatory. "May" is permissive.

"Significant industrial user" means any non-residential user that is required by the provisions of this chapter to obtain a wastewater discharge permit, and is:

- (1) A non-residential user subject to categorical pretreatment standards; or
- (2) A non-residential user that:
  - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - (c) Is designated as such by the City on the basis that that the user's discharge has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a non-residential user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the City may at any time, on its own initiative or in

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response to a petition received from a non-residential user [and in accordance with procedures in 40 CFR 403.8(f)(6)], determine that such non-residential user should not be considered a significant industrial user.

"Slug" means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

"Slug load" means any discharge at a flow rate or concentration which could cause a violation of the discharge standards as put forth, herein, or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

"Solids transfer/grease recovery device" means an active automatic pretreatment device which macerates coarse solids and separates/recovers free floating grease, fats, and oils at least once every twenty four (24) hours, utilizing electromechanical apparatus to accomplish removal.

"Standard Industrial Classification (SIC)" means a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snow.

"System" means the City's POTW including the sewer collection system and wastewater treatment plant.

"Total suspended solids" are the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

"Treatment plant effluent" (or WWTP effluent) means the discharge from the City's POTW into waters of the United States (Wolf Creek).

"User" means a person that pays fees to the City and who has secured stated authority to discharge into the sewer system. There are two categories of users: 1) residential and 2) non-residential.

"Wastewater" includes 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.

"Wastewater discharge permit" (or industrial wastewater discharge permit) is the authorization or equivalent control document issued by the City to certain non-residential users allowing the discharge of wastewater into the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

"Wastewater treatment plant" (WWTP, or treatment plant) means that portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

### Section 13.20.040 Abbreviations.

The following abbreviations shall have the designated meanings:

ASPP	-	accidental spill prevention plan
BOD	-	biochemical oxygen demand
CFR	-	Code of Federal Regulations
COD	-	chemical oxygen demand
CWA	-	Clean Water Act, 33 USC 1251 et seq.

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EPA	-	United States Environmental Protection Agency
gpd	-	gallons per day
L	-	liter
mg	-	milligrams
mg/L	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
O & M	-	operation and maintenance
POTW	-	publicly-owned treatment works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SS	-	Suspended Solids
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	-	United States Code
(Prior code § 25-4)		

### Section 13.20.050 General discharge prohibitions.

It is unlawful for any user to contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW by causing interference or pass through.

These general prohibitions apply to all persons whether or not the person is a non-residential user subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

A. It is unlawful for any user to contribute the following substances to the POTW:

1. 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 create a fire or explosive hazard in the POTW, to cause fire or explosion, or to be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F, or equivalent 60°C). At no time shall wastestreams have a closed-cup flash point of less than 140°F (or equivalent 60°C) using the test methods specified in 40 CFR 261.21. At no time shall two 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 percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the City, the state, or EPA has notified the user is a fire hazard or a hazard to the system. The National Institute for Occupational Safety and Health chemical database provides closed-cup flashpoint values for pollutants prohibited from discharge to the POTW;

2. 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, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains,

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spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

3. Any wastewater having a pH less than 6.0, or higher than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;

4. 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, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act;

5. 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; and/or any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residue, sludge or scum, 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, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;

7. Any substance which will cause the POTW to violate its NPDES and/or state waste discharge requirements or the receiving water quality standards;

8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Celsius (40°C, or equivalent 104°F);

10. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. A slug load is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains;

11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations;

12. Any wastewater which causes a hazard to human life or creates a public nuisance;

13. Trucked or hauled pollutants, except at discharge points designated by the City.

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

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15. Storm water, surface water, ground water, artesian well water, mine drainage, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;

16. Medical wastes, except as specifically authorized by the Director;

17. Wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail a toxicity test;

18. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW. Any water or waste containing synthetic detergents in sufficient quantity to injure or interfere with any sewage treatment process or create problems in the receiving water of the sewage treatment plant;

19. The use or addition of any chemical or biological agent used for the maintenance of grease traps and interceptors. This includes enzymes, emulsifiers, and bacterial cultures.

B. When the Director determines that a non-residential user(s) is discharging to the POTW any of the substances enumerated in subsection A of this section, the Director shall:

1. Advise the non-residential user(s) of the impact of the contribution on the POTW;
2. Develop effluent limitation(s) of the impact of the discharge on the POTW;
3. Take such further enforcement action as may be appropriate. (Prior code § 25-5)

### **Section 13.20.051 Requirements for restaurants and other commercial cooking facilities.**

All restaurants and other commercial cooking facilities (collectively referred to as “food service establishments” must conduct operations in a manner which avoids causing grease blockages to the POTW. All restaurants and other commercial cooking facilities must have a wash area designed for washing floor mats, with wastewater discharge directed to the City sewer. Wastewater from floor mat washing cannot be discharged to the storm drain system. Restaurants and other commercial cooking facilities are required to implement best management practices to eliminate excessive grease discharges or other violations, as designated by the Director.

A. The following design, administrative, operational, and other requirements are applicable to all food service establishments, new or existing. Particular requirements for grease trap/interceptor construction specifically pertaining to both new and existing food service establishments are provided in separate guidance documents.

1. All food service establishments shall have grease, fats, and oils removal systems approved by the City. All removal systems shall be of a capacity sufficient to provide the appropriate quality of effluent in accordance with the uniform plumbing code. Establishments whose grease, fats, and oils removal system is not in accordance with this standard shall be given a compliance schedule with a deadline not to exceed six (6) months from initial notification date.

2. Each grease, fats, and oils removal system shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of grease.

3. The grease, fats, and oil removal system should be situated on the user’s premises and located so that landscaping or parked vehicles will not obstruct access to the device. Such a device shall not at any time pose a hazard or obstruction to public use of the street or sidewalk area.

4. Waste discharge from fixtures and equipment in establishments which may contain grease or other objectionable materials including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where

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such objectionable materials may exist, may be drained into the sanitary waste through the grease, fats, and oil removal system when approved by the Director provided, however, that toilets, urinals, wash basins, and other fixtures containing fecal material shall not flow through the grease removal device. Interceptors shall be located upstream of any dishwashers or discharges exceeding one hundred ten degrees Fahrenheit (110 °F).

5. Grease, fats, and oils removal systems shall be maintained in efficient operating condition by periodic removal of the accumulated grease. The use of chemicals, enzymes, bacteria, or any other additive to dissolve grease is specifically prohibited. No accumulated grease shall be introduced into any drainage piping or public or private sewer.

6. Grease removal (pumping) shall be sufficiently frequent to prevent objectionable odors, surcharge of the removal device, or interference with the operation of the POTW. Collected grease shall be disposed of properly and may not be reintroduced into the sewer system.

7. All permittees required to have a grease, fats, and oils removal system shall develop and maintain a record of periodic system maintenance, cleaning, and grease removal (pumping). These maintenance and removal records shall be retained for a period of not less than three (3) years.

8. All permittees required to have a grease, fats, and oils removal system shall submit periodic reports of grease, fats, and oil removal system maintenance, cleaning and grease removal activities as specified in the discharge permit.

9. All permittees required to have a grease, fats, and oils removal system may be required to provide results of periodic measurements of its discharge which include chemical analyses of oil and grease content.

10. All food service establishment grease, fats, and oils removal systems shall be subject to periodic review, evaluations, and inspection, at all reasonable times.

11. Abandoned grease removal devices shall be emptied and filled as required for abandoned septic tanks.

### **Section 13.20.052 Good housekeeping provision.**

No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to City streets or storm drain system may occur. This section shall apply to both actual and potential discharges.

### **Section 13.20.060 Federal categorical pretreatment standards.**

Upon the promulgation of the Federal Categorical Pretreatment Standards (40 CFR §405-471, and subsequent amendments) for a particular industrial subcategory, the federal categorical pretreatment standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Prior code § 25-6)

### **Section 13.20.070 Modification of federal categorical pretreatment standards**

Where the City's POTW achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the approval authority for modification of specific



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limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system when measured according to the procedures set forth in 40 CFR Section 403.7 (b) (2). The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained. (Prior code § 25-7)

### Section 13.20.080 Specific pollutant local limits.

The following pollutant limits are established to protect against pass through and interference. No person or user shall discharge wastewater containing pollutant levels in excess of the following instantaneous maximum allowable discharge limits:

240.00	mg/L Ammonia
0.1	mg/L Arsenic
300.00	mg/L Biochemical oxygen demand
0.2	mg/L Cadmium
0.4	mg/L Chromium, total
0.03	mg/L Copper
0.004	mg/L Cyanides, total
100.00	mg/L Grease and oil (total, petroleum or mineral oil products, or animal and vegetable based)
0.8	mg/L Lead
0.004	mg/L Mercury
0.04	mg/L Manganese
0.6	mg/L Nickel
6.0 - 10.0	pH units
0.20	mg/L Silver
300.00	mg/L Suspended solids
0.07	mg/L Zinc

The above limits apply at the point where the wastewater is discharged to the POTW (end of pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a non-residential user is subject to categorical pretreatment standards and a local limit for a given pollutant, the categorical pretreatment standard is applied to the end of the categorical process wastewater, and the local limit is applied to the discharge to the POTW.

No excessive discharges shall be allowed unless permitted by the Director. Excessive discharges can occur based on flow rate and/or concentration. At no time shall the rate of flow averaged over a period of fifteen (15) consecutive minutes exceed five (5) times the twenty-four (24) hour total volume expressed in gallons per day in the industrial wastewater discharge permit unless permitted by the Director. At no time shall the

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concentrations of pollutants such as toxics, BOD, suspended solids, grease and oil, and other constituents in any permittee waste sample exceed five (5) times the average 24-hour concentration allowed in the industrial wastewater discharge permit or that concentration permitted in the effluent of the WWTP, whichever concentration is lower.

At no time shall the total daily quantity of wastewater discharged exceed five thousand (5,000) gallons per day at the specific pollutant limits. Discharges in excess of this quantity shall be subject to mass limitations set by the Director. (Prior code § 25-8)

### **Section 13.20.090 State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (Prior code § 25-9)

### **Section 13.20.100 Right of revision.**

The City reserves the right to amend this chapter in order to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this chapter. (Prior code § 25-10) The City reserves the right to establish in industrial wastewater discharge permits more stringent standards or requirements on discharges to the POTW.

### **Section 13.20.110 Excessive discharge.**

No non-residential user shall 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 limitation developed by the City or state. (Prior code § 25-11) The Director may impose mass limitations on users which it is believed may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when imposition of mass limitations is appropriate.

### **Section 13.20.120 Accidental discharges and accidental spill prevention plans.**

The Director shall require each non-residential user that is permitted to develop and implement an accidental spill prevention plan (ASPP) and when necessary a slug control plan. The City shall determine which non-residential user is required to develop a slug control plan. New industrial users (when required) shall submit these plans within 60 days after notification by the City. Existing industrial users (when required) shall submit these plans within six months after notification by the City. Where deemed necessary by the City, facilities to prevent accidental discharge and/or slug discharges of pollutants shall be provided and maintained at the industrial user's cost and expense. Facilities plans and operating procedures to prevent accidental discharges and/or slug discharges shall be submitted to the City for review and approval before implementation. Each permitted non-residential user shall implement its ASPP and/or slug control plan as submitted or as modified after such plan has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the non-

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residential user from the responsibility to modify its facility as necessary to meet the requirements of this chapter or other local, state or federal requirement.

A. Each non-residential user that is required to obtain a wastewater discharge permit shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. This shall include containment and isolation of materials in a sump or basin of approved construction. The ability to confine spills shall be provided in the form of valving or other means approved by the Director. This valving shall be located on the building drain as close as practicable to the sump outlet. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the non-residential user's cost and expense.

1. Any non-residential user required to develop and implement an ASPP as a condition of permitting shall submit a plan which addresses, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in this chapter.
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.
- e. Detailed 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.

2. All existing industrial users shall complete such a plan within six months of the effective date of this chapter.

B. No new non-residential user that has not commenced discharging to the sewer system prior to the effective date of this chapter shall be permitted to introduce pollutants into the system until the new non-residential user's ASPP has been approved by the City, and the ASPP is fully implementable.

C. 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.

1. **Written Notice.** Within five calendar days following an accidental discharge the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

2. **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 procedures. (Prior code § 25-12)

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## Section 13.20.130 Recovery of costs.

It is the purpose of this section to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established in this chapter. (Prior code § 25-13)

## Section 13.20.140 Charges and fees.

Industrial wastewater discharge applications will be reviewed by the Director and those applicants determined to be affected by this chapter will be issued an industrial wastewater discharge permit following payment of fees.

Charges and fees, as well as fee schedule amendments and revisions will be established by resolution adopted by the City Council. (Prior code § 25-14) The City will adopt reasonable fees for the reimbursement of costs of setting up and operating the City's pretreatment program. These costs may include, but not be limited to, the following:

- A. Fees for wastewater discharge permit applications and surveys including the costs of processing such applications and surveys;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a non-residential user's discharge, and reviewing monitoring reports submitted by non-residential users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the City may deem necessary to carry out the requirements contained herein and in pretreatment programmatic documents. These fees relate solely to the matters covered by the pretreatment program and are separate from all other fees, fines, and penalties chargeable by the City.

## Section 13.20.150 Wastewater discharges.

It is unlawful for any non-residential user to discharge to any sewer within the City, or in any area under the jurisdiction of the City and/or to the POTW, except as authorized by the Director in accordance with the provisions of this chapter. (Prior code § 25-15)

## Section 13.20.160 Permit--Generally.

Prior to connecting to and/or discharging to the POTW, all non-residential users proposing to discharge to the sewer system shall either obtain a wastewater discharge permit or be determined by the Director to be exempt from permitting. All existing non-residential users discharging to the sewer system shall obtain a wastewater discharge permit or be determined by the Director to be exempt from permitting within ninety (90) days after the effective date of this chapter. (Prior code § 25-16) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all federal and state pretreatment standards or requirements, or with any other requirements of federal, state, and local law.

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At least ninety (90) days prior to the anticipated start-up, any new source, which is a source that becomes a significant industrial user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any non-residential user determined to require permitted shall apply for an industrial wastewater discharge permit and will be required to submit to the City at least the information listed in section 13.20.170 (permit application) parts A1 through A15. New sources shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. A new source cannot discharge without first receiving a wastewater discharge permit from the City.

### Section 13.20.170 Permit--Application.

A. Non-residential users required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the Director. In support of the application the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Identifying information. Name, address and location (if different from the address) of the facility including the name of the operator and owner;
2. Permits. The non-residential user shall submit a list of all environmental control permits held by or for the facility;
3. Description of operations. The non-residential user shall submit a brief description of the nature of the operations, description of activities, facilities and plant processes on the premises;
4. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
5. SIC number according to the Standard Industrial Classification Manual, United States Office of Management and Budget;
6. List of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW;
7. Type and amount of raw materials processed (average and maximum per day);
8. Each product produced by type, amount, process or processes, and rates of production include the maximum, average, and minimum rates of production;
9. Site plans indicating points of discharge to the POTW from the regulated or manufacturing processes, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections. Inspection manholes, sampling chambers, and appurtenances by the size, location and elevation;
10. All significant industrial users shall be required to submit time and duration of discharge information. All industrial users shall, when time and duration of discharge information is available, shall submit the available. The time and duration of discharge information shall include average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations if any.
  - a) Categorical, non-residential users shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - i. Regulated or manufacturing process streams; and
    - ii. Other streams as necessary to allow use of the combined wastestream formula [40CFR§403.6(e)]

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b) Non-categorical, non-residential users shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- i. Total process flow, wastewater treatment plant flow, total plant flow, or individual manufacturing process flow as required by the City.
- ii. Wastewater constituents and characteristics including, but not limited to, those referenced in this chapter, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;

11. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the non-residential user to meet applicable pretreatment standards;

12. If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the non-residential user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the non-residential user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in paragraph (a) shall exceed nine months.

c. Not later than fourteen days following each date in the schedule and the final date for compliance, the non-residential user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the non-residential user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Director;

13. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

14. Pretreatment certification. The non-residential user shall submit a statement, worded as indicted below, which has been reviewed by an authorized representative of the non-residential user, and certified by a qualified profession, indicating whether the applicable pretreatment standards are being met on a consistent basis, and if not, whether additional O and M and/or additional pretreatment is required for the non-residential user to meet the applicable pretreatment standards and requirements.

15. Application certification. All wastewater discharge permit applications and non-residential user reports must be signed by an authorized representative of the non-residential user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

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personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

B. The City will evaluate the data furnished by the non-residential user and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the non-residential user for revision. After evaluation and acceptance of the data furnished, the City may issue a wastewater contribution permit subject to terms and conditions provided in this chapter. (Prior code § 25-17)

### Section 13.20.180 Permit--Modifications.

Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the wastewater discharge permit of non-residential users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a non-residential user subject to a federal categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required, the non-residential user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable federal categorical pretreatment standard. In addition, the non-residential user with an existing wastewater discharge permit shall submit to the Director within one hundred eighty days (180) after the promulgation of an applicable federal categorical pretreatment standard the information required by subdivisions 8 and 9 of subsection A of Section 13.20.170. (Prior code § 25-18)

### Section 13.20.190 Permit--Conditions.

Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, non-residential user charges and fees established by the City.

Wastewater discharge permits must contain the following:

1. A statement that indicates the duration of the industrial wastewater discharge permit; such duration shall not exceed three (3) years.
2. A statement that the wastewater discharge permit is non-transferable without prior notification and approval from the City in accordance with wastewater discharge permit transfer provisions described in this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits based on applicable pretreatment standards and requirements;
4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. Requirement for immediate notification to the City when self monitoring results indicate non-compliance;
6. Requirement to report immediately to the City all discharges, including slug loadings, that could cause problems to the POTW; and

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7. A statement of applicable administrative, civil, and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that requirement by applicable federal, state, or local law.

B. Permits may contain, but need not be limited to, the following:

1. The unit charge or schedule of non-residential user charges and fees for the wastewater to be discharged to the POTW;

2. Limits on the average and/or maximum wastewater constituents and characteristics;

3. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

6. Requirements for maintaining and retaining facility records relating to wastewater discharge as specified by the City and affording City access thereto;

7. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

8. Notification of slug discharges;

9. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the time of the wastewater discharge permit.

10. Development and implementation of waste minimizing plans to reduce the amount of pollutants discharged to the POTW;

11. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

12. Requirements of the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

13. Other conditions as deemed appropriate by the City to ensure compliance with this chapter. (Prior code § 25-19)

C. The Director 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 non-residential 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, City personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;



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6. Misrepresentations or failure to fully disclose all relevant facts in the discharge permit application or in any required reporting;
7. Revisions of or a grant of variance from categorical pretreatment standards pursuant to section 40 CFR §403.13
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### Section 13.20.200 Permit--Duration.

Permits shall be issued for a specified time period, not to exceed three years. The permittee shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the non-residential user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in this chapter are modified or other just cause exists. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Prior code § 25-20)

### Section 13.20.210 Permit--Transfer.

Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new non-residential 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. (Prior code § 25-21) Industrial wastewater discharge permits may be transferred to a new owner or operator only if the existing permittee provides in writing the Director at least ninety (90) days advance notice and the City approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operation that includes the following:

- A. A statement that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. A statement identifying the specific date on which the transfer is to occur; and
- C. A statement acknowledging full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.

### Section 13.20.220 Reporting requirements.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of new source, following commencement of the introduction of wastewater into the POTW, any non-residential user that has been determined to be a significant industrial user (categorical or non-categorical) subject to pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in

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the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the significant industrial user into compliance with the applicable pretreatment standards or requirements. This report shall contain the information outlined in section 13.20.170. The certification statement shall be signed by an authorized representative of the significant industrial user. (Prior code § 25-22)

### Section 13.20.230 Compliance reports.

A. Any non-residential user that is required to have a waste discharge permit and perform self monitoring shall sample their discharge at least twice per year, with sampling occurring in the months of May and November unless a different frequency is required in the pretreatment standard or by the Director. A report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and any others listed in the permit shall be submitted to the Director during the months of June and December (unless the Director modifies the reporting months). If a non-residential users monitors any regulated pollutant at the appropriate sampling location more frequently than required, using the procedures specified in paragraph D & E of this section, the results of this monitoring shall be included in this report. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in the permit.

B. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

C. The Director may impose mass limitations on users which it is believed may be using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection A of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director of pollutants contained therein which are limited by the applicable pretreatment standard. The frequency of monitoring shall not be less than prescribed in the pretreatment standard.

D. All analysis shall conform to procedures established by the Director pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Director.

E. Sampling shall be performed in accordance with the techniques approved by the Director. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Industrial User Inspection and Sampling Manual for POTWs, April 1994 and Procuring Analytical Services: Guidance for Industrial Pretreatment Programs, October 1998, amendments thereto, or with any other sampling and analytical procedures approved by the Director. (Prior code § 25-23)

F. The City may require reporting by non-residential users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer

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charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the POTW.

G. The City may require self-monitoring by the non-residential user. If requested by the non-residential user, the City may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this chapter. If the City agrees to perform such periodic compliance monitoring, it may charge the non-residential user for such monitoring, based upon the costs incurred by the City for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The City is under no obligation to perform periodic compliance monitoring for a non-residential user.

### Section 13.20.235 Notification requirement.

If sampling performed by non-residential user indicates a violation of its permit conditions, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation.

### Section 13.20.240 Monitoring facilities.

A. The City shall require to be provided, maintained, and operated at the non-residential user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems.

B. The monitoring facility should normally be situated on the non-residential user's premises but the City may, when such a location would be impractical or cause undue hardship on the non-residential 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 parking vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

C. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the non-residential 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 specifications.

D. Construction shall be completed within ninety (90) days following written notification by the City. (Prior code § 25-24)

### Section 13.20.245 Record-keeping requirements.

A. Any non-residential user subject to the reporting requirements established in this Chapter shall maintain records of all information resulting from any monitoring activities, including documentation associated with Best Management Practices. Such records shall include for all samples:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
2. The dates analyses were performed;

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3. Who performed the analyses;
4. The analytical techniques/methods use; and
5. The results of such analyses.

B. Any non-residential user subject to the reporting requirements established in this chapter (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) and shall make such records available for inspection and copying by the Director. This period of retention shall be extended during the course of any unresolved litigation regarding the non-residential user or when requested by the Director.

### Section 13.20.250 Inspection and sampling.

A. The City may without prior notice inspect the facilities of any non-residential user to ascertain whether the purpose of this chapter is being met and all requirements are being met and all requirements are being complied with. Denial of inspection on the part of the permittee may result in revocation of an operating permit.

B. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties.

C. The City (control authority), approval authority and EPA shall have the right to set up on the non-residential user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering.

D. Where a non-residential user has security measures in force which would require proper identification and clearance before entry into their premises, the non-residential user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing access to the non-residential user's premises shall be a violation of this chapter.

E. If the City has been refused access to a building, structure, or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of the chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this chapter or any industrial wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director shall seek issuance of a search and/or seizure warrant from the Nevada County Superior Court. Such warrant shall be served at reasonable hours by the Director or other City staff in the company of a uniformed police officer of the City.

F. The cost of analysis of samples by a private laboratory shall be the sole responsibility of the owner. (Prior code § 25-25)

### Section 13.20.260 Pretreatment.

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A. Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with the federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations.

B. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the non-residential user's expense. Detailed plans showing the pretreatment facilities and opening 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 chapter. Any subsequent changes in the pretreatment facility or method of operation shall be reported to, and be acceptable to, the City prior to the user's initiation of the changes.

C. The City shall annually publish in the newspaper with the largest daily circulation that is published in Grass Valley a list of the significant industrial users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months and which were deemed to be in significant noncompliance with applicable pretreatment standards and requirements. The list shall denote accidental as well as negligent noncompliance. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. The term significant noncompliance shall mean:

1. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

2. Technical review criteria (TRC) violations defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH)

3. Any other discharge violation that the Director believes 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 pollutants that has caused imminent endangerment to the public or the environment or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

D. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (Prior code § 25-26)

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### Section 13.20.270 Confidential information.

A. Information and data on a non-residential user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections and sampling activities shall be available to the public or other governmental agency without restriction, unless the non-residential 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 non-residential user under applicable state law.

B. Any request for confidentiality must be asserted at the time of submission of the information or data. When requested and demonstrated by the non-residential 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 to governmental agencies for uses related to this chapter, the NPDES permit, state waste discharge requirements, and/or the pretreatment program in enforcement proceedings involving the person furnishing the report.

C. Wastewater constituents and characteristics, and other “effluent data” will not be recognized as confidential information and will be available to the public without restriction. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten (10) day notification is given to the non-residential user, except for provisions contained herein. (Prior code § 25-27)

### Section 13.20.280 Harmful contributions.

A. The City may suspend the wastewater treatment service or revoke a wastewater contribution permit when such suspension or revocation is necessary, in the opinion of the Director, 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, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES permit.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to a particular non-residential user are void upon the issuance of a new wastewater discharge permit to that non-residential user.

B. Any person notified of a suspension of the wastewater treatment service and/or revocation of a wastewater discharge permit shall immediately stop or eliminate the contribution.

C. In the event of a failure of the person to comply voluntarily with the suspension order, the Director 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.

D. The Director shall reinstate the wastewater discharge permit and/or the wastewater treatment service only upon proof of the elimination of the noncomplying discharge.

E. 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 Director within fifteen (15) days of the date of the occurrence. (Prior code § 25-28)

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## Section 13.20.290 Revocation of permit.

In addition to Section 13.20.280, any non-residential user who violates the following conditions of this section or applicable state and federal regulations is subject to having his permit revoked:

- A. Failure to notify the Director of significant changes in operations or the wastewater constituents prior to discharge of the changed discharge.
- B. Failure to provide prior notification to the Director of changed conditions pursuant to this chapter.
- C. Misrepresentation or failure to factually, accurately, and fully disclose all relevant facts characterizing wastewater constituents and the discharge in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow timely access to the facility premises and records for the purpose of inspection or monitoring;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit, or this chapter. (Prior code § 25-29)

## Section 13.20.300 Violations.

It is unlawful for any user or person to violate any provision of this chapter, and the orders, rules, regulations and permits issued under this chapter. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. (Prior code § 25-30)

## Section 13.20.310 Notice of violation.

Whenever the Director finds that any non-residential user has violated or continues to violate any provision of this chapter, wastewater discharge permit, order issued hereunder, any pretreatment standard, or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the receipt of the notice of violation, a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City by the non-residential user. (Prior code § 25-31) Submission of this plan in no way relieves the non-residential user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

## Section 13.20.311 Consent orders.

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The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any non-residential user responsible for non-compliance. Such documents will include specific action to be taken by the non-residential user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this chapter and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the non-residential user.

### **Section 13.20.312 Compliance orders.**

When the Director finds that a non-residential user has violated or continues to violate any provision of this chapter, industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a compliance order. A compliance order issued to the non-residential user responsible for the discharge requires that the non-residential user come into compliance within a time specified in the order. If the non-residential user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the non-residential user.

### **Section 13.20.313 Cease and desist orders.**

When the Director finds that a non-residential user has violated (or continues to violate) any provision of this chapter, industrial wastewater discharge permit, order issued hereunder, any other pretreatment standard or requirement, or that the non-residential user's past violations are likely to recur, the Director may issue an order to the non-residential user responsible for the discharge, requiring that the non-residential user cease and desist all such violations, and directing the non-residential user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharged.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the non-residential user.

### **Section 13.20.320 Show cause hearing.**

A. The City may order (via a notice) any non-residential user who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the non-residential user specifying:

1. The time and place of a hearing to be held by the City Council regarding the violation,
2. The reasons why the action is to be taken,



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3. The proposed enforcement action,
4. The reasons why the action is to be taken, and
5. That the non-residential user is ordered to show cause before the City Council why the proposed enforcement action should not be taken, if this is in fact the plea of the affected non-residential user.

B. The notice of the show cause 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 employee, agent, authorized representative of the non-residential user responsible for the violation, or officer of a corporation.

C. Whether or not the non-residential user (or authorized representative) appears as ordered, the Director may take immediate enforcement action following the noticed hearing date.

D. A show cause hearing is not a prerequisite for taking other enforcement actions against the non-residential user. The issuance of a show cause notice does not prevent the Director from pursuing emergency actions if the Director determines the actions are required to prevent pass through, other damage, or interference with the POTW.

E. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or any City employee (such as the City Engineer or Director of public works) to:

1. Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

2. Take the evidence;

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

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

G. The non-residential user or its designated representative will be required to attend the show cause hearing if it is so ordered.

H. After the City Council has reviewed the evidence, it may issue an order to the non-residential user responsible for the discharge directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders or directives as are necessary and appropriate may be issued. (Prior code § 25-32)

### Section 13.20.330 Legal action.

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the City, enforcement actions as appropriate will commence. Enforcement of the provision of this chapter, federal or state pretreatment requirements or any order of the City will include issuance of administrative fines, other judicial enforcement actions including seeking injunctive relief, civil penalties, and criminal prosecution. The City attorney may commence an action for appropriate legal and/or equitable relief or may forward the

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information to county counsel or the district attorney for legal actions in the superior court of this county. (Prior code § 25-33)

Administrative fines are issued by the Director (and his delegate) in accordance with the City's enforcement response plan. The court determines maximum civil and criminal penalties.

### Section 13.20.340 Administrative fines.

A. Any non-residential user who is found to have violated an order of the City Council or who has violated or continues to violate any provision of this chapter, wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, shall be fined not less than one hundred (\$100) dollars nor more than three thousand (\$3,000) dollars for each offense.

B. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. A lien against the non-residential user's property will be sought for unpaid charges, fines, and penalties.

C. Non-residential users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within 30 days of receiving the request from the non-residential user. In the event the non-residential user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the non-residential user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. In addition to fines, the non-residential user will be responsible for any cost incurred by the City in correcting disruptions to the treatment processes directly or indirectly resulting from discharges made in violation of this chapter. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

E. The Director may recover reasonable attorneys' fees, hearing costs, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the non-residential user.

### Section 13.20.341 Emergency suspensions.

The Director may immediately suspend a non-residential user's discharge (after informal notice to the non-residential user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a non-residential user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

A. Any non-residential user notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a non-residential user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving water (Wolf Creek), or endangerment to any individuals. The Director shall

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allow the non-residential user to recommence its discharge when the non-residential user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless termination proceedings in this chapter are initiated against the non-residential user.

B. A non-residential user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hear under this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

### **Section 13.20.342 Termination of discharge (non-emergency).**

In addition to the provisions in section 13.20.341 of this chapter, any non-residential user that violates the following conditions is subject to discharge termination:

A. Violation of industrial wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of the non-residential user's discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the non-residential user's premises for the purpose of inspection, monitoring or sampling; or

E. Violation of the pretreatment standards in this chapter.

Such non-residential users will be notified of the proposed termination of sewer service and be offered an opportunity to show cause under this chapter why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the non-residential user.

### **Section 13.20.343 Water supply severance.**

Whenever a user has violated or continues to violate any provision of this ordinance, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, City of Grass Valley water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

### **Section 13.20.344 Performance bonds.**

The Director may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the City of Grass Valley, in a sum not to exceed a value determined by Director to be necessary to achieve consistent compliance.

### **Section 13.20.345 Liability insurance.**

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The Director may decline to issue or reissue an industrial wastewater discharge permit to any industrial user which has failed to comply with any provision of this ordinance, a previous industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### **Section 13.20.346 Public nuisances.**

A violation of any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as deemed appropriate under law by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of applicable municipal code chapters governing such nuisances, including reimbursing the City of Grass Valley for any costs incurred in removing, abating, or remedying said nuisance.

### **Section 13.20.347 Contractor listing.**

Non-residential users, which have not achieved compliance with applicable pretreatment standards and requirements, are not eligible to receive a contractual award for the sale of goods or services to the City of Grass Valley. Existing contracts for the sale of goods or services to the City of Grass Valley held by a user found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the City of Grass Valley.

### **Section 13.20.350 Judicial enforcement remedies.**

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the City, the City attorney may commence an action for appropriate legal and/or equitable relief in the Nevada County Superior Court. (Prior code § 25-33)

#### **A. Injunctive relief.**

When the Director finds that a non-residential user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Nevada County Superior Court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order, or to the requirement imposed by this chapter on activities of the non-residential user. The City may also seek such other actions as is appropriate for legal and/or equitable relief, including a requirement for the non-residential user to conduct environmental remediation. A petition of injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a non-residential user.

#### **B. Civil penalties.**

1. A non-residential user which 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 shall be liable to the City for a minimum civil penalty of \$1,000 and a maximum civil penalty of three thousand (\$3,000) dollars per violation, per day. In the case of a

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monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. In addition to the penalties provided in this section, the City may recover the cost of any actual damages incurred by the City, reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued under the provisions of this chapter. (Prior code § 25-34)

3. In determining the amount of civil liability, the superior court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the non-residential user's violation, corrective actions by the non-residential user, the compliance history of the non-residential user, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other enforcement action against.

### C. Criminal prosecution.

1. A non-residential user which has negligently violated any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than three thousand (\$3,000) per violation, per day, and/or imprisonment for not more than the maximum amount prescribed by the California Penal Code for infractions and misdemeanors.

2. A non-residential user which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least three thousand (\$3,000) per violation, per day, and/or imprisonment for not more than the maximum amount prescribed by the California Penal Code for infractions and misdemeanors.

3. A non-residential user which has knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than three thousand (\$3,000) per violation, per day, and/or imprisonment for not more than the maximum amount prescribed by the California Penal Code for infractions and misdemeanors.

4. In the event of a second conviction, a non-residential user shall be punished by a fine of not more than three thousand (\$6,000) per violation, per day, and/or imprisonment for not more than the maximum amount prescribed by the California Penal Code for infractions and misdemeanors.

### D. Remedies non-exclusive.

The provisions in this chapter are not exclusive remedies. The City reserves the right to take any, all, or any combination of these enforcement actions against a non-compliant non-residential user. Enforcement in response to pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other enforcement action against any non-residential user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any non-compliant non-residential user. These actions may be taken concurrently.

# City of Grass Valley Sewer Use Ordinance

## Section 13.20.355 Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand (\$1,000) dollars or by imprisonment for not more than six months, or by both. (Prior code § 25-35)

## Section 13.20.360 Affirmative defenses to discharge violations.

### A. Upset.

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph 3 of this section are met.

3. A non-residential users who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(c) The user has submitted the following information to the POTW and treatment plant operator within twenty four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(1) A description of the indirect discharge and cause of non-compliance;

(2) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

4. In any enforcement proceeding, the non-residential user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Non-residential users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.

6. Non-residential users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## Section 13.20.370 Severability.

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If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

### Section 13.20.380 Conflicts.

All other chapters and parts of other chapters inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict.

### Effective Date

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

INTRODUCED the day of  
FIRST READING: day of  
SECOND READING: day of  
PASSED this day of  
AYES:  
NAYS:  
ABSENT:  
NOT VOTING:  
APPROVED this day of .

ATTEST:

PUBLISHED: