

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass through or interference with the operation or performance of the POTW.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.211 - Specific Discharge Prohibitions.

No person shall contribute or cause to be contributed into the POTW the following pollutants, substances or wastewater:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire, explosion, or in any other way be injurious to the POTW or to operation of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Centigrade, using the test methods specified in 40 CFR 261.21, or which result in conditions where two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), are more than five percent, or any single reading is over ten percent, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;
- B. Solid or viscous substances which may cause obstruction to sewer flow or interference with the operation of the wastewater treatment facilities including, but not limited to, grease, garbage with particles greater than one-half inch in dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, cat litter, dead animals, diatomaceous earth, feathers, ashes, cinders, earth, sand, mud, gravel, rocks, plaster, concrete, spent lime, stone or marble dust, metal, metal filings, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass, or glass grinding or polishing wastes;
- C. Any wastewater having a pH less than 5.0 or greater than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;
- D. Any wastewater containing hazardous substances or toxic pollutants, in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process including sludge disposal, constitute a hazard to human or animals, or create a hazardous effect or acute or chronic toxicity in the receiving waters of the POTW;
- E.

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

- F. Any substance which may cause the POTW's effluent, or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse. In no case shall a substance discharged to the POTW cause the POTW to violate applicable sludge use or disposal regulations developed under Section 405 of the Act or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, Clean Air Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, or state regulations;
- G. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- H. Any wastewater having a temperature greater than sixty degrees Centigrade (one hundred forty degrees Fahrenheit), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the POTW treatment plant to exceed forty degrees Centigrade (one hundred four degrees Fahrenheit);
- I. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference, pass through, or otherwise cause violation of the NPDES permit or receiving water quality standards;
- J. Any wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- K. Any discharge which may, alone or in combination with other waste substances, result in the presence of toxic or poisonous solids, liquids, gases, vapors, or fumes in the POTW in such quantities that would create a hazard, public nuisance, or acute worker health and safety problems;
- L. Any stormwater, groundwater, well water, street drainage, sub-surface drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprinklers, or any type of surface water or unpolluted water. The Director may approve, on a temporary basis, the discharge of such waters to the POTW when no reasonable alternative method of disposal is available, subject to the payment of all applicable user charges and fees by the discharger. Water from swimming pools, wading pools, and therapy pools may be discharged to the sewerage system between eight p.m. and six a.m. unless specifically prohibited by the Director;
- M.

Any wastewater, sludge or septic waste removed from a cesspool, septic tank, chemical toilet or similar waste holding device, except such wastes which are discharged to the POTW in accordance with a wastewater discharge permit issued by the city. No wastehauler discharging septic waste to the POTW shall discharge constituents in excess of the limits for wastehaulers set forth by Resolution of the City of Colton and amended from time to time;

- N. Any trucked or hauled pollutants or wastewater, except at such place and in such manner as authorized by a wastewater discharge permit issued by the city;
- O. Any pesticides or fertilizers in amounts which may cause interference or pass through;
- P. Any non-biodegradable cutting oil, petroleum oil, refined petroleum products, or products of mineral oil origin in amounts which could cause interference or pass through;
- Q. Any substances containing polychlorinated biphenyls (PCBs). PCBs include, but are not limited to, the following: Aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254, 1260 and 1262;
- R. Any excessive quantities of dispersed biodegradable oils or fats such as lard, tallow, or vegetable oil or any other substances that may precipitate, solidify, or become viscous at temperatures between forty and one hundred degrees Fahrenheit;
- S. Any pretreatment wastes. All pretreatment wastes shall be disposed of in accordance with all applicable federal, state, county, and other local laws and regulations.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.215 - Prohibition Against Discharging Solid or Fluid Material to Watercourse.

No person shall discharge or cause to be discharged into any storm drain, stormwater channel, or natural watercourse, whether currently carrying water or not, or into any pipe, parking lot, street, gutter, or waterway leading to such drain, channel, or watercourse, any solid or fluid material which will impair the useful functioning of such drain, channel, or watercourse, or which will cause expense to the city, or other public agency, in maintaining the proper functioning of same, or which will cause or threaten to cause a public nuisance, public hazard, or pollution of waters of the state.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.220 - Prohibition Against Discharging Pollutants to the Ground.

No person shall deposit or discharge, or cause to be deposited or discharged, into any sump which is not impermeable, or into any pit or well, or onto the ground, or into any storm drain or watercourse, any material which, by seeping underground or by being leached or by reacting with the soil, can pollute usable groundwaters.

(Ord. No. O-03-19, § 1, 5-7-2019);oh5;

### 13.08.222 - Point of Discharge Limits.

No person, excluding authorized city personnel involved in maintenance of POTW facilities, shall discharge any wastewater directly into the POTW other than through an approved building sewer, unless written permission for the discharge has been granted by the Director.

(Ord. No. O-03-19, § 1, 5-7-2019)

### 13.08.223 - Prohibition Against Dilution.

No person 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 categorical standards, the discharge limits contained in this chapter or in any wastewater discharge permit, or any other pollutant limit developed by the city.

(Ord. No. O-03-19, § 1, 5-7-2019)

### 13.08.225 - Special Restrictions, Vehicle Servicing Facilities.

- A. Any facility maintained for the servicing, repair, washing, or cleaning of any vehicles or roadway machinery, including car and truck washes, which discharges non-domestic wastewater, shall install and maintain a gravity separation interceptor in accordance with Section 13.08.253. Wastewater from toilets shall not be allowed to pass through the interceptor, but all wastewaters arising from the servicing, repair, washing or cleaning of vehicles shall pass through the interceptor before discharge to the POTW.
  1. If the vehicle servicing facility is only capable of serving one vehicle at a time, the interceptor shall have a fluid detention capacity of at least one hundred gallons.
  2. If the vehicle servicing facility has facilities for servicing, repair, washing, or cleaning more than one vehicle at a time, the interceptor shall be as large as necessary so that seven-day accumulation of sand and oil will not together fill more than twenty-five percent of the fluid capacity, and shall have a fluid detention capacity of at least seven hundred fifty gallons. The interceptor shall be designed so as to retain any oil and grease which will float and any sand which will settle.
- B. Any interceptor legally and properly installed at a vehicle servicing facility before June 2, 1990 shall be acceptable as an alternative to the interceptor specified in subsection A of this section provided such interceptor is properly maintained, effective in removing sand and oil, and designed and installed so that it can be inspected.
- C.

The plumbing official shall not approve the plumbing of a vehicle servicing facility which is designed to accommodate the discharge of non-domestic wastewater if it does not have a gravity separation interceptor meeting the requirements of this section.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.230 - Restrictions on Water-Softening Wastes.

- A. It is unlawful to install, replace, or enlarge apparatus for softening all or any part of the water supply to any residential premises when such apparatus is an ion exchange softener or demineralizer of the type that is regenerated on the site of use, except as otherwise authorized by the provisions of California Health and Safety Code Sections 116775 through 116795, inclusive, and any amendment thereto.
- B. This section shall not apply to existing units nor to apparatus of the type which is regenerated off-site by a water conditioning company.
- C. This section shall not apply to any type of commercial or industrial softening apparatus which will be considered individually in connection with non-domestic wastewater controls.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.235 - Special Restrictions-Food Processing Facilities.

All food processing facilities, including restaurants, which discharge food processing wastes to the POTW, shall direct all wastewater from floor drains and sinks in the food processing area, waste container wash racks, and dishwashers through a minimum of one hundred-gallon gravity separation interceptor in accordance with Section 13.08.253. All domestic wastewaters from restrooms, showers, mop sinks, and drinking fountains shall be kept separate until the previously specified wastes have passed through the interceptor. Sizing of interceptor shall be determined as described in the latest version of Uniform Plumbing Code, as adopted by the city except that the capacity of the interceptor shall not be less than one hundred gallons, unless a conditional waiver is granted pursuant to Section 13.08.237.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.237 - Conditional Waivers.

Conditional waivers modifying or waiving the gravity separation interceptor requirements may be granted by the Director for those restaurants and other food processing facilities determined not to have the potential to adversely affect the POTW. Conditional waivers may be revoked for the following reasons:

- A. Changes in types of food prepared or served;
- B. Falsification of information submitted to the City;
- C. Changes in operating hours;

D. Changes in equipment used.

(Ord. No. O-03-19, § 1, 5-7-2019)

13.08.240 - Specific Local Discharge Limits.

- A. Except as specifically allowed by the Director on a temporary basis or as provided herein, no Class I or Class II user shall discharge or cause to be discharged to the POTW any wastewater unless it conforms to all of the applicable local discharge limits as set forth by Resolution of the City of Colton and amended from time to time as needed to protect the POTW and comply with current and future state and federal regulatory requirements.

The local discharge limits apply at the point where the wastewater is discharged to the POTW. The Director may impose average daily, monthly and/or mass limits in addition to the instantaneous concentration based limits set forth by Resolution of the City of Colton.

- B. Specific Local Pollutant Mass Emission Rate Limits. The Director may authorize the discharge of non-domestic wastewater to the POTW which contains pollutants in concentrations exceeding the specific local pollutant concentration limits contained herein, when said concentrations, in combination with the measured discharge flow rate, do not exceed specific local mass emission rate limits which are computed for the individual discharger on the basis of the specific local pollutant concentration limits and the discharger's permitted discharge flow rate limit, and which are issued to the discharger as part of the discharger's permit.

(Ord. No. O-03-19, § 1, 5-7-2019)

13.08.242 - Prohibition on Disposal of Spent Solutions and Sludges.

No user shall discharge to the POTW spent solutions, sludges, or any other materials of a quantity or quality in violation of or prohibited by this chapter or any permit issued pursuant to this chapter. All waste manifests for such materials shall be retained for a minimum of three years, and made available to the city upon request.

(Ord. No. O-03-19, § 1, 5-7-2019)

13.08.243 - Prohibition on Discharge of Medical Waste.

- A. No person shall discharge to the POTW medical wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories, other medical facilities or any other locations except where prior written authorization for such discharges is given by the Director following the Director's determination that the discharge will not, alone or in conjunction with other discharges, adversely affect the operation and maintenance of the POTW. If written authorization for such a discharge is given, the Director shall have the authority to require that any discharge of

an infectious waste to the sewer be rendered noninfectious prior to discharge if the infectious waste is deemed to pose a threat to the public health and safety, or will result in any violation of applicable waste discharge requirements.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.245 - Categorical Pretreatment Standards.

Promulgated National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, are incorporated into this chapter. Upon the promulgation of new or revised categorical pretreatment standards for a particular industrial subcategory, the new or revised categorical pretreatment standards shall immediately be deemed incorporated herein. The Director shall notify affected users of applicable reporting requirements under 40 CFR, Chapter I, subchapter N, Parts 401, et seq.

No user subject to categorical pretreatment standards shall discharge or cause to be discharged to the POTW any wastewater which is not in conformance with the discharge limits set forth in the categorical pretreatment standards, including any revisions thereof. Notwithstanding the foregoing, a user may obtain a variance from a categorical pretreatment standard in accordance with the provisions of 40 CFR 403.13 and by establishing to the satisfaction of the Director, that the discharge will not adversely affect POTW operation and maintenance.

In the event that a categorical pretreatment standard establishes a discharge limit which conflicts with a local discharge limit, the more stringent discharge limit shall apply.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.247 - Mass Emission Rates.

- A. Mass emission rates for pollutants that are present or anticipated in a user's wastewater discharge may be set for each user and made an applicable part of each user's permit. These rates shall be based on specific local wastewater discharge limits as adopted by Resolution of the City of Colton and amended from time to time or categorical pretreatment standards, and the user's average daily wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the Director.
- B. To verify the user's operating data, the Director may require a user to submit an inventory of all wastewater streams and/or records indicating production rates.
- C. The Director may revise limits or mass emission rates previously established in the user's permit at any time, based on: (1) current or anticipated operating data of the discharger or the city; (2) the city's ability to meet NPDES limits; or (3) changes in the requirements of regulatory agencies.
- D. The excess use of water to establish an artificially high flow rate for mass emission rate determination is prohibited.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.250 - Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable, promulgated categorical standards within the time limitations specified therein. Any facilities required to pretreat wastewater to meet applicable discharge limits shall be constructed, operated, and maintained in proper operating condition at the user's expense.

Upon request by the Director, users shall provide to the city detailed construction drawings and plumbing plans showing existing process equipment, pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and a description of existing operating procedures. Prior to construction of new or modified facilities, users shall submit to the Director for review and acceptance, detailed construction plans and a description of proposed operating procedures for any new equipment or facilities. Users shall submit any subsequent changes in operating procedures of the equipment or facilities to the Director for review and acceptance prior to initiation of the changes. The review and acceptance of such drawings and operating procedures by the Director shall not relieve the user from the responsibility of modifying the equipment or facilities as necessary to produce an effluent in compliance with all provisions of this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.252 - Prohibited Discharge of Recovered Pretreatment Wastes.

No person shall discharge wastes recovered from pretreatment devices into any sewer or storm drain opening, any drains or other openings leading to any sewer or storm drain, parking lot, street, curb and gutter, or the ground. All recovered pretreatment wastes shall be disposed of in accordance with all applicable federal, state, county and local laws and regulations.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.253 - Gravity Separation Interceptor.

Any person so required by the Director, shall install and maintain a gravity separation interceptor. Domestic wastewater shall not be allowed to pass through this interceptor. This interceptor shall have an operational fluid capacity of not less than one hundred gallons and shall be designed so as to retain any material which will float and any material which will settle. The interceptor shall be watertight, structurally sound, and durable. Interceptors of less than seven hundred fifty gallons capacity and interceptors for restaurants and food processing facilities shall have no less than two compartments. Interceptors of seven hundred fifty gallons or larger shall conform to the City's most current approved standard drawings for gravity separation interceptors.

A. Interceptor Requirements.

1. All interceptor chambers shall be immediately accessible at all times for the purpose of inspection and cleaning. At no time shall any material, debris, obstacles or obstructions be placed in such a manner so as to prevent immediate access to the interceptor.
2. All interceptors of three hundred gallons capacity or larger shall be equipped with a sample chamber located at the downstream end of the interceptor. The sample chamber shall have a twenty-four-inch square, or twenty-four-inch diameter, clear opening for the temporary installation of the city's portable automatic sampling equipment. Any sample chamber legally and properly installed before the effective date of the ordinance codified in this chapter shall be acceptable as an alternative to the sample chamber specified herein, provided such sample chamber is so designed and installed that the city's portable automatic sampling equipment may be readily installed therein, or the owner provides a secure and protected location for installation of such sampling equipment within an eight-foot radius of the sample chamber.
3. Any interceptor legally and properly installed before the effective date of the ordinance codified in this chapter shall be acceptable as an alternative to the interceptor specified herein, provided such interceptor is effective in removing floatable and settleable material and is so designed and installed that it can be inspected and properly maintained.
4. If the Director finds that an interceptor is incapable of adequately retaining the floatable and settleable material in the wastewater flow or is structurally incomplete, he shall notify the owner that it does not meet the requirements of this section and shall require the user to install, at the user's expense, an acceptable interceptor.

B. Interceptor Approval. If a gravity separation interceptor is required, the plumbing official shall only approve plumbing plans which include an interceptor which meets the requirements of this section.

C. Interceptor Maintenance. Any person who owns, operates, or maintains a gravity separation interceptor shall maintain it properly. It shall be cleaned as often as is necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor. The use of chemicals to dissolve grease is specifically prohibited. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to the sewer. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition or if the operational fluid capacity has been reduced by more than twenty-five percent by the accumulation of floating and settling solids, oils and grease. The owner of any facility required to install an interceptor, the lessee and sublessee, if there be such, and any proprietor, operator or

superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. If the interceptor is not properly maintained under the conditions of use, the Director may require that the interceptor be resized and replaced.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.255 - Monitoring Facilities.

The city may require, at the user's expense, installation and operation of monitoring facilities to allow inspection of discharges to the POTW, monitoring of wastewater quality, and collection of wastewater samples. The monitoring facilities, including sampling and monitoring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user. The city may require that the monitoring facilities include a security enclosure that can be locked with a City provided hasp lock, or similar device, during monitoring or upon termination of service.

Monitoring facilities shall normally be situated on private property, but the city may, when such a location would be impractical, allow the facilities to be constructed in public right-of-way.

There shall be ample room in or near any monitoring facility to allow installation of portable sampling and monitoring equipment by the Director.

Construction drawings for proposed monitoring facilities shall be submitted to the Director for review prior to construction. The sampling and monitoring facilities shall be constructed in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following written acceptance by the Director.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.257 - Flow Metering Facilities.

The Director may require any Class I or Class II user to install a flow meter capable of measuring, recording, and totalizing the discharge to the POTW on a continuous basis. The flow measuring equipment shall conform to the requirements of the Director.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.260 - Inspection and Sampling.

The Director shall have the right to enter the premises of any user where non-domestic wastewater is created or discharged during all times that the user's facility is open, operating or at any other reasonable time to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or administrative order issued hereunder. The users or the occupants of such premises shall allow the Director ready access to all parts of the premises for purposes of inspection, sampling,

examination and copying of records, and any other activities related to determining compliance with this chapter. Unreasonable delay in allowing the Director access to the user's premises shall constitute a violation of this chapter.

The Director shall inspect the facilities of each Class I and Class II user a minimum of once each year, and shall sample the discharge of each Class I and Class II user a minimum of once each year.

The Director shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force, which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, the Director will be permitted to enter, without delay, for purposes of performing the functions described in this section.

All sampling and reporting of monitoring results shall comply with 40CFR403.12(g).

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.262 - Sampling and Analysis-Fee-Billing.

- A. Sampling and analysis shall be at the expense of the user. The actual cost for laboratory analyses and reports and an administrative fee, shall be the obligation of the occupants of the premises where the wastewater is created or discharged.
- B. The administrative fee shall be fixed by the city manager based on the city's current overhead cost allocation percentage.
- C. The expense to be paid by the user shall be billed and be payable the same as for other sewer-use charges.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.265 - Confidential Information.

Information and data regarding a user, obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections, shall be available without restriction to the EPA, the State Water Board, and the regional board. Such information shall also be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request shall be asserted at the time of submission of the information or data and marked "Confidential Business Information" by the user on each page containing information asserted to be trade secrets. The demonstration of the need for confidentiality made by the user must meet the burden

necessary for withholding such information from the general public under applicable state and federal law. Wastewater constituents and characteristics and other effluent data as defined in 40 CFR 2.302 shall not constitute confidential information and shall be available to the public without restriction.

Information which a user demonstrates to constitute a trade secret shall not be made available for inspection by the public without prior notification to the user, but shall be made available to the EPA, the State Water Board, and the regional board, and upon written request, to other governmental agencies for uses related to this chapter, the NPDES permit, or other state regulations. Such information shall also be available for use in judicial review or enforcement proceedings involving the user furnishing the information.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.267 - Industrial User Survey.

The Director shall prepare and maintain a current list of industrial users subject to the requirements of this chapter. Each industrial user listed shall be identified by class. Class I Industrial users shall be further identified by a citation of the applicable, promulgated categorical standards. At least once every two years, the Director shall conduct a survey of facilities located within the POTW service area to identify any facilities which should be added to the list of industrial users.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.270 - Reporting Changes in Discharge, Slug Loading, and Potential Problems.

All industrial users shall promptly notify the city in advance of any substantial change in the volume or character of pollutants in their discharge. If any routine or special sampling or monitoring by an industrial user indicates that, for any reason, pollutants are discharged at a rate or concentration which may cause pass through, interference, or slug loading with the POTW, a violation of categorical standards or permit limits, violation of Sections 13.08.211 or 13.08.240, or a hazard to city, POTW personnel and/or the public, the user shall verbally notify the Director and POTW staff immediately. If the discharge to the sewerage system has the potential to cause a fire or explosion hazard, the industrial user shall also immediately notify the fire department. The verbal report to the city shall be followed by a written report submitted to the Director within twenty-four hours describing the cause of the incident and corrective action taken by the user. The user shall also collect a representative repeat sample of the discharge and submit the analysis to the city within thirty days after becoming aware of the violation to determine whether compliance has been achieved.

The notification provided pursuant to this section shall not relieve the user of any expense, loss, damage or other liability which may be incurred pursuant to this chapter or other applicable law.

(Ord. No. O-03-19, § 1, 5-7-2019)

### 13.08.272 - Notification of Bypass.

- A. Bypass of Non-domestic wastewater to the sewerage system is prohibited. The city may take enforcement action against the user unless:
  - 1. Bypass was unavoidable because it was done to prevent loss of life, personal injury, or severe property damage;
  - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, elective slow-down or shut-down of production units or maintenance during periods of production downtime. This condition is not satisfied if adequate backup equipment could have been feasibly installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - 3. The permittee submitted notices as required under subsection B of this section.
  - 4. Notwithstanding the foregoing, the user shall be liable to the city for any expenses or costs incurred by the city as a result of a bypass.
- B. If a permittee knows in advance of the need for a bypass, it shall submit a written request to allow the bypass to the Director, if possible, at least ten days before the date of the bypass.
- C. The Director may approve an anticipated bypass at his sole discretion after considering its adverse affects, and the Director determines that the conditions listed in subsection (A)(1) to (3) are met.
- D. A permittee shall provide telephone notification to the city of an unanticipated bypass that exceeds its permitted discharge limits within four hours from the time the permittee becomes aware of the bypass. A written report shall also be provided within five days of the time the permittee becomes aware or could reasonably have been aware of the bypass. The report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. Failure to submit oral notice or written report may be grounds for permit revocation.

(Ord. No. O-03-19, § 1, 5-7-2019)

### 13.08.275 - Annual Public Notice of Significant Non-compliance.

Each year, the Director shall publish in the largest daily newspaper published in the service area, a list of all industrial users determined to have been in significant noncompliance with applicable pretreatment standards or requirements during the previous twelve months.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.280 - Damage to City's Equipment or Facilities.

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any temporary or permanent structure, equipment, or appurtenance which is part of the POTW shall be a violation of this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.282 - Compensation for Unauthorized Discharges.

Any user who discharges wastewater which impairs, interferes with or damages the POTW, its operations or monitoring equipment, detrimentally affects the wastewater treatment process, significantly increases POTW operation costs, requires non-routine inspection and/or sampling, or results in any other damages, costs or expenses, including the imposition of fines or penalties on the city, shall be liable to the city for all damages, costs and expenses occasioned thereby. An administrative fee, which shall be fixed by the city manager based on the city's current overhead cost allocation percentage, shall be added to these charges. The city's total expenses shall be payable within thirty days of invoicing by the city.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.284 - Charges.

Charges for sewer use shall be established and revised periodically by ordinance or resolution, as appropriate, of the city council.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.286 - City's Right of Revision.

The city reserves the right to amend this chapter to impose more stringent discharge limits or requirements if deemed appropriate to advance the objectives presented in Section 13.08.100 of this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.295 - Interpretation.

The provisions of this Chapter are to be reasonably interpreted. It is the intent herein to recognize that there are varying degrees of hazard to surface and underground waters and to apply the principal that the degree of protection should be commensurate with the degree of hazard.

(Ord. No. O-03-19, § 1, 5-7-2019)

### 13.08.296 - Severability.

If any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

(Ord. No. O-03-19, § 1, 5-7-2019)

### III. - PERMITS

#### 13.08.300 - Wastewater Discharge Permits.

All Class I, Class II, Class IV and Class V Users and those Class III Users so notified by the Director, which propose to connect or to discharge to the POTW, shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Obtaining a wastewater discharge permit shall not relieve a permittee of its obligation to comply with any other applicable requirements of federal, state and/or local law. Class I, Class II, Class IV and Class V Users are issued individual or site specific permits. Class III User permits may be either individual or group (general) permits as deemed appropriate by the Director. In general, when it has been established that a group of similar type businesses (i.e. restaurants, photo processing, car washes, and automotive repair, etc.) are better regulated using Best Management Practices (BMPs), a general permit will be issued with conditions and BMP requirements that have been established for a specified business group.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.305 - Permit Applications.

Users required to obtain a permit shall complete and file with the Director an application in a form prescribed by him and submit any required application, filing, or permit fee. Applicable permit fees shall be established by separate ordinance or resolution of the City.

New Class I and Class II Users shall apply for a permit at least ninety days prior to connecting to or discharging to the POTW. Class III Users shall apply for a permit within thirty days after receiving notification to apply from the Director. Class IV Users shall apply for a permit at least ten days prior to the proposed discharge. Class V Users shall apply for a permit at least five days prior to the proposed discharge.

The following information may be required with the permit application:

- A. Name, address, and location of the facility (if different from the address);
- B. Names and addresses of the operator and owner, if different than above;
- C.

Name and address of any and all principals, owners, major shareholders of company, articles of incorporation; business license (if applicable);

- D. Name and address of property owners, landlord and/or property manager of the facility site;
- E. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- F. Wastewater constituents and characteristics of the proposed discharge, as determined by a state certified analytical laboratory using approved analytical methods and sampling procedures in accordance with 40 CFR 136 and 40 CFR 403.12(g)(3), and other EPA approved analytical methods;
- G. Time, volume and duration of proposed discharge(s);
- H. Average daily, peak daily, and fifteen-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- I. Site plans, floor plans, mechanical and plumbing plans, including details showing all sewers, sewer connections, treatment facilities, and appurtenances by the size, location and elevation. If required by the Director, such plans shall be certified by a civil engineer registered in the state of California;
- J. A process flow schematic diagram. If required by the Director, the diagram shall be certified by a civil engineer registered in the state of California;
- K. Descriptions of activities, facilities, operations and planned processes on the premises including all materials which are or could be discharged;
- L. Number and type of employees, and hours of plant operation, and proposed or actual hours of pretreatment system operation;
- M. The categorical pretreatment standards applicable to each regulated process;
- N. A time schedule for compliance with any categorical standards or provisions of this chapter for which immediate compliance is not possible;
- O. A list of any environmental control permits held by or for the user's facility, and a copy of the San Bernardino County "business plan" which addresses the location, type, and quantity of hazardous materials handled by the user;
- P. Water supplier and water account numbers;
- Q. Volume of cooling tower capacity, if applicable;
- R. Waste minimization and water conservation practices;
- S. Production records, if applicable;
- T. Waste manifests, if applicable;
- U. EPA hazardous waste generator number, if applicable;

- V. Additional information may be required of Wastehaulers, including the following:
  - 1. A description of the industries and clients using the applicant's services;
  - 2. Name and address of leaseholder of the vehicle or trailer, if applicable;
  - 3. Number of trucks and trailers used and the license numbers and tank hauling capacity of each;
  - 4. A copy of the applicant's San Bernardino County health department permit.
- W. Any other information as may be deemed by the Director to be appropriate to evaluate the discharge to the POTW.

After evaluation and acceptance of the data, the Director may issue a wastewater discharge permit subject to terms and conditions provided in this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.310 - Permit Modifications.

Within three months of the promulgation of a categorical standard, permits for users subject to the categorical standards shall be revised to require compliance within the time frame prescribed by the new standard. Where an affected user has not previously submitted an application for a permit as required by Section 13.08.305, the user shall apply within one hundred eighty days after the promulgation of the applicable categorical standard. In addition, users with existing permits shall submit to the Director, within one hundred eighty days after the promulgation of an applicable categorical standard, a time schedule for compliance with the categorical standard.

The terms and conditions of any permit may be subject to modification by the Director during the term of the permit if discharge limits or requirements, as referenced in Sections 13.08.210 and 13.08.240, are modified or other good cause exists. The user shall be informed of any proposed changes in the permit at least thirty days prior to the effective date of change. Any changes or new conditions in a permit shall include a reasonable time schedule for compliance. Good cause for permit modification includes, but is not limited to, the following reasons:

- A. To incorporate new or revised categorical standards or to incorporate other new or revised federal, state or local standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of permit issuance;
- C. A change in the POTW operations that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, city employees, the public or the receiving waters;
- E.

The user's actual discharge is significantly different than the proposed discharge identified in the user's permit application;

- F. Changes in the requirements of regulatory agencies which affect the city; or
- G. A determination by the Director that modification is appropriate to further the objectives of this chapter.

The Director may at any time rescind the requirement that any NSIU obtain and maintain a Class III permit, at the Director's discretion. With respect to any User that was designated as an SIU solely as a result of the Director's designation under 13.08.105(90), clause (5), the Director may terminate said User's designation as an SIU and Class II permittee on the Director's later determination that the User no longer has a reasonable potential for adversely affecting the POTW's operation or violating any applicable pretreatment standard, requirement, or discharge limit set forth in this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.315 - Permit Contents.

Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, and such charges and fees established, as appropriate, by city resolution or ordinance.

- A. Class I and Class II permits shall contain at least the following:
  - 1. Statement of permit duration;
  - 2. Statement of permit nontransferability
  - 3. Discharge limits based on applicable pretreatment standards and/or local limits, including but not limited to discharge limits on the average and/or maximum wastewater constituents and characteristics;
  - 4. Specifications for monitoring programs which may include: pollutants to be monitored; sampling location(s); frequency of sampling; sample type(s); number, types and standards for tests; and a reporting schedule for submitting to the city reports, data and records relating to production levels and Wastewater discharges to the POTW.
  - 5. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
  - 6. Compliance time schedule(s) where required.
  - 7. Statement that all SIUs must comply with slug load control programs and reporting requirements in compliance with 40CFR403.8. SIUs will be evaluated at least once every two years for the need to develop and implement an approved slug load control plan.
- B. Permits may also contain the following:
  - 1.

The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW;

2. Schedule of penalty fees for noncompliance;
3. Limits on the average and/or maximum discharge, time of discharge, and/or requirements for flow regulation and equalization.
4. Instantaneous concentration discharge limits and/or mass emission discharge limits.
5. Requirements for installation and maintenance of inspection and sampling facilities;
6. Requirements for the installation of pretreatment technology, pH control equipment, flow monitoring facilities, sampling facilities, development of pollution control plans and/or other special conditions including management practices appropriate to prevent accidental, unanticipated or non-routine discharges;
7. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
8. Requirements for installation and maintenance of spill containment systems;
9. Requirements for submission of technical or discharge reports;
10. Requirements for maintaining and retaining plant records relating to the wastewater discharge as specified by the Director;
11. Requirements for notification of slug or accidental discharges, discharges of hazardous waste, and/or bypass and upset;
12. Requirements for submittal of slug discharge control plans and/or solvent management plans;
13. Requirements to submit tax and water bills;
14. Requirements for maintaining and submitting waste manifests and/or wastehauling records;
15. Requirements to develop and implement Best Management Practices;
16. Other conditions as deemed appropriate by the Director to ensure protection of the POTW and compliance with this Chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.320 - Permit Duration.

Permits shall be issued for a specified time period, not to exceed five years for Class I and Class II permits, and shall identify the permit expiration date. The user shall apply for a permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.325 - Permit Transfer.

Permits are issued to a specific user for a specific operation. A permit shall not be reassigned, transferred, or sold to a new owner or user, different premises, or a new or changed operation.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.330 - Reporting Requirements.

In addition to reporting potential problems (see Sections 13.08.270 and 13.08.272), industrial users, at their sole expense, may be required to submit one or more of the following types of reports to the city:

- A. Self-Monitoring Reports: The Director may require a permittee to submit periodic self-monitoring reports containing a description of the (1) nature, concentration, and flow of pollutants; (2) the time, date, and place of sampling; (3) methods of analysis; and (4) other information reasonably related to ensuring compliance with this chapter. Sampling for self-monitoring reports shall be performed by the user as the Director specifies. All required analyses shall be performed by a state-certified laboratory using approved analytical methods. Class I and Class II users shall submit self-monitoring reports at least once every six months.
- B. Compliance Reports: Class I users shall submit initial baseline monitoring reports (BMRs) and periodic compliance reports, and, if applicable, compliance schedule reports and final compliance reports.
  - 1. Initial baseline monitoring reports shall be submitted to the city within one hundred eighty days after the effective date of the categorical standard, which will facilitate evaluation of initial compliance status and any modifications or conditions necessary to achieve full compliance with categorical standards.

Baseline monitoring reports shall include:

- a. All information listed in Section 13.08.305.
- b. The results of sampling and analysis identifying the nature and concentration, where required by the applicable categorical standard or the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.
- c. A statement, reviewed by an authorized representative of the industrial user, and certified as to accuracy by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the

industrial user to meet the pretreatment standards and requirements. New sources shall submit a baseline monitoring report at least ninety days prior to commencement of discharge.

If immediate compliance with the categorical standard is not possible and additional pretreatment or operation and maintenance is necessary, the report must specify the shortest time necessary to achieve compliance. The completion date must not be later than that specified in the applicable categorical standards. New sources shall achieve compliance with all applicable pretreatment standards within ninety days of commencing discharge.

2. Compliance schedule reports shall be submitted to the City, if necessary, to demonstrate compliance with conditions of a time schedule requiring full compliance with categorical standards and/or other applicable discharge limits set forth in this chapter by a specific date.

Compliance schedule reports shall contain dates for commencement and completion of major events leading to construction and operation of additional pretreatment equipment, including but not limited to dates for pretreatment equipment design completion, building permit submittal, construction commencement, construction milestones, progress reports, construction completion, employee training completion, and final compliance. Samples shall be collected and analyzed to demonstrate compliance. The samples shall be taken in accordance with 40 CFR 136 and 40 CFR 403.12(g)(3). Compliance schedule reports shall be submitted at the completion of all major events necessary to achieve full compliance with categorical standards or discharge requirements, but not less frequency than thirty days. Compliance schedule reports shall be submitted within fourteen days of a milestone date. Absent unusual circumstances, the duration of a compliance schedule shall not exceed nine months.

3. Final compliance reports shall be submitted to the city by any user subject to categorical pretreatment standards within ninety days following the date for final compliance with applicable, categorical pretreatment standards, or in the case of a new source, within ninety days following commencement of the introduction of wastewater into the POTW, to demonstrate that full compliance with categorical standards has been achieved. Final compliance reports shall include all information contained in a baseline monitoring report.
4. Periodic compliance reports shall be submitted to the city to demonstrate continued compliance with categorical standards. Periodic compliance reports shall include all monitoring data specified in the applicable categorical standard, and any additional monitoring data obtained by the user during the period covered by the report.

Sampling for periodic compliance reports shall be performed during the period covered by the report. Analyses shall be performed by a state-certified laboratory using approved analytical methods. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for

pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

Periodic compliance reports shall be submitted every six months in June and December of each year, unless required to be submitted more frequently by the Director. Periodic compliance reports may be combined with self-monitoring reports pursuant to subsection A of this section.

- C. Solvent Management Plans. All industrial users subject to promulgated categorical standards which include a total toxic organic (TTO) limitation shall be required to file a solvent management plan. The Director may also require other users to submit solvent management plans where, in his judgment, a plan is necessary to assure proper containment and disposal of solvents.
- D. Slug Discharge Control Plans. All industrial users so required by the Director shall develop and file with the Director and implement a slug discharge control plan. The plan shall contain at least the following elements:
  - 1. Description of discharge practices, including non-routine batch discharges;
  - 2. Description of stored chemicals;
  - 3. Procedures for prompt verbal notification to the City of slug discharges, including any discharge that would violate a specific prohibition under Sections 13.08.210 or 13.08.240 of this chapter or 40 CFR 403.5(b), and procedures for follow-up written notification to the Director within twenty-four hours;
  - 4. If required by the Director, the plan shall include procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
  - 5.

If required by the Director, the plan shall include follow-up practices to limit the damage suffered by the POTW or the environment.

- E. Specific Compliance Plans. All industrial users so required by the Director shall file a specific compliance plan. The plan shall indicate the cause of noncompliance, the corrective actions which will be taken to prevent recurrence of the noncompliance, and, if required by the Director, a proposed compliance time schedule indicating the dates those corrective actions will be completed.
- F. Notification of Hazardous Waste Discharge. Any user shall notify the city, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge by the user into the POTW of a substance, which, if otherwise disposed of, would be classified a hazardous waste pursuant to 40 CFR Part 261, as revised. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

Users shall provide notification no later than one hundred eighty days after the discharge of the hazardous waste.

Any notification under this section need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted in accordance with 40 CFR 403.12(j).

The hazardous waste discharge notification requirements specified herein do not apply to pollutants already reported under the self-monitoring requirements of subsections A and B of this section. Users are also exempt from the above requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

Discharges of more than fifteen kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), require a one-time notification. Additional notification is not required for subsequent months during which the user discharges additional quantities of the same non-acute hazardous waste.

In the case of new federal regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the city, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.

In the case of any notification made under these requirements, the user shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

G. Any other reports required by California State Law; including such reports as are required by Chapter 6.95 of Division 20 of the California Health and Safety Code.

Users shall be responsible for compliance with all milestone dates established pursuant to the reports required pursuant to this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.335 - Spill Containment Facilities.

All industrial users shall provide spill containment for protection against the unauthorized discharge of prohibited materials or other wastes regulated by this chapter. Such protection shall be designed to prevent such materials and wastes from entering into the sewerage system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the industrial user's expense.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.340 - Signatory and Certification Requirements.

All permit applications, reports and plans submitted to the city by industrial users pursuant to Sections 13.08.270, 13.08.272, 13.08.305, 13.08.310, and 13.08.330 shall be signed and dated by an authorized representative of the user. The signature shall accompany the following certification statement:

"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Analytical reports submitted directly to the city by a certified analytical laboratory at the request of the user for samples of wastewater collected at user facilities may be signed, dated, and certified by the laboratory manager in lieu of an authorized representative of the user; however, such reports shall be

accompanied by a statement, signed, dated, and certified by an authorized representative of the user, as above, which verifies that the sample identified in the analytical report was collected on the date and time indicated at the location indicated, and using the method indicated on the analytical report. This signed, dated, and certified statement may be included as part of the chain-of-custody form for the sample.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### IV. - ENFORCEMENT

##### 13.08.400 - Enforcement, General.

Whenever any person violates any provision of this chapter, a wastewater discharge permit or administrative order issued hereunder, the violation constitutes a violation of this chapter and is immediately actionable. The Director may take any, all or any combination of these actions in accordance with progressive enforcement response procedures as contained in the City's Enforcement Response Plan (ERP) against a noncompliant user. The Director may immediately proceed with any one or more of the enforcement remedies set forth in this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

##### 13.08.401 - Notification of Violation (NOV).

Whenever the Director finds that any user has violated any discharge limit or requirement contained in this chapter or a wastewater discharge permit, the Director may serve upon such user a written notice stating the nature of the violation and the penalties for continued noncompliance. Within a prescribed period specified in the notice, the user shall submit to the Director a specific compliance plan pursuant to Section 13.08.330 E.

(Ord. No. O-03-19, § 1, 5-7-2019)

##### 13.08.402 - Compliance Time Schedules (CTS).

The Director may issue a compliance time schedule submitted by a user, or may issue a revised compliance time schedule if, in the judgment of the Director, the user's proposed compliance time schedule is insufficient to achieve timely compliance with this chapter. The Director will notify the user of the compliance time schedule established by the Director in a timely manner.

(Ord. No. O-03-19, § 1, 5-7-2019)

##### 13.08.403 - Administrative Orders (AO).

The Director may direct compliance with any prohibition, discharge limit, or requirement of this chapter or the provisions of a wastewater discharge permit by issuing one or more of the following administrative orders:

- A. Compliance order;
- B. Cease and desist order;
- C. Termination of service order;
- D. Immediate termination of service order.

Any user served with an administrative order shall be subject to noncompliance fees which may be established by city ordinance or resolution, as appropriate. The City may also bring a court action to enforce any administrative order issued pursuant to this chapter.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.404 - Compliance Orders.

When the Director finds that a user has violated or threatens to violate any prohibition, discharge limit or requirement of this chapter or the provisions of a wastewater discharge permit, the Director may issue a compliance order and direct the user to:

- A. Comply immediately; or
- B. Comply in accordance with a specific compliance time schedule.

A compliance order may establish a noncompliance monitoring program, or modify an existing noncompliance monitoring program. A compliance order may also include, but is not limited to, modifications in the frequency and extent of monitoring, sampling and analysis, submission of self-monitoring reports and directives to institute management practices designed to minimize the amount of pollutants discharged to the sewerage system.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.405 - Cease and Desist Orders.

When the Director finds that a user has violated or threatens to violate any prohibition, discharge limit, provision of this chapter, wastewater discharge permit, or administrative order, the Director may issue a cease and desist order and direct the user to:

- A. Comply immediately; or
- B. Take appropriate remedial or preventative action, including, if necessary, halting operations or terminating the discharge, in order to prevent the recurrence of a violation or a threatened violation.

A cease and desist order may establish a noncompliance monitoring program or modify an existing noncompliance monitoring program. A cease and desist order may also include, but is not limited to, modifications in the frequency and extent of monitoring, sampling and analysis, and submission of self-monitoring reports.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.406 - Determination of Non-compliance with Discharge Limits.

##### A. Sampling Procedures.

1. Sampling of all users shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the city.
2. Noncompliance with mass emission rate limits, concentration limits, permit discharge conditions, or any discharge provision of this chapter may be determined by an analysis of a grab or composite sample of the effluent of a user. Noncompliance with mass emission rate limits shall be determined by an analysis of a composite sample of the user's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no wastewater flow into the sewerage system when the discharge is occurring, the volume of wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
3. Any sample taken from a sample point shall be deemed to be representative of the discharge to the POTW.

B. Waste hauler Noncompliance with Discharge Limits. A waste hauler's noncompliance with discharge limits shall be determined by an analysis of a sample of the discharge for any constituent or conditions specified in the waste hauler's wastewater discharge permit or this chapter. If the discharge of a waste hauler is found by the analysis to be in excess of the concentration limits specified in the waste hauler's wastewater discharge permit or in this chapter, the waste hauler shall, upon receiving a demand from the city, identify in writing all sources of the discharge.

Even if it is established to the satisfaction of the Director that the origin of the discharge is septic waste or sanitary waste, the city may still elect not to accept waste from that particular source.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.407 - Non-compliance Monitoring Program.

- A. Repeat Sampling: If any sample analysis indicates that the user is discharging wastewater with pollutant concentrations or levels exceeding discharge limits contained in this chapter or contained in user's permit, then the user shall notify the city of the violation within 24 hours of becoming aware of the incident. The user shall also collect and analyze a follow-up sample or samples (as directed by the Director using approved analytical methods). The user shall submit the completed follow-up sample analysis to the city within thirty days of becoming aware of the violation.
- B. Initiation of Noncompliance Monitoring Program: If the follow-up sample indicates continued noncompliance, the user may be ordered by the Director to immediately initiate a noncompliance monitoring program requiring additional sampling and reporting by the user in accordance with a schedule issued by the Director. During the program, the user may be subject to noncompliance fees established by city ordinance or resolution, as appropriate.
- C. Termination of Noncompliance Monitoring Program: The noncompliance monitoring program may be terminated by the city upon the user's demonstration of a return to consistent compliance. To demonstrate consistent compliance, the user must either:
  - 1. Terminate the discharge; or
  - 2. Provide analyses (which have been analyzed using approved analytical methods), which show discharge levels in consistent compliance over a period of not less than thirty days or as specified in the program.
- D. Non-compliance Fees: The payment of non-compliance fees by users shall not bar the city from undertaking any other enforcement, civil, or criminal proceedings. The purpose of noncompliance fees is to compensate the city for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal and administrative processing incurred as a result of non-compliance. Non-compliance fees are established by City Resolution and are amended from time to time to reflect the cost of providing additional oversight to remedy non-compliance with the provisions of this Ordinance or wastewater discharge permit.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.408 - Permit Suspension or Revocation.

- A. Grounds. The Director may suspend or revoke any permit when it is determined that a permittee:
  - 1. Knowingly provides a false statement, representation, record, report, or other document to the city;
  - 2. Refuses to provide records, reports, plans, or other documents required by the city to determine permit terms, conditions, or limits, discharge compliance, or compliance with this chapter;

3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method;
  4. Fails to report significant changes in operations or wastewater constituents and characteristics;
  5. Fails to comply with the terms and conditions of an administrative order issued pursuant to this chapter;
  6. Discharges effluent to the POTW while its permit is suspended;
  7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring;
  8. Does not make timely payment of all amounts owed to the city for fees imposed pursuant to this Chapter;
  9. Causes interference with the city's collection, treatment or disposal system;
  10. Fails to submit oral notice or written report of bypass occurrence;
  11. Violates any condition or limit of its discharge permit or any provision of this chapter.
- B. Notice/Hearing. When the Director has reason to believe that grounds exist for the suspension or revocation of a permit, he shall give written notice by personal service or certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the Director's designee. The hearing date shall be not less than fifteen calendar days nor more than forty-five calendar days after the mailing of such notice.
1. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The suspension or revocation hearing shall be conducted in accordance with the procedures established by the Director and approved by counsel for the city.
  2. After the conclusion of the hearing, the Director's designee shall submit a written report to the Director setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation. Upon receipt of the written report, the Director shall make his determination and should he find that grounds exist for suspension or permanent revocation of the permit, he shall issue his decision and order in writing within thirty calendar days after the conclusion of the hearing by his designee. The written decision and order of the Director shall be served personally or by certified mail on the permittee or its legal counsel/representative.

In the event the Director determines to not revoke the permit, he may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he deems appropriate to further the purposes of this chapter.

C. Effect.

1. Upon an order of suspension or revocation by the Director becoming final, the permittee shall lose all rights to discharge any non-domestic wastewater directly or indirectly to the POTW in accordance with the order. All costs for physical termination shall be paid by the permittee.
2. Any owner or responsible management employee of the permittee shall be bound by the order of suspension or revocation.
3. Any future application for a permit at any location within the POTW's service area by any person subject to an order of revocation will be considered by the city after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
4. An order of permit suspension or revocation issued by Director shall be final in all respects on the thirty-first day after it is served personally or by certified mail on the permittee unless a notice of appeal is filed with the city pursuant to Section 13.08.427 no later than five p.m. on the thirtieth day following such mailing.

(Ord. No. O-03-19, § 1, 5-7-2019)

13.08.410 - Termination of Service.

When the Director finds that any user has done any of the following acts, the Director may terminate sewer service to that user upon serving appropriate notice to the user:

- A. Violate a cease and desist order;
- B. Fail to accurately report the wastewater constituents and characteristics of its discharge;
- C. Fail to report significant changes in operations, or wastewater volume, constituents and characteristics prior to discharge;
- D. Refuse to allow reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
- E. Violate any pretreatment standard.

The procedures set forth in Section 13.08.408B shall apply to termination of service proceedings. The user shall be liable for all costs for termination of sewer service incurred by the user and the city. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

Sewer service may be re-instituted if the Director is satisfied that the user has remedied all aspects of noncompliance with this chapter and that the user has the capability to and will remain in compliance in the future. The user shall be liable for all costs for re-institution of sewer service.

(Ord. No. O-03-19, § 1, 5-7-2019)

13.08.415 - Emergency Suspension of Service.

- A. The Director may suspend sewerage service or wastehauler discharge service, after informal notice to the user, when the Director determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, may cause pass through of or interference with the POTW, or may cause the city to violate any state or federal law or regulation. Any user notified of and subject to an emergency suspension order shall immediately cease the discharge of all non-domestic wastewater to the sewerage system. In the event that a user fails to immediately comply with an emergency suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent the continued discharge of non-domestic wastewater to the POTW. The user shall be liable for all costs incurred by the city in terminating sewer service.
- B. As soon as reasonably practicable following the issuance of an emergency suspension order and informal notice to the user of the time and location for a hearing, but in no event more than five days following the issuance of such order, the Director shall hold a hearing to provide the user the opportunity to present information in opposition to the issuance of the emergency suspension order. Such a hearing shall not stay the effect of the emergency suspension order. The hearing shall be conducted in accordance with procedures established by the Director and approved by counsel for the city. The Director shall issue a written decision and order within two business days following the hearing, which decision shall be served personally or by certified mail on the user or the user's legal counsel. The decision of the Director following the hearing shall be final and not appealable.
- C. Upon a demonstration by the user to the satisfaction of the Director that the period of endangerment has passed and will not recur, the Director may allow the user to recommence its discharge to the POTW, unless the Director proceeds with permit revocation or termination of service pursuant to Sections 13.08.408 or 13.08.410.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.416 - Public Nuisance.

Discharge of wastewater in any manner in violation of this chapter or of any administrative order issued pursuant to this chapter, is declared a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance is guilty of a misdemeanor.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.417 - Criminal Penalties.

Any person who violates any provision of this chapter, is guilty of a misdemeanor, which is punishable by a fine of at least one thousand dollars per day for each violation, or by imprisonment for a period of not more than six months, or both. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this chapter has been committed or continued.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.419 - Search or Inspection Warrants.

If the Director has been refused access to a building or property, or any part thereof, or determines that a search or inspection warrant is appropriate to conduct an investigation in furtherance of the purposes of this chapter, the Director may apply to a court of competent jurisdiction for the issuance of a search or inspection warrant.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.420 - Legal Action.

If any person, firm or corporation violates or has the reasonable potential to violate any provision of its wastewater discharge permit, this chapter, federal or state pretreatment standards or requirements, or any administrative order issued pursuant to this chapter, the city attorney may petition a court of competent jurisdiction for appropriate legal, equitable or injunctive relief including, but not limited to, issuance of a temporary restraining order, preliminary injunction, permanent injunction, and/or any other relief that may be appropriate to restrain the continued violation or prevent threatened violations by the user.

In addition to the penalties provided herein, the Director may recover reasonable attorney fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit of law against the person found to have violated any of the provisions of this chapter or the orders, rules, regulations, and permits issued thereunder.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.425 - Civil Penalties.

- A. Authority. All users of the POTW are subject to enforcement actions administratively or judicially by the district, EPA, regional board, and/or the county of San Bernardino district attorney. The actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Act (California Water Code

Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health and Safety Code Section 25100 et seq.); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.); and (5) California Government Code, Sections 54739 et seq.

- B. Recovery of Fines or Penalties. In the event the city is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and the violation can be established by City as caused by the discharge of any user of the POTW which is in violation of any provision of this chapter, the user's permit, or an administrative order issued pursuant to this Chapter, City shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.
- C. Ordinance. Pursuant to the authority of California Government Code Sections 54739-54740, any person who violates any provision of this chapter; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed twenty-five thousand dollars per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this chapter, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed twenty-five thousand dollars per violation for each day in which such violation occurs. Counsel for the city, upon order of the Director, shall petition a court of competent jurisdiction to impose, assess, and recover such penalties, or such other penalties as the city may impose, assess, and recover pursuant to federal and/or state legislative authorization.
- D. Administrative Civil Penalties.
  - 1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the city may issue an administrative complaint to any person who violates:
    - a. Any provision of this Chapter;
    - b. Any permit condition, prohibition, or effluent limit; or
    - c. Any suspension or revocation order.
  - 2. The administrative complaint shall be served by personal delivery or certified mail on the person and shall inform the person that a hearing will be conducted, and shall specify a hearing date within sixty days following service. The administrative complaint shall allege the act or failure to act that constitutes the violation of the city's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the Director or his designee. The person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
  - 3.

At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the Director and approved by the counsel for the City.

4. After the conclusion of the hearing, the Director's designee shall submit a written report to the Director setting forth a statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
5. Upon receipt of the written report, the Director shall make his determination and should he find that grounds exist for assessment of a civil penalty against the person, he shall issue his decision and order in writing within thirty calendar days after the conclusion of the hearing by his designee.
6. If, after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements the Director or city council may assess a civil penalty against that person. In determining the amount of the civil penalty, the Director or city council may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
7. Civil penalties may be assessed as follows:
  - a. In an amount which shall not exceed two thousand dollars for each day for failing or refusing to furnish technical or monitoring reports;
  - b. In an amount which shall not exceed three thousand dollars for each day for failing or refusing to timely comply with any compliance schedules established by the city;
  - c. In an amount which shall not exceed five thousand dollars per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the city;
  - d. In any amount which does not exceed ten dollars per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the city.
8. An order assessing administrative civil penalties issued by the city shall be final in all respects on the thirty-first day after it is served on the person unless a notice of appeal is filed with the city council pursuant to Section 13.08.427 no later than the thirtieth day following such mailing. An order assessing administrative civil penalties issued by the city council shall be final upon issuance.
9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the person at his business or residence address, and upon other persons who appeared at the hearing and requested a

copy of the order.

10. Any person aggrieved by a final order issued by the city council, after granting review of the order of the Director, may obtain review of the order of the city council in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty days following the service of a copy of the decision or order issued by the city council.
11. Payment of any order setting administrative civil penalties shall be made within thirty days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The city may record the lien for any unpaid administrative civil penalties on the ninety-first day following the date the order becomes final.
12. No administrative civil penalties shall be recoverable under subsection D of this section for any violation for which the city has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

(Ord. No. O-03-19, § 1, 5-7-2019)

#### 13.08.427 - Appeals to the City Council.

- A. General. Any user, permit applicant, or permittee adversely affected by a decision, action, or determination made by the Director may file a written notice of appeal requesting a hearing before the city council, which notice shall be accompanied by an appeal fee in the amount established by a separate resolution of the city council. The notice of appeal shall be filed within thirty days of the service on the appellant of notice of the decision, action or determination of the Director. The notice of appeal shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

No later than sixty days after receipt of the request for hearing, the city council shall either set the matter for a hearing, or deny the request for a hearing in accordance with subsection B of this section.

Upon receipt of a timely notice of appeal, a hearing shall be held by the city council within sixty-five days, unless a later date is agreed to by the appellant and the city council. If the matter is not heard within the required time, due to actions or inactions of the appellant, the Director's order shall be deemed final.

As the ordinance codified in this chapter constitutes a legislative enactment, except as expressly authorized under this chapter, there are no provisions for waiver or variance from the terms of said ordinance.

B.