

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING REVISED LOCAL LIMITS, TO ADD REGULATIONS PERTAINING TO BRINE COLLECTION AND DISPOSAL AND ADOPT OTHER REVISIONS TO CHAPTER 22 OF THE ESCONDIDO MUNICIPAL CODE PERTAINING TO WASTEWATER

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. This Ordinance makes amendments to Chapter 22 of the Escondido Municipal Code for the purpose of updating the local limits for certain wastewater constituents to bring them into compliance with applicable state and federal regulations, to add regulations pertaining to the collection and disposal of brine, and to make other changes throughout the entirety of the Chapter that will improve the implementation and enforcement of the Code.

SECTION 2. Escondido Municipal Code Chapter 22, Article 1 is hereby amended in its entirety to read as follows:

**ARTICLE 1. IN GENERAL**

**Sec. 22-1. Definitions.**

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this section.

*Act* shall mean the Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, 33 U.S.C. 1251, et seq.

*Approved or approval* shall mean the approval of the Director, and/or approval shall mean meeting the approval of the Director as a result of investigation and/or tests conducted by the Director or by reason of accepted principles or tests by national

authorities, technical or scientific organizations, or research laboratory of recognized authority.

*Approval Authority* shall mean the California State Water Resource Control Board that regionally governs the City's Pretreatment Program.

*Authorized Representative* shall mean the following:

- a. a president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions, if the discharger is a corporation;
- b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if the discharger is a corporation, and authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- c. a general partner or proprietor if the discharger is a partnership or proprietorship, respectively;
- d. a principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official if the discharger is a governmental entity, charitable organization or other such unincorporated entity; or
- e. a representative authorized in writing by an individual designated above, if the authorization is submitted to the Director and specifies an individual or a position having responsibility for the overall operation of the facility. This includes the position of plant manager, a position of equivalent responsibility for environmental matters for the company. If an authorization under Paragraph (e) is no longer accurate because a different individual or position has the responsibility for the overall operation of the facility, or overall responsibility for environmental matters of the company, a new authorization satisfying the requirements of Paragraph (e) of this section must be submitted to the Director prior to or together with, any reports to be signed by such person.

*Best Management Practices (BMP's)* shall mean schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to sewer system or the storm water conveyance system. Best management practices also include but are not limited to treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best management practices may

include any type of pollution prevention and pollution control measure that can help to achieve compliance with this Chapter.

*Biological Oxygen Demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with the most recent of "Standard Methods for the Examination of Water and Wastewater" prepared and published by the American Public Health Association, American Water Works Association and Water Environmental Federation.

*Building* shall include all structures.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

*Categorical pretreatment standard or categorical standard* shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471. CFR means the Code of Federal Regulations.

*City* shall mean authorized representatives of and facilities owned by the City of Escondido.

*Clean Water Act or CWA* shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. 86 Stat. 916, Public Law 92-500.

*Commercial Establishment* shall mean a private establishment such as a restaurant, hotel laundry, store, filling station, or recreational facility. A nonprofit private or government entity such as a church, school, hospital, military facility, correctional institution, recreation facility or a facility owned and operated by a charitable organization is considered a commercial establishment.

*Compliance Schedule* shall mean a document issued with milestone dates agreed to by the City and the IU, enforced by the City, represents the shortest schedule of actions to achieve compliance with pretreatment standards.

*Composite Sample* shall mean a sample formed by mixing discrete samples taken at periodic times at periodic points in time or a continuous proportion of the flow.

The number of discrete samples which make up the composite sample depends upon the variability of pollutant concentration and flow.

*Cooling Water* shall mean the water discharged from any use including, but not limited to, air conditioning, cooling or refrigeration, during which the only pollutant assessed is heat.

*Contamination* shall mean an impairment of the quality of the waters of the state by the introduction of waste material to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Daily Maximum Limit* shall mean the maximum allowable discharge of any pollutant. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken during the 24-hour period.

*Director* shall mean the person designated by the City Manager to have charge of the administration and supervision of the Utilities Department or any other official(s) as designated by the City Manager.

*Direct Discharge* shall mean the discharge of treated or untreated wastewater into the receiving water of the state of California.

*Domestic Septage* shall mean the liquid or solid material removed from private sewage disposal system, portable toilet or other holding device that receives only domestic sewage.

*Domestic Wastewater (Domestic Sewage)* shall mean sanitary wastewater and wastewater generated from household type operations.

*DPH* shall mean Department of Public Health.

*Drainage system or drainage piping* shall mean and include all the piping within public or private premises which conveys sewage or other liquid wastes to a legal point of disposal, but shall not include the mains or laterals of a public sewerage system.

*EIWP* shall mean Escondido Industrial Waste Program.

*F.O.G.* shall mean fats, oils and grease.

*Food Service Establishment* shall mean a facility engaged in preparing food for consumption by the public such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility or care institution.

*Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

*Grab Sample* shall mean a single sample of water collected at a particular time and place with no regard to the flow of the waste stream. A single grab sample should be taken over a period not to exceed 15 minutes.

*Grease Interceptor* shall mean a plumbing device designed to intercept most greases and solids before they enter a wastewater sewer. Sizing will be determined by using the most recently adopted version of the Uniform Plumbing Code by the Building Standards Commission, as well as any other requirements the pretreatment department considers necessary.

*Grease Trap* shall mean a device designed to retain grease prior to the wastewater exiting the trap and entering the sewer system. Sizing will be determined by using the most recently adopted version of the Uniform Plumbing Code by the Building Standards Commission, as well as any other requirements the pretreatment department considers necessary.

*HARRF* shall mean Hale Avenue Resource Recovery Facility.

*IBCS* shall mean the Industrial Brine Collection System.

*Illegal connection* shall mean any physical connection to the stormwater conveyance system which has not been permitted in writing by the City of Escondido or the San Diego Regional Water Quality Control Board.

*Industrial brine* shall mean any industrial wastewater that consists exclusively of concentrated salts or dissolved minerals that are derived from water softener processes, evaporative processes, or water treatment processes.

*Industrial brine collection system* shall mean any system of pipelines, pressure mains, pumping stations, outfall sewers, and appurtenances constructed and maintained by the city for the exclusive use of collecting industrial brine, and shall include facilities used to bypass the city's POTW and dispose of the brine under regulations established in a NPDES permit separate from the NPDES permit that regulates the city's POTW.

*Industrial user(s)* shall mean any facility which discharges process wastewater other than domestic, to the POTW for treatment.

*Industrial User Permit* shall mean a permit issued by the City, regulating specific limitations for constituent strength and daily flow from Industrial Users process wastewater discharging to the POTW.

*Industrial waste* shall mean and includes nondomestic liquid or semisolid wastes from any producing, manufacturing or processing operation of whatever nature.

*Infectious Waste* shall mean any waste material or article which harbors or may reasonably be considered to harbor any microorganism, helminthic parasites or viruses which may be expected to produce disease in healthy persons. And shall include the following:

- (a) Significant laboratory wastes including but not limited to, cultures of bacteria and or microorganisms.
- (b) Pathological specimens including but not limited to, human or animal tissues, blood elements, excreta and secretions which may contain microorganisms, helminthic parasites or viruses.
- (c) Human dialysis waste materials including arterial lines and dialysate membranes.
- (d) Surgical Specimens including, but not limited to, human or animal parts and tissues removed surgically or at autopsy which may contain microorganisms, helminthic parasites or viruses.
- (e) Equipment, instruments, utensils, and other materials of a disposable nature which may transmit viruses any other communicable disease from the rooms of humans and or the enclosures of animals that have been isolated with suspected or diagnosed communicable diseases.
- (f) Any materials defined by duly authorized public health officer as potentially infectious and required to be managed as an infectious waste.

*Interference* shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, 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 any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, 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 Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*Local limits* shall mean the limits that develop by the City to enforce the specific and general prohibitions that required in Section 307(b) of Federal Clean Water Act and Section 403, Title 40 of the Code and Federal Regulations.

*National Categorical Pretreatment Standard (National Standard)* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act.

*National Pollution Discharge Elimination System (NPDES) Permit* means a permit issued by the San Diego Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Division 7 of the California Water Code to control discharges from point sources to waters of the United States.

*Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

*New source* means:

(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 pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated 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 whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered;

(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 subsection (1)(B) or (C) of this definition 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 and 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 is 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.

*Nonstormwater discharge* shall mean any discharge to the stormwater conveyance system that is not entirely composed of stormwater.

*Nuisance* shall mean a discharge of wastewater in violation of City regulations or orders, or which is or could be harmful to or unreasonably affect the wastewater collection system and treatment facilities of the City or which impairs or unreasonably affects the operation and maintenance of such facilities, or which violates quantity, quality or flow standards adopted by the City, and all wastewater discharges which unreasonably affect the quality of the City's treatment plant effluent in such a manner that receiving water quality requirements established by law cannot be met by the City.

*Pass through* shall mean a discharge which exits the POTW into the receiving waters of the state 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).

*Peak Flow* shall mean the maximum five minute rate of wastewater flow to be generated from the premises as estimated by the City Engineer.

*Person* shall mean any individual, partnership, firm, association, corporation or agency, including the State of California and the United States of America.

*pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Pigment* shall mean a substance that imparts black or white or a color to other materials.

*Plumbing* shall include all drainage systems, both direct and indirect, and all vent piping, water piping and other piping in any building or within the boundaries of any property through which sewage, water, waste water or any other substance or liquid is conveyed.

*Point of Discharge* shall mean a physical location at which a discharger directly or indirectly, disposes wastewater.

*Pollutant* shall mean solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, industrial waste, and any organic or inorganic contaminant whose presence degrades the quality of the



receiving waters in violation of any plan standard. Pollutant includes fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon surfactants, oil and grease, petroleum hydrocarbons, total organic carbon lead, copper, chromium, cadmium, silver, nickel, cyanides, phenols, and biocides. A pollutant also includes any contaminant which can degrade the quality of the receiving waters in violation of any plan standard by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

*Pollution* shall mean an alteration of the quality of the waters of the state by pollutants to a degree which unreasonably affects (1) such waters for beneficial use, or (2) facilities which serve such beneficial uses.

*Premises* shall mean a parcel of real property or portion thereof, including any improvements thereon, which is determined by the city to be a single unit for purposes of receiving, using and paying for wastewater disposal service.

In making this determination, the City shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of side sewers, and whether the unit is being used for a single activity and, if not, what is the principal activity for wastewater disposal services.

*Pretreatment or treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less polluted state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW or receiving water of the State. The reduction or alteration can be obtained by physical, chemical or biological processes, or through process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

*Pretreatment requirements* shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

*Pretreatment standards* shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no article greater than one-half (1/2) inch in any dimension.

*Public Owned Treatment Works (POTW)* shall mean Publicly Owned Treatment Works defined by Section 212 of the Act, which are wholly or partially owned by the City. This includes public sewers, treatment plans, land, appurtenances, pumping stations, or equipment. For the purpose of this ordinance, POTW shall include the sewers within the City of Escondido that convey wastewater to the POTW who are by contract or agreement with the City, dischargers to the City's POTW.

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Receiving water quality requirements* shall mean requirements for the City's wastewater treatment plant effluent established by law or by state or federal regulatory agencies for the protection of receiving water quality. Requirements shall include effluent limitations, and waste discharge standards, limitations, or prohibitions which may be promulgated or adopted from time to time by local, state or federal regulatory agencies.

*Residential wastewater* shall mean the waterborne wastes derived from human habitation and use of residential, business, institutional and industrial buildings or other structures.

*Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface and ground waters and industrial wastes are not intentionally admitted.

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

*Sewage* shall mean a combination of water-carried wastes from residences, business buildings, institutions, and commercial and industrial establishments.

*Sewage system* shall mean all facilities for collecting, pumping, treating and disposing of sewage.

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

*Sewer* shall mean a pipe or conduit for carrying sewage.

*Side sewer* shall mean a sewer conveying the wastewater of a user from a residence, building or other structure to a City-owned interceptor sewer.

*Significant industrial user* shall mean:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
  - (A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact 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 treatment plant;

(C) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or

(3) Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from the user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Significant noncompliance (SNC)* shall mean:

A Significant Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 302.2(l);

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

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

(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation of implementation of the local pretreatment program.

*Slug discharge* shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

*Standard industrial classification (SIC)* shall mean classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Standard methods* means analytical procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

*State* shall mean the state of California.

*Storm drain inlet* shall mean any pipeline, or portion thereof, constructed in a street, alley, sidewalk or other public place, or easement granted to the City, and connecting of proposed to connect any lot or part of lot to the storm drain system.

*Storm sewer* or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

*Stormwater conveyance system* shall mean those municipal and natural facilities within the City of Escondido by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, natural and artificial channels, aqueducts, canyons, streambeds, gullies, curbs, gutters, ditches, natural and artificial channels or storm drains.

*Suspended solids* shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

*Temporary Permit* shall mean an interim status permit issued to a discharger until a final determination is made by the Director or their designee to issue an Industrial User Wastewater Discharge Permit.

*Total Suspense Solids (TSS)* shall mean the total non-filterable residue in water wastewater or other liquids, which is removable in accordance with the most recent publication of the Standard Methods for the Examination of Water and Wastewater, prepared and published by the American Public Health Association, American Water Works Association and the Water.

*Total Dissolved Solids (TDS)* shall mean the combined content of all inorganic and organic substances contained in a liquid in: molecular, ionized or micro-granular (colloidal sol) suspended form.

*Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the CWA 307(a) or other Acts.

*TTO* shall mean Total Toxic Organics and is the sum of the masses of the concentration of specific toxic organics compounds listing below:

<b>CHEMICALS REGULATED UNDER TOTAL TOXIC ORGANICS (TTO)</b>		
acenaphthene	chrysene	hexachlorobutadiene
acenaphthylene	4,4'-DDD	hexachlorocyclopentadiene
acrolein	4,4'-DDE	hexachloroethane
acrylonitrile	4,4'-DDT	indeno (1, 2, 3-cd) pyrene
aldrin	dibenzo (a,h) anthracene	isophorone
anthracene	dibromochloromethane	methylene chloride
benzene	1,2-dichlorobenzene	naphthalene
benzidine	1,3-dichlorobenzene	nitrobenzene
benzo (a) anthracene	1,4-dichlorobenzene	2-nitrophenol
benzo (a) pyrene	3,3-dichlorobenzene	4-nitrophenol
3,4-benzofluoroanthene	1,1-dichlorobenzene	n-nitrosodimethylamine
benzo (g, h, l) perylene	1,2-dichlorobenzene	n-nitrosodi-n-propylamine
benzo (b) fluoroanthene	1,1-dichlorobenzene	n-nitrosodiphenylamine
a-BHC (alpha)	1,2-trans- dichloroethylene	PCB-1016
b-BHC (beta)	2,4-dichlorophenol	PCB-1221
d-BHC (delta)	1,2-dichloropropane	PCB-1232
g-BHC (gamma)	1,3-dichloropropane	PCB-1242
bis (2-chloroethyl) ether	dieldrin	PCB-1248
bis (2-chloroethoxy) methane	diethyl phthalate	PCB-1254

bis (2-chloroisopropyl) ether	2,4-dimethyl phenol	PCB-1260
bis (chloromethyl) ether	di-n-butyl phthalate	pentachlorophenol
bis (2-ethylhexyl) phthalate	di-n-octyl phthalate	phenanthrene
bromodichloromethane	4,6-dinitro-o-cresol	phenol
bromoform	2,4-dinitrophenol	pyrene
bromomethane	2,4-dinitrotoluene	2,3,7,8--tetrachlorodibenzo- p-dioxin
4-bromophenyl phenyl ether	2,6-dinitrotoluene	1,1,2,2-tetrachloroethane
butylbenzyl phthalate	1,2-diphenylhydrazine	tetrachloroethylene
carbon tetrachloride	a-endosulfan (alpha)	toluene
chlordane	b-endosulfan (beta)	toxaphene
4-chloro-3-methylphenol	endosulfane sulfate	1,2, 4-trichlorobenzene
chlorobenzene	endrin	1,1, 1-trichloroethane
chloroethane	endrin aldehyde	1,1 2-trichloroethane
2-chloroethyl vinyl ether	ethylbenzene	trichloroethylene
chloroform	fluoranthene	2,,4, 6-trichlorophenol
chloromethane	fluorene	vinyl chloride
2-chloronaphthalene	heptachlor	
2-chlorophenol	heptachlor epoxide	
4-chlorophenyl phenyl ether	hexachlorobenzene	

*User or industrial user* shall mean any person who contributes, causes or permits the contribution of wastewater into the city's collection and treatment facilities.

*Waste material* shall mean and includes any and all substances of liquid, solid, gaseous or radioactive nature associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of any nature.

*Wastewater strength* shall mean the quality of wastewater discharged as measured by its concentration, including its constituents and characteristics.

*Wastewater system* shall mean and includes intercepting sewers, wastewater treatment works, sanitary sewer collection facilities that discharge to a POTW, industrial brine collection facilities that are regulated by a separate NPDES, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City for residential and nonresidential wastewater disposal purposes.

*Wastewater* shall mean all residential and nonresidential material and waters, whether treated or untreated, discharged into or permitted to enter the wastewater collection system.

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**Sec. 22-2. Sewer connection required.**

The plumbing and drainage system of every building constructed or reconstructed shall be connected to a public sewer, unless waived by the city engineer.

**Sec. 22-3. Buildings to have sanitary facilities.**

Every building shall have the sinks, water closets and other sanitary fixtures and facilities required by the plumbing regulations of the City.

**Sec. 22-4. Sanitary toilets permitted in lieu of connection to public sewer or subsurface disposal system.**

For the temporary occupancy of buildings in isolated areas remote from any public highway, the director of public health of the county may authorize the construction and use of an approved type sanitary toilet in lieu of connection to a public sewer or to a subsurface disposal system installed in accordance with the provisions of this article.

**Sec. 22-5. Sewer service outside City limits authorized.**

Property outside the boundaries of the City may be connected to the City sewerage system if the city council finds there is sufficient capacity to serve such property and it appears to be in the best interests of the City to supply such service. Such sewer service shall be temporary and subject to cancellation upon reasonable notice.

**Sec. 22-6. Planting of trees or vegetation that may adversely impact sewers prohibited.**

No person shall plant or set out to be planted any tree or other vegetation within twenty (20) feet of any public or private sewer within the corporate limits of the City that may adversely impact the function of said sewer.

**Sec. 22-7. Removal of trees or vegetation near sewers upon notice.**

Any person owning or having the control of any property in the City upon which trees, or vegetation, are growing within twenty (20) feet of any public or private sewer

and adversely impacting said sewer shall remove the same within ten (10) days after being notified by an authorized City representative to remove the same.

**Sec. 22-8. Improper disposal of sewage unlawful.**

It is unlawful for any person to cause, suffer or permit the disposal of sewage, human excrement or other liquid wastes in any place or manner except through and by means of an approved plumbing and drainage system or an approved sewage disposal system installed and maintained in accordance with the provisions of Article IX of Chapter 6 and this Chapter.

**Sec. 22-9. Surcharges prohibited; regulation by City Council.**

(a) No person who provides sewer and disposal service to users who are tenants of a mobilehome park, apartment building or similar residential complex shall impose any charge or surcharge upon such users which exceeds the rate set by the City which would be applicable, if the user was receiving such services directly except as approved by application to the City and upon such conditions as the city council by resolution shall establish.

(b) Any such additional rate, charge or surcharge approved by the city council shall be reasonably related to the average cost of providing any additional service, which shall not exceed the cost which the City would have incurred in providing comparable services directly to the users of such services.

**Sec. 22-10. Enforcement authority.**

(a) The City and the Director or designee can exercise any enforcement powers as provided in this Chapter, as may be necessary to effectively implement and enforce this Chapter.

(b) In addition to the general enforcement powers provided in this Chapter, the City and Director or designee shall exercise any of the following supplemental enforcement powers as may be necessary under the circumstances:

(1) Sampling authority. During any inspection, the Director or designee shall take samples deemed necessary in order to implement and enforce the provisions of this Chapter. This may include the installation of sampling and metering devices on private property, or requiring the person owning or occupying the premises to supply samples to the control authority and have them analyzed at the owner's or occupants expense.

(2) Clean and abate. The Director or designee may require any person owning or occupying a premises to clean up or remove any material that could create a potential hazard which may result in a violation of this Chapter.



(3) Monitoring and mitigation. The Director or designee shall require reasonable monitoring of discharges from any premises to the storm water conveyance system or sewage system and shall have authority to order the mitigation of circumstances which may result in illegal discharges to the maximum extent practicable.

(4) Storm water pollution prevention plan. The Director or designee shall have the authority to require any business to establish, adopt and implement elements of a storm water pollution prevention plan pursuant to Municipal Code section 22-26(a), as may be necessary to fulfill the purposes of this Chapter.

(5) Employee training program. The Director or designee shall have the authority to require any business to establish the elements of an employee training program, as may be necessary to fulfill the purposes of this article, where such a program has been required as an element of a storm water pollution prevention plan.

(6) Best management practices. The Director or designee shall require the establishment of best management practices for any premises pursuant to Municipal Code section 22-26(e).

(7) Reports. The Director or designee shall have the authority to require any person or entity owning a premises to submit a report to the City confirming their compliance with this Chapter.

#### **Sec. 22-11. Enforcement and remedies.**

(a) It shall be unlawful for any person, or entity to violate any provision of this Chapter. Any violation any of this Chapter shall be a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a period of not exceeding one (1) year, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) The violation of any provision of this Chapter, any standard adopted by this Chapter, or any permit or permit condition issued under this Chapter is hereby declared a public nuisance, and shall be abated by any means available under the law. The City may also pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this Chapter. The City may pursue any of the following alternative remedies against any person, or entity who violates the provisions of this Chapter:

(1) Repair of damage to facilities. When a discharge to a storm water conveyance system or a prohibited discharge to the sewage system, causes an obstruction, damage, or other impairment to the storm water conveyance system or the sewage system, any person or entity causing such obstruction, damage, or impairment shall be liable for the work required to clean or repair the system.

(2) Injunction. Whenever a discharge to a storm water conveyance system or a prohibited discharge to the sewage system is in violation of this Chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the City may petition the superior court for the issuance of injunctive relief as may be appropriate, preventing the continuance of such discharge.

(3) Reimbursement. Whenever the City is assessed any fine, fee, or penalty as a result of a discharge to a storm water conveyance system or a prohibited discharge to the sewage system in violation of this Chapter, the City may seek reimbursement of such fine, fee, or penalty from the discharger.

(4) Cost recovery. Whenever the City incurs any costs or expenses abating any discharge in violation of any provision of this Chapter, the City may seek reimbursement of such costs from the person, or entity causing such violation. Any such expense shall constitute a debt owed to the City, and shall include both the direct and indirect costs involved in the abatement of the illicit discharge and in collecting such reimbursement.

(5) Stop Work Notice. Whenever any violation of this Chapter exists, a stop work notice may be issued and all regular work on a project must cease until the required remedies are implemented.

(6) Administrative Citation. Any person violating this Chapter may be issued an administrative citation, as provided in Chapter 1A, Administrative Remedies of this Code. Failure to satisfactorily respond to a written notice of violation within the time frame specified by the Director or a duly authorized designee can result in the issuance of an administrative citation. Each and every day a violation of any provision of this Chapter constitutes a separate and distinct offense. In accordance with the fees set by the City, a graduated schedule of administrative fines will be used to assess the first and any successive violations.

(7) Ten thousand dollar (\$10,000.00) per day penalty. Any person who violates any order issued by the Director or any provision of this Chapter, shall be liable civilly to the City in a sum not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs. The City Attorney shall have authority to petition the superior court to impose, assess and recover any such sums.

(8) Termination of Service. The City may terminate or cause to be terminated wastewater treatment or water service to any premises if a violation of any provision of this Chapter pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this Chapter. This provision is in addition to other statutes, rules or regulations authorizing termination of service.

**Sec. 22-12. Remedies not exclusive.**

Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

**Secs. 22-13—22-18. Reserved.**

SECTION 3. Escondido Municipal Code Chapter 22, Article 3 is hereby amended in its entirety to read as follows:

**ARTICLE 3. HARMFUL WATERS AND WASTES**

**Note: \*State law reference**—Water quality, generally, Water Code, § 13000 et seq.

**Sec. 22-33. Article not to prevent special arrangements to treat industrial wastes.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the City for treatment, except subject to the City's prior written consent, with conditions and payment required from the industrial concern.

**Sec. 22-34. Discharge of unpolluted waters in sanitary sewer prohibited.**

Unless otherwise provided, no person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial- process waters into any sanitary sewer.

**Sec. 22-35. When discharge of industrial cooling, process waters in sewers, natural outlets permitted.**

Industrial cooling water or unpolluted process waters may be discharged only after prior written approval from the Director, into a stormwater conveyance system, sanitary sewer or natural outlet.

**Sec. 22-36. Where to discharge unpolluted drainage.**

Stormwater and all other unpolluted drainage shall be discharged to such systems as are specifically designated as stormwater conveyance system or to a natural outlet approved by the Director.

**Sec. 22-37. Specific discharges prohibited.**

(a) No person shall enter, obstruct, uncover or tamper with any portion of the public sewer, or connect to it, or dispose anything into any sewer and/or sewer manhole without the written permission of the Director.

(b) No person shall remove or demolish any building or structures with plumbing fixtures connected directly or indirectly to the public sewer without first notifying the Director of such intention. All openings in or leading to the public sewer line or lines caused by such work shall be sealed watertight and inspected by the Director before being backfilled.

(c) No person shall fill or backfill over, or cause to cover, or obstruct access to, any sewer manhole.

(d) No person shall erect any improvements, structures, or buildings over public sewers without the written permission of the Director.

(e) Except as otherwise provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into a public sewer:

(1) Any liquid or vapor having a temperature higher than one hundred and four (104) degrees Fahrenheit.

(2) Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.

(3) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that singly or in combination/interaction with other materials, would cause or tend to cause flammable or explosive conditions to result in the sewage system.

(4) Any garbage that has not been shredded to a maximum size of three-eighths (3/8) inches.

(5) 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 sewage system.

(6) Any waters or wastes 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 and personnel of the sewage works.

(7) Any waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with

wastewater treatment processes, cause a public nuisance or cause any hazardous condition to occur in sewage system.

(8) Any waters or waste containing biochemical oxygen demand (BOD) or suspended solids (TSS) of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant. Normal strength wastes are considered to be 300 milligram per liter (mg/l) of BOD and 300 milligram per liter (mg/l) of TSS.

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(10) Petroleum oil, nonbiodegradable cutting oils, or products of mineral oil in amounts the will cause interference or pass through.

(11) Any waste containing substances that may precipitate, solidify or become viscous at temperatures between fifty (50) and one hundred (100) degrees Fahrenheit.

(12) Wastewater which imparts color that cannot be removed through the treatment process, such as, but not limited to, dye wastes, color pigments and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.

(13) Any wastes containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic or any other objectionable materials toxic to humans, animals, the local environment or to biological or other waste water treatment processes.

(14) Any rainwater, storm water, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or similar sources of water.

(15) Any water added for the purpose of diluting wastes as a partial or complete substitute for adequate treatment to achieve compliance with this chapter;

(16) Any material requiring an excessive quantity of chlorine or other chemical compound used for disinfecting purposes.

(17) Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds.

(18) Any enzymes, microbes or like product that has been added to a waste stream that have not been approved by the Director or designee.

(19) Any discharge containing radioactive waste, infectious/biological waste, recognizable portions of human or animal anatomy, sharps.

**Sec. 22-38. Interceptors, grease traps, clarifiers and sand oil separators required; type, construction, location.**

(a) Interceptors, grease traps, clarifiers and sand oil separators shall be provided in all cases required by published building codes, unless in the sole and absolute opinion of the Director or a designee in writing that they are not necessary for the proper handling of liquid wastes containing grease or other potential hazardous wastes in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Living quarters or dwelling unit(s) with a commercial kitchen must have F.O.G. removal equipment.

(b) Where installed, all interceptors, grease traps, clarifiers and sand oil separators shall be of a type and capacity approved by the Director or designee, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors, grease traps, clarifiers and sand oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. All grease traps, clarifiers and sand oil separators shall be of substantial construction, watertight and equipped with easily removable covers. All covers must be load rated to withstand vehicle traffic. All grade rings/risers must have a water tight seal and have a concrete collar or like material. All baffle walls must be easily visible for inspection purposes. When needed for maintenance, the owner must install clean outs for maintenance and inspection purposes at his/her cost. Each separate chamber of the grease interceptor must have a manhole lid to access, inspect and maintain all of the internal plumbing. All interceptors, grease traps, sand oil separators, and clarifiers must have an approved sample tee, or sample box installed on the effluent discharge line. The sample tee or box shall be installed on any equipment that does not currently have an approved sample point, at the discretion of the Director or designee to ensure compliance with local discharge limits set forth by this Chapter. The sample point shall be installed at the business owner's expense, and be approved by the pretreatment department and building department prior to installation.

**Sec. 22-39. Same—Maintenance.**

Where installed, all interceptors, grease traps, clarifiers and sand oil separators shall be maintained by the owner at his/her expense in continuously efficient operation at all times. Frequency of maintenance will be subject to the authority of source control inspectors to assure compliance with discharge limitations and best management practices.

**Sec. 22-40. Preliminary treatment of water, waste prior to discharge into sewers.**

The admission into the public sewers of any water or waste having (a) a five-day B.O.D. greater than five hundred (500) milligram per liter (mg/l), or (b) containing more than five hundred (500) milligram per liter (mg/l) of suspended solids, or (c) containing any quantity of substances having the characteristics described in section 22-37, or (d) having an average daily flow greater than two (2) per cent of the average daily sewage

flow of the City shall be subject to review and approval of the Director. Where necessary in the opinion of the Director, the owner shall provide at his expense such preliminary treatment as may be necessary to (a) reduce the B.O.D. to five hundred (500) milligram per liter (mg/l) and the suspended solids to five hundred (500) milligram per liter (mg/l), or (b) reduce objectionable characteristic or constituents to within the maximum limits provided for in section 22-37, or (c) control the quantities and rates or 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 Director, and no construction of such facilities shall be commenced until said approval is obtained in writing.

**Sec. 22-41. Maintenance of preliminary treatment facilities.**

Where preliminary treatment facilities such as grease traps, interceptors, clarifiers and other City approved pretreatment equipment are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. Broken, deteriorating or undersized equipment will require repair or replacement by the owner at his or her expense. No modifications or removal of equipment shall be performed without written consent and approval from the City.

**Sec. 22-42. Measurements, tests, analyses of waters, wastes.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in sections 22-37 through 22-40 shall be determined in accordance with 40CFR Part 136 or the latest approved edition of "Standard Methods for the Examination of Water and Wastewater" and shall be determined at the control manhole provided for in section 22-42, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole will be a sample port on the downstream side of the interceptor, grease trap, clarified, or sand oil separator. The sample port will be installed by the owner of the facility at the owner's expense. The location of the sample port must be approved by the Director or designee.

**Secs. 22-43—22-53. Reserved.**

SECTION 4. Escondido Municipal Code Chapter 22, Article 4 is hereby amended in its entirety to read as follows:

**ARTICLE 4. SEWER SERVICE CHARGES**

**Sec. 22-54. "Wastewater Enterprise Fund" created.**

There is created a "Wastewater Enterprise Fund."

**Sec. 22-55. Billing, payment procedures generally.**

(a) Except as provided in subsection (b) of this section:

(1) The sewer service charge shall be billed to the owner or occupant of the premises on the same bill on which the City water service charge is billed.

(2) The sewer service charge shall be due and payable at the time and in the manner provided by the City for the payment of water bills.

(3) Such combined bill for water service and for the sewer service charge shall be paid in its entirety and may not be severed for the separate payment of either portion thereof.

(b) When the premises receive water service from a source other than the City, the sewer service charge shall be billed monthly to the owner or the account holder for the water service in a separate bill.

**Sec. 22-56. When charges begin.**

The sewer service for premises initially served shall start on the same date as water service to the premises.

**Sec. 22-57. Duty to pay.**

In addition to any and all other fees, charges or assessments provided by the City, the owner or occupant of any premises connected with the sewage system of the City shall pay a sewer service charge as required by this article.

**Sec. 22-58. Delinquent payments; penalty; remedies.**

(a) A penalty shall be added to any account in which payment in full is not received before close of business on the due date. Penalties shall be in an amount set by resolution of the City Council.

(b) In addition to the penalties imposed, any person who fails to pay a bill in full shall pay interest and collection fees in amounts set by resolution of the City Council.

(c) In no case will the due date be less than nineteen (19) days from the bill date. Water service and/or sewer service shall not be supplied again to such delinquent owner or occupant until all delinquent sewer service charges plus penalties thereon have been paid. If the sewer lateral serving the delinquent owner or occupant is disconnected by the City, sewer service shall not be supplied again to the owner or occupant until the property owner pays to the City the cost of disconnecting and reconnecting the lateral. The sewer service charge, penalties, disconnection and



reconnection charges may be collected by suit in any court of competent jurisdiction or in any other manner authorized by law.

**Sec. 22-59. Rates.**

The sewer service charge for each single-family dwelling, multiple dwellings, mobilehomes, schools, churches and other uses shall be set by resolution of the City Council from time to time.

**Secs. 22-60—22-64. Reserved.**

**Sec. 22-65. Rate for premises used for commercial and industrial purposes; method of computation.**

(a) The sewer service charge for premises used for commercial and industrial purposes shall be based on their proportionate share of capital cost recovery for treatment, land outfall and ocean outfall facilities, bond interest, operational and maintenance costs of treatment, ocean outfall and collection facilities, and infiltration/inflow expense.

(b) For industrial users with BOD above three hundred (300) mg/l, the sewer service charge shall be based on an analysis of waste water samples taken from time to time but not less often than annually and measurements of discharge into the public sewer.

(c) All other commercial and industrial users shall be charged a sewer service charge set by resolution of City Council from time to time.

(d) The sewer service charge shall also include a charge to be set by resolution of City Council from time to time for operation and maintenance of the collection system and infiltration/inflow expense.

**Sec. 22-66. Charge when service discontinued.**

The sewer service charge will remain in effect until the water service is terminated.

**Sec. 22-67. Disposition of moneys collected.**

All revenues derived from the sewer service charge shall be paid into the "Wastewater Enterprise Fund" and shall be used only for the following purposes and in the priority determined by the council from time to time:

(1) The acquisition, construction, reconstruction, maintenance and operation of sanitation or sewage facilities and to repay federal or state loans or advances made to the City for the construction or reconstruction of such facilities; provided, however,

that such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(2) Any lawful purpose authorized by resolution of the council in connection with bonds sold and issued or to be sold and issued, pursuant to the Revenue Bond Law of 1941.

(3) Any lawful purpose authorized by the council pursuant to present or future statutes of the state.

**Sec. 22-68. Rate for discharge of groundwater remediation programs.**

The sewer service charge for the discharge of groundwater into the sewerage system shall be set by resolution of city council from time to time. Any discharger of industrial wastes into the City of Escondido sewage system is required to obtain a permit from the Industrial Waste Program (Escondido Municipal Code, Chapter 22 Article 8). Groundwater may only be discharged at a specific location to be determined by the Director or designee.

**Secs. 22-69—22-78. Reserved.**

SECTION 5. Escondido Municipal Code Chapter 22, Article 5 is hereby amended in its entirety to read as follows:

**ARTICLE 5. PRIVATE SEWAGE DISPOSAL SYSTEMS**

**Sec. 22-79. Definitions.**

Refer to Sec. 22-1.

**Sec. 22-80. Use of public sanitary sewer system.**

Where a public Sanitary Sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with all of the requirements of the Department of Public Health (DPH) of the County of San Diego or other state or local agency having jurisdiction over such subject. The owner of a private sewage disposal system shall operate and maintain such system in a sanitary manner at all times at no expense to the City. At such times as a public Sanitary Sewer becomes available to a property served by a private sewage disposal system, the property owner may direct connection to the public sewer at the owner's expense. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned. The sewage system existing on the property shall be pumped and cleaned. To maintain safety, the septic tank, cesspools, or similar private sewage disposal facilities shall either be removed and backfilled with earthen material or sealed and backfilled with sand in a manner

satisfactory to the City. All applications and procedures for connection to city sewer system shall be followed as directed by the City Code.

**Sec. 22-81. Enforcement.**

It shall be the duty of the director to see that there is compliance with the terms and provisions of this article.

**Sec. 22-82. Adoption of county regulations.**

Private subsurface sewage disposal units and systems shall be designed, placed and maintained in accordance with rules and regulations adopted by the Department of Public Health (DPH) of the County of San Diego or other state or local agency having jurisdiction over such subject. Any violation of such rules and regulations shall be deemed a violation of this article and may be enforced accordingly.

**Secs. 22-83—22-149. Reserved.**

SECTION 6. Escondido Municipal Code Chapter 22, Article 6 is hereby amended in its entirety to read as follows:

**ARTICLE 6. SEWER CONNECTION FEES**

**Sec. 22-150. Purpose and intent.**

The continual increase in the development of building units in the City has created a need for the expansion of sewer service facilities. This has also created a need for additional revenues to finance such sewer facilities. Thus, it is the intent of the council that each builder of each new building unit to be constructed in the City shall, prior to the construction, pay a fee as described in this article. Further, it is the intent of the City Council that all revenue generated by the payment of said fees shall be used for the improvement and development of sewer facilities only.

**Sec. 22-151. Sewer connection fees.**

(a) Every person constructing, reconstructing, enlarging or adding to any building in the City or proposing in any manner to connect to the City's public sewer system shall pay to the City fees as set by resolution of the City Council from time to time.

(b) Any applicable sewer connection fee credit shall be determined pursuant to sections 6-442, 6-445 or 6-446.

(c) Any person who relocates an existing building which is connected to the public sewer to another location in the City shall pay all applicable sewer connection fees required by this article for the new location. If the site to which the building is

relocated has a credit available as described in sections 6-442, 6-445 or 6-446, such credit may be used to satisfy, in whole or in part, the sewer connection fee, subject to the provisions of those sections.

**Sec. 22-152. Time of payment of fees; refund authorized.**

(a) Subject to the provisions of subsection (b) of this section, the fees required under section 22-151 shall be paid upon the issuance of a building permit for the construction of any building unit, or upon the renewal or extension of any such building permit; provided, that in the event of such removal or extension credit shall be given for any fee paid pursuant to the schedule of charges in effect before the effective date of the ordinance codified in this article. No prepayment of the fees required under section 22-151 shall be allowed and no sewer connection permit shall be issued until the required fees have been paid and a building permit has been issued for the structure for which sewer service is sought.

Other than as set forth in subsection (a) of this section, any fee paid pursuant to this article shall be paid one time only.

(b) In the event no building permit, or renewal or extension thereof, is required for the property which seeks connection to the public sewer, the fees required under section 22-151 shall be paid as a condition of receiving permission to connect to the public sewer.

**Secs. 22-153—22-159. Reserved.**

SECTION 7. Escondido Municipal Code Chapter 22, Article 7 is hereby amended in its entirety to read as follows:

**ARTICLE 7. SEWER-CONNECTION LATERALS**

**Sec. 22-160. "Sewer-connection lateral" defined.**

As used in this article, "sewer-connection lateral" shall mean that portion of a sewage system in public property or in a public easement which connects any property, public or private to a public sewer. A sewer-connection lateral shall be considered to extend from the sewer main to the building or structure being served.

**Sec. 22-161. Installations, repairs, alterations, replacements prohibited; exceptions.**

No person other than the City shall install, repair, alter or replace any sewer-connection lateral within the City with the exception of:

(1) Those sewer-connection laterals which are installed, repaired, altered or replaced as a part of a contract to which the City is a party.

(2) Those sewer-connection laterals which are being constructed by a person as a part of a contract between the contractor and the owners of property to be benefited, when the contract is for the construction of sewer lines which are or are intended to become public property, and when the work is being performed under the general supervision and inspection of the City.

**Sec. 22-162. Licenses required to install, repair, alter or replace laterals.**

All persons other than the City shall be licensed by the state contractor's license board to install, repair, alter or replace sewer-connection laterals and shall have a current and valid license to do such business within the City.

**Sec. 22-163. Installations, repairs, alterations, replacements by others than City subject to regulations.**

Sewer-connection laterals which are installed, repaired, altered or replaced by any person, other than the City, as provided in section 22-161, shall conform to the requirements of the applicable sections of the standard specifications of the City for construction work in public places, the appropriate sections of the City plumbing regulations, and all other applicable codes and ordinances enforced in the City. A construction plan must be submitted and approved by the Utilities Engineer prior to any construction of sewer connection laterals.

**Sec. 22-164. Reserved.**

**Sec. 22-165. Maintenance.**

(a) Except as provided in section 22-165(e), the property owner shall be responsible for all maintenance, repair, replacement, cleaning and removal of blockages in the sewer connection lateral from the public sewer main to and including the building or other structure being serviced by such lateral.

(b) Except as provided in section 22-165(d), the property owner shall be responsible for locating, exposing and maintaining the property line cleanout for the purpose of inspection, cleaning, and removal of blockages in the sewer connection lateral.

(c) Except as provided in section 22-165(d), the property owner is responsible for all costs incurred in the cleaning, removal of the blockages, and verification of sewer connection lateral breakage or damage from the building or structure being served to the sewer main.

(d) Except when performing work by agreement or contract with the City, no person or other entity other than the City shall excavate for or otherwise expose any

portion of a sewer-connection lateral within a public right-of-way with the exception that where a property-line cleanout has been installed in public property, the cleanout cap or cover may be exposed for maintenance purposes provided that the covering materials are replaced in kind and in the same condition, or better, as existed before the excavation was made.

(e) The maintenance of the sewer lateral, up to and including the connection to the main, is the sole responsibility of the private property owner. The City may be responsible for repairs of the sewer connection lateral from the property line to the sewer main only upon proof by the property owner to the satisfaction of a qualified City wastewater maintenance employee that damage to the sewer connection lateral was the result of work performed by the City or a licensed contractor working for the City. This must be proven by video inspection from a ground level cleanout or breakout opening in the building lateral in the presence of said city employee. The City reserves the sole right to determine when and where to conduct video inspections of sewer connection laterals.

(f) When any maintenance relation violation occurs or an illegal discharge has occurred, the property owner or management company must have the sewer lateral cleaned and televised by a licensed plumber. A copy of the televising and inspection, (DVD only) must be given to the City for their review to insure the sewer lateral has been cleaned properly and there are no obstructions, damages or failure associated with that sewer lateral. After reviewing the DVD of lateral televising, the Director or designee will require that any deficiencies or necessary repairs observed on the video be made at the business/property owner's expense, within the timeframe designated by the pretreatment department. All repairs are to be made per the most recently adopted version of the Uniform Plumbing Code, all permits for the repairs are to be obtained from the City's building department prior to performance of repairs.

(g) Compliance with all applicable laws is a condition of connecting the City's wastewater system. Any violation or failure to comply with applicable regulations shall be grounds for termination of the connection.

**Sec. 22-166. Cleanouts.**

Cleanouts shall be installed in accordance with the building code of the City.

**Secs. 22-167 - 22-168. Reserved.**

SECTION 8. Escondido Municipal Code Chapter 22, Article 8 is hereby amended in its entirety to read as follows:

## **ARTICLE 8. INDUSTRIAL WASTEWATERS**

### **Sec. 22-169. Purpose.**

This article sets forth requirements for the City to comply with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations (Title 40 CFR Part 403). The purpose of this article is to prevent the introduction of pollutants that interfere with the operation of the HARRF, prevent pass through the HARRF, provide for the maximum possible beneficial public use of the City's wastewater collection system, brine, and treatment facilities through adequate regulations and permit requirements governing nonresidential discharges, to provide for equitable distribution of the city's costs, to promote reuse and recycling, and to provide procedures for complying with requirements placed upon the city by other regulator agencies.

### **Sec. 22-170. Superseding previous regulations.**

This article shall supersede all previous regulations and policies of the City governing items covered in this article.

### **Sec. 22-171. Reserved.**

### **Sec. 22-172. Industrial User(s).**

(a) Industrial users are broken down into five categories and mean the following:

**(1) Class I - Significant Industrial User (SIU's).** All industries that are currently regulated under Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40CFR chapter I subchapter N., or any industrial users that discharge an average of 25,000 gallons per day or more of process wastewater to the HARRF, designated as such by the City on the basis that has a reasonable potential for adversely affecting the HARRF's operation or for violating any pretreatment standard or requirement. All must be permitted, inspected and sampled.

**(2) Class II – Non-Categorical.** These are the non-SIU dischargers who are required to have pretreatment. Usually interceptors, grease traps, clarifiers, sand oil separators, amalgam separator, silver recovery system, and or any type of source control equipment. This classification is primarily automotive service establishments, food service establishments, and industrial and commercial facilities.

**(3) Class III – Non Permitted.** Non permitted is defined as industries that has no potential to adversely affect the wastewater treatment process and

operation at the HARRF and do not violate any pretreatment standard, prohibition or requirement of this Chapter and flow discharges are less than 25,000GPD and are not required to treat before discharging.

**(4) Class IV – Non-Significant Categorical Industrial Users.** Non-significant categorical industrial users is defined as any industrial or categorical industrial user that has a manufacturing or production process or procedure that generates wastewater and/or waste and that wastewater and/or waste is not discharged to the HARRF due to the user reclamation recycling segregation and/or off-site disposal of the wastewater or waste; or a user subject to categorical pretreatment standard (excluding sanitary non-contact cooling and boiler blow down wastewater) and has:

- (i) Consistent compliance with all applicable pretreatment categorical pretreatment standard and requirement.
- (ii) Has submitted a certification statement required by 40CFR Part 403.12(q) together with any additional information necessary to support the certification statement.
- (iii) And discharges more than 100 gallons per day of total categorical wastewater (excluding domestic waste, non-contact cooling and blowdown wastewater) or never discharged any untreated or treated concentrated process wastewater.

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

(b) Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set out in this Chapter within the time limits specified by EPA, the State or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.

(c) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestream, and such other conditions as may



be necessary to protect the POTW and determine the users' compliance with the requirements of this Chapter.

(d) The City may require any person discharging into the POTW to install and maintain on their property and at their expense a suitable storage and flow-control facility to ensure equalization of flow.

(e) All non-domestic dischargers are required to have a current business license with the City.

(f) Industrial users in significant noncompliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 302.2(l);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation(s) or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation of implementation of the local pretreatment program.

**Sec. 22-173. Prohibited discharges.**

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

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees celsius) using the test methods specified in 40 CFR 261.21;
- (b) Any toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create pass through or interference as defined by section 22-1, or create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the wastewater system;
- (c) A pH lower than 6.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system;
- (d) Any solids or viscous substance of such size or character, or in such quantity that they may cause obstruction to flow in the collection system or be detrimental to proper wastewater treatment plant operations. Any particulate material that has not been ground sufficiently to pass through a three-eighths (3/8) inch screen;
- (e) Any rainwater, storm water, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water;

- (f) Any water added for the purpose of diluting wastes as a partial or complete substitute for adequate treatment to achieve compliance with this Chapter;
- (g) Any refined petroleum products, gasoline, mercury, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, solvents, pesticides, lubricants, stripping agent and coolant;
- (h) Any dispersed petroleum or mineral based cutting oils, biodegradable oils, fats or greases in excessive concentrations that would tend to cause adverse effects on the wastewater system;
- (i) Any unreasonably large amount of suspended solids;
- (j) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (k) Any strongly odorous compounds or compounds tending to create odors;
- (l) Dissolved sulfides above a concentration of one-tenth (0.1) milligram/liter;
- (m) Any material inducing a high pH (pH greater than 10 .0) which causes incrustations, scale or precipitates on sewer walls or other adverse effects on the wastewater system;
- (n) Any substance promoting or causing the promotion of toxic gases;
- (o) Any flow having a temperature of one hundred and four (104) degrees Fahrenheit or higher;
- (p) Any material requiring an excessive quantity of chlorine or other chemical compound used for disinfecting purposes;
- (q) Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds;
- (r) Any deionized water, steam condensate, distilled water, reverse osmosis backwash or anything creating brine in amounts that the control authority deems excessive;
- (s) Any substance that may precipitate, solidify, gel, polymerize or become viscous under conditions normally found in the wastewater treatment plant effluent;

(t) Any wastewater containing pigment which is removed in the ordinary HARRF treatment process and which creates a visual contrast with the material appearance of the HARRF discharge observable at the point of HARRF discharge;

(u) Medical wastes, except as specifically authorized by the City in an individual wastewater discharge permit;

(v) Any detergents, surface-active agents or other substances in quantities sufficient to cause foaming in the wastewater system;

(w) Any radioactive wastes in excess of federal, state or county regulations;

(x) Any trucked or hauled pollutants; and

(y) Any discharge in violation of the Escondido Municipal Code.

**Sec. 22-174. Limitations on discharges.**

(a) General Limitations. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to the City wastewater system any pollutants of such character or quantity that will:

(1) Not be susceptible to treatment or interfere with the process of efficiency of the treatment system;

(2) Constitute a hazard to human or animal life, or to the stream or watercourse receiving the treatment plant effluent;

(3) Violate any federal, state or local pretreatment standards, including federal categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471;

(4) Any material or quantity of material which will cause or have the potential to cause the HARRF's effluent to exceed the concentration limits of its NPDES permit as established by the San Diego regional water quality control board, and any subsequent amendments as are duly adopted from time to time by the Regional Water Quality Control Board.

(b) City of Escondido local limits shall apply to all discharges to the City's sewage system. The local limits may be allocated among industrial user classes or individual users as uniform or non uniform concentration limits and mass loading limits. The industry being issued daily maximum concentrations may vary depending on the type of industry, flow and loading that may impact the HARRF and will be issued limits applicable to that specific industry. The following values represent the daily maximum

concentration levels limits of specific contaminants which may be present in a user's discharge to the City sewage system.

**Discharge Local Limits**

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

**Sec. 22-175. Prohibited discharge locations.**

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

(b) It is unlawful for any person to deposit or discharge into any sump which is not impermeable or into any pit or well, or onto the ground, or into any storm drain or watercourse any material which, by seeping underground or by being leached or by reacting with the soil, is detrimental to the usable underground waters and exceeds the range of the effects of ordinary nonindustrial land uses on underground waters into

which such wastes seep, or which violate any requirements of the San Diego regional water quality control board.

**Sec. 22-176. Permit requirement.**

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

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

**Sec. 22-177. Application.**

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

responsibilities of employees; and any other information the Director may deem necessary to evaluate the permit application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the discharger for revision.

(c) The Director or designee shall notify the discharger when the application is deemed to be complete.

(d) The Director or designee will approve or deny the completed application within ninety (90) days of receipt.

(e) Application signatories and certification. All wastewater permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

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

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

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

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

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

- (1) A permit application fee;

(2) Limitations on wastewater strength for the flow in each side sewer, including average and maximum concentrations of the wastewater constituents and characteristics;

(3) Limits on average and maximum rate of discharge, restriction of discharge to certain hours of the day, or requirements for flow regulation and equalization;

(4) Requirements for the installation of flow measurement or other facilities;

(5) Requirements for installation and maintenance of inspection and sampling facilities, including City access to the facilities;

(6) Specifications for monitoring programs which may include sampling locations, method of sampling, those chemical constituents to be reported upon, frequency of sampling, number, types and standards for tests;

(7) Requirements for submission of technical reports or discharge reports, and authority for the Director or designee to copy all such reports kept at the premises of the user;

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording access to the city for the purposes of inspection and copying; and/or

(9) Requirements for facilities to prevent accidental discharge or slug discharge of prohibited materials or other wastes regulated by this article.

**Sec. 22-179. Permit duration.**

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

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

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

(b) Any user desiring to make alterations of connections to the wastewater collection system, or desiring to modify its industrial plant, process or wastewater treatment facilities in a manner which would increase or decrease the flow rate or alter the quality of the wastewater discharge described in its wastewater discharge permit shall first apply for an amended permit and obtain a revised wastewater discharge



permit approved by the Director or designee prior to the commencement of any construction of new facilities or operation of modified facilities. The Director or designee shall treat this in the same manner as an original application under section 22-178 of this article.

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

**Sec. 22-181. Transfer of permit prohibited.**

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

**Sec. 22-182. Revocation of permit.**

(a) Any user, who violates the following conditions of its permit or of this article, or of applicable state and federal regulations, is subject to having its permit revoked by the Director or designee upon a minimum notice of three (3) days.

(b) Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

- (1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.

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

(a) No statement contained in this article prevents any special agreement or arrangement between the City and any industrial concern whereby a nonresidential waste of unusual strength or character may be accepted by the city for treatment.

(b) If any discharge contains or may contain constituents which cause it to fail to conform to any of the requirements set forth in section 22-175, but the Director finds that:

- (1) The discharge will not cause harm to the wastewater system nor unreasonably or inequitably burden the operations of the system; and
- (2) When considered together with similar excesses in discharges of other limited herein will not materially affect the ability of the City to meet the requirements of the regional water quality control board on the City's wastewater treatment plant effluent (NPDES permit), the Director shall grant approval for discharge to the sewer with waiver or modifications of the requirements which would not be met, and so indicate on the user's permit.

(c) The Director shall not grant a waiver of any requirement set forth by federal or state regulation.

**Sec. 22-184. Administrative authority.**

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

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

**Sec. 22-185. Pretreatment.**

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

- (1) Each establishment shall have their own separate FOG removal equipment.
- (2) Any tenant improvement, addition of fixtures or remodel of an existing facility shall require install or upgrade of F.O.G. removal equipment. F.O.G. removal equipment sizing will be determined by the most recently adopted version of the Uniform Plumbing Code by the Building Standards Commission, as well as any other requirements mandated by the pretreatment department. Any equipment added must be

approved by the pretreatment department prior to the installation of F.O.G. removal equipment. Any establishment that uses oil shall have a grease recycling container with a locking lid supplied and serviced by a certified waste hauler. Hauling and disposal manifests shall be kept on-site and readily available for inspection at all times. Falsified maintenance records shall result in an administrative citation and any other enforcement action.

- (3) Interceptors, grease traps, clarifiers and sand/oil separators shall be provided when, in the expert view of the Director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or regulated wastes, sand and other harmful or potentially harmful materials; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity as required by the most recently approved Uniform Plumbing Code (UPC) and approved by the Director or designee and located so as to be readily and easily accessible for cleaning and inspection. The requirement for installation of an interceptor, grease trap, clarifier or sand oil separator shall be indicated in the user's wastewater discharge permit. Interceptors, grease traps, clarifiers and sand oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All interceptors, grease traps, clarifiers and sand oil separators deemed necessary shall be installed and maintained at the owner's expense. Interceptors, grease traps, clarifiers and sand oil separators shall be in efficient operation at all times. Maintenance records must be current, kept onsite and available for inspection. Each individual discharger shall retain their own maintenance records for pretreatment equipment, even when there is existing communal pretreatment equipment onsite.
- (4) Any maintenance service establishment that generates automotive waste shall have a proper California Hazardous Waste Permanent ID number provided by the Department of Toxic Substances Control. All generated waste shall be disposed of properly through a licensed hauler for the automotive wastes generated onsite including, but not limited to, motor oil, oil filter, antifreeze, transmission fluid, and paint waste wet and dry. Hauling manifests shall be kept onsite and available for inspection at all times. Falsified maintenance records shall result in an administrative citation and any other enforcement action.

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

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

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

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

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

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

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

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

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;

(3) Procedures for immediately notifying the Director of any accidental or slug discharge, as required by this section; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

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

**Sec. 22-187. Discharge reports.**

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

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

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

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

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

(a) **Baseline Monitoring Reports.**

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director or designee a report which contains the information listed in paragraph (2) below. At least ninety (90) days prior to

commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director or designee a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

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

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

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

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

(E) Measurement of Pollutants.

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

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

(F) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or

additional pretreatment is required to meet the pretreatment standards and requirements;

(G) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b) of this section;

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

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

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

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

(3) The user shall submit a progress report to the Director or designee no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

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

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director or designee a report containing the information described in subsections (a)(2)(D)—(F) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of

production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 22-177(e) of this article.

(d) Periodic Compliance Reports.

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

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

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

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

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

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

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

(f) Reports of Potential Problems.



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

(2) Within five (5) days following such discharge, the user shall, unless waived by the Director or designee, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article.

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

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

(g) Reserved.

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

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

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

pollutant is not present if EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for the pollutant was used in the analysis.

(1) The reports required in paragraphs (a), (c), and (d) of this section must be based upon data obtained through sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW. Where time-proportional composite sampling or grab sampling is authorized by the POTW, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the POTW, as appropriate.

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

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

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

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

(k) Sample Collection.

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

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

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports; a minimum of four (4) individual grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist. For facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by 40CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

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

(m) Record Keeping. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Escondido, or where the user has been specifically notified of a longer retention period by the Director or designee.

(n) Significant Noncompliance. The City shall publish at any time during the previous twelve (12) months, in a newspaper(s) of general circulation that provides

meaningful public notice of the industrial users which were in significant noncompliance with applicable pretreatment standards and requirements. This procedure shall be as specified in 40 CFR Section 403.8(f)(2)(viii).

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

(p) Certification Statements

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

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

The following annual certification statement must be signed by an authorized representative. Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ (months, days, year); (a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described in Sec 22-172(4). (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and the facility never discharge more than 100 gallons of total categorical wastewater on any given day during this reporting period.

**Sec. 22-188. Monitoring and inspection facility.**

(a) The City may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be

constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

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

(1) Conduct his or her own sampling and analysis program provided he or she demonstrates to the Director or designee that he or she has the necessary qualifications and facilities to perform the work; or

(2) Engage a private laboratory, certified by the state of California Department of Public Health.

#### **Sec. 22-189. Inspection of facilities.**

(a) The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Chapter and any individual wastewater discharge permit. The City may inspect the facilities of any user to ascertain whether the purpose of this article and all requirements are being met. Persons or occupants of premises where nonresidential wastewater is discharged, have the potential of being discharged or are suspected of being discharged shall allow the City access at all times to all parts of the premises for the purposes of inspection, photographing, video recording, sampling, records examination and copying, or any other form of inspection or documentation required in the performance of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the City, the EPA or their authorized representatives will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

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

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

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

(1) Fees for wastewater discharge permit applications, including the cost of processing such applications;

(2) Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals; and

(5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines and penalties chargeable by the City. These fees may be set from time to time by resolution of the City Council.

#### **Sec. 22-190. Sampling.**

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

measurements of flow taken and reported to the City, and such sampling and measuring device shall be made accessible to the Director or designee.

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

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

**Sec. 22-191. Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Director or designee inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director or designee, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**Sec. 22-192. Enforcement.**

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

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

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

**Sec. 22-193. Appeal procedure.**

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

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

(c) The written appeal shall state all pertinent aspects of the matter and shall include the hearing record if one was requested. The City Council may amend, modify, confirm or reject any decision, judgment or finding (including waivers) of the Director provided the purpose and intent of this article is not violated.

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

The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number,



and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications shall be provided no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

**Secs. 22-195. Reserved.**

SECTION 9. Escondido Municipal Code Chapter 22, Article 9 is hereby amended in its entirety to read as follows:

**ARTICLE 9. INDUSTRIAL BRINE COLLECTION SYSTEM (ICBS)**

**Sec. 22-196. Purpose.**

The City constructed the Industrial Brine Collection System (IBCS) to allow qualified industrial dischargers to discharge certain industrial brine wastewater into the IBCS. These industrial processes create concentrated dissolved minerals and salts that naturally exist in potable water and recycled water supplies, resulting in elevated concentrations of total dissolved solids (TDS) in the discharge. Brine industrial wastewater discharged into the IBCS is not be treated by the HARRF preliminary, primary, or secondary treatment facilities. The purpose of this article is to minimize the discharge of salts to the sewer system and wastewater treatment plant. These dischargers are subject to individual NPDES permits, under regulations of the California State Water Resources Control Board.

**Sec. 22-197. Industrial brine users.**

Industrial brine users are permitted to discharge the following into the IBCS:

- (a) Brine wastewater or blowdown from evaporative cooling processes, and
- (b) Brine from reverse osmosis, water softener, and other types of water treatment processes.

**Sec. 22-198. Prohibited discharges.**

It is unlawful for any user to discharge any waste that does not meet the following criteria:

- (a) Compliance with Discharge Prohibitions of the California Ocean Plan.
- (b) Compliance with applicable Discharge Prohibitions contained in the Basin Plan.
- (c) Any flow discharge entering the IBCS must be below 104 degree Fahrenheit.

**Sec. 22-199. Limitations on discharges.**

The discharger of effluent through the IBCS shall comply with the following:

- (a) Waste management systems that discharge to the Pacific Ocean through IBCS must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.
- (b) Waste discharged to the Pacific Ocean through IBCS must be free of:
  - (1) Material that is floatable or will become floatable upon discharge;
  - (2) Settleable material or substances that may form sediments, which will degrade benthic communities or other aquatic life;
  - (3) Substances, which will accumulate to toxic levels in marine waters, sediments, or biota;
  - (4) Substances that significantly decrease the natural light to benthic communities and other marine life; and
  - (5) Materials that result in aesthetically undesirable discoloration of the ocean surface.
- (c) Waste that contains pathogenic organisms or viruses shall be discharged through the IBCS at a sufficient distance from shellfishing and water contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures shall be used that do not increase effluent toxicity and that constitute the least environmental and human hazard.
- (d) The discharge of effluent shall not result in the increase in the natural water temperature exceeding 4 °F at (a) the shoreline, (b) the surface of any ocean substrate, or (c) the ocean surface beyond 1,000 feet from the discharge system.
- (e) The discharge of effluent shall not affect the natural temperature of designated areas of special biological significance.
- (f) The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in Clean Water Act Section 13050, as a result of the treatment or discharge of wastes.

- (g) Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the San Diego Regional Water Quality Control Board.
- (h) Any material or quantity of material which will cause HARRF effluent to exceed the concentration limits of its NPDES permit as established by the San Diego Regional Water Quality Control Board, and any subsequent amendments as are duly adopted from time to time by the Regional Water Quality Control Board.

**Sec. 22-200. Required reports.**

- (a) Discharge reports. The Director or designee may require discharge reports including, but not limited to, technical reports, sampling reports, test analysis, and periodic reports of IBCS wastewater discharge.
- (b) Reports of Potential Problems. In the case of any discharge, including, but not limited to, accidental discharges, non-routine discharges, a noncustomary batch discharge, or a slug load, that may cause potential problems, the user shall immediately telephone and notify the Director or designee of the incident. This notification shall include the caller's name, phone number, location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (c) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the Director or designee within twenty-four (24) hours of becoming aware of the violation.
- (d) Certification statements. The following certification statement must be signed by an authorized representative on all reports required under this section:

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

**Sec. 22-201. Inspection of facilities.**

The City shall have the right to enter a user's facility at any time. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling. If a user has security measures which require proper identification and clearance before entry onto their facilities, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the City, the EPA or their authorized representatives will be permitted to enter, without delay.

**Sec. 22-202. Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, discharge permits and monitoring programs, and from the Director or designees inspection and sampling activities, shall be available to the public without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director or designee, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person or facility furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**Sec. 22-203. Reserved.**

SECTION 10. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 11. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 14<sup>th</sup> day of December, 2011 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, WALDRON, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: MOROSCO

APPROVED: 4/0/1



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:




MARSHA WHALEN, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, MARSHA WHALEN, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2011-18 passed at a regular meeting of the City Council of the City of Escondido held on the 14<sup>th</sup> day of December, 2011, after having been read at the regular meeting of said City Council held on the 7<sup>th</sup> day of December, 2011.



MARSHA WHALEN, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2011-18