Jurisdictional Urban Runoff Management Plan

Appendix B

Municipal Regulations
Storm Water Ordinance
WASTEWATERS, STORMWATERS, AND RELATED MATTERS

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.

**B.O.D.** (denoting biochemical oxygen demand) 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 centigrade, expressed in parts per million by weight.

**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.

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

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

**Industrial wastes** shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

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

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

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

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

**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.

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

**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.

**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 shall be 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 article.

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 mobile-home 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.

Secs. 22-10--22-18. Reserved.
ARTICLE 2.  STORMWATER MANAGEMENT AND DISCHARGE CONTROL*

Sec. 22-19.  Purpose and intent.

(a) The purposes of this article are to ensure the health, safety and general welfare of the citizens of the City of Escondido by controlling nonstormwater discharges to the stormwater conveyance system; by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of solid or liquid waste other than stormwater; and by preventing, eliminating or reducing pollutants in urban stormwater discharges to the maximum extent practicable, as defined in Section 22-20, below.

(b) The intent of this article is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act ("Clean Water Act," 33 U.S.C. Section 1251 et seq.) and San Diego Regional Water Quality Control Board Order Number 2001-01, and as renewed on January 24, 2007 as Order No. R9-2007-0001, which constitutes National Pollutant Discharge Elimination System ("NPDES") Permit No. CA0108758, as amended.

Sec. 22-20.  Definitions.

For purposes of this article:

**Basin plan** means the comprehensive water quality control plan for the San Diego Basin, adopted by the Regional Water Quality Control Board, San Diego Region in 1975, and all subsequent amendments.

**Best Management Practices (BMP)** means the schedule of activities, prohibitions of practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to waters of the United States.

**California Ocean Plan** means the Water Quality Control Plan for Ocean Waters of California, adopted by the State Water Resources Control Board in September 1991, and all subsequent amendments.

**Employee training program** means a documented employee training program which may be required to be implemented by a business pursuant to a stormwater pollution prevention plan for the purpose of educating its employees on methods of reducing discharge of pollutants to the stormwater conveyance system.


**Enforcement agency** means the City of Escondido or its authorized agents charged with ensuring compliance with this article.

**Enforcement official** means the City Manager or his or her designee or any agent of the City authorized to enforce compliance with this article.
**Illegal connection** means 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.

**Illegal discharge** means any discharge to the Stormwater Conveyance System that is not composed entirely of stormwater, or is prohibited by federal, state, or local laws, or degrades the quality of receiving waters in violation of any plan standard.

**Inland Surface Water Plan** means the California Inland Surface Waters Plan: Water Quality Control Plan for Inland Surface Waters of California adopted by the State Water Resources Control Board on April 11, 1991 and all subsequent amendments.

**Maximum Extent Practicable** ("MEP") means implementation of control measures using best management practices to effectively reduce and/or eliminate storm water pollution to a level compatible with the character or use of the land.

**Municipal Separate Storm Sewer System** (or **"MS4"**) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designated or used for collecting or conveying storm water (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly owned Treatments Works (POTW) as defined at 40 CFR 122.26.

**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.

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


**Plan standard** means any or all applicable requirements of the basin plan, the Enclosed Bays and Estuaries Plan, the Inland Surface Water Plan, and the California Ocean Plan.

**Pollutant** means 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.
**Premises** means any building, lot, parcel, land or portion of land whether improved or unimproved.

**Receiving waters** means surface bodies of water as described in Order No. 2001-01 which serve as discharge points for the stormwater conveyance system, including creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays and the Pacific Ocean.

**Stormwater** means surface runoff and drainage associated with storm events and snow melt which is free of pollutants to the maximum extent practicable.

**Stormwater conveyance system** means 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.

**Stormwater pollution prevention plan** means a document which describes, by word and illustration, the best management practices to be implemented on-site by the owner or operator of a business to eliminate or reduce to the maximum extent practicable pollutant discharges to the stormwater conveyance system.

Sec. 22-21. Construction and application.

This article shall be interpreted to assure consistency with the requirements of applicable federal and state laws, regulations, orders and permits, and with the purposes and intent of this article.

Sec. 22-22. Prohibited Discharges to Stormwater System

Except as provided in Escondido Municipal Code Section 22-23, it is unlawful for any person to discharge anything except stormwater to a stormwater conveyance system, including but not limited to:

(a) Sewage;

(b) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive service facilities;

(c) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;

(d) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning, etc.;

(e) Discharges of wash water from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, and residential areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating and drinking areas, etc.;

(f) Discharges or runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;

(g) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool filter or fountain filter backwash water;
(h) Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and

(i) Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

Sec. 22-23. Exceptions to discharge prohibitions.

The following discharges are exempt from the prohibition set forth in section 22-22:

(a) Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Division 7 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and other applicable laws and regulations;

(b) Discharges from the following activities which do not cause or contribute to the violation of any plan standard:

1. Discharges from potable water sources not subject to NPDES Permit No. CAG679001, unless from a water main break;

2. Diverted stream flows;

3. Landscape irrigation;

4. Lawn watering;

5. Rising ground waters or springs;

6. Uncontaminated pumped ground water;

7. Uncontaminated ground water infiltration [as defined in 40 CFR 35.2005(20), as amended] to MS4s;

8. Foundation drains;

9. Water from crawl space pumps;

10. Air conditioning condensation;

11. Noncommercial washing of vehicles in residential zones;

12. Flows from riparian habitats and wetlands;

13. Dechlorinated swimming pool discharges;

14. Footing drains;

15. Water line flushing; and

16. Flows from emergency fire fighting.
(c) Any discharge which the enforcement official, the local health officer or the Regional Water Quality Control Board determines in writing are necessary for the protection of the public health and safety;

(d) Notwithstanding the exemptions provided by Municipal Code section 22-23(a) and (b), if the Regional Water Quality Control Board or the enforcement official determines that any of these otherwise exempt discharges cause or significantly contribute to violations of any plan standard, or convey significant quantities of pollutants to surface waters, or are a danger to public health or safety, such discharges shall be prohibited from entering the stormwater conveyance system.

Sec. 22-24. Discharge in violation of permit.

It is unlawful for any person to cause either individually or jointly any discharge to the stormwater conveyance system which results in or contributes to a violation of Order R9-2007-0001.

Sec. 22-25. Illegal connection prohibited.

It is unlawful for any person to establish, use, or maintain any illegal connection to the stormwater conveyance system. This section expressly supersedes any City permit or earlier authorization for said discharge, but is subject to the exceptive provisions of Escondido Municipal Code section 22-23, above.

Sec. 22-26. Reduction of pollutants in stormwater.

Any person engaged in activities which may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake all measures to reduce the risk of non-stormwater or pollutant discharges. At the discretion of the enforcement official, the following requirements shall be applied to any persons engaged in such activities:

(a) Stormwater pollution prevention plan. The enforcement official shall require any business in the City of Escondido that is engaged in activities which may result in pollutant discharges to develop and implement a stormwater pollution prevention plan, which must include an employee training program. Business activities which shall require a stormwater pollution prevention plan include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures, which are carried out partially or wholly out of doors.

(b) Parking lots and impervious surface. Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall clean those structures frequently and thoroughly to prevent the discharge of pollutants to the stormwater conveyance system to the maximum extent practicable. Sweepings or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any gutter or roadway.

(c) New developments and redevelopments. Any person performing construction work in the City of Escondido shall, to the maximum extent practicable, prevent pollutants from entering the stormwater conveyance system by complying with all applicable local ordinances, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of any General Construction NPDES permit issued by the State Water Resources Control Board. The enforcement official shall establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be reasonably necessary to minimize the discharge and transport of pollutants.
(d) Compliance with general permits. Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general Stormwater NPDES Permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the San Diego Regional Water Quality Control Board, shall comply with all requirements of such permit, which may include the General Industrial Stormwater Permit, the General Construction Activity Stormwater Permit, and/or the General Dewatering Permit.

(e) Compliance with best management practices. Every person undertaking any activity or use of a premises which may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall comply with best management practices guidelines or pollution control requirements as may be reasonably established by the enforcement official.

Sec. 22-27. Containment and notification of spills.

Any person owning or occupying a premises who has knowledge of any release of pollutants or nonstormwater from those premises which might enter the stormwater conveyance system shall immediately take all reasonable action to contain the release and minimize any nonstormwater discharge. Such person shall notify the enforcement agency as soon as practical.

Sec. 22-28. Stormwater conveyance system protection.

Every person owning or occupying property through which a natural watercourse of a stormwater conveyance system passes shall:

(a) Keep and maintain that part of the watercourse within the property free of trash, debris and other obstacles which would pollute, contaminate, or retard the flow of water through the stormwater conveyance system; and

(b) Maintain existing structures within or adjacent to such a watercourse so that those structures will not become a hazard to the use, function, or physical integrity of the stormwater conveyance system; and

(c) Not remove healthy bank vegetation beyond that necessary for maintenance, nor remove vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

Sec. 22-29. Enforcement authority.

(a) The enforcement agency and enforcement official can exercise any enforcement powers as provided in this ordinance, as may be necessary to effectively implement and enforce this article.

(b) In addition to the general enforcement powers provided in this ordinance, the enforcement agency and enforcement official shall exercise any of the following supplemental enforcement powers as may be necessary under the circumstances:

(1) Sampling authority. During any inspection, the enforcement official shall take samples deemed necessary in order to implement and enforce the provisions of this article. 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.
Clean and abate. The enforcement official 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 stormwater violation.

Monitoring and mitigation. The enforcement official shall require reasonable monitoring of discharges from any premises to the stormwater conveyance system and shall have authority to order the mitigation of circumstances which may result in illegal discharges to the maximum extent practicable.

Stormwater pollution prevention plan. The enforcement official shall have the authority to require any business to establish, adopt and implement elements of a stormwater pollution prevention plan pursuant to Municipal Code section 22-26(a), as may be necessary to fulfill the purposes of this article.

Employee training program. The enforcement official 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 stormwater pollution prevention plan.

Best management practices. The enforcement official shall require the establishment of best management practices for any premises pursuant to Municipal Code Section 22-26(e).

Sec. 22-30. Enforcement remedies.

It shall be unlawful for any person, corporation or association to violate the provisions and requirements of this Article. Any person violating any of the provisions of this Article shall be deemed guilty of 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. The City may also pursue any of the following alternative civil remedies against any person, corporation or association who violates the provisions of this article:

(a) Repair of damage to facilities. When the discharge of nonstormwater to a stormwater conveyance system causes an obstruction, damage, or other impairment to the stormwater conveyance system, the enforcement official may assess a charge against the discharger for the work required to clean or repair the system.

(b) Injunction. Whenever a discharge of nonstormwater to a stormwater conveyance system is in violation of this Article 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 a preliminary injunction, to be followed by a permanent injunction, as may be appropriate, restraining the continuance of such discharge.

(c) Reimbursement. Whenever the City is assessed any fine, fee, or penalty as a result of the discharge of nonstormwater to a stormwater conveyance system, the City may seek reimbursement of such fine, fee, or penalty from the discharger.

(d) Cost recovery. Whenever the City incurs any costs or expenses abating an illicit discharge under this Article, the City may seek reimbursement of such costs from the person, corporation, or association discharging into the municipal stormwater system. The enforcement official may send a
bill to the responsible party. Any such expense shall constitute a debt owed to the City. Each bill shall include both the direct and indirect costs involved in the abatement of the illicit discharge and in administering the billing procedure. The bill shall describe the basis of the amount billed and other relevant information. The bill shall also specify a date by which the bill is to be paid which date shall be not less than ten (10) business days after the bill is mailed. (Ord. No. 2001-22, § 3, 8-22-01)

(e) Stop Work Notice. Whenever the City cannot obtain compliance within the timeframe specified by the enforcement official, a stop work notice can be issued and all regular work on the project will cease until the required remedies are implemented.

(f) Administrative Citation. Any person violating stormwater regulations 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 enforcement official can result in the issuance of an administrative citation. Each and every day a violation of any provision of these stormwater regulations 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.

Sec. 22-31. Remedies not exclusive.

Remedies under this article 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.

Sec. 22-32. [Reserved.]
ARTICLE 3. HARMFUL WATERS AND WASTES*

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 ar-
angement 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 con-
sent, 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, sur-
face water, ground water, roof runoff, subsurface drainage, cooling water or industrial- process wa-
ters into any sanitary sewer.

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

Industrial cooling water or unpolluted process waters may be discharged only after prior written ap-
proval from the City’s Director of Utilities, into a storm sewer, sanitary sewer or natural outlet.

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

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically
designated as storm sewers or to a natural outlet approved by the City’s Director of Utilities.

Sec. 22-37. Specific discharges prohibited.

Except as otherwise provided, no person shall discharge or cause to be discharged any of the follow-
ing described waters or wastes into a public sewer:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahr-
enheit.

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

(c) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause
or tend to cause flammable or explosive conditions to result in the sewerage system.

(d) Any garbage that has not been shredded to a maximum size of 3/8 inches.

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

(f) Any waters or wastes having a pH lower than 5.0 or higher than 9.0, or having any other cor-
rrosive property capable of causing damage or hazard to structures, equipment and personnel of the
sewage works.

(g) 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 sewerage system.

(h) Any waters or waste containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

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

(j) Any nonbiodegradable cutting oils, commonly called soluble oil, which form persistent water emulsion, or any excessive concentrations of nonbiodegradable oil, petroleum oil or refined petroleum products, or any dispersed biodegradable oils and fats, such as lard, tallow or vegetable oil in excessive concentrations that would tend to cause adverse effects on the sewerage system.

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

(l) Any waste producing excessive discoloration of wastewater or treatment plant effluent.

(m) 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.

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 opinion of the Director of Utilities or designee, 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. Such interceptors shall not be required for private living quarters or dwelling units.

(b) Where installed, all interceptors, grease traps, clarifiers and sand oil separators shall be of a type and capacity approved by the Director of Utilities 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.

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.

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) parts per million by weight, or (b) containing more than five hundred (500) parts per million by weight 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 City’s Director of Utilities. Where necessary in the opinion of the City’s Director of Utilities, 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) parts per million and the suspended solids to five hundred (500) parts per million by weight, 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 City’s Director of Utilities, 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 are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. Broken, deteriorating or undersized equipment will require repair or replacement by the owner at his expense. No modifications or removal of equipment shall be performed without 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 the latest 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 may be considered to be the interceptor, grease trap, clarifier, sand oil separator or the nearest downstream manhole in the public sewer to the point at which the building is connected.

Secs. 22-43--22-53. Reserved.
ARTICLE 4. SEWER SERVICE CHARGES

Sec. 22-54. “Sewer Revenue Fund” created.

There is hereby created a “Sewer Revenue Fund.”

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

(a) Except as provided in subparagraph (b),

(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.

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 or SS 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 “Sewer Revenue 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 sewerage 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 sewerage system is required to obtain a permit from the Industrial Waste Program (Escon-
dido Municipal Code, Chapter 22 Article 8). Groundwater may only be discharged at a specific location to be determined by the City’s Director of Utilities or designee.

Secs. 22-69--22-78. Reserved.
ARTICLE 5. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 22-79. Definitions.

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

Approved or approval shall mean the approval of the Director of Utilities, 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.

Building shall include all structures.

Department shall mean the Department of Public Health of the County of San Diego.

Director shall mean the director of public health of the county or a representative designated by him.

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.

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.

Sec. 22-80. Violations a misdemeanor.

Any person who violates, omits, neglects or refuses to comply with any of the provisions of this article, or who maintains in service any plumbing system or any septic tank, settling tank, cesspool or other subsurface sewage disposal unit or system installed, constructed, reconstructed or altered in violation of this article shall be deemed guilty of a misdemeanor.

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 health services 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.
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 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 and every person owning a building which previously participated in a private sewer facility shall pay to the City fees as set by resolution of the City Council from time to time.

(b)  When an existing building which is connected to the public sewer is wholly or partially demolished or remodeled, any person constructing a new, or partially new, building or remodeling an existing building on the same site shall receive a credit (computed in equivalent dwelling units) for the previous level of service. Such credit shall apply only to the property on which the original building was located and shall be used only to satisfy, in whole or in part, the number of sewer connections required for the new or remodeled building. [Such credit shall expire five (5) years after the date the existing building disconnects from the public sewer.] Ask Jeff for final input.

(c)  Any person who relocates an existing building which is connected to the public sewer to another location in the City shall pay sewer connection fees required by this article when such building connects to public sewer. If the site to which the building is relocated has a credit available from previous sewer service, such credit may be used to satisfy, in whole or in part, such sewer connection fee.

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 above, 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.
Sec. 22-153. Reserved.

Editor's note--Ord. No. 81-87, § 2, adopted Dec. 9, 1981, repealed § 22-153, providing that the provisions of Art. 6 would become effective on Jan. 1, 1976. Said section was derived from Ord. No. 75-30, § 1, enacted July 16, 1975.

Secs. 22-154--22-159. Reserved.
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 sewerage 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 in force in the City.

Sec. 22-164. Intentionally left blank.

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 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 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 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 City may be responsible for repairs of the sewer 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 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 of 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 laterals.

Sec. 22-166. Cleanouts.

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

Secs. 22-167, 22-168. Reserved.
ARTICLE 8.

INDUSTRIAL WASTEWATERS

Sec. 22-169. Purpose.

The purpose of this article is to provide for the maximum possible beneficial public use of the City’s wastewater collection and treatment facilities through adequate regulations and permit requirements governing nonresidential discharges, to provide for equitable distribution of the City’s costs, 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. Specifically, the provisions of this article shall supersede that document entitled “City of Escondido Ordinance No. 89-38.”

Sec. 22-171. Definitions.

For the purposes of this article, unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

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

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

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

**Contamination** means 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.

**Director of Utilities** means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.

**Industrial brine** means 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** means 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) are broken down into five categories and mean the following:

**Class I** - Significant Industrial User (SIU’s). All industries that are currently regulated under Federal Categorical Regulations (Categorical Industrial Users or CIU’s), or who meet the definition of Significant Industrial User. All must be permitted, inspected and sampled.

**Class II** – Non-Categorical. These are the non-SIU dischargers who are required to have pretreatment. Usually interceptors, grease traps, clarifiers, sand oil separators, pH control, silver removal, etc. This classification is primarily MSE, FSE and silver generators. May or may not be permitted.

**Class III** – No Pretreatment Required. These are industries that discharge less than 25,000GPD and are not required to treat before discharging. Not permitted.

**Class IV** – Zero Discharge. These are the non-discharging, non-categorical industries. No permit required.

**Class V** – GWR. These are ground water remediation sites. The discharger meets the local limits at the end of the pipe before it discharges into the Sewage system. May or may not require pretreatment. May or may not be permitted. May or may not be charged sewer use fees.

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

**Interference** means 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.

**National Pollution Discharge Elimination System or NPDES permit** means a permit issued pursuant to Section 402 of the Clean Water Act (33 USC 1342).

**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 are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Nuisance means 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 means a discharge which exits the City into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the magnitude or duration of a violation).

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

Pollutant means any domestic, municipal, commercial, industrial or agricultural waste material discharged in water.

Pollution means 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 means 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** means 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 harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City’s wastewater system. 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** means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**Pretreatment Standards** means prohibited discharge standards, categorical pretreatment standards, and local limits.

**Public Owned Treatment Works (POTW)** means any publicly owned wastewater treatment facility meeting the definition set forth by the U.S. Environmental Protection Agency in 40 CFR 403.3.

**Receiving water quality requirements** means 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** means the waterborne wastes derived from human habitation and use of residential, business, institutional and industrial buildings or other structures.

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

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

**Significant industrial user** means:

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, or
   
   (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;

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)** means:

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

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

3. Any other discharge violation that the Director of Utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Utilities exercise of its emergency authority to halt or prevent such a discharge;

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

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

7. Failure to accurately report noncompliance; or

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

**Slug load or slug** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 22-173 of this article.

**Standard industrial classification (SIC)** means 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.

**Storm water** means any flow occurring during or following any form of natural precipitation and resulting there from.
**Suspended solids** means the concentration of nonfilterable residue determined in conformance with standard methods procedures.

**Toxic pollutant** means 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.

**User or industrial user** means any person who contributes, causes or permits the contribution of wastewater into the City’s collection and treatment facilities and is a source of indirect discharge.

**Waste material** means 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** means all residential and nonresidential material and waters, whether treated or untreated, discharged into or permitted to enter the wastewater collection system for processing in the wastewater treatment facilities of the City.

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

**Wastewater system** means and includes intercepting sewers, wastewater treatment works, sanitary sewer collection facilities that discharges to a public owned treatment works (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.

Abbreviations:


**U.S. EPA** means the United States Environmental Protection Agency. (Ord. No. 95-8, § 1, 7-12-95)

Sec. 22-173. Prohibited discharges.

No person shall, without prior approval (on a case by case basis) and a discharge permit from the control authority, discharge or deposit or cause or allow to be discharged or deposited into the City’s wastewater 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 22-172, 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 five (5.0) 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;

(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 free biodegradable or nonbiodegradable oils or greases, petroleum oil or refined petroleum products;

(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 nine (9.0)) 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) A temperature of one hundred forty (140) degrees Fahrenheit or higher. At no time shall any person discharge wastewater causing the influent wastewater at the treatment plant to exceed a temperature of one hundred four (104) degrees Fahrenheit;

(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 a 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 material producing excessive discoloration of the wastewater treatment plant effluent;

(u) Any particulate material that has not been ground sufficiently to pass through a three-eighths (3/8) inch screen;

(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 discharge in violation of the Escondido Municipal Code, including Sections 22-172, 22-173, 22-174, 22-175.

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 the City’s wastewater treatment plant 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) The following values represent the average and maximum concentration levels of specific contaminants which may be present in a user’s discharge to the City wastewater system:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Discharge Limits, mg/l</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.10</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.35</td>
</tr>
<tr>
<td>Chromium</td>
<td>2.62</td>
</tr>
<tr>
<td>Copper</td>
<td>1.05</td>
</tr>
<tr>
<td>Lead</td>
<td>2.89</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.80</td>
</tr>
<tr>
<td>Nickel</td>
<td>1.75</td>
</tr>
<tr>
<td>Silver</td>
<td>0.21</td>
</tr>
<tr>
<td>Zinc</td>
<td>2.63</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.07</td>
</tr>
<tr>
<td>Phenols</td>
<td>10.0</td>
</tr>
<tr>
<td>Pesticides and PCBs</td>
<td>0.05</td>
</tr>
</tbody>
</table>
Total toxic organics | 2.13
Fluoride | 1.02
pH | 5.0 minimum—10.5 maximum
Radioactivity | Current State of California Standards

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 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 and is designated as a significant industrial user (SIU);

(c) Any other users determined by the Director of Utilities 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 II, Class III, Class IV, and Class V dischargers are required to obtain a sewer use permit from the City prior to initiating discharge.

(f) The Director of Utilities is authorized to make the determination as to which discharge class the discharger will be assigned, and

(g) The Director of Utilities is authorized to require each discharger to submit a discharge permit application in accordance with Section 22-177.
Users for whom permits are mandatory must make application for and obtain a permit which shall govern each wastewater connection to the City’s wastewater system.

Sec. 22-177. Application.

(a) Users seeking a wastewater discharge permit shall complete and file with the Director of Utilities an application form, within thirty (30) days after the effective date of the ordinance codified in this article, and 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 type of employees; and any other information the Director of Utilities 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 of Utilities or designee shall notify the discharger when the application is deemed to be complete.

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

(e) Application Signatories and Certification. All wastewater charge 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 for knowing violations.

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.
(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 of Utilities 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;

(9) Requirements for facilities to prevent accidental 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 ninety (90) 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 of Utilities or designee prior to the commencement of any construction of new facilities or operation of modified facilities. The Director of Utilities 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 of Utilities 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 application to the Director of Utilities for a wastewater discharge permit. Likewise, applicable users with an existing wastewater discharge permit shall make application to the Director of Utilities 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 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 of Utilities.

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 of Utilities upon a minimum notice of three 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 of Utilities 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 of Utilities 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 of Utilities shall not grant waiver of any requirement set forth by federal or state regulation.

Sec. 22-184. Administrative authority.

(a) The Director of Utilities 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 of Utilities or designee may require any discharger to comply with any or all of the requirements of the following sections.

Sec. 22-185. Pretreatment.

(a) Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user’s expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this article. Any subsequent changes in the procurement facilities or method of operation shall be reported to and be acceptable to the City prior to the user’s initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the City and EPA for inspection and copying upon request, including copies of records maintained on the premises of the user.

The City shall publish annually, in the largest daily newspaper published in the POTW’s municipality, a list of the users, which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. This procedure shall be as specified in 40 CFR Section 403.8 (f) (2) (vii).

(b) Interceptors, grease traps, clarifiers and sand oil separators shall be provided when, in the expert view of the Director of Utilities, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, hazardous wastes, sand and other harmful materials; except that such interceptors shall not be required for private living quarters or dwelling units.

(c) The City may require onsite silver recovery and or mercury pretreatment at photographic or medical/dental facilities 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. The City may find it nec-
necessary to require onsite silver recovery and or mercury pretreatment at some (or all) of these non-categorical facilities.

All interceptors shall be of a type and capacity approved by the Director of Utilities 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.

Sec. 22-186. Protection from unauthorized discharges.

(a) 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 of Utilities or designee for review, and shall be approved by the Director of Utilities 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.

(b) 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.

(c) 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.

(d) In the event of any accidental discharge, a written report addressed to the Director of Utilities 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.

(e) At least once every two (2) years, the Director of Utilities or designee shall evaluate whether each significant industrial user needs an accidental discharge/sludge control plan. The Director of Utilities 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/sludge 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 Utilities 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.

Sec. 22-187. Discharge reports.

The Director of Utilities 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 of Utilities, such user may be required to supply additional information as deemed necessary.

The discharge report may include, but shall not be limited to, 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 of Utilities 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 of Utilities 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 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 of Utilities 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 subsection (i) of this section;

(iii) Sampling must be performed in accordance with procedures set out in subsection (j) of this section;

(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 (b) 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 of Utilities 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 of Utilities.

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 of Utilities 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 (b) of this article.

d) Periodic Compliance Reports.

(1) All significant industrial users shall, at a frequency determined by the director or public works or designee, but in no case less than twice 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 (b) 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 of Utilities 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 of Utilities 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 of Utilities 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 of Utilities 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 of Utilities 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 of Utilities, 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.

(g) 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 of Utilities or designee as the Director of Utilities may require.

(h) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Director of Utilities 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 of Utilities within thirty (30) days after becoming aware of the violation.

(i) 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.

(j) Sample Collection.

(1) Except as indicated by paragraph (j)(2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Utilities 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.

(k) Timing. 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.

(l) 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. 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 of Utilities.

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 own sampling and analysis program provided he demonstrates to the Director of Utilities or designee that he has the necessary qualifications and facilities to perform the work; and

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

Sec. 22-189. Inspection of facilities.

(a) 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, has the potential of being discharged or is 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 of Utilities. Where multiple discharge points to the City wastewater collection system are regulated by a wastewater discharge permit, sampling must be carried out at an acceptable location for each permitted discharge. Where certain wastes are critical, the Director of Utilities 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 of Utilities or his authorized representative.

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 of Utilities. 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 of Utilities.

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 of Utilities 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 of Utilities, 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.

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 of Utilities 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 of Utilities may require the user to submit for approval of the Director of Utilities, with such modifications as deemed necessary, a detailed time schedule of specific actions the user shall take to correct or prevent a violation of requirements.

(b) Issuance of Cease and Desist Order. When the Director of Utilities 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 of Utilities 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 of Utilities, 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 of Utilities in interpreting or implementing the provisions of this article, or any permit issued hereunder, may file with the Director of Utilities 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 of Utilities may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Director of Utilities 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 of Utilities.

(b) If the ruling made by the Director of Utilities is unsatisfactory to the user requesting reconsideration, he may, within ten (10) days after notice of the action by the Director of Utilities, 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 of Utilities provided the purpose and intent of this article is not violated.

Sec. 22-194. Criminal penalties.

Any person who violates any provision of this article, any standard, any standard adopted by this article, or any permit or permit condition issued under this article, is guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or six (6) months in the county jail, or both, for each day on which a violation occurs.

Sec. 22-195. Civil enforcement remedies and penalties.

The violation of any provision of this article, any standard adopted by this article, or any permit or permit condition issued under this article 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 article.

(a) Damage to Facilities. When the discharge of wastewater causes an obstruction, damage or other impairment to City wastewater facilities, the Director of Utilities may assess a charge against the discharger for the work required to clean or repair the facility.

(b) Ten thousand dollar per day penalty. Any person who violates any order issued by the Director of Utilities or any provision of this article, shall be liable civilly in a sum not to exceed ten thousand dollars ($10,000.00) for each day in which such violation occurs. The City attorney, upon request of the City Council, shall petition the Superior Court to impose, assess and recover such sums.

(c) Injunction. Whenever a discharge of waste-water is in violation of the provisions of this article or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, or for any violation of a pretreatment standard or requirement, the City may petition the Superior Court for the issuance of a preliminary injunction, to be followed by a permanent injunction, as may be appropriate, restraining the continuance of such discharge.
(d) 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 article 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 article. This provision is in addition to other statutes, rules or regulations authorizing termination of service.