

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 22 OF THE
MUNICIPAL CODE PERTAINING TO
WASTEWATERS, STORMWATERS, AND
RELATED MATTERS

The City Council of the City of Escondido, California, does hereby ordain as follows:

SECTION 1. The City Council makes the following findings:

- a) That the City of Escondido is subject to the requirements of National Pollutant Discharge Elimination System (NPDES) Permits for wastewater treatment and stormwater management, issued by the State of California and the San Diego Regional Water Quality Control Board.
- b) That the Escondido Municipal Code Chapter 22 pertaining to Wastewaters, Stormwaters, and Related Matters has been revised to align with the model ordinance issued by the Environmental Protection Agency, as well as to improve enforcement, implementation, interpretation, and consistency in providing protection for public health, safety, and welfare.

SECTION 2. Proper notices of a public hearing have been given and public hearings have been held before the City Council on this issue.

SECTION 3. That Chapter 22 of the Escondido Municipal Code is hereby amended as set forth in Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 4. ENVIRONMENTAL REVIEW. The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308, in that the proposed regulations will not result in any environmental impacts and ensures the City of Escondido is meeting State required standards, and the regulatory action is going to help protect the environment.

SECTION 5. SEVERABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 15th day of December, 2021 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
CAACE20782954D3
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

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

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2021-16 passed at a regular meeting of the City Council of the City of Escondido held on the 1st day of December, 2021, after having been read at the regular meeting of said City Council held on the 15th day of December, 2021.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2021-16

MUNICIPAL CODE AMENDMENT

SECTION I.

Repealing in its entirety, Chapter 22 of the Escondido Municipal Code and adopting in full new text to read as specified below.

CHAPTER 22 WASTEWATER, STORMWATER, AND RELATED MATTERS

ARTICLE 1. IN GENERAL

Sec. 22-1. Abbreviations and Definitions.

Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
COD - Chemical Oxygen Demand
BMPs – Best Management Practices
C.F.R. – Code of Federal Regulations
EPA – U.S. Environmental Protection Agency
FOG – fats, oils, and grease
gpd – gallons per day
IBCS – Industrial Brine Collection System
mg/l – milligrams per liter
MS4 - Municipal Separate Storm Sewer System
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
RWQCB - San Diego Regional Water Quality Control Board
SIC – Standard Industrial Classification
SIU – Significant Industrial User
SNC – Significant Noncompliance
SWPPP – Stormwater Pollution Prevention Plan
TDS – Total Dissolved Solids
TRC – Technical Review Criteria
TSS – Total Suspended Solids
U.S.C. – United States Code

Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the designated meanings:

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

Approval Authority shall mean the San Diego Regional Water Quality Control Board, which is the California State Water Resources Control Board that regionally governs the City's Pretreatment program.

Authorized Representative of the User shall mean the following:

(1) If the User is a corporation:

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

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the User is a federal, state, or local governmental entity or an unincorporated association: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility or unincorporated association, or their designee;

(4) The individuals described in subsections (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the entity, and the written authorization is submitted to the Director. If a written authorization submitted under this subsection is no longer accurate because the individual no longer possesses the authority described herein, a new authorization satisfying the requirements of this subsection must be submitted to the Director prior to or together with, any reports to be signed by such individual.

Automotive Service Establishment shall mean a gas station, automotive repair garage, or other facility that provides services for automobiles, trucks, vans, buses, heavy-duty construction equipment, recreational vehicles, off-road vehicles, or other self-propelled motorized vehicles or machines.

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

Beer Manufacturer shall mean a "beer manufacturer" as defined in California Business and Professions Code section 23012.

Best Management Practices (BMPs) shall mean structural or managerial practices, including schedules of activities, prohibitions of practices, and maintenance procedures to implement the prohibitions described in this chapter, including the prohibitions, standards, and requirements described in 40 C.F.R. sections 403.5(a)(1) and 403.5(b). BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, drainage from raw materials storage, or any other type of Pollution prevention, Pollution control measure, structural or management plan that may contribute to achieving compliance with this chapter.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Brandy Manufacturer shall mean a "brandy manufacturer" as defined in California Business and Professions Code section 23014.

Building Drain shall mean that part of the lowest horizontal piping of a Drainage System that receives the Discharge from waste, and other Drainage Pipes inside the walls of the building and conveys it to the Building Sewer.

Building Sewer shall mean the extension from the Building Drain to the Public Sewer or other place of disposal.

Bypass shall mean the intentional diversion of regulated wastestreams around an Industrial User's Pretreatment system.

California Ocean Plan shall mean the Water Quality Control Plan for Ocean Waters of California adopted by the State Water Resources Control Board, as amended.

Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

Categorical Pretreatment Standard or *Categorical Standard* shall mean any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that applies to a specific category of Users and that appears in 40 C.F.R. Chapter I, Subchapter N, Parts 405–471.

City shall mean the City of Escondido, a California municipal corporation and the regulated authority for the HARRF Wastewater Treatment Plant, its Director and employees.

Combined Sewer shall mean a Sewer receiving both surface runoff and Sewage.

Commercial Establishment shall mean an establishment that discharges to Sanitary Sewer used for commercial purposes such as a restaurant, bar, private office, fitness club, retail store, gas station, commercial agricultural operation, bank or other financial institution, supermarket, automobile dealership, or any other establishment with a common business area.

A nonprofit private or government entity such as a church, school, hospital, military facility, correctional institution, recreation facility or a facility owned and operated by a charitable organization is considered a Commercial Establishment.

Compliance Schedule shall mean a document issued with milestone dates agreed to by the City and the Industrial User, and enforced by the City, that represents the shortest schedule of actions to achieve compliance with Pretreatment Standards.

Composite Sample shall mean a sample collected over time, either by continuous sampling or by mixing discrete samples. A composite sample represents the average Wastewater characteristics during the compositing period.

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

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

Daily Maximum Limit shall mean the maximum allowable Discharge limit of any Pollutant during a 24-hour period. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass Discharged over the course of a 24-hour period. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken during the 24-hour period.

Dental Amalgam Separator shall mean a collection device designed to capture and remove dental amalgam from any Wastewater generated and Discharged by a dental Discharger through the practice of dentistry that may contain dental amalgam.

Director shall mean the Person designated by the City Manager to supervise the operation of the POTW or MS4, and who is charged with certain duties and responsibilities by this chapter. This term also means the Director's designee or a Duly Authorized Representative of the Director.

Director's Approval shall mean the approval of the Director as a result of investigation or tests conducted by or at the direction of the Director, or by reason of accepted principles or tests by national authorities, technical or scientific organizations, or research laboratories of recognized authority.

Discharge when used without qualification shall mean the release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semisolid, or solid substance.

Discharger shall mean a person, company, agency, or other entity engaged in activities or operations, or owning facilities or property that will or may result in Discharge into a POTW, MS4, or Wastewater System.

Distilled Spirits Manufacturer shall mean a manufacturer of distilled spirits as defined in California Business and Professions Code section 23015.

Domestic Wastewater shall mean sanitary Wastewater and Wastewater generated from household type operations.

Drainage System shall mean and include all the piping within public or private Premises that conveys Sewage or other liquid wastes to a legal point of disposal, but shall not include the mains or laterals of a Public Sewer system.

Enclosed Bays and Estuaries Plan shall mean the California Enclosed Bays and Estuaries Plan: Water Quality Control Plan for Enclosed Bays and Estuaries of California, adopted by the State Water Resources Control Board April 11, 1991, as amended.

Enforcement Response Procedures shall mean a document that describes and outlines Enforcement Response Procedures used as a general control mechanism required by 40 C.F.R. section 403.8(f)(5) to accomplish compliance and determine monetary remedies for non-compliance.

Existing Source shall mean any source of Discharge that is not a New Source.

FOG Removal Equipment shall mean and include Grease Interceptors, Grease Traps, clarifiers, sand/oil separators, and similar equipment or technology designed to reduce Discharge of FOG.

Food Service Establishment shall mean a facility engaged in preparing, handling, or selling food for consumption by the public, including but not limited to a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, or residential care facility.

Garbage shall mean solid wastes, recyclable material, organic waste, yard waste, and food waste, including those generated from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

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

Grease Interceptor or Grease Trap shall mean a device designed to intercept and retain grease and solids before they enter a Sewer system. Sizing will be determined by using the most recently adopted version of the Uniform Plumbing Code by the Building Standards Commission, as well as any other requirements the Utilities Department considers necessary.

HARRF shall mean the City of Escondido Wastewater Treatment Plant, Hale Avenue Resource Recovery Facility, located at 1521 S. Hale Ave., Escondido, CA 92029.

Illegal Connection shall mean any physical connection to a MS4 or Sanitary Sewer that has not been permitted in writing by the City or the RWQCB.

Illegal Discharge shall mean any Discharge that is prohibited by federal, state, or local law, or degrades the quality of receiving waters in violation of any Plan Standard.

Residential Vehicle Washing shall mean the noncommercial washing of vehicles in a residential zone.

Industrial Brine shall mean any Industrial Wastewater that consists exclusively of concentrated salts or dissolved minerals that are derived from water softener processes, evaporative processes, or water treatment processes.

Industrial Brine Collection System (IBCS) shall mean any system of pipelines, pressure mains, pumping stations, outfall Sewers, and appurtenances constructed and maintained by the City for the exclusive use of collecting Industrial Brine, and shall include facilities used to Bypass the City's POTW and dispose of the brine under regulations established in a NPDES Permit separate from the NPDES Permit that regulates the City's POTW.

Industrial User(s) shall mean any facility that Discharges process Wastewater, other than domestic, to the POTW for treatment.

Industrial Waste shall mean and include nondomestic liquid or semisolid wastes from any producing, manufacturing, or processing operation.

Inland Surface Water Plan shall mean 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, as amended.

Instantaneous Limits shall mean the maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete sample or Composite Sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a Discharge that, 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 RCRA; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limits shall mean the Discharge limits developed by the City to enforce the specific and general prohibitions listed in Section 307(b) of the Act and 40 C.F.R. section 403.

Medical Waste shall mean and include isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes, and as may be further defined in the California Health and Safety Code.

Municipal Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances (including roads with Drainage Systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or Storm Drains) that is:

(1) 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, Stormwater, 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 authorized Indian tribal organization, or designated and approved management agency that Discharges to waters of the United States;

(2) Designated or used for collecting or conveying Stormwater;

(3) Not a Combined Sewer; and

(4) Not part of the POTW.

National Categorical Pretreatment Standard shall mean any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act. Users must also comply with the Categorical Pretreatment Standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405–471.

NPDES Permit shall mean a permit issued by the RWQCB or the State Water Resources Control Board pursuant to Division 7 of the California Water Code to control Discharges from point sources to waters of the United States.

Natural Outlet shall mean any outlet into a Watercourse, pond, ditch, lake, or other body of surface or groundwater.

New Source shall mean:

(1) Any building, structure, facility, or installation from which there is (or may be) a Discharge of a Pollutant, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act that 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;

b. the building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of a Pollutant 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 the processes 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 has commenced if the owner or operator has:

a. begun, or caused to begin, as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment, or

(ii) significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, that 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 intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Nonstormwater Discharge shall mean all Discharges to and from a MS4 that do not originate from precipitation events and may include Illegal Discharges and NPDES Permitted Discharges.

Nuisance shall mean a Discharge of Wastewater:

(1) In violation of a City law, regulation, or order;

(2) That is or could be harmful to or unreasonably affects the Wastewater collection system and treatment facilities of the City;

(3) That impairs or unreasonably affects the operation and maintenance of such facilities;

(4) That violates quantity, quality, or flow standards adopted by the City; or

(5) That unreasonably affects the quality of the City's Treatment Plant effluent in such a manner that results in the City's inability to meet requirements for the Treatment Plant established by a federal or state law, regulation, or order.

Order shall mean RWQCB Order No. R9-2013-0001, as amended.

Pass Through shall mean a Discharge that exits the POTW into the receiving waters of the state in quantities or concentrations that, alone or in conjunction with a Discharge or Discharges from other sources, causes a violation of any requirement of an applicable NPDES Permit, including an increase in the magnitude or duration of a violation.

Peak Flow shall mean the maximum five-minute rate of Wastewater flow to be generated from the Premises as estimated by the City Engineer.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, Joint Stock Company, trust, estate, governmental entity, or any other

legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH shall mean the measure of the acidity or alkalinity of a solution, expressed in standard units.

Pigment shall mean a substance that imparts black, white, or other color to another material.

Plan Standard shall mean and include all applicable requirements of the Basin Plan, the Enclosed Bays and Estuaries Plan, the Inland Surface Water Plan, and the California Ocean Plan.

Plumbing shall mean and 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, Wastewater, or any other substance or liquid is conveyed.

Pollutant shall mean and include dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Sewage sludge, munitions, Medical Waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Waste, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon surfactants, FOG, petroleum hydrocarbons, lead, copper, chromium, cadmium, silver, nickel, cyanides, phenols, biocides, certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor), any organic or inorganic Contaminant whose presence degrades the quality of the receiving waters in violation of any Plan Standard, and any agent that may cause or contribute to the degradation of water quality such that a condition of Pollution or Contamination is created or aggravated.

Pollution shall mean an alteration of the quality of the waters of the state by a Pollutant to a degree that unreasonably affects such waters for beneficial use or facilities that serve such beneficial uses.

Premises shall mean a parcel of real property or portion thereof, including any improvements thereon, 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, the number and location of Sewer Connection Laterals, and whether the unit is being used for a single activity or, if not, the principal activity for Wastewater disposal services.

Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties to a less polluted state prior to or in lieu of Discharging or otherwise introducing such Pollutants into the POTW or receiving water of the state. The reduction or alteration can be obtained by physical, chemical, or biological processes, or through process changes or other means, except as prohibited by 40 C.F.R. section 403.6(d).

Pretreatment Requirement shall mean and include any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standard shall mean and include prohibited Discharge standards, Categorical Pretreatment Standards, and Local Limits.

Property Line Cleanout is a vertical pipe allowing access to a sewer lateral, located within 18 inches of the Public Right of Way as stated in Standard Drawing S-2-E.

Publicly Owned Treatment Works (POTW) shall mean any "treatment works" as defined by Section 212 of the Act (33 U.S.C. section 1292) that is wholly or partially owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Waste of a liquid nature and any conveyances that convey Wastewater to a Treatment Plant, including but not limited to Public Sewers, Treatment Plants, and pumping stations. For the purpose of this article, POTW shall include the Sewers within the City that convey Wastewater to the POTW that are by contract or agreement with the City considered Dischargers to the City's POTW.

Public Sewer shall mean a Sewer controlled by public authority and to which all owners of abutting properties have equal rights.

Sanitary Sewer shall mean a Sewer that carries Sewage and to which storm, surface, and ground waters and Industrial Waste are not intentionally admitted.

Sewage shall mean and include human excrement; gray water (e.g., household showers, dishwashing operations); and any combination of water-carried wastes from residences, business buildings, institutions, and industrial and Commercial Establishments.

Sewage System shall mean all facilities for collecting, pumping, treating, and disposing of Sewage.

Sewer shall mean a pipe or conduit for carrying Sewage or Stormwater.

Sewer Connection Lateral shall mean that portion of a Sewage System that connects a property, whether 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.

Significant Industrial User (SIU), except as provided in subsections (3) and (4), shall mean:

- (1) An Industrial User subject to Categorical Pretreatment Standards;
- (2) An Industrial User that:
 - a. Discharges an average of 25,000 gpd or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown Wastewater);
 - b. contributes a process wastestream that makes up 5% 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 the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement;

(3) The City may determine that an Industrial User subject to a Categorical Pretreatment Standard is a Non-Significant Categorical Industrial User rather than a SIU on a finding that the Industrial User never Discharges more than 100 gpd of total categorical Wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

a. the Industrial User, prior to the City's finding, has consistently complied with all applicable Pretreatment Standards and Pretreatment Requirements;

b. the Industrial User annually submits a certification statement that is in compliance with this chapter, together with any additional information necessary to support the certification statement; and

c. the Industrial User never Discharges any untreated concentrated Wastewater.

(4) Upon a finding that a User meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 C.F.R. section 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Slug Load or Slug Discharge shall mean any Discharge at a flow rate or concentration that could cause a violation of the prohibited Discharge standards of this chapter. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, that has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or permit conditions.

Standard Industrial Classification (SIC) shall mean classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, including any amendments thereto unless otherwise specified.

Storm Drain shall mean a Sewer that carries storm and surface waters and drainage, but excludes Sewage and Industrial Waste.

Storm Drain Inlet shall mean an opening in a Storm Drain used to collect Stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

Stormwater shall mean flow or runoff generated from any form of natural precipitation, including but not limited to stormwater runoff, surface runoff, and drainage resulting from precipitation events.

Stormwater Pollution Prevention Plan (SWPPP) shall mean a document that describes, by word and illustration, the BMPs 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 a MS4.

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

Total Suspended Solids (TSS) or Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and that is removable by laboratory filtering.

User or Industrial User shall mean any Person who causes, contributes to, or constitutes a source of direct or indirect Discharge into the City's Wastewater collection and treatment facilities.

Utility Easement shall mean any of the City's Sanitary Sewer utility easements used for the purpose of cleaning, maintaining, repairing, or replacing the Sanitary Sewer system.

Wastewater shall mean and include any liquid- and water-carried Industrial Waste and Sewage from residential dwellings, Commercial Establishments, industrial and manufacturing facilities, and institutions, whether treated or untreated, that is contributed to the POTW.

Wastewater Discharge Permit shall mean a permit issued by the City, regulating specific limitations for constituent strength and daily flow from an Industrial User's process Wastewater Discharging to the POTW.

Wastewater Strength shall mean the quality of Wastewater Discharged as measured by its concentration, including its constituents and characteristics.

Wastewater System shall mean and include intercepting Sewers, Wastewater Treatment Plants, Sanitary Sewer collection facilities that Discharge to a POTW, Industrial Brine collection facilities that are regulated by a separate NPDES, pumping stations, outfall Sewers, and appurtenances constructed, operated, and maintained by the City for residential and nonresidential Wastewater disposal purposes.

Wastewater Treatment Plant or Treatment Plant shall mean any arrangement of devices and structures used for treating Sewage, and that portion of the POTW that is designed to provide treatment of municipal Sewage and Industrial Waste.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. A Watercourse may include inlets, catch basins, or other drainage features on properties where runoff can be blocked.

Winegrower shall mean a "winegrower" as defined in California Business and Professions Code section 23013.

(Code 1957, § 8300; Ord. No. 76-13, § 1, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11; Ord. No. 2014-11, § 1, 3-19-14; Ord. No. 2015-09, § 1, 5-20-15; Ord. No. 2018-01, §§ 1, 2, 4-4-18)

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. (Code 1957, § 8411; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

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. (Code 1957, § 8411; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

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 of San Diego 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. (Code 1957, § 8418; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

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. Agreements between the City and other public agencies for the provision of Sewer service outside of the boundaries shall be approved by the City Council. Any other Sewer service outside the boundaries of the City shall be temporary and subject to cancellation upon reasonable notice. (Code 1957, § 8330; Ord. No. 76-13, § 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11; Ord. No. 2018-01, § 3, 4-4-18)

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

No Person shall plant or set out to plant any tree or other vegetation within 20 feet of any public or private Sewer within the corporate limits of the City that may adversely impact the function of such Sewer. (Code 1957, § 8321; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

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 20 feet of any public or private Sewer and adversely impacting such Sewer shall remove the trees or vegetation within 10 days after being notified by an

authorized City representative requesting such removal. (Code 1957, § 8322; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

Sec. 22-8. Improper disposal of Sewage unlawful.

A. It is unlawful for any Person to cause, suffer, or permit the disposal of Sewage or other liquid waste 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 7 of Chapter 6, Plumbing Code, and this chapter.

B. It is unlawful for any Person to establish, use, or maintain any unauthorized connection to the Sanitary Sewer system. (Code 1957 § 8412; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11; Ord. No. 2018-01, § 4, 4-4-18)

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

A. No Person who provides Sewer and disposal service to Users who are tenants of a mobilehome park, apartment building, or similar residential complex shall impose any charge or surcharge upon such Users that exceeds the applicable rate set by the City, if the User was receiving such services directly from the City, 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 and shall not exceed the cost the City would have incurred in providing comparable services directly to the Users of such services. (Ord. No. 89-39, § 1, 8-16-89; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

Sec. 22-10. Enforcement authority.

A. The City and the Director can exercise any enforcement powers as provided in this chapter that may be necessary to effectively implement and enforce this chapter.

B. In addition to the general enforcement powers provided in this chapter, the City and Director shall exercise any of the following supplemental enforcement powers as may be necessary under the circumstances:

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

(2) Clean and abate. The Director may require any Person owning or occupying a Premises to clean up or remove any material that could create a potential hazard that may result in a violation of this chapter.

(3) Monitoring and mitigation. The Director shall require reasonable monitoring of Discharges from any Premises to a MS4 or Sewage System and shall have authority to order the mitigation of circumstances that may result in Illegal Discharges to the maximum extent practicable.

(4) SWPPP. The Director shall have the authority to require any business to establish, adopt, and implement elements of a SWPPP pursuant to section 22-26(A), as may be necessary to fulfill the purposes of this chapter.

(5) Employee training program. The Director 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 chapter.

(6) BMPs. The Director shall require the establishment of BMPs for any Premises pursuant to Municipal Code section 22-26(H).

(7) Reports. The Director shall have the authority to require any Person owning a Premises to submit a report to the City confirming compliance with this chapter.

(Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11; Ord. No. 2015-09, § 2, 5-20-15)

Sec. 22-11. Enforcement and remedies.

A. Notification of Violation. When the Director finds that a User has violated, or continues to violate, any provision of this chapter, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Director may serve upon that User a written Notice of Violation. Within five days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Compliance Orders. When the Director finds that a User has violated, or continues to violate, any provision of this chapter, an individual Wastewater Discharge Permit, a general permit, an order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Director may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, any applicable service may be discontinued unless adequate Treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Pretreatment Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

C. Cease and Desist Orders. When the Director finds that a User has violated, or continues to violate, any provision of this chapter, an individual Wastewater Discharge Permit, a general permit, an order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the Discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

D. Administrative Citation. When the Director finds that a User has violated, or continues to violate, any provision of this chapter, an individual Wastewater Discharge Permit, a general permit, an order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, or that the User's past violations are likely to recur, the Director may issue an administrative citation as provided in Chapter 1A, Administrative Remedies, of this code.

E. Emergency Suspensions.

(1) The Director may immediately suspend a User's Discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened Discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, MS4, Sewage System, or IBCS, or which presents, or may present, an endangerment to the environment.

(2) Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the POTW, MS4, Sewage System, or IBCS, a receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings as prescribed in this chapter are initiated against the User.

(3) A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any hearing under section 22-193.

(4) Nothing in this section 22-11(E) shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section 22-11(E).

F. Public Nuisance. The violation of any provision of this chapter, any standard adopted by this chapter, or any permit or permit condition issued under this chapter is hereby declared a public Nuisance, and shall be abated by any means available under the law.

G. Termination of Service. In addition to any other lawful enforcement and remedial measures that may be available to the City, any User who violates one or more of the following conditions is subject to water service termination or discharge termination:

- (1) Violation of any provision of this chapter pertaining to control of Wastewater;
- (2) A Discharge of Wastewater causes or threatens to cause a condition of contamination, Pollution or Nuisance, as defined in this chapter.
- (3) Violation of one or more Wastewater Discharge Permit conditions;
- (4) Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- (5) Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;
- (6) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (7) Violation of the Pretreatment Standards described in this chapter.

H. Civil Penalties.

(1) A User who has violated, or continues to violate, any provision of this chapter, an individual Wastewater Discharge Permit, a general permit, an order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, shall be liable to the City for up to \$2,500 per day, per violation. In the case of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of the violation. The City Attorney shall have authority to petition the superior court to impose, assess, and recover any such sums.

(2) The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

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

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

I. Criminal Prosecution.

(1) A User who willfully or negligently violates any provision of this chapter, an individual Wastewater Discharge Permit, a general permit, an order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement shall, upon conviction, be guilty of a

misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for a period of not more than one year, or both.

(2) A User who willfully or negligently introduces any substance into the POTW, MS4, or other Sewage System that causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for a period of not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under federal or state law.

(3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained pursuant to this chapter or by a Wastewater Discharge Permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of at least \$1,000 per violation, per day, or imprisonment for not more than one year, or both.

(4) In the event of a second conviction, a User shall be punished by a fine of not more than \$2,000 per violation, per day, or imprisonment for not more than two years, or both.

J. Alternative Remedies. In addition to other remedies, the City may pursue any of the following alternative remedies against any User that violates the provisions of this chapter:

(1) Repair of damage to facilities. When a Discharge to a POTW, MS4, Sewage System, or IBCS, in violation of this chapter, causes an obstruction, damage, or other impairment to a MS4, the Sewage System, or the IBCS, any Person causing such obstruction, damage, or impairment shall be liable for the work required to clean or repair the system.

(2) Injunction. When a Discharge to a POTW, MS4, Sewage System, or IBCS, in violation of this chapter, causes or threatens to cause a condition of Contamination, Pollution, or Nuisance, the City may petition the Superior Court for the issuance of injunctive relief as may be appropriate, preventing the continuance of such Discharge.

(3) Reimbursement. Whenever the City is assessed any fine, fee, or penalty as a result of a Discharge to a POTW, MS4, Sewage System, or IBCS, in violation of this chapter, the City may seek reimbursement of such fine, fee, or penalty from the Discharger.

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

(Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11; Ord. No. 2015-09, § 3, 5-20-15; Ord. No. 2018-01, § 5, 4-4-18)

Sec. 22-12. Remedies not exclusive.

The remedies provided for in this chapter are not exclusive and are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's Enforcement Response Procedures. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User. (Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)

Sec. 22-13. Utility Easement for Sewer Access and Maintenance.

A. It is the responsibility of the homeowner, property owner, or property management company of the property on which a Utility Easement exists to maintain access to, and allow City personnel and their equipment to enter, the Utility Easement at all times for the purpose of cleaning, maintaining, repairing, or replacing the City's Sanitary Sewer infrastructure. The planting of trees, vegetation, placing structures, sheds, playgrounds, gardens, or other landscaping is prohibited over a Utility Easement.

B. The City has the right to remove any obstacle, barrier, or impediment that would prevent access to a Utility Easement at no cost to the City.

C. Tree branches, vegetation, or structures that encroach over a Utility Easement from adjacent properties or the property on which the Utility Easement is located must be kept to a minimum of 14 feet in height. The City has the right to trim or remove any obstacle, including vegetation or tree limbs, that encroaches over the top of the Utility Easement. Any and all Sewer access points must remain above ground, uncovered, accessible, and visible at all times to City personnel.

D. The City shall be given access, keys, or key codes for any gate that allows access to the Utility Easement.

Sec. 22-14. Confidential information.

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, Discharge permits and monitoring programs, and from the Director's 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, 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 a User furnishes a report that requests and demonstrates that information should be held confidential, the portions of a report that 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, in enforcement proceedings involving the Person or facility furnishing the report, or as otherwise required by law. Wastewater constituents, characteristics, and other "effluent data" as defined by 40 C.F.R. section 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Secs. 22-15—22-18. Reserved.

ARTICLE 2. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) MANAGEMENT AND DISCHARGE CONTROL

Note

* **Prior ordinance history:** Prior Ord. Nos. 93-30, 11-17-93 and 2000-38, 12-13-00.

Sec. 22-19. Purpose and Intent.

A. The purpose of this article is to ensure the health, safety, and general welfare of the citizens of the City by controlling non-Stormwater Discharges to a MS4; eliminating Discharges to a MS4 from spills, dumping, or disposal of solid or liquid waste other than Stormwater; and preventing, eliminating, or reducing Pollutants in urban Stormwater Discharges to the maximum extent practicable.

B. The intent of this article is to protect and enhance the water quality of Watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Act and the Order, and other water quality regulations including the Regional MS4 Permit issued by the RWQCB (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

Sec. 22-20. Right of Entry.

A. The Director shall have the right to enter the Premises of any User to determine whether the User is complying with all requirements of this chapter and any individual Wastewater Discharge Permit or order issued hereunder. Users shall allow the Director ready access to all parts of the Premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a User has security measures in force which require proper identification and clearance before entry into its Premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(3) The Director may require the User to install monitoring equipment as necessary. The sampling and monitoring equipment at the Premises shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated appropriately so as to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the Premises to be inspected or sampled shall be promptly removed by the User at the written or verbal request

of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

(5) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this chapter.

B. If the Director has been refused access to the Premises, including any building, structure, or property, or any part thereof, and are able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling procedures of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Superior Court.

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. (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

Sec. 22-22. Prohibited Discharges into a Municipal Separate Storm Sewer System (MS4).

Except as provided in section 22-23, it is unlawful for any Person to cause, either individually or jointly, any Discharge of any substance or material to a MS4 that results in or contributes to a violation of this chapter, 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 Establishments;
- C. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including but not limited to motor vehicles, cement-related equipment, and porta-potty servicing;
- D. Discharges of wash water from mobile operations, including but not limited to mobile automobile washing, steam cleaning, power washing, and carpet cleaning;
- E. Discharges of wash water from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas, including but not limited to parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating and drinking areas;
- 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 or pH levels that have not been neutralized, including but not limited to discharges of pool filter or fountain filter backwash water;

H. Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes;

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

J. Discharges of potable irrigation runoff or overspray water.

Sec. 22-23. Exceptions to Prohibited Discharges into a Municipal Separate Storm Sewer System (MS4).

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

A. Stormwater;

B. 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 NPDES Permit and other applicable laws and regulations;

C. Discharges from the following activities that are not identified by the RWQCB as a source of Pollutants to receiving waters:

(1) diverted stream flows;

(2) rising ground waters;

(3) uncontaminated groundwater infiltration to MS4s;

(4) springs;

(5) flows from riparian habitats and wetlands;

(6) potable water sources;

(7) foundation drains; and

(8) footing drains.

D. Discharges from the following activities when the controls listed below are implemented:

(1) Air conditioning condensation. Condensation Discharges should be directed to landscaped areas or other pervious surfaces;

(2) Individual Residential Vehicle Washing. Discharge of wash water should be directed to landscaped areas or other pervious surfaces when feasible. The volume of water, washing detergent, and other vehicle wash products should be minimized. Any other practices that will prevent the Discharge of Pollutants from Residential Vehicle Washing are encouraged;

(3) Dechlorinated swimming pool Discharges. Discharges from a dechlorinated swimming pool to a MS4 that are pH-neutralized and are free from residual chlorine, algaecide, filter backwash, and other Pollutants. Discharge of saline pool water to the MS4 is prohibited and must be directed to sanitary sewer, with desalination and notification to the City required prior to the discharge.

(4) Flows from emergency firefighting:

a. non-emergency firefighting Discharges must be addressed by appropriate BMPs to prevent Pollutants associated with such Discharges to enter a MS4;

b. during emergency situations, BMPs should not interfere with immediate emergency response operations or impact the public health and safety. Priority of efforts should first be directed toward life and property before the environment;

E. Any Discharge that the Director or the RWQCB determines in writing is necessary for the protection of the public health and safety;

F. Notwithstanding the exemptions provided by subsections (A) through (D), if the RWQCB or Director determines that any of these otherwise-exempt Discharges cause or significantly contribute to violations of any Plan Standard, convey significant quantities of Pollutants to surface waters, or are a danger to public health or safety, such Discharges shall be prohibited from entering a MS4. (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

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

It is unlawful for any Person to cause either individually or jointly any Discharge to the MS4 that results in or contributes to a violation of the Order. (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

Sec. 22-25. Illegal Connection prohibited.

It is unlawful for any Person to establish, use, or maintain any Illegal Connection to a MS4. This section expressly supersedes any City permit or earlier authorization for a Discharge, but is subject to the exceptive provisions of section 22-23. (Ord. No. 200-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

Sec. 22-26. Reduction of Pollutants in Stormwater.

Any Person engaged in activities that may result in Pollutants entering a MS4 shall, to the maximum extent practicable, undertake all measures to reduce the risk of non-Stormwater or Pollutant Discharges. At the discretion of the Director, the following requirements shall be applied to any Persons engaged in such activities:

A. SWPPP. The Director shall require any business in the City that is engaged in activities that may result in Pollutant Discharges to develop and implement a SWPPP, which must include an employee training program. Business activities that require a SWPPP include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures that are carried out partially or wholly outdoors.

B. Parking lots and impervious surface. Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall clean those surfaces frequently and thoroughly to prevent the Discharge of Pollutants to a MS4 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. Street parking. No Person shall stand or park any vehicle or equipment on any public street if such vehicle or equipment is determined to be leaking oils or other fluids that contribute or have the potential to contribute to a Discharge of Pollutants to a MS4 or the receiving waters.

D. Trash areas.

(1) Trash, recycling, and organic waste storage areas shall be located in a roofed, four-sided enclosure. The enclosure may not include any Storm Drain Inlets. These storage facilities must have a grade-break at the entrance or be otherwise designed to prevent liquids draining from the enclosure.

(2) Trash areas shall be kept free of debris and liquid waste at all times. Trash dumpster container lids shall remain closed when not actively in use.

(3) Properties with existing trash areas without a roofed, four-sided enclosure may be required to install such enclosure following the receipt of a Stormwater violation notice.

E. New developments and redevelopments. Any Person performing construction work in the City shall, to the maximum extent practicable, prevent Pollutants from entering a MS4 by complying with all applicable local ordinances and provisions of any general construction NPDES Permit issued by the State Water Resources Control Board. The Director 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. Any Person performing construction work in the City is specifically prohibited from Discharging retained storm water with turbidity in excess of 500 nephelometric turbidity units (NTU) from the construction site.

F. 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 EPA, the State Water Resources Control Board, or the RWQCB, shall comply with all requirements of such permit, which may include but is not limited to the general industrial Stormwater permit, the general construction activity Stormwater permit, and the general dewatering permit.

G. Coordination with hazardous materials release response plans and inventory. Any activity subject to the hazardous materials release response plan, Chapter 6.95 of the California

Health and Safety Code, shall include in that plan provisions for compliance with this section, including the prohibitions on non-Stormwater Discharges and Illegal Discharges, and the requirement to reduce release of Pollutants to the maximum extent practicable.

H. Compliance with BMPs. Every Person undertaking any activity or use of a Premises that may cause or contribute to Stormwater Pollution or Contamination, an Illegal Discharge, or a non-Stormwater Discharge shall comply with BMPs, guidelines, or Pollution control requirements as may be reasonably established by the Director.

I. Maintenance of structural BMPs for function and appearance. Property owners with structural BMPs shall maintain those BMPs associated with their property and its development.

J. Grading, demolition, ground clearing, stockpiling. All work shall be done in accordance with the requirements of this code and any permits required by the City or other applicable agencies.

K. Ground surface landscape preservation. No Person shall remove ground surface landscaping that could result in erosion without installation of BMPs such as Pollution control measures.

L. All stored liquid waste or bulk storage of new liquid products shall be stored under cover and have secondary containment.

M. Compliance with the City of Escondido Stormwater Design Manual and Jurisdictional Runoff Management Program. Every Person undertaking any activity or use of a Premises that may cause or contribute to Stormwater Pollution or Contamination, an Illegal Discharge, or a non-Stormwater Discharge shall comply with design, reporting, certification, and other requirements set forth in the City's Stormwater Design Manual and Jurisdictional Runoff Management Program as if fully set forth herein. The Director may administratively interpret and apply any requirements consistent with industry practice. (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15; Ord. No. 2018-01 § 6, 4-4-18)

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

Any Person owning or occupying a Premises who has knowledge of any release of Pollutants or non-Stormwater from those Premises that may enter a MS4 shall immediately take all reasonable action to contain the release and minimize any non-Stormwater Discharge. Such Person shall notify the City as soon as practical. (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

Sec. 22-28. Protection of Municipal Separate Storm Sewer System (MS4) and Watercourses.

Every Person owning or occupying property through which a private or public Watercourse passes shall:

A. keep and maintain that part of the Watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or block the flow of water through the drainage feature in a manner that may cause flooding;

B. maintain existing structures within or adjacent to a Watercourse so that those structures will not become a hazard to the use, function, or physical integrity of the drainage feature; 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. (Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15)

Sec. 22-29. Maintenance agreement.

A. The owner of a priority development project must execute a Stormwater Control Facility Maintenance Agreement with the City prior to occupancy of the development. The agreement, which shall be on a form prescribed by the City and approved by the City Attorney, shall be recorded and run with the land and be binding upon the owner; the owner's heirs, executors, administrators, successors, and assigns; any Person having or acquiring any right, title, or interest in the subject property or project; and any subsequent owner or operator of the subject property or project. (Ord. No. 2015-09, § 4, 5-20-15)

B. The Director or their designee are hereby authorized, on behalf of the City, to execute all contracts and agreements pursuant to this chapter, including but not limited to Stormwater Control Facility Maintenance Agreements.

Secs. 22-30—22-32. Reserved.

ARTICLE 3. HARMFUL WATERS AND WASTES

Note

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

Sec. 22-33. Special arrangements to treat Industrial Wastes.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby Industrial Waste of unusual strength or character may be accepted by the City for treatment, except subject to the City's prior written consent, with conditions and payment required from the industrial concern. (Code 1957, § 8319; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11)

Sec. 22-35. When Discharge of industrial cooling, process waters in Sewers, is permitted.

Industrial Cooling Water or unpolluted process waters may be Discharged only after prior written approval from the Director, into a Sanitary Sewer. (Code 1957, § 8311; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11; Ord. No. 2018-01, § 7, 4-4-18)

Sec. 22-36. Reserved.

Sec. 22-37. Specific Discharges prohibited.

A. No Person shall enter, obstruct, uncover, or tamper with any portion of the POTW, or connect to it, or dispose anything into the POTW or any Sewer or Sewer manhole, without the written permission of the Director and subject to the Director's Approval.

B. No Person shall remove or demolish any building or structures with Plumbing fixtures connected directly or indirectly to the POTW or Sewer without first notifying the Director of such intention. All openings in or leading to the POTW or Sewer caused by such work shall be sealed watertight and inspected by the Director before being backfilled.

C. No Person shall fill or backfill over, cause to cover, or obstruct access to any Sewer manhole.

D. No Person shall erect any improvement, structure, or building over any part of the POTW or Sewer without the written permission of the Director and subject to the Director's Approval.

E. Except as otherwise provided in this chapter, no Person or User shall introduce, cause to be introduced, Discharge, or cause to be Discharged any of the following Pollutants, Wastewater, waste, or other substances into a POTW or Sewer:

(1) liquid, vapor, or Wastewater having a temperature higher than 104 degrees Fahrenheit (40 degrees C), or that will inhibit biological activity in the Treatment Plant resulting in Interference, and in no case Wastewater that causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees Fahrenheit.

(2) substances that may contain more than 100 parts per million, by weight, of FOG;

(3) Pollutants, including oxygen-demanding Pollutants (e.g., BOD, COD), gasoline, benzene, naphtha, solvent, fuel oil, or any other liquid, solid, or gas, released in a Discharge at a flow rate or Pollutant concentration that, either singly or in combination/interaction with other Pollutants in violation of the City's local limits, would cause or tend to cause Interference with the POTW or flammable or explosive conditions to result in the Sewage System;

(4) Garbage;

(5) solid or viscous substances in amounts that will cause obstruction of the flow in the POTW resulting in Interference, including but not limited to ashes, cinders, sand, mud, plaster (including pool plaster), straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or construction materials (e.g. concrete or concrete-like materials);

(6) Wastewater or other substance having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW, structures, or equipment;

(7) Pollutants containing toxic or poisonous solids, liquids, or gases in such quantities that, alone or in combination with other 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 the POTW or Sewage System;

(8) Wastewater or other substances containing BOD or TSS of such character and quantity that unusual attention or expense is required to handle such materials at the Wastewater Treatment Plant. Normal strength wastes are considered to be 300 mg/l of BOD and 300 mg/l of TSS;

(9) noxious or malodorous liquids, gases, solids, or Wastewater that, either singly or by interaction with other wastes, is sufficient to create a public Nuisance or a hazard to life, or to prevent entry into a Sewer for maintenance or repair;

(10) Dispersed petroleum , non-biodegradable cutting oils, biodegradable FOG, or products of mineral oil in excessive concentrations that will cause adverse effects on the wastewater system or result in Interference or Pass Through;

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

(12) Wastewater that imparts color that cannot be removed through the treatment process, including but not limited to dye wastes, Pigments, and vegetable tanning solutions, that consequently imparts color to the Treatment Plant's effluent;

(13) waste containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic, or any other material toxic to humans, animals, or the local environment, or to biological or other Wastewater Treatment processes;

(14) ; Stormwater; surface water, groundwater; street drainage; subsurface drainage; roof drainage; swimming pool drainage; yard drainage; water from yard fountains, ponds, or lawn sprays; deionized water; industrial process water, noncontact Cooling Water;; or similar sources of water into any sanitary sewer system.

(15) water added for the purpose of diluting a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with this chapter unless expressly authorized by any applicable Pretreatment Standard or Pretreatment Requirement;

(16) substances or materials containing an excessive quantity of chlorine or other chemical compound used for disinfecting purposes;

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

(18) enzymes, microbes, or similar products added to a wastestream that have not authorized pursuant to the Director's Approval;

(19) Discharges containing a Pollutant that causes Pass Through or Interference with the POTW;

(20) Discharges of beer or wine product or expired beer or wine or distilled spirits;

(21) Medical Waste or pharmaceutical wastes, including but not limited to discarded prescriptions or over-the-counter human or veterinary drugs.

(22) waste containing kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, or pesticides.

(23) a Pollutant that creates a fire or explosive hazard in the POTW or Sewer, including but not limited to wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 C.F.R. section 261.21.

(24) a Pollutant that results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(25) Trucked or hauled Pollutants, except at Discharge points designated by the Director in accordance with this chapter.

(26) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state, federal, or local laws, regulations, or orders.

(27) Sludges, screenings, unreasonably large amounts of TSS, or other residues from the Pretreatment of Industrial Wastes.

(28) Wastewater causing, alone or in conjunction with other sources, a Treatment Plant's effluent to fail a toxicity test.

(29) Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW.

(30) Any pollutants, material, or substance that causes incrustations, scales, or precipitates on Sewer walls or other adverse effects on the Wastewater System.

(31) Any strongly odorous compounds or compounds tending to create odors.

(32) Any unreasonably large amount of suspended solids.

(33) Deionized water, steam condensate, distilled water, reverse osmosis backwash, or anything creating brine in amounts that the City deems excessive.

Sec. 22-38. FOG Removal Equipment required; type, construction, location.

A. FOG Removal Equipment shall be provided in all cases required by published building codes, unless in the sole and absolute opinion of the Director or a designee, in writing, FOG Removal Equipment is not necessary for the proper handling of liquid wastes containing grease; potentially hazardous wastes in excessive amounts; or any flammable wastes, sand, or other harmful ingredients. Living quarters or dwelling units with a commercial kitchen must have FOG Removal Equipment.

B. Where installed, all FOG Removal Equipment shall be of a type and capacity subject to the Director's Approval, and shall be located as to be readily and easily accessible for

cleaning and inspection. They shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. Broken, deteriorating or undersized equipment will require repair or replacement by the owner at his or her expense. No modifications or removal of equipment shall be performed without written consent and approval from the city. (Code 1957, § 8316; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11)

C. The Director shall have the authority to promulgate rules, regulations, and requirements consistent with the provisions of this chapter and state and federal requirements, to regulate the type, capacity, placement, and maintenance of FOG Removal Equipment. A violation of any such rule, regulation, or requirement shall be deemed a violation of this chapter.

D. When needed for maintenance, the owner must install cleanouts for maintenance and inspection purposes at the owner's cost. Each separate chamber of the Grease Interceptor must have a manhole lid to access, inspect, and maintain all of the internal Plumbing.

E. All FOG Removal Equipment must have an approved sample tee or sample box installed on the effluent Discharge line. The sample tee or box shall be installed on any equipment that does not currently have an approved sample point, subject to the Director's Approval, to ensure compliance with local Discharge limits set forth by this chapter. The sample point shall be installed at the business owner's expense, and shall be approved by the Pretreatment department and building department prior to installation. (Code 1957, § 8313; Ord. No. 82-97, § 1, 9-29-82; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11; Ord. No. 2018-01 § 8, 4-4-18)

Sec. 22-39. Maintenance of preliminary treatment facilities and equipment.

Where installed, all preliminary treatment facilities and City-approved Pretreatment equipment, such as Grease Traps, Grease Interceptors, clarifiers, Dental Amalgam Separators, and sand oil separators, shall be continuously maintained by the owner at the owner's expense, in satisfactory and effective operation at all times. Frequency of maintenance will be subject to the authority of source control inspectors to assure compliance with Discharge limitations and BMPs. The owner shall repair or replace any broken, deteriorating, or undersized equipment at the owner's expense. No modifications or removal of equipment shall be performed without written consent and approval from the City.

Sec. 22-40. Preliminary treatment of water and waste.

A. Discharge of the following into a Public Sewer shall be subject to the Director's Approval:

- (1) water or waste with a five-day BOD greater than 300 mg/l;
- (2) water or waste containing more than 300 mg/l of Suspended Solids;
- (3) water or waste containing any quantity of substances having the characteristics described in section 22-37(E); or
- (4) water or waste having an average daily flow greater than 25,000 gpd.

B. Where necessary in the opinion of the Director, the owner shall provide, at his or her expense, preliminary treatment of a water or waste that may be necessary to:

- (1) reduce the BOD of the water or waste to 300 mg/l;
- (2) reduce the Suspended Solids of the water or waste to 300 mg/l;
- (3) reduce an objectionable characteristic or a constituent of the water or waste to within the maximum limits provided for in section 22-37; or
- (4) control the quantities and rates of Discharge of the waters or wastes.

C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the Director and is subject to the Director's Approval, and no construction of such facilities shall be commenced until such approval is obtained in writing. (Code 1957, § 8315; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11; Ord. No. 2018-01 § 9, 4-4-18)

Sec. 22-41. Reserved.

Sec. 22-42. Measurements, tests, and analyses of water and waste.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 C.F.R. Part 136 or the latest edition of *Standard Methods for the Examination of Water and Wastewater* and shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole will be a sample port on the downstream side of the Grease Interceptor, Grease Trap, clarifier, Dental Amalgam Separator, or sand oil separator. The sample port will be installed by the owner of the facility at the owner's expense. The location of the sample port is subject to the Director's Approval. (Code 1957, § 8319; Ord. No. 76-18, § 4, 5-26-76; Ord. No. 82-97, § 3, 9-29-82; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11)

Sec. 22-43. Dental Amalgam Separators.

The Director shall have the authority to promulgate rules, regulations, and requirements consistent with the provisions of this chapter and state and federal requirements, to regulate the type, capacity, placement, and maintenance of Dental Amalgam Separators required to be installed by establishments of health practitioners primarily engaged in the independent practice of general or specialized dentistry, or dental surgery. A violation of such rules, regulations, or requirements shall be deemed a violation of this chapter.

Sec. 22-44. National Categorical Pretreatment Standards

Users must comply with the Categorical Pretreatment Standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405–471.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Director may impose equivalent concentration or mass limits in accordance with subsection (B). See 40 C.F.R. section 403.6(c).

B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. See 40 C.F.R. section 403.6(c)(2).

C. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Categorical Pretreatment Standard, the Director shall impose an alternate limit in accordance with 40 C.F.R section 403.6(e).

Secs. 22-45—22-53. Reserved.

ARTICLE 4. SEWER SERVICE CHARGES

Sec. 22-54. Wastewater enterprise fund created.

There is created a Wastewater enterprise fund. (Code 1957, § 8335; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

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

A. Except as provided in subsection (B):

(1) The Sewer service charge shall be billed to the owner or occupant of the Premises on the same bill 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) A combined bill for the water service charge and Sewer service charge shall be paid in its entirety and shall not be severed for the separate payment of either portion thereof.

B. When the Premises receives 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. (Code 1957, § 8331; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 94-18, § 1, 6-1-94; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Sec. 22-56. When charges begin.

Charges for Sewer service shall begin on the same date as water service to the Premises. (Code 1957, § 8332; Ord. No. 73-13, § 5, 5-26-76; Ord. No. 94-18, § 1, 6-1-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

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. (Code 1957, § 8330; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

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

A. A penalty shall be added to any account for 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 before the close of business on the due date shall pay interest and collection fees in amounts set by resolution of the City Council.

C. In no case shall the due date be on a date sooner than 19 days from the bill date. Water service 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 charge, and reconnection charge may be collected by suit in any court of competent jurisdiction or in any other manner authorized by law. (Code 1957, § 8333; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 94-18 § 1, 6-1-94; Ord. No. 94-40, § 2, 12-14-94; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Sec. 22-59. Rates.

The Sewer service charge for single-family dwellings, multiple dwellings, mobilehomes, schools, churches, and other uses shall be set by resolution of the City Council from time to time. (Code 1957, § 8330.1; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 81-32, § 1, 5-20-81; Ord. No. 82-74, § 1, 8-11-82; Ord. No. 83-32, § 1, 6-8-83; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Secs. 22-60—22-64. Reserved.

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

A. The Sewer service charge for Premises used for commercial and industrial purposes shall be based on the Premises' 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 greater than 300 mg/l, the Sewer service charge shall be based on an analysis of Wastewater samples taken from time to time, and at least 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 the City Council from time to time.

D. The Sewer service charge shall also include a charge to be set by resolution of the City Council from time to time for operation and maintenance of the collection system and infiltration/inflow expense. (Code 1957, 8330.7; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 81-32, § 7, 5-20-81; Ord. No. 82-74, § 7, 8-11-82; Ord. No. 82-97, § 4, 9-29-82; Ord. No. 83-32, § 7, 6-8-83; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Sec. 22-66. Charge when service discontinued.

The Sewer service charge shall remain in effect until the water service is terminated. (Code 1957, § 8334; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 94-18, § 1, 6-1-94; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Sec. 22-67. Disposition of moneys collected.

All revenues derived from the Sewer service charge shall be paid into the Wastewater enterprise fund and shall be used only for the following purposes and in the priority determined by the City Council from time to time:

A. The acquisition, construction, reconstruction, maintenance, and operation of sanitation or Sewage facilities and to repay federal or state loans or advances made to the City for the construction or reconstruction of such facilities; provided, however, that such revenues shall not be used for the acquisition or construction of new local street Sewers or laterals as distinguished from main trunk, interceptor, and outfall Sewers.

B. Any lawful purpose authorized by resolution of the City Council in connection with bonds sold and issued or to be sold and issued, pursuant to the California Revenue Bond Law of 1941.

C. Any lawful purpose authorized by the City Council pursuant to a present or future state statute. (Code 1957, § 8335; Ord. No. 76-13, § 5, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Sec. 22-68. Rate for Discharge of groundwater remediation programs.

The Sewer service charge for the Discharge of groundwater into the Sewage System shall be set by resolution of the City Council from time to time. Any Discharger of Industrial Waste into the Sewage System is required to obtain a Wastewater Discharge Permit pursuant to Article 8 of this chapter. Groundwater may only be Discharged at a specific location to be determined by the Director. (Ord. No. 76-13, § 5, 5-26-76; Ord. No. 83-32, § 8, 6-8-83; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 4, 12-14-11)

Secs. 22-69—22-79. Reserved.

ARTICLE 5. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 22-80. Use of public Sanitary Sewer system.

A. Where a public Sanitary Sewer is not available, the Building Sewer shall be connected to a private Sewage disposal system complying with all of the requirements of the Department of Public Health of the County of San Diego or other state or local agency having jurisdiction. The owner of a private Sewage disposal system shall operate and maintain such system in a sanitary manner at all times at no expense to the City.

B. At such times as a public Sanitary Sewer becomes available to a property served by a private Sewage disposal system, the property owner may directly connect to the Public Sewer at the owner's expense. Upon connection to the Public Sewer, to maintain safety:

(1) Any septic tank, cesspool, and similar private Sewage disposal facilities shall be abandoned, either by removal and backfilled with earthen material or sealed and backfilled with sand in a manner satisfactory to the City; and

(2) The Sewage System existing on the property shall be pumped and cleaned. All applications and procedures for connection to the Public Sewer shall be followed as directed by the City code.

C. If a private a Sewage disposal system malfunctions or fails to comply with all of the requirements of the Department of Public Health of the County of San Diego or other state or local agency having jurisdiction, the Director may require the property owner to directly connect to a Public Sewer if the following conditions are met:

(1) The property is used by human beings;

(2) The property abuts a City street, alley, or right-of-way in which a Public Sewer exists; and

(3) The existing Public Sewer is within 200 feet of the property.

(Ord. No. 2011-18, § 5, 12-14-11)

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. (Code 1957, § 8432; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 5, 12-14-11)

Sec. 22-82. Adoption of county regulations.

Private subsurface Sewage disposal units and systems shall be designed, placed, and maintained in accordance with rules and regulations adopted by the Department of Public Health of the County of San Diego or other state or local agency having jurisdiction. A violation of any such rule or regulation shall be deemed a violation of this article and may be enforced accordingly. (Code 1957, § 8415; Ord. No. 82-97, § 5, 9-29-82; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 5, 12-14-11)

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 facilities. This has also created a need for additional revenues to finance such Sewer facilities. Thus, it is the intent of the City Council that each builder of each new building unit to be constructed in the City shall, prior to the construction, pay a fee as described in this article. Further, it is the intent of the City Council that all revenue generated by the payment of such fee shall be used for the improvement and development of Sewer facilities only. (Ord. No. 75-24, § 1, 6-4-75; Ord. No. 81-1, § 1, 5-20-81; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 6, 12-14-11)

Sec. 22-151. Sewer connection fees.

A. Every Person constructing, reconstructing, enlarging, or adding to any building in the City or proposing in any manner to connect to the City's Public Sewer system shall pay to the City fees as set by resolution of the City Council from time to time.

B. Any applicable Sewer connection fee credit shall be determined pursuant to Escondido Municipal Code sections 6-442, 6-445, or 6-446.

C. Any Person who relocates an existing building that is connected to the Public Sewer to another location in the City shall pay all applicable Sewer connection fees required by this article for the new location. If the site to which the building is relocated has a credit available as described in Escondido Municipal Code sections 6-442, 6-445, or 6-446, such credit may be used to satisfy, in whole or in part, the Sewer connection fee, subject to the provisions of those sections. (Ord. No. 75-24, § 1, 6-4-75; Ord. No. 81-31, § 2, 5-20-81; Ord. No. 82-55, § 1, 6-9-82; Ord. No. 82-65, § 1, 8-11-82; Ord. No. 83-22, § 9, 6-8-83; Ord. No. 84-13, § 1, 2-15-84; Ord. No. 89-25, § 1, 6-7-89; Ord. No. 91-30, § 3, 8-7-91; Ord. No. 92-40, §§ 4—6, 10-7-92; Ord. No. 2003-16, § 2, 6-11-03; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2008-21(R), § 8, 10-22-08; Ord. No. 2011-18, § 6, 12-14-11)

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

A. Subject to subsection (B), 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.

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

C. In the event a building permit, or renewal or extension thereof, is not required for the property seeking 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. (Ord. No. 75-24, § 1, 6-1-75; Ord. No. 81-31, § 3, 5-20-81; Ord. No. 81-87, § 1, 12-9-81; Ord. No. 89-25, § 1, 6-7-89; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 6, 12-14-11)

Secs. 22-153—22-160. Reserved.

ARTICLE 7. SEWER CONNECTION LATERALS

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:

A. a Sewer Connection Lateral that is installed, repaired, altered, or replaced as a part of a contract to which the City is a party; or

B. a Sewer Connection Lateral that is 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 that are or are intended to become public property, and when the work is being performed under the general supervision and inspection of the City. (Ord. No. 76-13, § 6, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 7, 12-14-11)

Sec. 22-162. Licenses required to install, repair, alter, or replace Sewer Connection Laterals.

All Persons other than the City shall be licensed by the California Contractors State 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. (Ord. No. 76-13, § 6, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 7, 12-14-11)

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

Sewer Connection Laterals that are installed, repaired, altered, or replaced by any Person, other than the City, as provided in section 22-161, shall conform to the requirements of the applicable sections of the standard specifications of the City for construction work in public places, the appropriate sections of the City Plumbing regulations, and all other applicable codes and ordinances enforced in the City. A construction plan must be submitted and approved by the City prior to any construction of a Sewer Connection Lateral. (Ord. No. 73-16, § 6, 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 7, 12-14-11)

Sec. 22-164. Reserved.

Sec. 22-165. Maintenance of Sewer Connection Lateral.

A. Except as provided in subsection (E), the property owner shall be responsible for all maintenance, repair, replacement, cleaning, and removal of blockages in the Sewer Connection Lateral.

B. Except as provided in subsection (D), the property owner shall be responsible for locating, exposing, and maintaining the Property Line Cleanout for the purpose of inspection, cleaning, and removal of blockages in the Sewer Connection Lateral.

C. Except as provided in subsection (D), the property owner is responsible for all costs incurred for maintenance, repair, replacement, cleaning, and removal of blockages in the Sewer Connection Lateral, and verification of Sewer Connection Lateral breakage or damage.

D. Except when performing work by agreement or contract with the City, no Person or other entity other than the City shall excavate for or otherwise expose any portion of a Sewer Connection Lateral within a public right-of-way, with the exception that where a Property Line Cleanout has been installed in public property, the cleanout cap or cover may be exposed for maintenance purposes provided that the covering materials are replaced in kind and in the same condition, or better, as existed before the excavation was made.

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

F. When any maintenance relation violation occurs or an Illegal Discharge has occurred, the property owner or management company must have the Sewer Connection Lateral cleaned and televised by a licensed plumber. A copy of video inspection (Flash Memory Drive only) must be given to the City for its review to ensure the Sewer Connection Lateral has been cleaned properly and there are no associated obstructions, damages, or failures. After reviewing the video inspection, the Director will require that any deficiencies or necessary repairs observed on the video be made at the business/property owner's expense, within the time frame designated by the Environmental Programs Division. All repairs are to be made per the most recently adopted version of the Uniform Plumbing Code, and all permits for the repairs are to be obtained from the City's building department prior to performance of repairs.

G. Compliance with all applicable laws is a condition of connecting to the City's Wastewater System. Any violation or failure to comply with applicable regulations shall be grounds for termination of the connection. (Ord. No. 76-13, § 6, 5-26-76; Ord. No. 93-24, § 2, 5-25-93; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 7, 12-14-11)

Sec. 22-166. Cleanouts.

Cleanouts shall be installed in accordance with the City's building code. (Ord. No. 76-13, § 6, 5-26-76; Ord. No. 93-24 § 3, 8-25-93; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 7, 12-14-11)

Secs. 22-167—22-168. Reserved.

ARTICLE 8. INDUSTRIAL WASTEWATERS

Note

* **Prior ordinance history:** Ord. Nos. 76-13, § 7, 5-26-76; 82-97, § 7, 9-29-82; 89-24, § 1, 6-7-89; 89-38, § 1, 8-16-89; 90-35, § 1, 7-18-90.

Sec. 22-169. Purpose.

This article sets forth requirements for the City to comply with all applicable state and federal laws, including the Act and the general Pretreatment regulations (40 C.F.R. Part 403). The purpose of this article is to prevent the introduction of Pollutants that interfere with the operation of the HARRF; prevent Pass Through at HARRF; provide for the maximum possible beneficial public use of the City's Wastewater System, brine, and treatment facilities through adequate regulations and permit requirements governing nonresidential Discharges; provide for equitable distribution of the City's costs; promote reuse and recycling; and provide procedures for complying with requirements placed upon the City by other regulatory agencies. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-170. Superseding previous regulations.

This article shall supersede all previous regulations and policies of the City governing items covered in this article. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-171. Reserved.

Editor's note — Ord. No. 2011-18, adopted 12-14-11, repealed § 22-171, pertaining to Definitions, which derived from Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07; § 1, 2-27-2008.

Sec. 22-172. Industrial Users.

A. Industrial Users shall be categorized as one of the following classes:

(1) Class I – SIUs. Class I Industrial Users currently regulated by federal Categorical Pretreatment Standards pursuant to 40 C.F.R. section 403.6 and 40 C.F.R. Chapter I, Subchapter N, or any Industrial Users that Discharge an average of 25,000 gpd or more of process Wastewater to the HARRF, contribute a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the HARRF, or is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the HARRF's operation or for violating any Pretreatment Standard or requirement. All Class I SIUs are subject to permitting, inspection, and sampling requirements.

(2) Class II – Non-categorical non-SIUs. Class II Industrial Users are those whose flow Discharges are less than 25,000 gpd, consisting of one of the following subclasses:

a. Class II-a: Pretreatment required. Class II-a Industrial Users are non-SIU Dischargers who are required to have Pretreatment, usually in the form of Grease Interceptors, Grease Traps, clarifiers, Dental Amalgam Separators, sand oil separators, silver recovery

systems, or any type of source control equipment. This classification primarily consists of Automotive Service Establishments, Food Service Establishments, and some industrial and commercial facilities.

b. Class II-b: No Pretreatment required. Class II-b Industrial Users are non-SIU dischargers that have no potential to adversely affect the Wastewater treatment process or operation at the HARRF and do not violate any Pretreatment standard, prohibition, or requirement of this chapter.

(3) Class III – Non-Significant Categorical Industrial User. Class III Industrial Users are those who are subject to a Categorical Pretreatment Standard for which the Industrial User never Discharges more than 100 gpd of total categorical Wastewater (excluding sanitary, non-contact cooling, and boiler blowdown Wastewater), and who also meet the following conditions:

a. the Industrial User has consistently complied with all applicable Categorical Pretreatment Standards and Pretreatment Requirements;

b. the Industrial User annually submits a certification statement required by 40 C.F.R. section 403.12(q), together with any additional information necessary to support the certification statement; and

c. the Industrial User never Discharges any untreated concentrated Wastewater.

B. The Director may create additional classifications for Industrial Users. The Pretreatment Requirements applicable to such classifications shall comply with local, state, and federal laws. The Director may, in accordance with 40 C.F.R. section 403.3(v)(3), determine that an Industrial User that meets the criteria for a Class I Industrial User (SIU), has no reasonable potential for adversely affecting the HARRF or for violating any Pretreatment Standards or Pretreatment Requirements, and, upon such finding, the Director may determine that the Industrial User is not a SIU. The Director's power includes, but is not limited to, issuing a zero Discharge certification to zero Discharge categorical Users. Zero Discharge categorical Users are Industrial Users subject to federal Pretreatment Standards, as described in 40 C.F.R. section 405 et seq.; have any connection to the Sanitary Sewer system; but do not Discharge Wastewater from the categorical process to the Sanitary Sewer. Such certifications shall include all information the Director deems necessary to ensure compliance with this chapter and all applicable state and federal laws.

C. Users shall provide Wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all Pretreatment Standards and other prohibitions set out in this chapter within the time limits specified by the EPA, the state, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The City's review of plans and operating procedures shall in no way relieve the User from the responsibility of modifying a facility as necessary to produce a Discharge acceptable to the City under the provisions of this chapter.

D. Whenever deemed necessary, the City may require Users to restrict their Discharge during Peak Flow periods, designate that certain Wastewater be Discharged only into specific

Sewers, relocate or consolidate points of Discharge, separate Sewage wastestreams from industrial wastestreams, or other conditions as may be necessary to protect the POTW and determine a User's compliance with the requirements of this chapter.

E. The City may require any Person discharging into the POTW to install and maintain on the Person's property and at the Person's expense a suitable storage and flow-control facility to ensure equalization of flow.

F. All non-domestic Dischargers are required to have a current business license with the City.

G. SIU and Industrial Users in Significant Noncompliance (SNC). A SIU (or any other Industrial User that violates subsections (3), (4), or (8) below) is in SNC if its violation meets one or more of the following criteria:

(1) Chronic violations of Wastewater Discharge limits, defined here as those in which 66% or more of all the measurements taken for the same Pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including Instantaneous Limits;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same Pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Pretreatment Requirement, including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, or FOG; and 1.2 for all other Pollutants except pH);

(3) Any other violation of a Pretreatment Standard or Pretreatment Requirement pursuant to this chapter or as defined by 40 C.F.R. section 403.3(l), including Daily Maximum Limit, long-term average, Instantaneous Limit, or narrative standard, that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW Personnel or the general public);

(4) Any Discharge of a Pollutant that has caused imminent endangerment to the public or the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a Discharge;

(5) Failure to meet, within 90 days after the scheduled date, a Compliance Schedule milestone contained in an individual Wastewater Discharge Permit, local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with 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 or group of violations, which may include a violation of BMPs, that the Director determines will adversely affect the operation or implementation of the local Pretreatment program. (Ord. No. 2011-18, § 8, 12-14-11; Ord. No. 2018-01, § 10, 4-4-18)

Sec. 22-173. Prohibited Discharges into a Wastewater System.

The following general prohibitions apply to all Users of the HARRF whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Pretreatment Requirements. No facility or Person shall Discharge, deposit, or cause or allow to be Discharged or deposited or Passed Through into the City's Wastewater System any Wastewater containing any Wastewater, Pollutant, material, or substance prohibited by section 22-37 of this chapter;

Sec. 22-174. Limitations on Discharges into a Wastewater System.

A. General limitations. In addition to prohibited Discharges as set forth in section 22-173, no Person shall otherwise 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 or 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 Standard;

(4) any material or quantity of material that will cause or have the potential to cause the HARRF's effluent to exceed the concentration limits of its NPDES Permit as established by the RWQCB, and any subsequent amendments as are duly adopted from time to time by the RWQCB.

B. Local Limits. In addition to the limitations specified in subsection (A), the City's Local Limits shall apply to all Discharges to the City's Sewage System. The Local Limits may be allocated among Industrial User classes or individual Users as uniform or non-uniform concentration limits and mass loading limits. The industry being issued daily maximum concentrations may vary depending on the type of industry, flow, and loading that may impact the HARRF and will be issued limits applicable to that specific industry.

C. Daily Maximum Limits. The Daily Maximum Limits of specific Contaminants that may be present in a User's Discharge to the City Sewage System shall be set by resolution of the City Council. It is unlawful to Discharge Wastewater containing Contaminants in excess of the Daily Maximum Limits set by resolution of the City Council. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 97-34R, § 1, 1-21-98; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11; Ord. No. 2018-01, § 12, 4-4-18)

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 Stormwater 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 that (i) will impair, or has the potential to impair, the useful functioning of such drain, channel, or Watercourse; (ii) causes expense to the City, or other public agency, in maintaining the proper functioning of such drain, channel, or Watercourse; (iii) causes a public Nuisance or public hazard; or (iv) causes detrimental Pollution of natural surface or subsurface waters.

B. It is unlawful for any Person to deposit or Discharge into any impermeable sump, into any pit or well, onto the ground, or into any Storm Drain or Watercourse any material that, 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 that violates any requirements of the RWQCB . (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-176. Wastewater Discharge Permits.

A. A Wastewater Discharge Permit must be obtained by any Industrial User whose Wastewater contains or may contain Pollutants not normally found or in concentrations in excess of those normally found in Domestic Wastewater. Users requiring a Wastewater Discharge Permit shall include, but not be limited to, the following categories:

(1) a User whose Wastewater contains or may contain any substance that would cause the Wastewater to be considered a prohibited Discharge under this article;

(2) a User that meets the criteria set forth in 40 C.F.R. section 403.3, is designated as a SIU, and is categorized as a Class I Industrial User pursuant to section 22-172(A)(1);

(3) any other User determined by the Director to require special regulation or source control;

B. A non-domestic Discharge of Wastewater to the Sewage System is prohibited unless the Discharger obtains a Wastewater Discharge Permit or other authorization to Discharge from the City;

C. Class I and Class III Industrial Users are required to obtain a Wastewater Discharge Permit from the City prior to initiating Discharge;

D. The Director is authorized to make the determination as to which Discharge class the Discharger will be assigned;

E. The Director is authorized to require each Discharger to submit a Wastewater Discharge Permit application in accordance with section 22-177; and

F. Any Beer Manufacturer, Winegrower, Brandy Manufacturer, or Distilled Spirits Manufacturer must obtain a Wastewater Discharge Permit prior to initiating a Discharge. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11; Ord. No. 2014-11, § 2, 3-19-14)

Sec. 22-177. Wastewater Discharge Permit application.

A. No User shall Discharge Wastewater into the City's POTW, or other Wastewater System without first obtaining an individual Wastewater Discharge Permit. The Director may require Users to obtain individual Wastewater Discharge Permits as necessary to carry out the purposes of this chapter.

B. Any violation of the terms and conditions of an individual Wastewater Discharge Permit shall be deemed a violation of this chapter. Obtaining an individual Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Pretreatment Requirements or with any other requirements under federal, state, or local laws, regulations, or orders.

C. A User applying for a new individual Wastewater Discharge Permit shall submit a complete application at least 90 days prior to connecting to or contributing to the City's Wastewater System. A User seeking reissuance of an individual Wastewater Discharge Permit must submit a complete application no later than 180 days before the expiration of the User's Wastewater Discharge Permit.

D. The Director may require applicants to submit all or some of the following information as part of a Wastewater Discharge Permit application:

(1) Identifying Information. Contact information consisting of the name and address of the Premises or facility, including the name of the operator and owner, as well as a general description of the Premises or facility;

(2) Environmental Permits. A list of all environmental control permits held by or for the owner and operator of the Premises or facility.

(3) Description of activity.

a. A brief description of the nature; average rate of production (including each product produced by type, amount, processes, and rate of production); and Standard Industrial Classification (SIC) of the operations carried out by the User. This description should include a schematic process diagram that indicates points of Discharge to the POTW from the regulated processes.

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally or intentionally be, Discharged to the POTW;

c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

d. Type and amount of raw materials processed (average and maximum per day);

e. Site plans, floor plans, mechanical and Plumbing plans, and details to show all Sewers, floor drains, and appurtenances by size, location, and elevation, and all points of Discharge including, but not limited to, locations of Sewer Connection Laterals;

(4) Time and duration of Discharges;

(5) The location for monitoring all wastes covered by the Wastewater Discharge Permit, including but not limited to sampling points and Pretreatment facilities;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day (gpd), to the POTW from regulated process streams and other streams as further described in 40 C.F.R. section 403.6(e), including but not limited to estimated Wastewater Strength, estimated Wastewater flow, average Wastewater Discharge flow rates for each Sewer Connection Lateral, and peak Wastewater Discharge flow rates for each Sewer Connection Lateral;

(7) Measurement of Pollutants.

a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated Pollutants in the Discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required.

(8) Facilities and plant processes on the Premises, including raw materials, processes, and types of materials that are or could be Discharged;

(9) SIC number;

(10) Total product produced, by type;

(11) Number and responsibilities of employees; and

(12) Other information the Director may deem necessary to evaluate the application.

E. The Director shall notify the individual Wastewater Discharge Permit applicant when the application is deemed to be complete. The Director will approve or deny the Wastewater Discharge Permit application within 90 days of receipt of a complete application. Incomplete or inaccurate Wastewater Discharge Permit applications will not be processed and will be returned to the applicant for revision.

F. All Wastewater permit applications, User reports, and certification statements must be signed by an Authorized Representative of the User. If the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section

must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative of the User. All Wastewater Discharge Permit applications, User reports, and certification statements must contain the applicable certification statement pursuant to section 22-187.

G. It shall be deemed unlawful to submit false information when applying for a Wastewater Discharge Permit or business license, or to use a SIC number that identifies a non-specific generalized process if the process being performed is subject to federal categorical regulations based on 40 CFR 403 regulations.

(Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-178. Terms and conditions of Wastewater Discharge Permit.

A. A Wastewater Discharge Permit shall include such terms and conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the Treatment Plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

B. Terms. A Wastewater Discharge Permit shall be expressly subject to all provisions of this article and all other applicable regulations established by the City. An individual Wastewater Discharge Permit must contain:

(1) a statement that indicates the Wastewater Discharge Permit issuance date, expiration date, and effective date;

(2) a statement that the Wastewater Discharge Permit is nontransferable without prior written consent of the Director pursuant to section 22-181, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;

(3) a group classification designation;

(4) effluent limits, including BMPs, based on applicable Pretreatment Standards;

(5) requirements for monitoring, self-monitoring, sampling, reporting, notification, and record-keeping, including an identification of Pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(6) requirements for reports of initial and continuing compliances;

(7) requirements for Pretreatment facilities;

(8) a statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Pretreatment Requirements, and any applicable Compliance Schedule, which may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(9) requirements to control Slug Discharge, if determined by the Director to be necessary.

C. Conditions. A Wastewater Discharge Permit may contain, but need not be limited to, the following conditions:

(1) limits on average and maximum rate of Discharge, restriction of Discharge to certain hours of the day, or requirements for flow regulation and equalization;

(2) requirements for the installation of flow measurement or other facilities, including but not limited to the installation of Pretreatment technology, Pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;

(3) requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine Discharges;

(4) development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;

(5) the unit charge or schedule of User charges and fees for the management of the Wastewater Discharged to the POTW;

(6) requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices and City access to the facilities;

(7) specifications for monitoring programs that may include sampling locations; method of sampling; chemical constituents to be reported upon; frequency of sampling; and number, types, and standards for tests;

(8) a statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those that become effective during the term of the Wastewater Discharge Permit;

(9) a permit application fee;

(10) limitations on Wastewater Strength for the flow in each Sewer Connection Lateral, including average and maximum concentrations of the Wastewater constituents and characteristics;

(11) requirements for submission of technical reports or Discharge reports, and authority for the Director to copy all such reports kept at the Premises of the User;

(12) 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;

(13) requirements for facilities to prevent accidental Discharge or Slug Discharge of prohibited materials or other wastes regulated by this article; and

(14) other conditions as deemed appropriate by the Director to ensure compliance with this chapter or federal and state laws, regulations, or orders.

Sec. 22-179. Wastewater Discharge Permit duration.

A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five years, at the discretion of the Director. Each Wastewater Discharge Permit shall indicate a specific date upon which it will expire.

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

A. The City maintains sole discretion to change any of the terms and conditions of a Wastewater Discharge Permit at any time as circumstances may require. The City shall allow a User reasonable time to comply with any changes to a Wastewater Discharge Permit as implemented by the City.

B. An amended Wastewater Discharge Permit shall be required prior to the commencement of any construction of new facilities or operation of modified facilities for any of the following:

(1) Alterations to connections to the Wastewater collection system; or

(2) Modification of an industrial plant, process, or Wastewater treatment facility in a manner that would increase or decrease the flow rate or alter the quality of the Wastewater Discharge described in the corresponding Wastewater Discharge Permit.

C. Upon promulgation of a new National Categorical Pretreatment Standard, the Director shall notify by registered letter all Users who may be subject to such standard, including the applicable reporting requirements under 40 C.F.R. section 403.12. Within 180 days after the promulgation of a new National Categorical Pretreatment Standard, all applicable Users shall make an application to the Director for a Wastewater Discharge Permit. Likewise, applicable Users with an existing Wastewater Discharge Permit shall make application to the Director for a revised permit within 180 days after the promulgation of such standard. The City shall respond by issuing a new or revised Wastewater Discharge Permit to the applicant. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-181. Transfer of Wastewater Discharge 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. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-182. Revocation of Wastewater Discharge Permit.

A. A Wastewater Discharge Permit may be revoked for good cause, including but not limited to being revoked for the following reasons:

(1) failure to notify the Director of significant changes in operations or Wastewater constituents and characteristics prior to the challenged Discharge;

(2) failure to provide prior notification to the City of changed conditions pursuant to this chapter;

(3) misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

(4) falsifying a self-monitoring report or certification statement;

(5) tampering with monitoring equipment;

(6) refusing to allow City personnel reasonable and timely access to the User's Premises, facilities, or records for the purpose of inspection or monitoring;

(7) failure to meet effluent limitations;

(8) failure to pay fines;

(9) failure to pay Sewer charges;

(10) failure to meet Compliance Schedules;

(11) failure to complete a Wastewater survey or the Wastewater Discharge Permit application;

(12) failure to provide advance notice of the transfer of business ownership of a permitted facility;

(13) violation of any Pretreatment Standard or Pretreatment Requirement, any term or condition of the Wastewater Discharge Permit, or any provision of this chapter;

(14) failure of a User to accurately report the Wastewater constituents and characteristics of its Discharge; or

(15) any violation of the terms or conditions of the Wastewater Discharge Permit.

B. A Wastewater Discharge Permit shall be voidable upon cessation of operations or transfer of business ownership. Any Wastewater Discharge Permit issued to a User is void upon the issuance of a new Wastewater Discharge Permit to that User.

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 User whereby a nonresidential waste of unusual strength or character may be accepted by the City for treatment.

B. Subject to subsection (C), the Director shall grant approval for a Discharge to the Sewer that otherwise fails to comply with this article, in the form of a waiver or modification of the requirements of a Wastewater Discharge Permit, if the Director, pursuant to the Director's Approval, finds that:

(1) the Discharge will not cause harm to, nor unreasonably or inequitably burden, the Wastewater System; and

(2) when considered together with similar excesses in Discharges, will not materially affect the ability of the City to meet RWQCB's requirements as to the City's Wastewater Treatment Plant effluent pursuant to the applicable NPDES permit.

C. The Director shall not grant a waiver or modify requirements of a Wastewater Discharge Permit regarding any requirement set forth by federal or state law, regulation, or order. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-183.1 Regulation of Waste received from other jurisdictions.

A. If another municipality, or User located within another municipality, contributes Wastewater to the POTW, the Director shall enter into an inter-municipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by subsection (A), the Director shall request the following information from the contributing municipality:

(1) A description of the quality and volume of Wastewater Discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are Discharging to the POTW; and

(3) Such other information as the Director may deem necessary.

C. An inter-municipal agreement, as required by subsection (A), shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a Sewer use ordinance at least as stringent as this chapter and Local Limits, including required baseline monitoring reports at least as stringent as those set out in this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this chapter or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which Pretreatment implementation activities, including issuance of a Wastewater Discharge Permit, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the

Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;

(4) A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its Pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at each point where it Discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's Discharge;

(7) A provision ensuring the Director's access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and

(8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

Sec. 22-184. Administrative authority.

A. The Director is charged with responsibility for the City's Wastewater control program, the administration and enforcement of the provisions of this article, and the City of Escondido municipal Industrial Waste program's Enforcement Response Procedures.

B. To effectively administer and enforce the provisions of these regulations, the Director may require any Discharger to comply with any or all of the requirements of this chapter. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-185. Pretreatment Requirements.

A. Pretreatment Requirements for Food Service Establishments, Automotive Service Establishments, and other Industrial Users.

(1) Each establishment shall have its own separate Pretreatment Equipment unless there is approved communal pretreatment equipment

(2) Each Food Service Establishment must have its own separate rendered oil container.

(3) Any tenant improvement, addition of fixtures, or remodel of an existing facility shall require installation or upgrade of Pretreatment Equipment. Pretreatment Equipment must be approved by the Environmental Programs prior to installation and must comply with the most recently adopted version of the Uniform Plumbing Code, as well as any other requirements mandated by Environmental Programs

(4) Pretreatment Equipment shall be provided, subject to the Director's Approval, when necessary for the proper handling of liquid wastes containing grease in excessive amounts, or regulated wastes, sand, or other harmful or potentially harmful materials; except that such equipment shall not be required for private living quarters or dwelling units. All

Pretreatment Equipment shall be of a type and capacity as required by the most recently adopted version of the Uniform Plumbing Code, shall be subject to the Director's Approval, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(5) All stored liquid waste or bulk storage of new liquid products shall be stored under cover and have secondary containment.

(6) The requirement for installation of Pretreatment Equipment shall be indicated in the User's Wastewater Discharge Permit.

(7) All Pretreatment Equipment deemed necessary shall be installed and maintained at the owner's expense.

(8) All Pretreatment equipment shall be cleaned by a licensed hauler and in efficient operation at all times. Pretreatment equipment that is failing or damaged shall be replaced to current standards.

(9) Food waste disposal units and waste pulper systems are not allowed in commercial kitchens. Food Service Establishment dishwasher units must Discharge downstream of the Food Service Establishment's grease removal equipment.

(10) Any establishment that generates hazardous waste shall have a proper California Hazardous Waste Permanent ID number provided by the Department of Toxic Substances Control. All generated waste shall be disposed of properly through a licensed hauler for the automotive wastes generated on-site, including but not limited to motor oil, oil filters, antifreeze, transmission fluid, and wet and dry paint waste.

(11) Maintenance records and hauling and disposal manifests shall be current and kept on-site and readily available for inspection at all times. Each individual Discharger shall retain its own maintenance records for Pretreatment equipment, even when there is existing communal Pretreatment equipment on-site. Falsified records shall result in an administrative citation and may also result in additional enforcement action pursuant to this chapter.

B. Mercury reduction program. The City may require on-site silver recovery or mercury Pretreatment at photographic, medical, dental, or similar facilities, in order to ensure compliance with the City's Local Limits for silver and mercury. The City will regulate these industries under Class II-a permits.

C. Pretreatment Requirements for a Beer Manufacturer, Winegrower, Brandy Manufacturer, or Distilled Spirits Manufacturer may be determined administratively by the Director based on the quality and quantity of the operations and in accordance with all provisions of this chapter. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 97-34R, § 2, 1-21-98; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11; Ord. No. 2014-11, § 3, 3-19-14; Ord. No. 2018-01, § 15, 4-4-18)

Sec. 22-186. Accidental Discharge and Slug Discharge and Bypass of the treatment facility.

A. Protection from accidental Discharge and Slug Discharge.

(1) The City shall evaluate whether each SIU needs an accidental Discharge control plan or accidental Slug Discharge control plan, or both, or other action to control Slug Discharges. The City may require any User to develop, submit for approval, and implement such a plan, or take such other action that may be necessary to control Slug Discharges.

(2) Each Industrial 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 for review, and shall be approved by the Director, pursuant to the Director's Approval, 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.

(3) 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.

(4) 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 Director or appropriate response authority so that corrective action may be taken to protect the treatment system.

(5) In the event of any accidental Discharge, a written report addressed to the Director 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 User within five days of the occurrence of the Discharge.

(6) At least once every two years, the Director shall evaluate whether each SIU needs an accidental Discharge control plan or accidental Slug Discharge control plan, or both, or other action to control Slug Discharges. The Director may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any User. An accidental Discharge control plan or accidental Slug Discharge control plan, or both, shall address, at a minimum, the following:

- a. Description of Discharge practices, including non-routine batch Discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by this section; and
- d. Procedures to prevent adverse impacts from any accidental or Slug Discharge. Such procedures shall include, but shall not be 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 measures and equipment for emergency response.

(7) SIUs are required to notify the Director immediately of any changes at the SIU's facility affecting the potential for a Slug Discharge.

B. Bypass of a treatment facility. Any Bypass is prohibited unless otherwise permitted by 40 C.F.R. section 403.17. In the event of a Bypass, the Industrial User must comply with all the requirements of 40 C.F.R. section 403.17. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11; Ord. No. 2018-01, § 16, 4-4-18)

Sec. 22-187. Discharge reports.

A. The Director may require Discharge reports, including but not limited to questionnaires, technical reports, sampling reports, 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, the User may be required to supply additional information as deemed necessary by the Director.

B. A Discharge report may include, but shall not be limited to, the nature of the process, volume, and rates of Wastewater flow; a lab analysis of Wastewater samples, elements, constituents, and characteristics of the Wastewater; and any information required in an application for a Wastewater Discharge Permit.

C. All costs associated with preparation of Discharge reports, including the costs of Wastewater analysis, shall be the responsibility of the User.

D. Any User subject to National Categorical Pretreatment Standards or Pretreatment Requirements shall comply with all reporting and recordkeeping requirements in accordance with the general Pretreatment regulations for Existing Sources and New Sources of Pollution (40 C.F.R. Part 403). All reports specifically set forth in 40 C.F.R. Part 403 shall be required pursuant to this article. These include, but are not limited to:

(1) Baseline monitoring reports.

a. Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a subcategory determination under 40 C.F.R. section 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently Discharging to or scheduled to Discharge to the POTW shall submit to the Director a report that contains the information listed in subsection (D)(1)(b). At least 90 days prior to commencement of a Discharge, New Sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard shall submit to the Director a report that contains the information listed in subsection (D)(1)(b). A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be Discharged.

b. Users described in subsection (D)(1)(a) shall submit the following information:

(i) Identifying information. The User shall provide the information required in section 22-177(D)(1);

(ii) Measurement of Pollutants. The User shall provide the information required in section 22-177(D)(7), in accordance with the following:

(a) All samples and corresponding analyses shall comply with section 22-187-1;

(b) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section;

(c) Samples should be taken immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewater is mixed with regulated Wastewater prior to Pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. section 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. section 403.6(e), this adjusted limit, along with supporting data, shall be submitted to the City; and

(d) The Director may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures. The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

(iii) Compliance certification. A statement, reviewed by the Authorized Representative of the User 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, or additional Pretreatment, is required to meet the applicable Pretreatment Standards;

(iv) Compliance Schedule. If additional Pretreatment or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule must meet the requirements set out in subsection (D)(2);

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

(vi) Description of operations. A brief description of the nature; average rate of production (including each product produced by type, amount, processes, and rate of production); and SIC of the operations carried out by the User. This description should include a schematic process diagram that indicates points of Discharge to the POTW from the regulated processes;

(vii) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day (gpd), to the POTW from regulated process streams

and other streams, if necessary, to allow use of the combined wastestream formula set out in 40 C.F.R. section 403.6(e);

(2) Compliance Schedule progress reports. The following conditions shall apply to the Compliance Schedule and related progress reports required by this chapter:

a. The Compliance Schedule shall contain progress increments, each increment not to exceed nine months, 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 or Pretreatment Requirements (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);

b. The User shall submit a progress report to the Director, at least every nine months and no later than 14 days following each date in the Compliance Schedule and the final date of compliance, which shall include, at a minimum, a description of whether or not the User 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 Compliance Schedule; and

(3) Periodic compliance reports. The following conditions shall apply to the periodic compliance reports required by this chapter:

a. All SIUs shall, at a frequency determined by the Director, but at least two times per year (in June and December, unless otherwise stated), submit a report indicating the nature and concentration of Pollutants in the Discharge that are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or Pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the User's compliance status.

b. 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.

c. If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Director, using the procedures prescribed in section 22-187-1, the results of this monitoring shall be included in the report.

(4) Reports of changed conditions. Each User must notify the Director of any planned significant change to the User's operations or system that might alter the nature, quality, or volume of the User's Wastewater at least 90 days before the change.

a. The Director may require the User to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application pursuant to section 22-177.

b. The Director may issue a Wastewater Discharge Permit pursuant to section 22-176 or modify an existing Wastewater Discharge Permit pursuant to section 22-180 in response to changed conditions or anticipated changed conditions.

c. For purposes of this section, significant changes may include, but are not limited to, flow increases of 20% or greater, or the Discharge of a Pollutant not previously reported.

(5) Reports of potential problems.

a. In the case of any incident involving a Discharge, including but not limited to accidental Discharges; Discharges of a non-routine, episodic nature; a non-customary batch Discharge; or a Slug Load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include providing the Director with the caller's name; phone number; location of the Discharge; type, concentration, and volume of waste, if known; and any corrective action taken by the User.

b. Within five days following such Discharge, the User shall, unless waived by the Director, 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 that 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 fine, penalty, or other liability that may be imposed pursuant to this article.

c. 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 subsection (D)(5)(a). Employers shall ensure that all employees who have the potential to cause such a Discharge to occur are advised of the emergency notification procedure.

d. SIUs are required to notify the City immediately of any change at its facility affecting the potential for a Slug Discharge.

(6) Recordkeeping. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of each Person 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 years. This period shall be automatically extended for the duration of any applicable litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

(7) Notification of changed Discharge. All Industrial Users shall promptly notify the Director in advance of any substantial change in the volume or character of Pollutants in the Industrial User's Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under section 22-194.

(8) Reports on compliance with Categorical Pretreatment Standards deadline. Within 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 shall submit to the Director a report containing the information described in section 22-177(D). For Users subject to equivalent concentration or mass limits established in accordance with the procedures in 40 C.F.R. section 403.6(c), the 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.

(9) 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 as the Director may require.

(10) Notice of violation/repeat sampling and reporting. If sampling performed by a User indicates a violation, the User must notify the Director within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation.

(11) All reports must be certified. Any report or related document required by this section shall be signed and certified in accordance with section 22-187-2.

E. Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports that 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.

F. SNC. The City shall publish at least annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW of Industrial Users that, at any time during the previous 12 months, were in SNC with applicable Pretreatment Standards or Pretreatment Requirements. This procedure shall be as specified in 40 C.F.R. section 403.8(f)(2)(viii).

Sec. 22-187-1. Analytical requirements and sample collection.

A. 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 C.F.R. Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or other applicable sampling and analytical procedures approved by the EPA. Non-detectable results may be used only as demonstration that the Pollutant is not present if the EPA-approved method from 40 C.F.R. Part 136 with the lowest minimum detection level for the Pollutant was used in the analysis.

B. Sample collection.

(1) Samples collected to satisfy reporting requirements must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The City shall indicate the frequency of monitoring necessary to assess and ensure compliance by the User with applicable Pretreatment Standards and Pretreatment Requirements. Except as indicated in subsections (B)(2) and (B)(3), the User must collect Wastewater samples using 24-hour flow-proportional Composite Sampling techniques, unless time-proportional Composite Sampling or Grab Sampling is authorized by the Director. Where time-proportional Composite Sampling or Grab Sampling is authorized by the Director, the samples must be representative of the Discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

- a. for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field;
- b. for volatile organics and oil and grease, the samples may be composited in the laboratory;
- c. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate; and
- d. Grab Samples may be required to show compliance with Instantaneous Limits.

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

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required by this article, a minimum of four individual Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Director may authorize a lower minimum. For any periodic compliance reports required by this article (40 C.F.R. sections 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of Grab Samples necessary to assess and ensure compliance with applicable Pretreatment Standards and Pretreatment Requirements.

Sec. 22-187-2. Certification statements.

A. Certification of permit applications, User reports, and initial monitoring waiver. The following certification statement shall be signed by an Authorized Representative of the User and provided to the City at the time of submission of a permit application, report, transfer, waiver, or other document as required by this chapter:

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.

B. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director shall annually submit the following certification statement signed by the Authorized Representative of the User. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 C.F.R. _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as defined in section 22-1 and further described in section 22-172;

(b) The facility complied with all applicable Pretreatment Standards and Pretreatment Requirements during this reporting period; and

(c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

C. Certification of Pollutants not present. Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the Pollutant in the User's wastestream due to activities of the User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 C.F.R. _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list Pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic compliance report pursuant to 22-187(D)(3).

Sec. 22-188. Monitoring facilities.

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 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.

B. 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.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City. Such notification may be as indicated in the User's Wastewater Discharge Permit.

D. The monitoring program may require the User to conduct a sampling and analysis program of a frequency and type specified in the User's Wastewater 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 its own sampling and analysis program provided the User demonstrates to the Director that the User has the necessary qualifications and facilities to perform the work; or

(2) engage a private laboratory, certified by the State of California Department of Public Health. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-189. Inspection of facilities.

A. The City shall have the right to enter the Premises of any User to determine whether the User is complying with all requirements of this chapter and any individual Wastewater Discharge Permit or order issued hereunder. The City may inspect the facilities of any User to ascertain whether the purpose of this article and all requirements are being met. Persons or occupants of Premises where nonresidential Wastewater is Discharged, have the potential of being Discharged, or are suspected of being Discharged shall allow the City access at all times to all parts of the Premises for the purposes of inspection, photographing, video recording, sampling, records examination and copying, any other form of inspection or documentation, or the performance of any additional duties.

1. Where a User has security measures in force that require proper identification and clearance before entry into the User's Premises, the User shall make necessary arrangements so that, upon presentation of suitable identification, Personnel from the City, the EPA, or their authorized representatives shall be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The City shall have the right to set up on the User's Premises, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

3. Any temporary or permanent obstruction to safe and easy access to the Premises or facility to be inspected and/or sampled shall be promptly removed, at the User's sole expense, by the User at the written or oral request of the Director and shall not be replaced.

4. An unreasonable delay in allowing the City access to the User's Premises shall be a violation of this chapter.

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 Wastewater Discharge 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.

(6) The fees referenced in this subsection (D) 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. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

E. Dischargers subject to the California Industrial General Permit for Stormwater shall allow the Water Boards, U.S. EPA, and City of Escondido (including any authorized contractor acting as their representative), to:

(1) Enter upon the premises at reasonable times where a regulated industrial activity is being conducted or where records are kept under the conditions of this General Permit;

(2) Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;

(3) Inspect the facility at reasonable times; and,

(4) Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

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) shall be at the point of the Discharge to the Wastewater System or such other upstream sampling point on the private lateral as mutually agreed upon by the nonresidential User and the Director. 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 may specify, through the provisions of the User's Wastewater Discharge Permit, procedures for obtaining necessary samples, and require that any Persons discharging Wastewater install a measuring device, that samples be analyzed and measurements of flow taken and reported to the City, and that such sampling and measuring device shall be made accessible to the Director.

B. 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 Samples of Industrial Waste 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.

C. Sampling and analysis shall be performed in accordance with section 22-187-1, or other sampling and analytical procedures subject to the Director's Approval. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-191. Reserved.

Sec. 22-192. Enforcement.

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

B. Requiring Discharger to submit schedule of remedial or preventive measures. When the Director finds that a Discharge of Wastewater is taking place, has taken place, or is threatening to take place and that such Discharge violates, has violated, or will violate prohibitions or limits prescribed by this article, Wastewater source control requirements, or the provisions of a Wastewater Discharge Permit, the Director may require the User to submit for

approval of the Director, with such modifications as may be deemed necessary, a detailed time schedule of specific actions the User shall take to correct or prevent a violation of this chapter.

C. Issuance of cease and desist order. When the Director finds that a Discharge of Wastewater is taking place, has taken place, or is threatening to take place and that such Discharge violates, has violated, or will violate prohibitions or limits prescribed by this article, Wastewater source control requirements, or the provisions of a Wastewater Discharge Permit, the Director may issue to the non-compliant User an order to cease and desist and direct the User to:

(1) comply immediately;

(2) comply in accordance with a time schedule prescribed by the Director; or

(3) in the event of a threatened violation, take appropriate remedial or preventative action. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-193. Appeal procedure.

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

B. If the ruling made by the Director is unsatisfactory to the User requesting reconsideration, the User may, within ten days after notice of the action by the Director, file a written appeal to the City Council.

C. The written appeal shall state all pertinent aspects of the matter and shall include the hearing record if one was requested. The City Council may amend, modify, confirm, or reject any decision, judgment, or finding (including waivers) of the Director so long as the purpose and intent of this article is not violated. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)

Sec. 22-194. Notification of the Discharge of Hazardous Waste.

A. Any User who commences the Discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any Discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the

following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream Discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be Discharged during the following 12 months. All notifications shall take place no later than 180 days after the Discharge commences. Any notification under this section needs to be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted pursuant to section 22-187(D)(4). The notification requirement in this section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the applicable self-monitoring requirements within section 22-187. (Ord. No. 2011-18, § 8, 12-14-11)

B. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the Discharge of such substance within 90 days of the effective date of such regulations.

C. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

D. This section does not create a right to Discharge any substance not otherwise permitted to be Discharged by this chapter; a permit issued thereunder; or any applicable federal, state, or local law, regulation, or order.

Sec. 22-195. Reserved.

ARTICLE 9. INDUSTRIAL BRINE COLLECTION SYSTEM (IBCS)

Sec. 22-196. Purpose.

The City constructed the IBCS to allow qualified industrial Dischargers to Discharge certain Industrial Brine Wastewater into the IBCS. These industrial processes create concentrated dissolved minerals and salts that naturally exist in potable water and recycled water supplies, resulting in elevated concentrations of TDS in the Discharge. Industrial Brine Wastewater Discharged into the IBCS is not to be treated by the HARRF's preliminary, primary, or secondary treatment facilities. The purpose of this article is to minimize the Discharge of salts to the Sewer system and Wastewater Treatment Plant. Dischargers under this article are subject to individual NPDES Permits, under regulations of the California State Water Resources Control Board. (Ord. No. 2011-18, § 9, 12-14-11)

Sec. 22-197. Industrial Brine Users.

Industrial Brine Users are permitted to Discharge the following into the IBCS:

A. Industrial Brine Wastewater or blowdown from evaporative cooling processes, and

B. Industrial Brine from reverse osmosis, water softener, and other types of water treatment processes. (Ord. No. 2011-18, § 9, 12-14-11)

Sec. 22-198. Prohibited Discharges into an Industrial Brine Collection System (IBCS).

It is unlawful for any User to Discharge any waste into the IBCS that does not meet the following criteria:

- A. Compliance with Discharge prohibitions of the California Ocean Plan.
- B. Compliance with applicable Discharge prohibitions contained in the Basin Plan.
- C. Any flow Discharge entering the IBCS at a temperature of 104 degrees Fahrenheit or higher. (Ord. No. 2011-18, § 9, 12-14-11)

Sec. 22-199. Limitations on Discharges into an Industrial Brine Collection System (IBCS).

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

A. Wastewater management systems that Discharge to the Pacific Ocean through IBCS must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

B. Wastewater Discharged to the Pacific Ocean through IBCS must be free of:

- (1) material that is floatable or will become floatable upon Discharge;
- (2) settleable materials or substances that may form sediments that will degrade benthic communities or other aquatic life;
- (3) substances that will accumulate to toxic levels in marine waters, sediments, or biota;
- (4) substances that significantly decrease the natural light to benthic communities and other marine life; and
- (5) materials that result in aesthetically undesirable discoloration of the ocean surface.

C. Waste that contains pathogenic organisms or viruses shall be Discharged through the IBCS at a sufficient distance from shell fishing and water contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the Discharge point from the area of use must be provided. Disinfection procedures shall be used that do not increase effluent toxicity and that constitute the least environmental and human hazard.

D. The Discharge of effluent shall not result in the increase in the natural water temperature exceeding 104 degrees Fahrenheit at:

- (1) the shoreline;
- (2) the surface of any ocean substrate; or
- (3) the ocean surface beyond one thousand feet from the Discharge system.

E. The Discharge of effluent shall not affect the natural temperature of designated areas of special biological significance.

F. The Discharger shall not cause Pollution, Contamination, or Nuisance, as those terms are defined in this chapter and California Health and Safety Code section 13050, as a result of the treatment or Discharge of wastes.

G. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the RWQCB.

H. The Discharger shall not Discharge any material or quantity of material that will cause HARRF's effluent to exceed the concentration limits of its NPDES Permit as established by the RWQCB, and any subsequent amendments as are duly adopted from time to time by the RWQCB. (Ord. No. 2011-18, § 9, 12-14-11; Ord. No. 2018-01, § 17, 4-4-18)

Sec. 22-200. Required reports.

A. Discharge reports. The Director may require Discharge reports, including but not limited to technical reports, sampling reports, test analyses, and periodic reports of IBCS Wastewater Discharge.

B. Reports of potential problems. In the case of any incident involving a Discharge, including but not limited to accidental Discharges; Discharges of a non-routine, episodic nature; a non-customary batch Discharge; or a Slug Load, that may cause potential problems to the ICBS, the User shall immediately telephone and notify the Director of the incident. This notification shall include providing the Director with the caller's name; phone number; location of the Discharge; type, concentration, and volume of waste, if known; and any corrective action taken by the User.

C. Notice of violation/repeat sampling and reporting. If sampling performed by a User indicates a violation, the User must notify the Director within 24 hours of becoming aware of the violation.

D. Certification statements. A certification statement that complies with the requirements of section 22-187-2 must accompany the reports described in subsections (A) through (C), above.

(Ord. No. 2011-18, § 9, 12-14-11; Ord. No. 2018-01, § 18, 4-4-18)

Sec. 22-201. Reserved.

Sec. 22-202. Reserved.

Sec. 22-203. Best Management Practices (BMPs) and Pollution prevention.

The Director shall establish, apply, and enforce an Industrial User's evaluation and regulatory program that will establish Discharge regulations, Discharge prohibitions, and requirements under which industrial dischargers will be allowed to Discharge to the IBCS. (Ord. No. 2018-01, § 19, 4-4-18)

Sec. 22-204. Spill prevention and response plans.

A. For purposes of this section, a spill is a Discharge of Industrial Brine Wastewater that occurs at a location from the IBCS in violation of the Discharge prohibitions of this chapter. This section does not include Sanitary Sewer overflows reportable under separate waste Discharge requirements.

B. The IBCS Discharger shall maintain a spill prevention plan (SPP) for the IBCS in an up-to-date condition and shall amend the SPP whenever there is a change (e.g., in the design, construction, operation, or maintenance of the IBCS) that materially affects the potential for spills. The City shall review the SPP as appropriate after each spill from the IBCS. The SPP and any amendments thereto shall be subject to Director's Approval. The IBCS Discharger shall ensure that the up-to-date SPP is readily available to the Discharger's Personnel at all times and that the Discharger's Personnel are familiar with it.

C. The IBCS Discharger shall maintain a spill response plan (SRP) for the IBCS in an up-to-date condition and shall amend the SRP, as necessary. The IBCS User shall review and amend the SRP as appropriate after each spill from the IBCS. The SRP and any amendments thereto shall be subject to the Director's Approval. The IBCS Discharger shall submit the SRP and any amendments thereto to the Director upon the City's request. The IBCS Discharger shall ensure that the up-to-date SRP is readily available to the Discharger's Personnel at all times and that the Discharger's Personnel are familiar with it. (Ord. No. 2018-01, § 20, 4-4-18)

Sec. 22-205. Spill reporting requirements.

A. Report the spill to the Industrial Waste environmental inspector by telephone, voicemail, or email within 24 hours from the time the Discharger becomes aware of the spill. The IBCS Discharger shall inform the RWQCB of the date of the spill, the location of the spill and its final destination, the time the spill began and ended, the estimated total spill volume, and the type of spill material. The IBCS Discharger shall submit a written report, as well as any additional pertinent information, to the RWQCB no later than five days following the starting date of the spill event.

B. For spills of material other than Industrial Brine Wastewater that cause, may cause, or are caused by significant operational failure, or endanger or may endanger human health or the environment, the IBCS Discharger shall notify the RWQCB and Industrial Waste environmental inspector by telephone, voicemail, or email within 24 hours from the time the IBCS becomes aware of the spill. The IBCS Discharger shall inform the RWQCB and Industrial Waste inspector of the date of the spill, the location of the spill and its final destination, the time the spill began and ended, the estimated total spill volume, and the type of spill material.

C. The spill reporting requirements do not relieve the IBCS Discharger of responsibilities to report to other agencies, such as the California Office of Emergency Services and the County of San Diego Department of Environmental Health. (Ord. No. 2018-01, § 21, 4-4-18)

SECTION II. Clerical Tasks.

The City Clerk is hereby authorized and directed to change any chapter numbers, article numbers, section and page numbers in the event that the adoption of this Municipal Code amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.