

ORDINANCE 2145

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING
CHAPTER 13.52, PRETREATMENT AND REGULATION OF WASTES,
OF THE CITY OF REDLANDS MUNICIPAL CODE, RESCINDING
ORDINANCE NO. 2070

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS
FOLLOWS:

SECTION ONE: Chapter 13.52 of the Redlands Municipal
Code is hereby amended to read as follows:

Chapter 13.52

PRETREATMENT AND REGULATION OF WASTES

13.52.010 Preamble.

The wastewater treatment facilities of the City discharge treated effluent into permeable soil structures. The California Regional Water Quality Control Board, Santa Ana Region, hereinafter called "Regional Board," has established limitations upon the chemical content of wastewater effluent discharge by the City, and such limitations are set forth in duly enacted Resolutions and Orders of the Regional Board. These Resolutions and Orders may be amended by the Regional Board. In order to comply with such discharge limitations, the City must regulate the flow of certain wastes into its public sewer and treatment facilities. (Prior code 83900)

13.52.020 Definitions.

A. Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

1. "Discharge to the ground" means discharge of wastewater to or into the soil and not contained in a facility approved by the Public Works Director as being impermeable.
2. "Domestic wastewater" means wastewater from residences and wastewater from other premises resulting from personal use of water for washing or sanitary purposes.
3. "Exchange type water conditioning apparatus" means water conditioning apparatus that is removed from the premises upon which it normally operates and is regenerated at a commercial regeneration plant when in need of regeneration.
4. "Categorical Pretreatment Standard" means the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which

may be discharged or introduced to the public sewer and/or treatment facilities by existing or new industrial users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N of the National Pretreatment Standards.

5. "Floatable hydrocarbon oil" means the amount of hydrocarbon oil floating to the surface of a sample of water under the same conditions as prescribed in the definition of "floatable oil and grease."

6. "Floatable oil and grease" means the oil and grease floating to the surface of a sample of water when it is retained for one hour in a quiescent condition in a vessel with vertical walls, filled to the depth of 30 centimeters.

7. "Industrial wastewater" means the same as "nondomestic wastewater."

8. "Interference" means a discharge which alone or in conjunction with other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore, is a cause of any violation of the POTW's National Pollutant Discharge Elimination System (NPDES) permit or the prevention of sewage sludge use or disposal in compliance with all applicable State and Federal law.

9. "Nondomestic wastewater" means wastewater other domestic wastewater, or industrial wastewater combined with domestic wastewater.

10. "NPDES permit" means the National Pollutant Discharge Elimination System permit issued to the wastewater treatment facilities by the Regional Board, or Discharge Permit.

11. "Operation" includes the washing of equipment or spaces used in industrial operations. Industrial wastewater does not include the following: wastewaters from the operations of single or multiple residences, motels, hotels, schools, vehicle service facilities, wash racks and garages, except as otherwise indicated herein.

12. "Person" means any individual, local, state and federal agency or their agents, firm, or company, association, society, corporation, or group, and includes the plural as well as the singular.

13. "Plumbing officials" means the Director of Building and Safety of the City of Redlands or his authorized representative or deputy.

14. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as

prohibited. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit.

15. "Public sewer" means a common sewer maintained by the City that collects domestic or nondomestic wastewater for transport to the treatment facilities. The term as herein used does not include storm drains or channels for conveyance of natural surface waters.

16. "Public Works Director" means the Public Works Director of the City of Redlands or his authorized representative or deputy(s).

17. "Sand-and-oil interceptor" or "interceptor" means an approved detection detention chamber designed to remove grease, oil and sand from wastewater prior to discharge into the public sewer.

18. "Significant industrial user" or "industrial user" means any industrial user of the wastewater treatment facilities who has a discharge flow of more than twenty-five thousand gallons per day (gpd); discharges waste at a strength equivalent to or more than twenty-five thousand gallons per day of domestic strength wastewater; discharges a waste which contains any toxic pollutant(s) limited by the Environmental Protection Agency (EPA) as requiring regulation; all categorical and non-categorical industrial users that contribute a process wastestream which makes up 5 percent of more of the capacity of the treatment plant, or discharges wastewater that the Public Works Director requires to be controlled by a wastewater discharge permit.

19. "Wastewater discharge permit" or "permit" means that document authorizing an industrial user to discharge nondomestic wastewater to the public sewers and/or wastewater treatment facilities.

20. "Wastewater effluent" or "effluent" means the treated wastewater discharged from the wastewater treatment facilities.

21. "Wastewater treatment facilities" or "treatment facilities" means the structures, equipment, and processes maintained by the City which are required to treat and dispose of domestic and nondomestic wastewater.

22. "Pass Through" means the Discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES or discharge permit (including an increase in the magnitude or duration of a violation). An Industrial User significantly contributes to such permit violation where it:

a. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal State, or local law;

b. Discharges wastewater which substantially differs in nature and constituents from the User's average Discharge;

c. Knows or has reason to know that its Discharge alone or in conjunction with Discharges from other sources, would result in a permit violation; or

d. Knows or has reason to know that the POTW is, for any reason violating its final effluent limitations in its permit and that such Industrial User's Discharge either alone or in conjunction with Discharges from other sources, increases the magnitude or duration of the POTW's violations.

23. "Water supply" means the City's water supply serving the area tributary to the City's public sewers and/or wastewater treatment facilities. "Water supply" may also mean the water supply actually served to a specific consumer as determined by analysis of a composite sample collected and analyzed in a manner approved by the Municipal Utilities Director.

24. "May" means permissive.

25. "Shall" means mandatory.

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

27. "Toxic Pollutants" are those constituents as defined in the Act.

28. (1) "New Source" means any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

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

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

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in modification rather than a new source if the the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 28. b. or 28. c. of this section but otherwise alters, replaces, or adds to existing process or production equipment.

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

(1) Begun, or caused to begin as part of a continuous onsite construction program;

A. Any placement, assembly, or installation of facilities or equipment; or

B. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

29. "Director and Regional Board" means Executive Officer of the Santa Ana Regional Water Quality Control Board.

30. "Administrator or Regional Administrator" means the executive officer of the Federal Environmental Protection Agency.

31. "Control Authority" means the City of Redlands acting through its Public Works Director.

32. "POTW" means the City of Redlands wastewater treatment facility and public sewer.

C. Definitions of all chemical, biological, and other technical terms shall be the same as defined in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by American Public Health Association, American Water Works Association and Water Pollution Control Federation. (Prior code 83901)

13.52.030 Prohibited discharges.

Except as hereinafter provided, it shall be unlawful for any person to discharge or to cause to be discharged into any public sewer or any opening leading to a public sewer of the City any of the following:

A. Any earth, sand, rocks, ashes, gravel, plaster, concrete, semisolid (partially solid) or viscous material in quantities or volume which will obstruct the flow of sewage in the public sewer or any object which will cause clogging of sewage pumps or sewage sludge pumps, or interfere with the normal operation of the wastewater treatment facilities.

B. Any compound which will produce noxious odor in the public water or wastewater treatment facilities, or public sewer.

C. Any volatile liquid or substance which can produce toxic, flammable or explosive atmosphere in the public sewer and P.O.T.W.

D. Any overflow from any septic tank or holding tank, cesspool, or any liquid or sludge pumped from a cesspool or septic tank, except at such place and in such manner as may be prescribed by the Public Works Director or his Agent.

E. Any storm water or any runoff from any field, roof, yard driveway or street.

F. Any liquid or vapor which will cause the temperature of the sewage in the City's receiving main 6" or greater, to rise higher than 104 degrees Fahrenheit, or substantially inhibit biological activity in the wastewater treatment facilities.

G. Any radioactive wastes in excess of Federal, State, or County regulations.

H. Any material or quantity of material which will cause significant damage to any part of the public sewer system, abnormal sulfide generation or abnormal maintenance or operation costs of any part of the public sewer system, becomes a nuisance or menace to public health, cause the City wastewater effluent to exceed the concentration limits set by the Regional Board, or cause interference with the function of the wastewater treatment facilities.

I. Any wastewater having a pH less than 6.0, or waste water having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the public sewer system and P.O.T.W. (Prior code 83902)

J. Any discharge which alone or in conjunction with other discharges causes "pass through".

K. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference.

L. No industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with a categorical standard.

13.52.040 Interceptor - Required when.

Any facility maintained for the servicing or repair of roadway machinery shall install and maintain a sand-and-oil interceptor. Wastewaters from toilets shall not be allowed to pass through this interceptor, but all wastewaters arising from the servicing and repair of vehicles shall pass through this interceptor before discharge to a public sewer of the City. If the vehicle servicing facility does not include facilities for the washing of more than one vehicle at a time, the interceptor shall have an operation fluid capacity of not less than six cubic feet and accessible effective water surface not less than four square feet. "Accessible effective water surface" is here understood to mean a surface which is easily accessible for cleaning and which at the same time will retain oil floating on the surface of water passing through the trap under conditions of use. If the vehicle servicing facility has facilities for washing or otherwise cleaning more than one vehicle at a time, the interceptor shall have an operating fluid capacity of at least twelve cubic feet and an accessible effective water surface of at least six square feet, and shall be as much larger than this as is necessary so that a seven-day accumulation of sand and oil will not together fill more than twenty-five percent of the fluid capacity. The interceptor shall be designed so as to retain any oil and grease which will float and any sand which will settle. It shall be water tight and structurally sound and durable. It shall be easily accessible for cleaning and also for inspection by the Public Works Director. (Prior code 83903)

13.52.050 Interceptor - Installation before effective date.

Any interceptor legally and properly installed at a vehicle servicing facility before February 15, 1983 shall be acceptable as an alternative to the interceptor specified in Section 13.52. .040, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained. If the Public Works Director finds, either by engineering knowledge or by observation, that an interceptor is incapable of retaining adequately the sand and oil in the wastewater flow from a vehicle servicing facility, he shall declare that it does not meet the requirements of this chapter. Thereafter, the provisions of Section 13.52.040 shall apply. (Prior code 83904)

13.52.060 Interceptor - Designs on file.

The Public Works Director shall maintain a file, available for public use, of suitable designs of sand-and-oil interceptors. This shall be for informational purposes only. By maintaining such a file, the City is in no way endorsing any design therein, and is making no representation of adequacy in specific service. The owner or proprietor must keep sand and oil out of the public sewer. If this interceptor is not adequate under the conditions of use, he shall construct one which is effective in accomplishing the intended purpose of this Ordinance. (Prior code 83905)

13.52.070 Interceptor - Facility approval.

The Public Works Director shall not approve the plumbing of a vehicle servicing or repairing facility if it does not have a sand-and-oil interceptor meeting the requirements of this chapter. (Prior code 83906)

13.52.080 Interceptor - Maintenance.

The sand-and-oil interceptor of a vehicle servicing facility shall be properly maintained. It shall be cleaned as often as is necessary to assure that sand and oil does not accumulate to impair the efficiency of the interceptor. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to a public sewer. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition. It is not considered to be properly maintained if sand and oil accumulations total more than twenty-five percent of the operating fluid capacity. The owner of any vehicle servicing facility, the lessee and sub-lessee if there be such, and any proprietor, operator or superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. (Prior code 83907)

13.52.090 Water softeners.

A. It is unlawful to install, replace or enlarge apparatus for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated on the site of use. The owner of an existing water softening or conditioning apparatus may continue to operate said apparatus after the owner registers and certifies the apparatus with the City pursuant to the requirements set forth in Health and Safety Code. The certification shall include the following information:

1. Name and address of homeowner.
2. The equipment manufacturer.
3. Model number of the apparatus, pounds of salt used per regeneration, salt efficiency rating at the time of certification, and that the specified water saving devices have been installed.
4. Name, address, and the specialty contractor's license number of the Class C-55 and C-36 licensee making the certification.
5. Any other information required by the Public Works Director.

B. No water conditioning equipment in use after February 15, 1983, except as provided for in this chapter, may discharge its wastes to the public sewer or to the ground if the equipment has a mineral capacity in excess of one and one-half cubic feet. Multiple units installed to supply water to the same premises shall be considered as a single apparatus for the purposes of this chapter.

C. Any person installing or operating water-treating apparatus of any kind shall make such apparatus accessible to the Public Works Director for inspection at all times and shall make such reports and pay any fee relative to such apparatus as the Public Works Director may require. (Prior code 83908)

13.52.100 Discharge fees.

All industrial wastewater dischargers shall be required to pay either an industrial wastewater discharge permit fee, or a nondomestic wastewater discharge inspection fee. The amount of these annual fees shall be established by the City. (Prior code 83909)

13.52.110 Permit - Required.

All significant industrial users proposing to connect to or discharge to the treatment facilities shall obtain a wastewater discharge permit 90 days prior to connecting to or discharging to the public sewer and/or treatment facilities. All existing industrial users connected to or discharging the public sewer and/or treatment facilities shall apply for a wastewater discharge permit within sixty days after February 15, 1983,

A. And shall submit a baseline report within 90 days after the effective date of a categorical Pretreatment Standard, or 90 days after the final administrative decision made upon a category determination submission, whichever is later existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraph A.(1-7) of this section. Where reports containing this information already have been submitted to the Director or Regional Administrator, the Industrial user will not be required to submit this information again. New sources shall be required to submit to the Control Authority a report which contains the information listed in paragraphs A. (1-5) of this section:

1. Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;

2. Permits. The User shall submit a list of any environmental control permits held by or for the facility;

3. Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the Operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

4. Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- a. regulated process streams; and
- b. other streams as necessary to allow use of the combined wastestream formula. (See paragraph A.5.v e of this section.

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5. Measurement of Pollutants.

a. The user shall identify the Pretreatment Standards applicable to each regulated process;

b. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

c. Where feasible, samples must be obtained through the flow-proportional composite sampling techniques specified in the applicable categorical Pretreatment Standard. Where composite sampling is not feasible, a grab sample is acceptable;

d. Where the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd), the User must take a minimum of four (4) grab samples which must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged within a two-week period. Where the flow of the stream being sampled is greater than 950,000 liters/day (approximately 250,000 gpd), the User must take six samples within a two-week period.

e. 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 wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastewater formula in order to evaluate with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated, this adjusted limit along with supporting data shall be submitted to the Control Authority;

f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

g. The Control Authority may allow the submission of a baseline report which utilized only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

h. 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;

6. Certification. A statement, reviewed by an authorized representative of the Industrial User (as defined in subparagraph (k) of this section) and certified to by a qualified professional, indicating whether Pretreatment

Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and citing evidence and reasons why a particular subcategory is applicable. Any person signing the application statement submitted pursuant to this section shall make the following certification:

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.

7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M shall apply. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

a. Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance, the combined wastestream formula, and/or a Fundamentally Different Factors variance at the time the User submits the report required by paragraph A. of this section, the information required by paragraphs A. 6. and 7. of this section shall pertain to the modified limits.

b. If the categorical Pretreatment Standard is modified by a removal allowance the combined wastestream formula and/or a Fundamentally Different Factors variance after the User submits the report required by paragraph A. of this section, any necessary amendments to the information requested by paragraphs A. 6. and 7. of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

B. Compliance Schedule for Meeting Categorical Pretreatment Standards. The following conditions shall apply to the schedule required by paragraph A. 7. of this section:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in paragraph B. 1. of this section shall exceed 9 months.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expected to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

C. Report on compliance with categorical pretreatment standard 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 Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the Discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flows for these process units in the Industrial User which are limited by such Pretreatment Standards and Requirements, and all data required in the Baseline Monitoring Report. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, as defined in paragraph (k) of this section, and certified to by a qualified professional.

D. Periodic reports on continued compliance.

1. Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph A.4. of this section except that the Control Authority may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted.

2. Where the Control Authority has imposed mass limitations on Industrial Users, the report required by paragraph D.1. of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

E. Notice of slug loading. The Industrial User shall notify the POTW immediately of any slug loading by the Industrial User of any slug loading that creates fire or explosion, or corrosive waste with pH of 5 or below that obstructs flow of the sewer system as defined by 40 CFR 403.5 (D) (4) in the event of a problem discharge. 40 CFR 403.12 (F) the Federal Pretreatment Regulation prohibits the discharge of pollutants which can cause fire or explosion in the P.O.T.W.

F. Monitoring and analysis to demonstrate continued compliance. The reports required in paragraphs A.5., C, and D of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures suggested by the POTW or other parties approved by the Administrator.

G. Provisions governing fraud and false statement. The reports required by paragraphs, A., C., D., G., H., and I. of this section shall be subject to the provisions of 18 U.S.C. section 1001 relating to fraud and false statements and the provisions of section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act.

H. Record-keeping requirements.

1. Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- b. The dates analyses were performed;
- c. Who performed the analyses;
- d. The analytical techniques/methods used; and
- e. The results of such analyses.

2. Any Industrial User or POTW subject to the reporting requirements established in this section shall make such records available for inspection and copying by the Director and the Administrator (and POTW in the case of an Industrial User). This period of retention shall be three years and shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

3. Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs A., C., and D. of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

J. Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

1. Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;

2. Identify the character and volume of pollutants contributed to the POTW. This information shall be made available to the Regional Administrator or Director upon request;

3. Notify Industrial Users of applicable Pretreatment Standards and any applicable requirements under section of the Act and Subtitles C and D of the Resource Conservation and Recovery Act.

4. Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements;

5. Randomly sample and analyze the effluent from Industrial Users and conduct surveillance and inspection activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. The results of these activities shall be made available to the Regional Administrator or Director upon request;

6. Investigate instances of noncompliance with Pretreatment Standards and Requirements, or indicated by analysis, inspection, and surveillance. Sample taking and analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

7. Comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annually providing public notification, in the largest daily newspaper published in the municipality in which the

POTW is located, of Industrial Users which, during the previous 12 months, were significantly violating applicable Pretreatment Standards or other Pretreatment Requirements. For the purpose of this provision, a significant violation is a violation, which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period, which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority.

K. Signature and Requirements. All reports submitted on behalf of an Industrial User shall be signed by a responsible corporate officer or a duly authorized representative of a responsible corporate officer. Responsible corporate officer includes the President, Secretary, Treasurer, Vice-President or Owner. For the purpose of this paragraph, a responsible corporate officer means (i) 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 (ii) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports a partnership or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) the written authorization submitted to the Control Authority.

(4) If an authorization under paragraph (1)(3) of this section 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 authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

13.52.120 Permit - Application form.

A. Users required to obtain a wastewater discharge permit shall complete and file with the Public Works Director an application form provided by the Public Works Director. The application form shall show:

1. Name, mailing address. and location of business or plant;
 2. SIC number according to the Standard Industrial Classification Manual. Bureau of the Budget, 1972, as amended;
 3. Wastewater constituents and characters as measured by a State certified laboratory or a laboratory approved by the Public Works Director.
 4. Time and duration of discharge.
 5. Average daily and peak wastewater flow rates, including any seasonal variation;
 6. Site plans, flood plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
 7. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
 8. Whether or not pretreatment standards (federal categorical pretreatment standards and/or local) are being met on a consistent basis. If not, the shortest schedule by which the user will provide additional pretreatment and/or operation and maintenance to meet applicable standards;
 9. Any other information as may be necessary for the Public Works Director to evaluate the permit application.
- B. Within fourteen days the Public Works Director will evaluate the data furnished by the user. After evaluation and acceptance of the data furnished, the Public Works Director will issue a wastewater discharge permit subject to the terms provided herein.
- C. If the Public Works Director determines that the proposed discharge will not be acceptable, he shall disapprove the application and shall so notify the applicant. (Prior code 83911)

13.52.130 Permit - Contents.

Wastewater discharge permits shall be expressly subject to all provisions of this chapter, EPA, and all other applicable regulations, charges and fees established by the City. Permits will contain, unless the Public Works Director instructs otherwise, the following:

- A. The unit charge, schedule of user charges, and fees for the wastewater discharge to the public sewer and/or treatment facilities.
- B. Limitations on the average and maximum wastewater constituents and characteristics;
- C. Limitations on the average and maximum flow rate and time of discharge or requirements for flow regulation and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;

E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for analyses under Section 304(h) of the C.W.A. and reporting schedules;

F. Compliance schedules;

G. Requirements for submission of technical or discharge reports;

H. Requirements for maintaining and retaining plant records relating to the wastewater discharge;

I. Requirements for notification of slug or accidental discharges;

J. Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this chapter. (Prior code 83912)

13.52.140 Permit - Revision.

When the Federal categorical pretreatment standards are promulgated, the wastewater discharge permit of the users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. The permit would be modified only when the Federal categorical pretreatment standard is more restrictive than the limitation(s) contained in this chapter. (Prior code 83913)

13.52.150 Permit - Term, transfer and amendment.

A. Permits shall be issued for a specified time period not to exceed three years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of thirty days prior to the expiration of the user's existing permit.

B. 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 without the written approval of the Public Works Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

C. If the discharger wishes to make alterations of pretreatment facilities or alterations of connections to the public sewer, or if he wishes to discharge additional waste or to discharge wastes in excess of the amounts which have been approved, or wastes of a different kind, he shall submit to the Public Works Director a permit application requesting approval of such alteration. The Public Works Director shall treat this in the same manner as an original application under Section 12.52.110. Prior code 83914)

13.52.160 Industrial wastewater discharge.

A. It is unlawful, after February 15, 1983, for any person to discharge into the public sewer system of the City, directly or indirectly, any industrial wastewater which is not approved as to kind and amount by the Public Works

Director, except that the Public Works Director shall grant such reasonable extensions of time in excess of the one-hundred-eighty-day period as may be necessary for plant alterations, changes in process or the design, acquisition, manufacture, installation and testing of the committed treatment or other facilities which additional time the Public Works Director agrees is required to effect compliance. Such extensions shall not exceed one year in duration. Except as hereinafter set forth, no industrial waste shall be discharged to a public sewer unless it conforms to the requirements set forth in this Article for all discharges to public sewers.

B. The following constituent items, set out in subdivisions 1 through 7 of this subsection, are those shown which the Regional Board specifies limitations for in terms of not exceeding the water supply plus a given increment of the constituent. The increments given in this chapter have been increased above those specified by the Board to give industrial waste dischargers the benefit of the dilution of domestic waste discharges. If such discharge dilution is insufficient this chapter may be amended to decrease the increment values:

1. The electrical conductivity shall at no time exceed the yearly average electrical conductivity in the water supply plus one thousand microns per cubic centimeter.

2. The content of sodium-ion shall at no time exceed the yearly average sodium-ion in the water plus one hundred seventy-five milligrams per liter.

3. The content of chloride-ion shall at no time exceed the yearly average of chloride-ion in the water supply plus one hundred fifty milligrams per liter.

4. The content of sulphate shall at no time exceed the yearly average sulphate in the water supply plus seventy-five milligrams per liter.

5. The content of boron shall at no time exceed the yearly average boron in the water supply plus 1.0 milligrams per liter of boron.

6. The content of flouride shall at no time exceed the yearly average of flouride in the water supply plus 1.0 milligrams per liter of flouride.

7. The content of hardness expressed as calcium carbonate shall not exceed the monthly average hardness in the water supply plus one hundred milligrams per liter.

The following subdivisions 8 through 14 are those which relate to the City's operation of public sewers and wastewater treatment facilities.

8. The content of total oil and grease shall at no time exceed four hundred fifty milligrams per liter.

9. The content of floatable oil and grease shall at no time exceed one hundred milligrams per liter.

10. The content of floatable hydrocarbon oil shall at no time exceed one hundred milligrams per liter.

11. The standard five-day biochemical oxygen demand shall at no time exceed six hundred fifty milligrams per liter.

12. The suspended solids content shall at no time exceed six hundred fifty milligrams per liter.

13. The dissolved sulfide content shall at no time exceed 0.1 milligrams per liter.

14. Toxic constituents shall not exceed the values prescribed in Exhibit A, Table 1, Discharge Limits, of the ordinance codified in this chapter, a copy of which may be found in the office of the City Clerk. (Prior code 83915)

13.52.170 Monitoring and inspection.

A. The Public Works Director shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Public Works Director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or 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.

B. 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 of monitoring facilities shall be completed within ninety days following written notification by the Public Works Director. The Public Works Director shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where waste water is created or discharged shall allow the Public Works Director or his representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination, records copying, or in the performance of any of their duties. The Public Works Director shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (prior code 83916)

13.52.180 Permit - Revocation.

The wastewater discharge permit may be revoked by the Public Works Director when it is found that the discharge is in fact in violation of the provisions of this chapter or the user is not in compliance with other permit conditions or requirements. The Public Works Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the public sewer and/or treatment facilities or endangerment to any individuals. The Public Works Director shall reinstate the wastewater discharge permit upon proof of the elimination of the noncomplying discharge and after payment by the permittee of all applicable costs incurred by the City to suspend or revoke the wastewater discharge permit and/or to sever and reconnect the sewer connection. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any further occurrence shall be submitted to the City within fourteen days of the date of occurrence. (Prior code 83917)

13.52.190 Federal standards.

Upon the effective date of a Federal categorical pretreatment standard or other regulation for a particular

industrial category, the Federal standard, if more stringent than limitations imposed under this chapter for sources in that category, shall immediately supercede the limitations imposed under this chapter. The Public Works Director shall update and notify all affected users of the applicable discharge limitation and reporting requirements. (Prior code 83918)

13.52.200 Confidentiality.

A. Information and data relative to a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (Prior code 83919)

13.52.210 Construction of provisions not to limit.
Nothing in this chapter shall be construed as lessening the applicability of other requirements of this Code. This chapter shall be construed in a manner consistent with the provisions of the California Health and Safety Code regarding the discharge of contaminating sewage, and with all other state laws on the subjects covered herein. (Prior code 83920)

13.52.220 Waiver of requirements.

A. If any discharge to a public sewer contains or may contain constituents which will cause it to fail to conform to any of the requirements set forth in this Article, but the Public Works Director finds that (1) the discharge will not cause harm to the public sewer system nor unreasonably or inequitably burden the operation of the public sewer and/or treatment facilities, (2) when considered together with similar excesses in discharges of others, will not materially affect the ability of the City to meet the requirements of the Regional Board on the City's effluent discharge, and (3) the discharge does not violate applicable Federal regulations, he may grant approval for discharge to the public sewer with waiver or modification of the requirement which would not be met.

B. To make use of this provision the discharger must provide the Public Works Director with monthly notarized records of the weight of all chemicals purchased and the weight of all such chemicals used during the month. Required records shall be submitted within thirty days after the last day of the month for which record are being submitted. In the permit the Public Works Director shall include a statement regarding the requirement that is waived with reasons as to why the waiver is reasonable. A copy of this permit shall be filed with the City Clerk. Any waiver granted pursuant to this section shall be subject to withdrawal at any time the Public Works Director makes a subsequent finding that the City sewer system is burdened or the ability of the City to meet State and Federal requirements is materially affected. (Prior code 83921)

13.52.230 Exemption on discharge of toxic constituents.
Those discharging toxic constituents as specified in Section 13.52.160C14 will not be held in violation of that section of this chapter as long as the wastewater effluent does not exceed these requirements unless damage is caused to the public sewer and/or treatment facilities by the discharge of such constituents or unless the industrial user fails to meet Federal categorical pretreatment standards or demonstrates an upset. (Prior code 83922)

A. Definition. For the purpose of this section, "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational

error, improperly designed treatment facilities, inadequate treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. Effect of an upset. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph C. are met.

C. Conditions necessary for a demonstration of upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An Upset occurred and the Industrial User can identify the specific cause(s) of the Upset;

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

3. The Industrial User has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

a. A description of the indirect Discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

D. Burden of proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

E. Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. User responsibility in cause of upset. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13.52.240 Discharge into watercourse unlawful.
It is unlawful for any person to discharge or cause to be discharged into any storm drain or storm water channel or natural watercourse, whether currently carrying water or not,

or into any pipe or waterway leading to such drain, channel, or watercourse, any solid or fluid material which will impair the useful functioning of such drain, channel, or watercourse or which will cause expense to the City, or other public agency, in maintaining the proper functioning of same, or which will cause public nuisance or public hazard or which will cause detrimental pollution of natural surface or sub-surface waters. (Prior code 83923)

13.52.250 Discharge into sump unlawful.

It is unlawful for any person to deposit or discharge or cause to be deposited or discharged into any sump which is not impermeable or into any pit or well, or onto the ground, or into any storm drain or watercourse any material which by sweeping 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 may seep, or which will violate any requirements of the Regional Board. (Prior code 83924)

13.52.260 Appeal.

Decisions, judgment or findings made by the Public Works Director pursuant to this chapter may be appealed to the City Council. The City Council may amend, modify, confirm or reject any such decision, judgment or finding (including waivers) upon a finding that the purpose or intent of this chapter would otherwise be violated. No appeal may be made with respect to the specific chapter requirements pertaining to quality, content or type of disposal of wastewater that may be discharged. (Prior code 83925)

13.52.270 Annexation date.

Whenever in this chapter time limits are established or period of compliance or extensions thereof are specified the commencement date for computing such periods or time limits for areas annexed to the City subsequent to enactment of the ordinance codified in this chapter shall be the official annexation date. This section shall have no application to firms or industries established subsequent to the annexation date. (Prior code 83928)

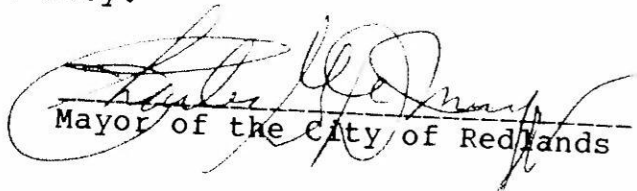
13.52.280 Violation - Penalty.

A. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided by this chapter.

B. In addition, The City Attorney may commence an action for appropriate legal, equitable and/or injunctive relief in the Municipal or Superior Court of San Bernardino County when any person is found to discharge waste(s) into the City's sewer system contrary to the provisions of this chapter, Federal or State pretreatment requirements, fails to report, denies entry or any order of the City. In addition, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder. (Prior code 83926) The POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. The POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

SECTION TWO: This ordinance shall be in force and take effect as provided by law.

SECTION THREE: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this City.


Mayor of the City of Redlands

ATTEST:


City Clerk

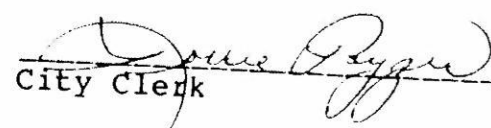
I, Lorrie Poyzer, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was adopted by the City Council at a regular meeting thereof held on the 5th day of February, 1991, by the following vote:

AYES: Councilmembers Cunningham, Larson, Milson; Mayor DeMirjyn

NOES: None

ABSENT: Mayor Pro Tem Beswick

ABSTAIN: None


City Clerk