ORDINANCE NO. 1461

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING TITLE VII, CHAPTER 2 OF THE ARCATA MUNICIPAL CODE PERTAINING TO THE USE OF PUBLIC SEWERS AND PRETREATMENT OF WASTEWATER

TITLE VII—PUBLIC WORKS
CHAPTER 2—SEWERS

The City Council of the City of Arcata does ordain as follows:

Section 1: Title VII—Public Works, Chapter 2—Sewers, Articles 1–12, Sections 7400–7526, of the Arcata Municipal Code, is hereby repealed.

Section 2. Title VII—Public Works, Chapter 2—Sewers, Articles 1–10, Sections 7410–7502.5, of the Arcata Municipal Code, is hereby adopted as follows:

ARTICLE 1—GENERAL PROVISIONS

SEC. 7410. Purpose and Policy.

This Chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Arcata and enables the City to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR part 403). The objectives of this Article are:

A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

B. To prevent the introduction of pollutants into the POTW which may pass through, be inadequately treated, or otherwise be incompatible with the POTW;

C. To protect the City's POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

D. To preserve the hydraulic capacity of the POTW;

E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

F. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

G. To enable the City to comply with its National Pollution Discharge Elimination System (NPDES) Permit conditions, sludge use and disposal requirements and any other federal or state laws to which the City's wastewater collection and treatment system is subject.

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SEC. 7411. Administration.

Except as otherwise specifically provided in this Chapter, the City Manager, or his/her designee, shall administer, implement and enforce all provisions of this Chapter. The term "City Manager" as used in this Chapter shall include any City Manager designee.

SEC. 7412. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, are defined as follows:

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

B. Authorized Representative of User.

1. If the User is a corporation, Authorized Representative shall mean:

a. The president, secretary, treasurer, or a 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.

b. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which 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 control mechanism 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, Authorized Representative shall mean a general partner or proprietor, respectively.

3. If the User is a federal, state or local government facility, Authorized Representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

4. The individuals described in sub-paragraphs 1-3 above may authorize another representative if the authorization is in writing, the authorization specifies an individual or position responsible for the overall operation of the facility from which the discharge originates, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

C. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the US EPA prohibitions against introducing Pollutant(s) into a POTW as found in 40 CFR § 403.5(a)(1) and (b) and any other prohibitions as may be contained in this Chapter. BMPs also include treatment

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requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

D. Biochemical Oxygen Demand or (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade expressed in terms of concentration as milligrams per liter (mg/l).

E. Building. Any stationary or mobile, permanent or temporary, structure used for human habitation, industry, commerce, business, recreation or other purpose and which contains sanitary facilities.

F. Building Sewer or Upper Lateral. That portion of a Sewer beginning at the plumbing or drainage outlet of a Building and running to the property line or to a Private Sewer.

G. Building Sewer Certificate. A certificate issued by the City confirming that the Building Sewer, Private Sewer, and/or Clean-out has been tested, inspected and meets all applicable standards.

H. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing Pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, parts 405-471.

I. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

J. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

K. Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

L. Domestic User. A source of Domestic Waste, derived principally from dwelling units not engaged in industrial activities.

M. Domestic Waste. The liquid wastes derived from activities principally performed for sanitary purposes, including without limitation, human excrement and household grey water arising from shower, dishwashing, etc.

N. Drainage Fixture Unit (DFU). The value defined by the Uniform Plumbing Code in effect in the City which is used to determine the required drainage capacity from Fixtures and their service systems.

O. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency.

P. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed Categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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Q. Fixture. Any sink, tub, shower, water closet or other facility connected by a drain to the Sewer.

R. Garbage. Solid waste occurring from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products.

S. Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed fifteen (15) minutes.

T. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, mobile food trucks and vacuum tank trucks.

U. Indirect Discharge. The introduction of Pollutants into the POTW from any nondomestic source.

V. Industrial User. A source of Indirect Discharge.

W. Industrial Waste. The liquid wastes derived from activities of a Industrial User, excluding discharges which can be defined as Domestic Waste.

X. Instantaneous Limit. The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Y. Interference. A discharge that, alone or in conjunction with 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 (including an increase in magnitude or duration of a violation) or of the prevention of Wastewater sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Z. Lateral Sewer or Lower Lateral. The portion of a Sewer lying within a public street or right of way, connecting a Building Sewer to the Public Sewer below the clean-out.

AA. Local Limit. Specific discharge limits developed and enforced by the City against industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

BB. Medical Waste. Isolation Wastes, infectious agents, human blood and blood by-products, pathological Wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical Wastes, potentially contaminated laboratory wastes and dialysis Wastes.

CC. New Source.

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1. Any Building, structure, facility or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act, which will be applicable to such source if such Standards are thereafter promulgated 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 a modification rather than a New Source if the construction does not create a new Building, structure, facility or installation meeting the criteria for New Source set forth in this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin as part of a continuous onsite construction program any of the following:

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

c. 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.

DD. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

EE. Non-Significant Categorical Industrial Users (NSCIU). An Industrial User subject to Categorical Pretreatment Standards for which the Director of Environmental Services has made a finding that it 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 for which the following conditions apply:

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

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2. The Industrial User annually submits the certification statement required in Section 7472.13(B) of this Chapter, together with any additional information necessary to support the certification statement; and

3. The Industrial User never discharges any untreated concentrated wastewater.

FF. NPDES Permit. A National Pollution Discharge Elimination System permit issued to the City to operate the POTW pursuant to Section 402 of the Act.

GG. Onsite Wastewater Treatment Systems Policy, or OWTS Policy. The Onsite Wastewater Treatment Systems Policy adopted by the California State Water Resources Control Board on June 19, 2012, and any amendments r successor policies thereto, for siting, design, operation and maintenance of onsite Wastewater Treatment systems.

HH. Pass Through. A Discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).

II. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

JJ. Pollutant. Any dredged spoil, solid Waste, incinerator residue, Wastewater, Garbage, sewage sludge, munitions, Medical Waste, chemical Wastes, Industrial Wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and agricultural Wastes, and including but not limited to the following characteristics of Wastewater: pH, temperature, TSS, turbidity, Color, BOD, COD, toxicity, odor.

KK. Pretreatment. 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 introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment standard.

LL. Pretreatment Requirements. Any substantive or procedural requirement related to Pretreatment imposed on an Industrial User, other than a Pretreatment standard.

MM. Pretreatment Standards or Standards. Prohibitive Discharge Standards, Categorical Pretreatment Standards, and local limits.

NN. Private Sewer. A privately owned, maintained and operated onsite Wastewater treatment system.

OO. Publicly Owned Treatment Works or POTW. Any devices or systems owned by the City used in the collection, storage, treatment, recycling and reclamation of Wastewater or Industrial Waste of a liquid nature including sewers, pipes and other conveyances owned by the City which convey Wastewater to a Treatment Plant.

PP. Public Sewer. A Sewer owned and operated by the City.

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QQ. Seasonal Flow. The Discharge from an Industrial User over any continuous fifteen (15) day period during which the average volume and/or strength of any regulated Wastewater characteristic exceeds the respective yearly averages by fifty (50) percent.

RR. Sewer. Any private or publicly owned pipe or conduit for carrying Wastewater.

SS. Sewer Clean-out. A"Y" connection on the service lateral, brought to grade, for the purpose of cleaning, testing and maintaining the Lateral Sewer and located at the property line in the public right of way or in a City utility easement.

TT. Sewer Connection Permit. The permit issue by the City for installation of, connection to, or use of a Public Sewer or the POTW.

UU. Sewer Service Charges. Fees, rates, rentals or other charges for services, equipment, materials, labor and facilities furnished by the City for use of its POTW.

VV. Significant Industrial User. Except as provided in (3) and (4) below, a Significant Industrial User is:

1. Industrial Users subject to Categorical Pretreatment Standards; or

2. An Industrial User that:

a. Discharges an average of 25,000 gpd or more of process Wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
b. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
c. Is designated as significant by the Director of Environmental Services 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 Requirement.

3. Upon making a finding that an Industrial User meeting the criteria in subsection (1) of this definition fulfills the requirements of a Non-Significant Categorical Industrial User, the Director of Environmental Services may determine that such User should not be considered a Significant Industrial User.

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

WW. Slug Load, or Slug Discharge. Any discharge at a flow rate or concentration which has reasonable potential to cause a violation of the Pretreatment Standards as appear in this Chapter or violation in any other way of the City's regulations pertaining to its POTW, Local Limits, or permit conditions; or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

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XX. Suspended Solids or Total Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is suspended in, water, Wastewater, or other liquids, and which are removable by laboratory filtering.

YY. User. A Domestic User or Industrial User.

ZZ. User Classification. The classification of Users based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

AAA. Wastewater. Liquid and water-carried domestic and Industrial Waste from Buildings, whether treated or untreated, which contribute to either a Private Sewer or the POTW.

BBB. Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of Wastewater.

CCC. Wastewater Discharge Permit. The permit issued by the City to control the discharge of Industrial Wastewater to the POTW.

DDD. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of domestic and industrial wastes.

SEC. 7413. Abbreviations.

The following abbreviations shall have the meanings designated as follows:

BOD Biological Oxygen Demand
BMP Best Management Practice
CFR Code of Federal Regulations
COD Chemical Oxygen Demand
EPA U.S. Environmental Protection Agency
gpd Gallons per Day
mg/l Milligrams per liter
NPDES National Pollutant Discharge Elimination System
O&M Operation and Maintenance
POTW Publicly Owned Treatment Works
SIC Standard Industrial Classifications
TRC Technical Review Criteria
TSS Total Suspended Solids

SEC. 7414. Uniform Plumbing Code—Conflict.

In the event that any sections of this Chapter conflict or are otherwise inconsistent with the edition of the Uniform Plumbing Code or successor code that has been or may be hereafter adopted by the City of Arcata, the provisions of this Chapter shall prevail to the extent permitted by law.

SEC. 7415. Tenant Responsibility.

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Where all or a portion of any property is subject to a tenancy, the owner and tenant are each responsible for compliance with this Chapter.

SEC. 7416. Vandalism.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the Public Sewer or POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this Chapter.

SEC. 7417. Unlawful Disposal.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of Wastewater.

SEC. 7418. Classification of Users.

All Users are to be classified by assigning each one to a "User Classification" category according to the principal activity conducted on the User's property, by individual User analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of Wastewater Discharges based on Wastewater Constituent and Characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of Wastewater system costs.

ARTICLE 2—USE OF POTW REQUIRED, SEWER CONSTRUCTION IN GENERAL

SEC. 7420. Use of POTW Required.

A. General Requirement. Subject to the exceptions stated in this Section, all Buildings within the City of Arcata shall be connected to the POTW whenever a Public Sewer is located within three hundred (300) feet of the nearest point of any property line for the Property on which the Building is located and the Building is located within one thousand (1,000) feet of the Public Sewer. Buildings shall be connected to the POTW at the Property owner's expense in accordance with the provisions of this Chapter no more than sixty (60) days after receipt by the Property owner of written notice from the City. Notice shall be deemed received by the owner if the owner is served by personal delivery or three business days after mailing to the last known address of the owner, or if none, to the address as it appears on the rolls of the Humboldt County Tax Collector.

B. Exceptions. The following exceptions to the requirement that all Buildings be connected to the POTW apply:

1. Existing Systems. Users with operable onsite Private Sewers may maintain and continue to utilize the Private Sewer until such time as either of the following conditions occur:

a. Failure of the onsite Private Sewer has occurred or is imminent, as determined by the City based on the OTWS Policy; or

b. New expansion or construction on the Property exceeds the existing

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Private Sewer's capacity, as determined by the City based on the OTWS Policy.

2. New Onsite Private Sewers. The City may permit construction of new onsite Private Sewers on parcels zoned Forest Hillside, Rural Residential, Natural Resources and Agriculture Exclusive or on parcels in any zone that exceed 2 ½ acres in size, based on criteria as reasonably established by the City consistent with the OWTS Policy.

C. Onsite Wastewater Treatment System Inspection Program. The City Council shall adopt by resolution a mandatory onsite wastewater treatment system inspection program for all properties not connected to the POTW. The purpose of the inspection program is to document the existence and condition of existing Private Sewers and to provide guidance to the City about Public Sewer extension throughout the City.

SEC. 7421. Permit Required.

No unauthorized person shall perform any work on, uncover, make any connection with or opening into, use, or disturb the POTW or any Building Sewer or construct any Building or Lateral Sewer, without first obtaining written permission from the City and paying all applicable fees and charges.

SEC. 7422. Sewer Connection Permits: Application and Compliance.

A. There shall be two kinds of Sewer Connection Permit applications: (1) for Domestic Users; and (2) for Industrial Users. Any person legally entitled to apply for and receive a Sewer Connection Permit shall make such application on forms provided by the City, describe the character of the work proposed to be done and the location, ownership, occupancy and use of the Property and Building in connection therewith. The City may require plans, specifications or drawings and such other information as he/she may deem necessary.

B. The City shall issue the Sewer Connection Permit upon payment of the required fees and determination that the plans, specifications, drawings, descriptions or information furnished by the applicant are in compliance with the ordinances, rules and regulations of the City.

C. After issuance of a Sewer Connection Permit, no change may be made in the location of the Sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the City.

SEC. 7423. Agreement to Comply.

The applicant's signature on an application for any Sewer Connection Permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this Chapter and all other applicable ordinances, rules and regulations of the City, and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the City, if any. The terms and conditions of the Sewer Connection Permit shall be binding upon the applicant and may be amended only in writing by the City.

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SEC. 7424. Inspections.

A. All Work to Be Inspected. All Sewer construction work shall be inspected by the City to ensure compliance with City requirements. No Sewer may be covered nor connected to the Public Sewer until the Sewer connection work has been approved by the City. If the City determines that the work is satisfactory, the City shall issue a certificate of satisfactory completion. If the City determines that the work is unsatisfactory, the owner of the Property shall promptly complete or repair the work, or cause completion or repair of the work, in accordance with all permit requirements and applicable ordinances, rules and regulations.

B. Notification for Inspection. It shall be the responsibility of the person doing the work authorized by the Sewer Connection Permit to notify the City in writing that the work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the responsibility of the person doing the work to make sure that the work will withstand the tests required by the City before giving the above notification.

SEC. 7425. All Costs Paid by Owner.

All costs and expenses incident to the installation and connection of any Sewer or other work for which a Sewer Connection Permit has been issued shall be borne by the applicant. Such costs shall include costs expended by the City for the installation of Lateral Sewers, if any. The applicant shall indemnify and hold harmless the City from loss or damage that may directly or indirectly be caused by work performed by the City for the benefit of the applicant.

SEC. 7426. Street Excavation Permit.

Owners intending to excavate in any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way for the purpose of installing Sewers or making Sewer connections must obtain a separate excavation permit from the City and any other permit as may be required.

SEC. 7427. Time Limit on Permits.

If work under a Sewer Connection Permit is not commenced within six (6) months after the date of issuance or if work is discontinued at any time for a period of one year or more, the Sewer Connection Permit shall automatically become void. Additional work may be commenced only after issuance of a new Sewer Connection Permit.

SEC. 7428. Protection from Sewer Construction Hazards.

The permit holder for any sewer construction activity shall maintain such barriers, lights and signs as necessary to give warning to the public at all times that a Sewer is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall additionally protect the public in the use of the sidewalk against any such conditions in connection with the construction of the Sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in manner satisfactory to the City.

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ARTICLE 3—BUILDING SEWERS, LATERAL SEWERS AND CONNECTION REQUIREMENTS

SEC. 7430. Design and Construction Requirements.

A. General. Design and construction of Building Sewers and Lateral Sewers shall be in accordance with all applicable rules, regulations and ordinances of the City.

B. Minimum Size and Slope. The size and slope of the Building Sewer shall be approved by the City, and in no event may the diameter of a gravity commercial Building Sewer be less than four (4) inches. The slope of such 4-inch pipe shall not be less than one-fourth (1/4) inch per foot, except where the grade may require a slope of 1/8-inch per foot, which may be installed with City approval.

C. Building Sewer. Whenever possible, the Building Sewer shall be brought to the Building at an elevation below the basement floor. No Building Sewer may be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The Building Sewer shall be laid at uniform grade and in straight alignment as best as possible. Changes in direction shall be made only with properly curved pipe fittings, with clean-outs at each 90-degree bend.

SEC. 7431. Separate Sewers.

A. No two adjacent Buildings fronting on the same street shall be permitted to join in the use of the same Building Sewer. Multiple Buildings located on the same Property must be separately connected to a Lateral Sewer if a Lateral Sewer exists in the street on which the Property abuts or in an easement which benefits the Property. In the event the Property cannot be subdivided into smaller individual lots, two or more Buildings located on the same Property may be serviced by the same Lateral Sewer connection.

B. Prior to recording a final subdivision map for any Property containing more than one Building serviced by a single Lateral Sewer, the owner of the Building not previously connected directly to the POTW shall, upon subdivision, connect the Building to a Lateral Sewer in accordance with the requirements of this Chapter.

C. The provisions of the preceding subsection shall not apply to any condominium project where a homeowners association assumes responsibility for maintaining the Building Sewer through recorded covenants, conditions and restrictions.

SEC. 7432. Existing Building Sewers.

Existing Building Sewers may be used in connection with new construction requiring a Sewer Connection Permit only if they meet all requirements of the City after inspection and testing approved by the City.

SEC. 7433. Sewer Clean-Outs.

Sewer Clean-outs shall be installed and maintained at the junction between the Building and the Lateral Sewer, manhole or Public Sewer. If a Sewer Clean-out does not exist between the Building Sewer and Lateral Sewer, the Property owner shall be responsible for maintaining both the Building Sewer and Lateral Sewer to the City's Public Sewer line and shall be liable to pay all costs incurred by the City for damages caused by obstruction or other incident occurring due to

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the absence of a Sewer Clean-out. A Sewer Clean-out shall be installed on all properties at the property line as directed by the City whenever a building permit for any Building improvements on the property is issued.

SEC. 7434. Mechanical Lift.

All Buildings in which the Building Sewer elevation is too low to allow for gravity flow of Wastewater into the Public Sewer shall incorporate mechanical means as approved by the City to lift the Wastewater for discharge into the Public Sewer.

SEC. 7435. Joints and Connections.

All excavations required for the installation of any Sewer or Sewer connection shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the City except that no backfill shall be placed until the work has been inspected and approved by the City.

SEC. 7436. Connection to the Public Sewer.

The connection of the Building Sewer into the Lateral Sewer shall be made in strict accordance with City specifications and at the applicant's expense. The invert of the Building Sewer at the point of connection shall occur at a higher elevation than the invert of the Lateral Sewer. A smooth neat joint shall be made and the connection shall be secure and watertight. The connection to the Lateral Sewer shall be made in the presence of the City and under the City's supervision and direction in accordance with the rules, regulations and ordinances of the City. Any work on the Public Sewer shall be performed by an appropriately licensed plumber or contractor and under the supervision and inspection of the City. Any damage to the Public Sewer shall be repaired to the satisfaction of the City at the permit holder's expense.

SEC. 7437. Maintenance of Building Sewer.

Building Sewers shall be maintained by the owner of the Property served thereby and shall be used solely for conveyance of Wastewater from the Building into the Public Sewer or Private Sewer.

SEC. 7438. Testing.

All Building Sewers and Lateral Sewers shall be tested in strict accordance with applicable rules, regulations and ordinances of the City.

ARTICLE 4—NEW PUBLIC SEWER CONSTRUCTION

SEC. 7440. Permit Required.

A. Applications for a Sewer Connection Permit that require an extension of the Public Sewer because the Property on which the Building is located does not abut a Public Sewer shall include payment of the following fees in addition to those imposed pursuant to this Chapter:

1. Public Sewer Extension by City. When City forces or contractor extends the Public Sewer, the applicant shall pay a deposit estimated as the total cost of all labor, materials, equipment and other costs incidental to the installation, plus fifteen percent

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(15%) for general overhead, excluding the cost of oversizing Public Sewers for the general benefit of the POTW. After completion of construction, the deposit amount shall be adjusted to the actual cost plus fifteen percent (15%) for general overhead. Any amount overpaid by the applicant shall be promptly refunded, and any amount owed by the applicant shall be promptly paid to the City. Delinquent charges may be collected as a normal Sewer Service Charge.

2. Extensions by Applicant. When the applicant's forces or contractor extends the Public Sewer, the applicant shall pay a fee in the amount deemed necessary by the City to pay all engineering, inspection and all other costs of permit monitoring and compliance. After completion of construction, the deposit amount shall be adjusted to the actual cost. Any amount overpaid by the applicant shall be promptly refunded, and any amount owed by the applicant shall be promptly paid to the City. Delinquent charges may be collected as a normal Sewer Service Charge. Prior to the issuance of a permit, the applicant shall furnish to the City a faithful performance bond or cash in the amount of the total estimated cost of work. Said bond shall be secured by a surety or sureties satisfactory to the City. The cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

B. Reimbursement Agreements. The City may, as allowed by State law, recommend that the City Council enter into an agreement to reimburse a subdivider, school district, or other person for a portion of the cost of extending the Public Sewer pursuant to this Section. Such agreements shall be in effect for a maximum period of ten (10) years.

SEC. 7441. Plans, Profiles and Specifications.

The application for a Sewer Connection Permit that includes new Public Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate construction plan sheet with elevations. After review of the application, the City shall approve them as filed or require them to be modified as deemed necessary for proper Sewer construction. The permit shall be issued conditioned on payment of all connection charges, fees and furnishing of bonds as required by the City. The permit shall prescribe such other terms and conditions as the City finds necessary to protect the public health, safety and welfare.

SEC. 7442. Subdivisions.

The requirements of this Article shall be fully complied with before any final subdivision map maybe approved by the City. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which Public Sewer collection lines are to be constructed. If a subdivision map of a tract is recorded and the work of constructing Sewers to serve the tract is not completed in the time limit allowed in the permit, the City may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

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SEC. 7443. Easements or Rights of Way.

In the event an easement is required for extension of or connection to the Public Sewer, the applicant shall obtain for acceptance by the City Council a legal easement or right of way sufficient in width to allow the laying and maintenance of such extension or connection.

SEC. 7444. Persons Authorized to Perform Work.

Only properly licensed contractors shall be authorized to perform Public Sewer construction work within the City. All terms and conditions of the Sewer Connection Permit issued by the City to the applicant shall be binding on such contractors.

SEC. 7445. Grade Stakes.

Grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any Public Sewer construction. The licensed contractor performing the Sewer work shall be responsible for accurately transferring grades to Sewer invert.

SEC. 7446. Compliance with Local Regulations.

Any person constructing a Sewer within a street shall comply with all State, County, and City laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting trenches, backfilling and repaving thereof.

SEC. 7447. Design and Construction Standards.

Minimum standards for the design and construction of Public Sewers within the City shall be in accordance with applicable provisions of all applicable City ordinances, rules, and regulations. "As-built" drawings showing the actual location of all mains, structures, Y's, T's, laterals and clean outs shall be filed with the City before final acceptance of the work.

SEC. 7448. Testing of Sewer Required.

Before acceptance of any Sewer line by the City and prior to the admission of any Wastewater into the system, the Sewer line shall be tested for compliance with all City and permit requirements.

ARTICLE 5—INSPECTION AND REPAIR OF BUILDING SEWERS AND PRIVATE SEWERS AT TIME OF SALE

SEC. 7450. Purpose.

The City finds that many Building Sewers and Private Sewers in Arcata are old and deteriorated, and as a result subject to failure as well as inflow and infiltration from groundwater and stormwater runoff. Eliminating inflow and infiltration from Building Sewers is necessary to ensure effective and efficient operation of the POTW. This Article sets forth a method by which the City obtains routine inspections and repairs, if necessary, of Building Sewers and Private Sewers at the time of real property sale or major remodel.

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SEC. 7451. Building Sewer and Cleanout Inspection and Repair at Time of Sale.

A. Whenever any real property located within the City of Arcata is to be sold, transferred or vested in any other person or entity and that property contains any Building constructed more than twenty five (25) years prior to the date of sale, the property owner shall have the Building Sewer and Sewer Clean-out inspected and tested for infiltration and inflow, unless an exception under this Article applies.

B. If a Building Sewer and/or Sewer Clean-out fails any infiltration and inflow inspection or test, it shall be repaired or replaced as necessary and brought into compliance with City standards and codes prior to any transfer of the entire real property estate or the fee interest in that real property on which the Building that is serviced by the Building Sewer and/or Sewer Clean-out is located. At the property owner's option as an alternative to repairing or replacing the Building Sewer and/or Sewer Clean-out, prior to said transfer of property, the property owner shall furnish to the City a faithful performance bond or cash in the amount of the total estimated cost of repair or replacement work. Said bond shall be secured by a surety or sureties satisfactory to the City. The cash deposit or faithful performance bond shall be conditioned upon the performance of the repair or replacement work in accordance with applicable City regulations and approved by City, and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work. All repair or replacement work must be completed one year after said transfer of property.

C. If the real property does not have an existing Sewer Clean-out at the property line, a Sewer Clean-out shall be installed in accordance with all requirements of this Chapter prior to transfer of title. At the property owner's request and expense, the City will install the Sewer Clean-out.

D. The seller shall be responsible for disclosing to prospective purchasers the requirements of this Article and whether or not a valid Building Sewer Certificate has been filed for the property.

SEC. 7452. Building Sewer and Sewer Clean-out Testing at Time of Major Remodel

A. Whenever a person applies to the City for a building and/or plumbing permit for a construction valuation that exceeds $30,000 or which involves two or more Drainage Fixture Units, the property owner shall have the Building Sewer and Sewer Clean-out tested for infiltration and inflow, unless the property owner presents satisfactory proof to the City that the Building Sewer including Sewer Clean-out is less than 25 years old and has been inspected pursuant to a City-issued permit, or has been repaired pursuant to a City-issued permit but not completely replaced within the last 25 years.

B. All Building Sewer and Sewer Clean-out testing shall be completed prior to the issuance of a building and/or plumbing permit. All Building Sewer and Sewer Clean-out repair or replacement work shall be completed prior to the City's final building inspection.

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C. If the Building does not have an existing Building Sewer or Sewer Clean-out, either or both shall be installed prior to issuance of a final building or plumbing permit in accordance with the requirements of this Chapter.

SEC. 7453. Approved Testing Methods and Repair Requirements.

A. All Building Sewers and Sewer Clean-outs subject to testing under this Article, must be tested using closed circuit television (CCTV) performed by a qualified licensed plumbing contractor or utility evaluation service, unless the City has approved of an alternate testing method that it is capable of testing with at least the same thoroughness or accuracy as the CCTV.

B. Any non-sewer connections to a Building Sewer or Sewer Clean-out discovered during testing must be immediately disconnected and redirected as required by the City.

SEC. 7454. Private Sewer Inspection and Repair at Time of Sale.

A. Whenever any property located within the City that is not connected to the Public Sewer is to be sold, transferred or vested in any other person or entity and that property contains a Building constructed more than twenty five (25) years prior to the date of sale, the property owner shall have the Private Sewer inspected and tested for current capacity and proper functioning, unless the property is entitled to an exception under this Article.

B. If a Private Sewer fails any test, it shall be repaired or replaced as necessary and brought into compliance with the OWTS Policy, and all other applicable local and State standards and codes prior to transfer of title. All repair or replacement work must be completed in accordance with applicable City regulations and approved by the City.

C. The seller shall be responsible for disclosing to prospective purchasers the requirements of this Article and whether or not a valid Building Sewer Certificate has been filed for the property.

SEC. 7455. Private Sewer Inspection and Repair at Time of Major Remodel

A. Whenever a person applies to the City for a building and/or plumbing permit for a construction valuation that exceeds $30,000 or which involves two or more Drainage Fixture Units, in 2015 dollars adjusted every year for inflation as shown in the Master Fee Schedule, the property owner shall have the Private Sewer location documented and the Private Sewer tested for capacity and proper functioning , unless the property owner presents satisfactory proof to the City that the system is less than 25 years old or has been repaired but not completely replaced within the last 25 years.

B. All Private Sewer testing shall be completed prior to the issuance of any building and/or plumbing permit for the property. All Private Sewer repair or replacement work shall be completed prior to the City's final building inspection.

SEC. 7456. Building Sewer Certificates.

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A. Building Sewer Certificates shall be issued by the City upon sufficient proof that a property owner has complied with this Chapter, and upon payment of all fees as established by resolution of the City Council.

B. Building Sewer Certificates shall be effective for the following periods of time:

1. A period of twenty five (25) years after:

a. Acceptance of a test performed under this chapter if no repairs were required; or

b. Inspection and approval by the City of completed alterations (partial repairs) to a Building or Private Sewer or connections to a Building Sewer; or

c. Inspection and approval by the City of completed repairs to a Building or Private Sewer or Sewer Clean-out ordered by the City.

2. A period of twenty five (25) years after inspection and approval by the City of replacement of the Building Sewer.

SEC. 7457. Exceptions.

A. The City may waive Private Sewer, Building Sewer and Sewer Clean-out testing and/or installation required under this Article upon his/her determination that inspection and/or installation compliance is physically impossible. Economic hardship is not a sufficient basis for waiving the testing requirements of this Chapter.

B. The time of sale or major remodel inspection and testing requirements of this Article do not apply if:

1. The City has inspected, approved testing of, accepted repairs to, and/or accepted alterations to the property's currently existing Private Sewer, Building Sewer and Sewer Clean-out, or approved replacement of the Private Sewer, Building Sewer and Sewer Clean-out at any time during the twenty five (25) years prior to sale or remodel;

2. The City determines testing is unnecessary because Sewer piping is less than ten feet long and existing physical conditions would prevent infiltration and inflow; or

3. The property ownership transfer is between family members and there is no reassessment of property value.

4. The property is a condominium project where a homeowners association assumes responsibility for maintaining the Building Sewer and/or Sewer Clean-out through recorded covenants, conditions and restrictions.

SEC. 7458. Article 5, Time of Sale, Effective Date.

Article 5, *Inspection And Repair Of Building Sewers And Private Sewers At Time Of Sale,* shall become effective April 1, 2016.

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ARTICLE 6—GENERAL SEWER USE REQUIREMENTS

SEC. 7460. Prohibited Discharge Standards.

No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. Furthermore, no User may contribute the following substances to the POTW:

A. Pollutants which create a fire or explosive hazard in POTW, including, but not limited to, waste with a closed-cup flash point of less than 140°F (60°C) using the test methods as specified by 40 CFR 261.21.

B. Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than three inches in any dimension which do not readily disintegrate.

D. Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with either the POTW; any Wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

E. Wastewater which will inhibit biological activity in the POTW resulting in Interference, and in no case Wastewater which causes the temperature at the introduction into the POTW to exceed 104° F (40°C).

F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Pass Through or Interference.

G. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

H. Trucked or hauled Pollutants, except at Discharge points designated by the Director of Environmental Services in accordance with Section 7470.4 of this Chapter.

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

J. Wastewater which imparts Color which cannot be removed by the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions, which consequently impart Color to the POTW's effluent thereby violating the City's NPDES Permit.

K. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director of Environmental Services in compliance with applicable state or federal regulations.

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L. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Non-contact Cooling Water, process water or blowdown from cooling towers or evaporative coolers, and unpolluted Industrial Wastewater, unless specifically authorized by Director of Environmental Services.

M. Sludges, screenings, or other residues from the Pretreatment of Industrial Wastes.

N. Any Medical Waste, except as specifically authorized by the Director of Environmental Services in a Wastewater Discharge Permit.

O. Any Wastewater causing the Treatment Plant's effluent to fail a toxicity test.

P. Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

Q. Any fats, oils or grease (FOG) of vegetable or animal origin in amounts that will cause Pass Through or Interference

R. Any solid waste subject to regulation as a hazardous waste pursuant to 40 CFR Part 261.

Waste prohibited by this Section shall not be processed or stored in such a manner that could be discharged to the POTW. All drains located in process or materials storage areas must be protected from intentional or accidental discharge or discharge into a Pretreatment facility before connecting to the POTW.

SEC. 7461. National Categorical Pretreatment Standards

Industrial Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Director of Environmental Services shall impose an alternate limit in accordance with 40 CFR 403.6(e), the combined wastestream formula.

SEC. 7462. Additional Regulations by Resolution

A. Local Limits. The City Council shall, pursuant to 40 CFR 403.5, establish by resolution Pollutant-specific Local Limits for all discharges into the POTW to protect against Pass Through and/or Interference. No Industrial User may discharge Wastewater into the POTW in concentrations or amounts that exceed the Local Limits established by City Council resolution. Any such violation is subject to the enforcement provisions of this Chapter. Local Limits shall apply at the point the Wastewater is discharged into the POTW. In addition to the concentration-based limits adopted as Local Limits, the City may impose mass limitations as conditions of any Wastewater Discharge Permit when the Industrial User is using dilution to meet applicable Pretreatment Standards or Pretreatment Requirements.

B. Pollution Prevention, BMPs. The City Council may establish by resolution a pollution prevention policy to protect against Pass Through and Interference applicable to Industrial discharges, including discharges from Industrial Users with temporary and/or mobile facilities, which shall include BMPs as appropriate to implement Local Limits and the requirements of Section 7460. No Industrial User shall discharge Wastewater into the POTW

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without implementation of BMPs to control discharges of specific pollutants as established by said policy.

SEC. 7463. More Stringent Standards.

The City may establish by ordinance or as conditions in any Wastewater Discharge Permit discharge limitations that are more stringent than Pretreatment Standards or Pretreatment Requirements.

SEC. 7464. Dilution and Seasonal Flow.

A. No Industrial User shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by the applicable Pretreatment Standard or Pretreatment Requirement. The Director of Environmental Services may impose an alternate discharge limit, using the combined wastestream formula as required by Section 7461 on Industrial Users who are using dilution to meet applicable Pretreatment Standards or Requirements.

B. Seasonal Flow discharges may be subject to POTW service capacity allocation by the Director of Environmental Services. If overloading conditions occur or threaten to occur at the POTW or if unused service capacity is insufficient to accommodate all Seasonal Flows, the Director may allocate available service capacity among all seasonal dischargers. In allocating the flow or constituent load, the Director shall take into account the Industrial User's non-seasonal flow, Wastewater conservation practices, economic and environmental impact, historical data, and any other considerations advanced by the discharger which will help the Director make an equitable allocation.

SEC. 7465. Limitations on the Use of Garbage Grinders.

Waste from Garbage grinders shall not be discharged into the POTW except:

A. Waste generated in preparation of food from a dwelling unit, or

B. Where an Industrial User has obtained written approval for that specific use from the City, and agrees to implement BMPs, self-monitor for specific Wastewater Constituents, and to meet other conditions as reasonably required by the Director of Environmental Services to prevent Interference.

C. When allowed, Garbage grinders must shred the waste to a degree that will allow all particles to be carried freely under normal flow conditions prevailing in the POTW. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

SEC. 7466. Limitations on Point of Discharge.

No User, including but not limited to Users operating temporary or mobile facilities, may discharge any substances directly into a manhole or other opening in the POTW other than through an approved Building Sewer, unless the User has been issued a permit by the City for direct discharge. If a permit is issued for direct discharge, the User shall pay applicable charges and fees and shall meet such other conditions as required by the City.

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SEC. 7467. Disposal of Unacceptable Waste.

Waste not permitted to be discharged into the POTW must be transported to a State approved disposal site.

ARTICLE 7—INDUSTRIAL PRETREATMENT OF WASTEWATER

SEC 7470. Pretreatment General

SEC. 7470.1. Pretreatment of Wastewater.

Industrial Users shall provide necessary Wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits and the prohibitions set out in this Chapter within the time limitations specified by the EPA, State or City, whichever is more stringent. Any facilities required to pretreat Wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Director of Environmental Services for review and shall be acceptable to the Director of Environmental Services before construction of the facility. The review of such plans and operating procedures will not relieve the Industrial User from the responsibility of modifying the facility as necessary to produce a Wastewater discharge that is in compliance with all applicable City laws, regulations and policies.

SEC. 7470.2. Additional Pretreatment Measures.

A. The Director of Environmental Services, in his/her discretion, may require Industrial Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate Wastewater streams from Industrial waste streams, and may impose such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this Chapter.

B. Each Industrial User discharging into the POTW greater than 10,000 gpd shall install and maintain, on his/her property and at his/her expense, a suitable storage and flow control facility to ensure the equalization of flow over a twenty-four (24) hour period. The facility shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director of Environmental Services. A Wastewater Discharge Permit may be issued solely for flow equalization.

C. All Industrial Users shall install grease and/or oil and sand/grit interceptors as determined necessary by the Director of Environmental Services for the proper handling of Wastewater containing excessive amounts of grease, oil, sand or grit. Interceptors shall be approved by the City, and shall be located to be easily accessible for cleaning and inspection. Interceptors shall generally be of the type and capacity specified by the plumbing code standards in effect within the City of Arcata, however, the City may require larger interceptors than specified by the plumbing code if reasonably necessary to protect the POTW from Pass Through or Interference. Interceptors shall be inspected, cleaned, and repaired regularly as needed by the owner at his/her expense, in accordance with BMPs set forth in applicable permits. Interceptors may not by cleaned or maintained by chemical additives including, but not limited to, solvents, enzymes, detergents and bacteria in lieu of or in addition to manual cleaning techniques.

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D. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SEC. 7470.3. Accidental Discharge/Slug Control Plans.

The Director of Environmental Services may require any Industrial User to develop, submit for review, and implement a plan or take such other action as may be necessary to control accidental Slug Discharges. The plan shall provide, at a minimum, the following:

A. A description of discharge practices, including non-routine batch discharges;

B. A description of stored chemicals;

C. Procedures for immediately notifying the City of any accidental or Slug Discharge, as required by Section 7472.6 of this Chapter.

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. including but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.

SEC. 7470.4. Hauled Wastewater, Holding Tank Waste.

A. Holding Tank Waste may be accepted into the POTW at a City-designated receiving location at such times established by the City, provided such Waste does not violate this Chapter or any other requirements established by the City. The City may require either or both the hauler and/or generator of Industrial Holding Tank Waste to obtain a Wastewater Discharge Permit or other City permit if applicable. The City may prohibit the disposal of all Holding Tank Waste if such disposal would interfere with the POTW. The discharge of Holding Tank Waste is subject to all other requirements of this Chapter.

SEC. 7471. Wastewater Discharge Permits.

SEC. 7471.1. Wastewater Survey.

When requested by the Director of Environmental Services, Industrial Users must submit information on the nature and characteristics of their Wastewater by completing a Wastewater survey prior to commencing their discharge or within the timeframe given by the Director of Environmental Services. The Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this Chapter.

SEC. 7471.2. Wastewater Discharge Permit Requirement.

A. No Significant Industrial User may discharge Wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Director of Environmental Services.

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B. The Director of Environmental Services may require other Industrial Users, including waste haulers, to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Chapter.

C. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Chapter. Obtaining a 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 of federal, state and local law.

SEC. 7471.3. Wastewater Discharge Permitting: New Connections.

Any Significant Industrial User required to obtain a Wastewater Discharge Permit that proposes to begin or recommence discharging into the POTW must obtain a Wastewater Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit must be filed in accordance with this Chapter at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

SEC. 7471.4. Wastewater Discharge Permitting: Extrajurisdictional Users.

A. In the event another municipality, local district or other local governmental agency, or Industrial User located within the jurisdiction of another public agency, contributes Wastewater to the POTW, the City may require such local government or Industrial User to apply for and obtain a Wastewater Discharge Permit. The permit application shall include such information as may be required by the Director of Environmental Services, including but not limited to a description of the quality and volume of the Wastewater at the point it would enter the POTW and an inventory of all Industrial Users discharging to the local public agency.

B. As an alternative to the Permit requirement in subsection A above, the City may, in its discretion, enter into an agreement with the neighboring jurisdiction in which the Industrial User is located to provide for the implementation and enforcement of Pretreatment Standards and/or Pretreatment Requirements against the Industrial User.

C. An agreement with a neighboring jurisdiction authorizing the discharge into the POTW of Wastewater from outside the City's jurisdiction shall contain the following conditions:

1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this Chapter and Local Limits. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this Chapter or the City's Local Limits;

2. A requirement for the contributing jurisdiction to submit a revised User inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality, which of these activities will be conducted by the City, and which of these activities will be conducted jointly by the contributing municipality and the City;

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4. A requirement for the contributing jurisdiction to provide the City with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing jurisdiction's Wastewater at the point where it discharges to the POTW;

6. Requirements for monitoring the contributing jurisdiction's discharge;

7. A provision ensuring the City access to the facilities of Industrial Users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and

8. A provision specifying remedies available for breach of the terms of the inter-agency agreement.

SEC. 7471.5. Wastewater Discharge Permit Application Contents

A. All Industrial Users required to obtain a Wastewater Discharge Permit shall submit a permit application containing the following information as determined relevant by the Director of Environmental Services:

1. Identifying Information.
   a. The name and address of the facility, including the name(s) of the operator and owner.
   b. Contact information, description of activities, facilities, and plant production processes on the premises;

2. Environmental Permits. A list of environmental control permits held by or for the facility.

3. Description of Operations.
   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 Classifications (SIC) of the operation(s) carried out by such Industrial User, based on the 1972 edition of the SIC Manual prepared by the Executive Office of Management and Budget . This description shall include a schematic process diagram, which 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 which 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;

4. Time and duration of discharge(s);

5. The location for monitoring all wastes covered by the Permit;

6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 7461 of this Chapter.

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, where required by the Standard or by the Director of Environmental Services, of regulated Pollutants in the discharge from each regulated process.
   c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
   d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Chapter. Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the Director of Environmental Services or the applicable Standards to determine compliance with the Standard.
   e. Sampling must be performed in accordance with procedures set out in Section 7472.10 of this Chapter.

8. Any request for a monitoring waiver (or renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the discharge based on Section 7472.4(B) of this Chapter.

9. Any other information as may be deemed necessary by the Director of Environmental Services to evaluate the Permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision.

SEC. 7471.6. Application Signatories and Certifications.

A. All Wastewater Discharge Permit applications, Industrial User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 7472.13 of this Chapter.

B. If the designation of an Authorized Representative 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 must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User must annually submit the signed certification statements in Section 7472.13 of this Chapter.

SEC. 7471.7. Wastewater Discharge Permit Decisions.

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The Director of Environmental Services will evaluate the data furnished by the Industrial User and may require additional information. Within sixty (60) days of receipt of a completed Wastewater Discharge Permit application, the Director will determine whether to issue a Wastewater Discharge Permit. If no determination is made within this time period, the application will be deemed denied. The Director may deny any application for a Wastewater Discharge Permit.

SEC. 7471.8. Wastewater Discharge Permit Duration.

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Director of Environmental Services. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

SEC. 7471.9. Wastewater Discharge Permit Contents.

A. Wastewater Discharge Permits shall include such conditions as are determined reasonably necessary by the Director of Environmental Services 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. Wastewater Discharge Permits shall contain the following conditions:

1. A statement that indicates the Wastewater Discharge Permit issuance date, effective date, and expiration date;

2. A statement that the Wastewater Discharge Permit is nontransferrable without prior notification to and approval from the Director of Environmental Services, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;

3. Effluent limits, including BMPs, based on applicable Pretreatment Standards and Requirements.

4. Self monitoring, sampling, reporting, notification, and record keeping requirements, including identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law.

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section7472.4(B) of this Chapter.

6. Statement of applicable civil, criminal, and administrative penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

7. Requirements to control Slug Discharges, if determined by the Director of Environmental Services to be necessary.

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8. Any grant of the monitoring waiver by the Director of Environmental Services pursuant to Section 7472.4(B) of this Chapter.

C. The Director of Environmental Services may include additional conditions in Wastewater Discharge Permits as necessary including but not limited to the following:

1. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization.

2. Requirements for 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. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine 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 Industrial User charges and fees for the management of the Wastewater discharged to the POTW.

6. Requirements for installation, maintenance, and inspection of sampling facilities and equipment.

7. Requirements to submit chain of custody documents with required monitoring data.

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 which become effective during the term of the Wastewater Discharge Permit.

9. Other conditions as deemed appropriate to ensure compliance with this Chapter, and local, state and federal laws, rules, and regulations.

SEC. 7471.10. Wastewater Discharge Permit Appeals.

Any aggrieved person, including the Industrial User, may petition the City Manager to reconsider the terms of the Wastewater Discharge Permit within ten (10) business days of its issuance. The City Manager shall issue findings and a decision on whether to modify the terms of the Wastewater Discharge Permit within ten (10) business days after receiving the request. Failure to submit a timely petition to reconsider shall be deemed a waiver of the administrative appeal and shall preclude the filing of a petition for review to the City Manager. The effectiveness of the permit shall not be stayed pending reconsideration by the City Manager. The decision of the City Manager shall be final City action.

SEC. 7471.11. Wastewater Discharge Permit Modification.

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The Director of Environmental Services may modify any Wastewater Discharge Permit for good cause including, but not limited to, the following:

A. To incorporate any new or revised federal, state or local Pretreatment Standards or requirements;

B. To address significant alterations or additions to the Industrial User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;

C. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

D. To address information indicating that the permitted Discharge poses a threat to the City's POTW, personnel, or the receiving waters;

E. For a violation of any terms or conditions of the Wastewater Discharge Permit;

F. For misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;

G. For revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the Wastewater Discharge Permit; or

I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

SEC. 7471.12. Wastewater Discharge Permit Transfer.

A. Wastewater Discharge Permits may be transferred to a new owner and/or operator only if the permittee gives at least ninety (90) days advance notice to the Director of Environmental Services and the Director approves the Wastewater Discharge Permit transfer. The notice to the Director shall include a written certification by the new owner and/or operator in accordance with Section 7472.13 of this Chapter, and shall:

1. State that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

2. Identify the specific date on which the transfer is to occur; and

3. Acknowledge full responsibility for complying with the existing Wastewater Discharge Permit.

B. Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit voidable on the date of facility transfer.

SEC. 7471.13. Wastewater Discharge Permit Revocation.

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A. The Director of Environmental Services may revoke a Wastewater Discharge Permit for good cause, including, but not limited to the following reasons:

1. Failure to notify the Director of significant changes to the Wastewater prior to the change in Discharge;

2. Failure to provide prior notification to the Director of changed or unscheduled conditions as required by this Chapter;

3. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

4. Falsification of self-monitoring reports;

5. Tampering with monitoring equipment;

6. Refusing to allow the Director timely access to the facility premises and records;

7. Failure to meet effluent limitations;

8. Failure to pay fines;

9. Failure to pay Sewer Service 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 a permitted facility; or

13. Violation of any Pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit or the ordinance.

B. Wastewater Discharge Permits shall be voidable upon non-use or cessation of operations or upon transfer of business ownership, unless the Wastewater Discharge Permit is transferred pursuant to Section 7471.13 of this Chapter. All Wastewater Discharge Permits issued to an Industrial User are voided upon the issuance of a new Wastewater Discharge Permit to that Industrial User.

SEC. 7471.14. Wastewater Discharge Permit Reissuance.

A Significant Industrial User shall apply for Wastewater Discharge Permit reissuance by submitting a complete Wastewater Discharge Permit application in accordance with Section 7471.5 of this Chapter a minimum of ninety (90) days prior to the expiration of the Industrial User's existing Wastewater Discharge Permit.

SEC. 7472. Reporting Requirements.

SEC. 7472.1. Baseline Monitoring Reports.

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A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Environmental Services a report which contains the information listed in subsection B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director of Environmental Services a report which contains the information listed in subsection B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Industrial Users described above shall submit the information set forth below.

1. All information required in Sections 7471.5(A)(1)(a), 7471.5(A)(2), 7471.5(A)(3)(a), 7471.5(A)(6), and 7471.5(A)(7)(a-d) of this Chapter.

2. Measurement of pollutants.

a. The Industrial User shall provide the information required in Section 7471.5(A)(7)(a-d) of this Chapter.

b. The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

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 the regulated wastewater prior to Pretreatment the Industrial User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in Section 7461 of this Chapter to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted;

d. Sampling and analysis shall be performed in accordance with Section 7472.10 of this Chapter;

e. The Director of Environmental Services may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures;

f. 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.

3. Compliance Certification. A statement, reviewed by the Industrial User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.

4. Compliance Schedule. If additional Pretreatment and/or O&M is required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional Pretreatment and/or O&M shall be provided. The completion date in this schedule shall not be later than the compliance date established for the

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applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 7472.2 of this Chapter.

5. Where the Industrial User's Categorical Pretreatment Standard has been modified by the combined wastestream formula pursuant to Section 7461 of this Chapter, the information contained in the Baseline Monitoring Report shall pertain to the modified limits at the time the Industrial User submits certification statement and compliance schedule.

6. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 7472.13 of this Chapter and signed by an Authorized Representative.

SEC. 7472.2. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Section 7472.1(B)(4) of this Chapter:

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

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

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

D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Environmental Services.

SEC. 7472.3. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the Director of Environmental Services a report containing the information described in Section 7471.5(A)(6) and 7471.5(A)(7) and 7472.1(B)(2) of this Chapter. For Industrial 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 Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 7472.13 of this Chapter. All sampling will be done in conformance with Section 7472.10 of this Chapter.

SEC. 7472.4. Periodic Compliance Reports.

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A. General. Except as specified in subsection C below, all Significant Industrial Users must submit, at a frequency determined by the Director of Environmental Services and no less than twice per year, reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with BMPs or a pollution prevention alternative, the Industrial User must submit documentation required by the Director of Environmental Services or the Pretreatment Standard necessary to determine the compliance status of the Industrial User.

B. Reduced Monitoring Waiver. The Director of Environmental Services may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User (see 40 CFR 303.12(e)(2)). This authorization is subject to the following conditions:

1. The waiver may be authorized where a Pollutant is determined to be present solely due to Wastewater discharged from the facility provided that the Wastewater is not regulated by a Categorical Standard and otherwise includes no process Wastewater.

2. The monitoring waiver is valid only for the duration of the effective period of the Wastewater Discharge Permit, but in no case longer than 5 years. The Industrial User shall submit a new request for the waiver before the waiver can be granted for each subsequent Wastewater Discharge Permit.

3. In making a demonstration that a Pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from that process.

4. The request for a monitoring waiver must be signed and certified in accordance with Section 7472.13 of this Chapter.

5. Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR 136 with the lowest minimum detection level for that Pollutant is used in the analysis.

6. Any grant of a monitoring waiver by the Director of Environmental Services must be included as a condition of the Industrial User's Wastewater Discharge Permit.

7. Upon approval of a monitoring waiver and revision of the Industrial User's Wastewater Discharge Permit by the Director of Environmental Services, the Industrial User must certify each report with the statement required in subsection (C) below that there has been no increase in the Pollutant in its wastestream due to activities of the Industrial User.

8. In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the Industrial User must immediately comply with the monitoring requirements of subsection (A)

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above, or other more frequent monitoring requirements imposed by the Director of Environmental Services, and notify the Director of Environmental Services.

9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

C. Reduced Reporting. The City may reduce the requirement for periodic compliance reports required under subsection (A) above to require a report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA or the State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

1. 230 gpd, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.

2. 0.31 lbs/day BOD.

3. 0.01 percent of the maximum allowable headworks loading for any Pollutant regulated by the applicable Pretreatment Standard for which an approved Local Limit has been adopted.

4. Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance.

5. Reduced reporting is not available to an Industrial User with daily flow rates, production levels, or Pollutant levels that vary so significantly that, in the opinion of the Director of Environmental Services, decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 7472.13 of this Chapter.

E. Reports required in subsection (A) above shall contain the results of sampling and analysis of the discharge, including flow and the nature and concentration, or where requested by the Director of Environmental Services production and mass of Pollutants contained therein which are limited by the applicable Pretreatment Standards.

F. All Wastewater samples must be representative of the Industrial 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 an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.

G. If an Industrial User subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Director of Environmental Services using the procedures prescribed in Section 7472.10 of this Chapter, the results of this monitoring shall be included in the report.

H. Industrial Users must obtain approval from the Director of Environmental Services to submit electronic (digital) documents to the City in satisfaction of the requirements of this Chapter. Electronic submittals shall meet all requirements of the City.

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SEC. 7472.5. Reports of Changed Conditions.

A. Industrial Users must notify the Director of Environmental Services of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater, or changes which may affect its potential for a Slug Discharge at least ninety (90) days before the change.

B. The Director of Environmental Services may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application pursuant to Section 7471.5 of this Chapter.

C. The Director of Environmental Services may issue a Wastewater Discharge Permit pursuant to Section 7471.15 of this Chapter or modify an existing Wastewater Discharge Permit pursuant to Section 7471.12 of this Chapter in response to changed conditions or anticipated changed conditions.

D. An Industrial User subject to reduced monitoring requirements pursuant to Section 7472.4(B) of this Chapter shall immediately notify the Director of Environmental Services when conditions in Section 7472.4(B)(8) of this Chapter occur.

E. An Industrial User subject to reduced reporting requirements pursuant to Section 7274.4(C) of this Chapter shall immediately notify the Director of Environmental Services of any changes at its facility causing it to no longer meet the conditions for reduced reporting. Upon notification, the Industrial User must immediately begin complying with the minimum reporting requirements in Section 7274.4(A) of this Chapter.

SEC. 7472.6. Reports of Potential Problems.

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW or violate any provision of this Chapter, the Industrial User shall immediately, and in no more than five days after such event, notify the Director of Environmental Services of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Industrial User.

B. Within fifteen (15) days following such discharge, the Industrial User shall, unless waived in writing by the Director of Environmental Services, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might 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 Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

C. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection A, above. Employers shall ensure that all employees who could cause or identify such a discharge are advised of the emergency notification procedure.

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D. Significant Industrial Users are required to notify the Director of Environmental Services immediately of any changes at its facility affecting the potential for a Slug Discharge.

SEC. 7472.7. Reports from Unpermitted Users.

Industrial Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Director of Environmental Services as the Director may require to protect the POTW.

SEC. 7472.8. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the Director of Environmental Services within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Environmental Services within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the Industrial User's facility at least once a month, or if the City performs sampling at the Industrial User between the time when the initial sampling was conducted and the time when the Industrial User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User. If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the Industrial User of the violation and requires the Industrial User to perform the repeat sampling and analysis.

SEC. 7472.9. Analytical Requirements.

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director of Environmental Services or other parties approved by EPA.

SEC. 7472.10. Sample Collection Requirements.

Information submitted to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report and be based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in subsections B and C below, the Industrial 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 of Environmental Services. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory

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or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director of Environmental Services, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) 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 of Environmental Services may authorize a lower minimum. For periodic compliance reports, the Industrial User shall collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

SEC. 7472.11. Date of Receipt of Reports, Penalties for Late Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed postage prepaid in a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. Any report required by this Chapter, permit or order issued hereunder received late shall subject the User to a penalty assessment of ten percent (10%) for each day, beginning five days after the date the report is due. Actions taken by the City to collect late reporting penalties shall not limit the City's authority to initiate other enforcement actions that may include penalties for late reporting violations.

SEC. 7472.12. Recordkeeping.

Industrial Users subject to the reporting requirements of this Chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial 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 the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the City, or where the Industrial User has been specifically notified of a longer retention period by the Director of Environmental Services.

SEC. 7472.13. Certification Statements.

A. All Industrial Users submitting permit applications, baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, reports on compliance schedule progress and periodic compliance reports must submit said document with the following certification statement signed by an Authorized Representative:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of

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

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month day, year] to [month day, year]:

(a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User;

(b) The facility complied with all applicable Pretreatment Standards and 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. Industrial Users that have an approved monitoring waiver based on Section 7472.4(B) of this Chapter shall certify each report with the following statement that there has been no increase in the Pollutant in its wastestream due to activities of the Industrial User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [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 Wastewater due to the activities at the facility since filing of the last period report under Section 7472.4(B)."

SEC. 7473. Compliance Monitoring.

SEC. 7473.1. Right of Entry: Inspection and Sampling.

The Director of Environmental Services shall have the right to enter the premises of an Industrial User to determine whether the Industrial User is complying with all requirements of this Chapter and any Wastewater Discharge Permit or order issued hereunder. Industrial Users shall allow the Director of Environmental Services 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.

A. Where an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the Industrial User shall make

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necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Environmental Services shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director of Environmental Services shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations. Monitoring facilities shall be constructed and maintained in such a manner so as to enable the Director of Environmental Services to perform independent monitoring activities.

C. The Director of Environmental Services may require the Industrial User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated; at frequency specified by the manufacturer or the Director or Environmental Services, whichever is more frequent; to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the Director of Environmental Services and shall not be replaced. The cost of clearing such access shall be borne by the Industrial User.

E. Unreasonable delays in allowing the Director of Environmental Services access to the Industrial User's premises shall be a violation of this Chapter.

SEC. 7473.2. Search Warrants.

If the City has been refused access to a Building, structure, or property, on any part thereof, and is 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 program 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 City may seek issuance of a search warrant from the Court.

SEC. 7473.3. Confidential Information.

Information and data about Industrial Users obtained from reports, surveys, Wastewater Discharge Permits and applications, monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the person furnishing the report as permitted by applicable State law. Wastewater Constituents and Characteristics and other effluent data shall not be recognized as confidential information and shall be available to the public without restriction.

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SEC. 7473.4. Publication of Users in Significant Noncompliance.

The Director of Environmental Service shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the City, a list of the Industrial Users who at any time during the previous twelve (12) months were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to any Significant Industrial User that violates paragraphs (A-H) of this Section or any Industrial User that violates paragraphs (C), (D) or (H) of this Section and shall mean:

A. Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

B. Technical Review Criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of Wastewater measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable TRC (TRC =1.4 for BOD, TSS, FOG, and TRC= 1.2 for all other Pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined in this Chapter, including but not limited to the daily maximum, long-term average, Instantaneous Limit, or narrative standard, that the Director of Environmental Services 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;

D. Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Director of Environmental Services' exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), including without limitation a violation of BMPs, that the Director of Environmental Services determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE 8—WASTEWATER USER CHARGES AND FEES

SEC. 7480. Schedule of Charges and Fees.

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A schedule of charges and fees for connection to and use of the POTW shall be adopted by resolution of the City. Said charges and fee schedule may include, but not be limited to, fees for the following:

A. Permit application fees, including Sewer connection applications and Wastewater Discharge Permit applications;

B. Sewer connection fees;

C. Capital improvements fees.

D. Engineering plans and specifications review fees;

E. Fees for inspecting the installation and/or operation of Private Sewer systems including mains, laterals and all appurtenances thereto;

F. Permit compliance fees;

G. User Classification charges;

H. Grease trap or grease interceptor fees;

I. Fees for monitoring and inspection, including the cost of collection and analyzing an Industrial User's Discharge, and reviewing monitoring reports submitted by Industrial Users;

J. Appeal fees;

K. Charges and fees based on Wastewater Constituents and Characteristics to include cost recovery provisions of the Clean Water Act;

L. Fees for reviewing and responding to accidental discharge procedures and construction;

M. Fees for enforcement which shall include all charges for labor, materials, testing, equipment, and an administrative charge;

N. Sewer Service Charges for any direct or indirect connection into the POTW, based on the following:

1. Private water supplies shall be metered whenever required by the City Council and shall be considered on the same basis as water supplied by the City for the purpose of computing Sewer Service Charges.

2. If any source of water is unmetered, the rate of water consumption shall be estimated by the City for the purpose of computing Sewer Service Charges.

O. A deposit for services;

P. Fees for discharging Holding Tank Waste into the POTW;

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Q. Other fees as the Council may deem necessary to carry out the requirements of this Chapter.

SEC. 7481. User Charge Adjustments.

In the event of a leak in a User's private water system where an adjustment has been made to the water service charges, a similar adjustment will also be made to the Sewer service charges. If it is determined that the water discharged as a result of the leak did not enter the POTW, no Sewer service charges will be applied to the excess water. No written application for adjustment is necessary in the case of water system leaks.

SEC. 7482. Billing.

A. Billing Period. In the event Sewer service charges are not collected with other utility charges of the City, the regular billing period will be for each calendar month, or bimonthly, as determined by the City Council.

B. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be for not less than two weeks.

C. Billing Time. Bills for Sewer service shall be rendered at the end of each billing period and are payable upon presentation.

SEC. 7483. Persons Responsible for Payment.

All Sewer Service Charges shall be billed to the following persons:

A. In the case of any person whose premises are connected with the water system, then to the person who requested such connection to the water system, or his/her successor in interest, or to any person requesting that such bill be charged to him; or

B. In the case of any person whose premises are not connected to the water system, then to the person who requested such connection to the POTW, or his/her successor in interest, or, if no such request was made, then to the owner of such premises on the date on which such premises are required hereby to connect to the POTW, or to the successor in interest to such person, or to any person requesting that such bill be charged to him.

SEC. 7484. Penalties and Interest.

All fees and charges imposed pursuant to this Article not paid 60 days after the billing date shall be delinquent and a penalty of 10% of the delinquent amount shall be assessed.

SEC. 7485. Collection by Suit.

As an alternative to any of the other procedures herein provided, the City may collect said unpaid charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorney's fees.

SEC. 7486. Collection by Tax Roll, Lien.

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A. Tax roll. As an alternative to any other procedures provided in this Chapter, pursuant to and in accordance with Health and Safety Code Section 5473, the City may collect any unpaid charges on the tax roll and in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.

B. Lien. As a further alternative to any other procedures provided in this Chapter, pursuant to and in accordance with Health and Safety Code Section 5474, any unpaid charges and interest may constitute a lien against the respective property to which the Sewer service is then connected.

SEC. 7487. Other Utility Charges.

The Sewer Service Charges may be collected with the rates for services, facilities and water of the water system or other utility services furnished by the City. The Sewer Service Charges shall, in such event, be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

SEC. 7488. Basis for Determination of Charges.

Charges and fees established for each User or User Classification, including permitted users, shall be based on measured or estimated Wastewater Constituents and Characteristics of the Discharge of each User or User Classification, which may include, but not be limited to, BOD, COD, SS, oil and grease, chlorine demand, volume, and rate of flow.

SEC. 7489. Sewer Service Charges Based on Water Usage.

A. Sewer Service Charges and fees shall be based on the total water usage at the premises as measured by City meters or City-approved privately installed and maintained meters.

B. If the City reasonably determines that due to the principal activity of the User or other type of diversion of water from the property a significant amount of water received by the property is not discharged into the POTW, a User may apply in writing to the City to have Sewer Service Charges and fees based on either the actual or estimated volume of Wastewater discharged into the POTW. The City shall determine in its discretion which alternate methodology below, if either, shall form the basis of Sewer Service Charges:

1. With City approval, the User may install and maintain a meter to measure either the actual amount of Wastewater discharged into the POTW or the amount of water diverted from the property and not discharged into the POTW. Such meters shall be maintained at the expense of the User and be tested for accuracy at the expense of the User when deemed necessary by the City.

2. The City may estimate the volume of Wastewater to be discharged, considering such factors as the number of Drainage Fixture Units, seating capacity, population equivalent, annual production of goods and services or such other determinations of water use necessary to estimate the Wastewater volume discharged.

ARTICLE 9—ENFORCEMENT

SEC. 7490. Administrative Enforcement Remedies.

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SEC. 7490.1. Notice of Violation.

When the City finds that any User has violated or continues to violate any provision in this Chapter, any permit or order issued pursuant to this Chapter, or any Pretreatment Requirement, the City may serve upon the User a verbal or written Notice of Violation. Within ten (10) days of the receipt of written Notice of Violation, the User shall submit to the City an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this 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 City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

SEC. 7490.2. Consent Orders.

The City may enter into a consent order, assurance of compliance, or other similar document, establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this Chapter.

SEC. 7490.3. Show Cause Hearing.

The City may order a User that has violated, or continues to violate, any provision of this Chapter, any permit or order issued pursuant to this Chapter, or any Pretreatment Standard or Requirement, to appear before the City Manager and show cause why the proposed enforcement action, including but not limited to termination of Sewer service, should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

SEC. 7490.4. Compliance Orders.

When the City finds that a User has violated or continues to violate any provision in this Chapter, any permit or order issued pursuant to this Chapter, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the discharge directing that the User come into compliance within a time period determined reasonable by the City. If the User does not come into compliance within the time period provided, Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also 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 Requirement, nor does a compliance order release the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the User.

SEC. 7490.5. Cease and Desist Orders.

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When the City finds that a User has violated or continues to violate any provision of this Chapter any permit or order issued pursuant to this Chapter, or any other Pretreatment Standard or Requirement, or that past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to immediately comply with the requirements and take appropriate remedial or preventive action as necessary including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the User.

SEC. 7490.6. Emergency Suspensions.

A. The City 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 City may immediately suspend a User's discharge that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

B. 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 City may take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the permit revocation proceedings have been initiated against the User.

C. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the City a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination hearing.

D. Nothing in this Section shall be interpreted as requiring a hearing prior to an emergency suspension.

SEC. 7490.7. Administrative Fines.

A. Notwithstanding any other provision of this Chapter, the City Manager may issue an administrative complaint to any User who violates any requirement of this Chapter. The administrative complaint shall allege the act or failure to act that constitutes the violation of the Chapter, the provisions of the law that authorize civil liability to be imposed, and the proposed civil penalty.

B. The administrative complaint shall be served by personal delivery or certified mail on the person subject to the discharge requirements, and shall inform the person served that a hearing shall be conducted within sixty (60) days after the person has been served. The hearing shall be before the City Manager, or before his/her designee. The person who has been issued an administrative complaint may waive the right to a hearing, in which case no hearing shall be conducted. A person dissatisfied with the decision of the City Manager may appeal to the City Council within thirty (30) days of notice of the City Manager's decision.

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C. If after hearing or appeal, if any, or hearing before it is found that the person has violated reporting or discharge requirements, the City Manager or City Council may assess a civil penalty against that person. In determining the amount of the civil penalty, the City Manager, Director, or City Council may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

D. Civil penalties may be imposed in accordance with Government Code Section 54740.5 as follows:

1. In an amount which shall not exceed $2,000.00 (two thousand dollars) for each day for failing or refusing to furnish technical or monitoring reports.

2. In an amount which shall not exceed $3,000.00 (three thousand dollars) for each day for failing or refusing to timely comply with any compliance schedule established by the City.

3. In an amount which shall not exceed $5,000.00 (five thousand dollars) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the City.

4. In an amount which does not exceed $10.00 (ten dollars) per gallon for Discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the City.

5. The amount of any civil penalty imposed under this Section which has remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the Discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force or effect until recorded with the County Recorder and when recorded, shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 - 683.220, inclusive, of the Code of Civil Procedure.

SEC. 7490.8. Appeals.

Any User, permit applicant, or permit holder affected by any administrative enforcement action made by the City interpreting or implementing the provisions of this Chapter or in any permit issued herein, may file with the City Manager a written request for reconsideration within 10 days of such decision, action, or determination, setting forth in detail the facts supporting the User's request for reconsideration. The City Manager shall make a final ruling on the appeal within 15 days of the close of the meeting.

If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, he/she may within 10 days after notification of the City Manager's action, file a written appeal to the City Council. The written appeal shall be heard by the Council within 60 days from the date of filing. The City Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

SEC. 7491. Judicial Remedies.

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SEC. 7491.1. Injunctive Relief; Penalties.

When the City finds that a User has violated a Pretreatment Standard or continues to violate the provisions of this Chapter, a Wastewater Discharge Permit, any order issued hereunder, or any other Pretreatment Requirement, the City through its City Attorney may petition the Humboldt County Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in retraining the continuance of such discharge. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement that the User remediate environmental damage. A petition of injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

SEC. 7501.2. Civil Penalties.

A. Any User who has violated a Pretreatment Standard or continues to violate the provisions of this Chapter, a Wastewater Discharge Permit, any order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of $1,000 per violation per day. Penalties shall accrue for each day of violation.

B. The City 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.

SEC. 7491.3. Criminal Prosecution.

The following actions by any User may be prosecuted by the City Attorney and charged in the discretion of the City Attorney as either a misdemeanor, or an infraction:

A. The willful or negligent violation of any provision in this Chapter, any permit or order issued pursuant to this Chapter, or any Pretreatment Requirement.

B. The willful or negligent introduction of any substance into the POTW, which causes personal injury or property damage.

C. The knowingly making of 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, any permit or order issued pursuant to this Chapter, or the falsification, tampering with or knowingly rendering inaccurate of any monitoring device or method required under this Chapter.

SEC. 7491.4. Remedies Nonexclusive.

The remedies in this Article are not exclusive. The City 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 plan. However, the City reserves the right to take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

SEC. 7492. Supplemental Enforcement Actions.

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SEC. 7492.1. Performance Bonds.

The Director of Environmental Services may decline to reissue a Wastewater Discharge Permit to any User that has failed to comply with the provisions of this Chapter, any orders, or a previous Wastewater Discharge Permit issued hereunder, unless such User files a satisfactory bond, payable to the City, of a sum determined by the Director to be necessary to achieve consistent compliance.

SEC. 7492.2. Water Supply Severance.

Whenever a User has violated or continues to violate the provisions of this Chapter, or any permit or order issued pursuant to this Chapter, water service to the User may be severed. Service will recommence upon the User's satisfactory demonstration of its ability to comply.

SEC. 7502.3. Public Nuisance.

Any violation of this Chapter, Wastewater Discharge Permits, or orders issued hereunder, and the following additional conditions are hereby declared a public nuisance and shall be subject to abatement in accordance with Title V, Chapter 5 of the Arcata Municipal Code:

A. Any Building Sewer or Sewer Clean-out which contains leaks or breaks, is uncapped or improperly capped, is subject to inflow and infiltration, or contains connections other than those permitted by this Chapter.

B. The absence of a Building Sewer or Sewer Clean-out on any improved parcel.

C. The absence of a functioning onsite Private Sewer, when a Building is dependent on a Private Sewer.

SEC. 7492.4. Damage to Facilities.

When a Discharge of wastes causes an obstruction, damage, or any other impairment to the City facilities, the City may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's normal Sewer Service Charge.

SEC. 7492.5. Correction of Violations; Collection of Costs.

In order to enforce the provisions of this Chapter, the City may correct any violation hereof. The cost of such correction may be added to any Sewer Service Charge payable by the person violating the Chapter or the owner or tenant of the property upon which the violation occurred, and the City shall have such remedies for the collection of such costs as it has for the collection of Sewer Service Charges.

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

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Section 4: This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15307 and 15308 of the CEQA Guidelines.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: August 19, 2015

ATTEST: **APPROVED**:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1461** passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California on the 19th day of August, 2015, by the following vote:

AYES: **WINKLER, PITINO, ORNELAS, PEREIRA, WHEETLEY**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata

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