

(O-89-48)

ORDINANCE NUMBER O- 17165 (NEW SERIES)

ADOPTED ON 01 24 1968

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0301 AND 64.0304 RELATING TO GENERAL PROVISIONS AND AMENDING CHAPTER VI, ARTICLE 4, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0502, 64.0510 AND 64.0512 RELATING TO INDUSTRIAL WASTEWATER.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 4, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 64.0301 and 64.0304, to read as follows:

SEC. 64.0301 PENALTIES FOR VIOLATIONS

(a) through (e) - No change.

(f) Civil Penalties

Any person who violates any provision of this ordinance or permit condition or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation or national pretreatment standard shall be liable civilly for a penalty not to exceed \$300 for each day in which such violation occurs.

(g) Criminal Penalties

Any person who intentionally violates any provision of this ordinance or permit condition or who

discharges wastewater which causes pollution or who violates any cease and desist order, prohibition, effluent limitation or national pretreatment standard shall be liable, upon conviction, for a sum not to exceed \$10,000 for each day in which such violation occurs, or for imprisonment for not more than one (1) year or both.

SEC. 64.0304 INSPECTION AND SAMPLING

First four paragraphs - no change.

The City, through its representatives or inspectors, shall have the right to inspect and copy pertinent records relating to a permittee's wastewater discharge or pretreatment operations including inventories, chemical usage, materials sources, hazardous materials manifests and disposal records, treatment and operations log books and materials invoices.

Section 2. That Chapter VI, Article 4, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 64.0502, 64.0510 and 64.0512 to read as follows:

SEC. 64.0502 DISCHARGE REPORTS

First paragraph - no change.

In addition to the foregoing, the City may also require permittees to provide baseline monitoring reports, compliance schedule reports and final compliance reports.

SEC. 64.0510 PRETREATMENT

First paragraph - no change.

The City Manager shall have the authority in negotiation with any industrial permittee, to impose compliance schedules relating to installation of specific pretreatment equipment, filing of reports, and achievement of specific discharge conditions including target parameter concentrations.

SEC. 64.0512 PROHIBITED DISCHARGES

In most cases, the concentration or amount of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen but will depend on the results of technical determinations and the actions of regulatory agencies. The list of constituents which may be regulated provides specific limits only where they are now reasonably well established. The other constituents in the list are presented with the objective of enumerating the types of wastes which will be regulated from time to time. No person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the City's wastewater system, the following:

(a) through (e) - No change.

(f) Any matter having a temperature higher than 150 degrees Fahrenheit (64 degrees celsius), or at a temperature which causes the influent to the waste treatment plant to exceed 104 degrees Fahrenheit (26 degrees celsius).

(g) through (p) - No change.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By Ted Bromfield
Ted Bromfield
Chief Deputy City Attorney

TB:js
09/06/88
Or.Dept:W.Util.
O-89-48
Form=o.none

New Language - Underlined
Old Language - ~~Crossed Out~~

STRIKEOUT ORDINANCE O-89-48

**SEC. 64.0301 ~~PENALTY~~ PENALTIES FOR VIOLATIONS
AND ~~CIVIL LIABILITY~~**

(a) through (e) - No change.

(f) Civil Penalties

Any person who violates any provision of this ordinance or permit condition or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation or national pretreatment standard shall be liable civilly for a penalty not to exceed \$300 for each day in which such violation occurs.

(g) Criminal Penalties

Any person who intentionally violates any provision of this ordinance or permit condition or who discharges wastewater which causes pollution or who violates any cease and desist order, prohibition, effluent limitation or national pretreatment standard shall be liable, upon conviction, for a sum not to exceed \$10,000 for each day in which such violation occurs, or for imprisonment for not more than one (1) year or both.

SEC. 64.0304 INSPECTION AND SAMPLING

First four paragraphs - no change.

The City, through its representatives or inspectors, shall have the right to inspect and copy pertinent records relating to a permittee's wastewater discharge or pretreatment operations including inventories, chemical usage, materials sources, hazardous materials manifests and disposal records, treatment and operations log books and materials invoices.

SEC. 64.0502 DISCHARGE REPORTS

First paragraph - no change.

In addition to the foregoing, the City may also require permittees to provide baseline monitoring reports, compliance schedule reports and final compliance reports.

SEC. 64.0510 PRETREATMENT

First paragraph - no change.

The City Manager shall have the authority in negotiation with any industrial permittee, to impose compliance schedules relating to installation of specific pretreatment equipment, filing of reports, and achievement of specific discharge conditions including target parameter concentrations.

SEC. 64.0512 PROHIBITED DISCHARGES

In most cases, the concentration or amount of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen but will depend on the results of technical determinations and the actions of regulatory agencies. The list of constituents which may be regulated provides specific limits only where they are now reasonably well established. The other constituents in the list are presented with the objective of enumerating the types of wastes which will be regulated from time to time. ~~Unless approval has been obtained from the City Manager,~~ No person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the City's wastewater system, the following:

(a) through (e) - No change.

(f) Any matter having a temperature higher than 150 degrees Fahrenheit (64 degrees celsius), or at a temperature which causes the influent to the waste treatment plant to exceed 104 degrees Fahrenheit (26 degrees celsius).

(g) through (p) - No change.

OCT 24 1988

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Jana Martin*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

Oct 10, 1988, and on OCT 24 1988.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Jana Martin*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17165 Adopted OCT 24 1988

CERTIFICATE OF PUBLICATION

NOV 11 1988
SAN DIEGO, CALIF. *scd*

CITY OF SAN DIEGO
202 C STREET, 2ND. FLOOR
SAN DIEGO, CA 92101
ATTN: TENA MARTIN

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION 3,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
64.0301 and 64.0304 RELATING TO GENERAL PROVISIONS ET AL . . .

ORDINANCE O-17165 (NEW SERIES)
ADOPTED ON October 24, 1988
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0301 AND 64.0304 RELATING TO GENERAL PROVISIONS AND AMENDING CHAPTER VI, ARTICLE 4, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0502, 64.0510 AND 64.0512 RELATING TO INDUSTRIAL WASTEWATER.
This ordinance strengthens the City's Industrial Pretreatment Program by a) removing the City Manager's discretionary power to waive some discharge standards, b) clarifies the temperature standard for industrial discharges, c) empowers the City Manager to impose compliance schedules and monitor discharges more effectively, and d) authorizes the imposition of civil and criminal penalties for non-compliance.
Passed and adopted by the Council of The City of San Diego on October 24, 1988.
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By TENA M. MARTIN, Deputy
Pub. November 3, 1988

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE O-17165 (NEW SERIES)
ADOPTED ON October 24, 1988

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

NOV. 3

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3 day of NOV., 19 88.

Thomas D. Kelleher
(Signature)

$2 \frac{1}{2} = \$53.56$