

ORDINANCE NUMBER O- 18741 (NEW SERIES)

ADOPTED ON JAN 10 2000

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF DIVISION 3 TO READ SAN DIEGO UNDERWATER RECREATION AREA AND BY AMENDING DIVISION 3 BY ADDING SECTIONS 63.0301 THROUGH 63.0305 RELATING TO THE SAN DIEGO UNDERWATER RECREATION AREA.

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

Section 1. That Chapter VI, Article 3, Division 3, of the San Diego Municipal Code is amended by amending the title to read as follows:

DIVISION 3

SAN DIEGO UNDERWATER RECREATION AREA

Section 2. That Chapter VI, Article 3, Division 3, of the San Diego Municipal Code is amended by adding Sections 63.0301 through 63.0305, to read as follows:

SEC. 63.0301 Purpose and Intent

The Council of The City of San Diego finds that the ocean floor within the jurisdictional limits of the City of San Diego is a natural resource which deserves protection and enhancement for the benefit and recreational enjoyment of the citizens of San Diego. Creation of the San Diego Underwater Recreation Area will provide an opportunity for the City to place ships, vessels or other appropriate objects on the ocean floor to create places for divers to explore and sea life to

inhabit and proliferate. Creation of the San Diego Underwater Recreation Area is expected to provide an economic stimulus to the City's tourist industry by creating a tourist destination point and attracting divers from around the country, and around the world.

SEC. 63.0302 Boundaries

The boundaries of the San Diego Underwater Recreation Area are as illustrated in Appendix A and further defined as follows:

<u>Corner</u>	<u>Latitude-North</u>	<u>Longitude-West</u>
Northwest	32 deg. 47.83'	117 deg. 17.90'
Northeast	32 deg. 47.75'	117 deg. 17.15'
Southeast	32 deg. 46.68'	117 deg. 16.65'
Southwest	32 deg. 46.74'	117 deg. 17.46'

SEC. 63.0303 Eligibility

Only those ships, vessels, or other objects which meet all the following criteria shall be eligible for placement within the San Diego Underwater Recreation Area:

- (a) Objects which can be placed upon the ocean floor and be no closer than thirty feet Mean Low Water to the surface; and
- (b) Objects that meet all Environmental Protection Agency, Regional Water Quality Control Board, and other state, federal, and local regulations; and
- (c) Objects fully open and freely accessible to divers and sea life; and
- (d) Objects of sufficient size, shape and design to remain in place during severe storms; and
- (e) Objects of sufficient integrity to last a least fifty years; and

(f) Objects which the California Department of Fish and Game and California Coastal Commission have recognized or approved through official action or past permits as being known to be appropriate for underwater recreation or habitat for sea life.

SEC. 63.0304 Placement and Locational Criteria

Objects which are eligible for placement in the San Diego Underwater Recreation Area pursuant to Section 63.0303 may be authorized for placement by the City Council only after all the following requirements are satisfied:

(a) The sea floor where the object is proposed for placement is surveyed and documented to the satisfaction of the City to assess the nature and extent of existing structures, historic resources, biological resources, and the composition of the sea floor; and

(b) The object shall be proposed for location a sufficient distance from other objects placed on the ocean floor to discourage any subsurface swimming from one to another; and

(c) Objects shall be mapped so that their precise location and aerial extent is known; and

(d) Objects shall be proposed for a location so that any environmentally sensitive resources on the ocean floor are avoided to the maximum extent feasible; and

(e) Necessary environmental review has been conducted and all appropriate permits have been obtained from state and federal agencies prior to placement.

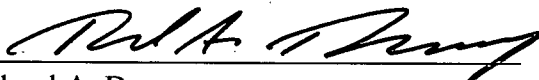
SEC. 63.0305 Management of the San Diego Underwater Recreation Area

The City Manager shall cause appropriate buoys or markers to be moored and maintained to mark the perimeters of the San Diego Underwater Recreation Area and the City Manager shall be further authorized to promulgate any necessary rules and regulations regarding the use and operation of the San Diego Underwater Recreation Area.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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Or.Dept:ER&SP
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(O-2000-69)

ORDINANCE NUMBER O- 18742 (NEW SERIES)

ADOPTED ON JAN 10 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER VI, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 64.0301 AND AMENDING CHAPTER VI, ARTICLE 4, DIVISION 5, BY AMENDING SECTION 64.0512; RELATED TO DISCHARGES INTO WASTEWATER SYSTEM.

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 is hereby amended by amending Section 64.0301, to read as follows:

SECTION 64.0301 Penalties for Violations

(a) Public Nuisance

Discharge of wastewater in any manner in violation of Section 64.0301 or of any order issued by the City Manager as authorized by Section 64.0301, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person creating such a public nuisance is guilty of a misdemeanor.

(b) Injunction

Whenever a discharge of wastewater is in violation of the provisions of Section 64.0301, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the City Manager may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

(c) Costs of Damage

Any person who violates any provision of Section 64.0301 or who has a discharge which causes a deposit, obstruction, damage, or any other impairment to the City's facilities, shall become liable to the City for all expense, loss, or damage occasioned the City by such violation or discharge.

(d) Falsifying of Information

Any person who knowingly makes any false statement, representation, record, report, plan, or other document filed with the City Manager or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Section 64.0301, shall be guilty of a misdemeanor.

(e) Termination of Service

The City may revoke any Industrial Wastewater Discharge Permit issued pursuant to Municipal Code Chapter VI, Article 4, Division 5, or may terminate or cause to be terminated any wastewater service to any premise if a violation of any provision of Section 64.0301 is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance. This provision is in addition to other statutes or rules authorizing termination of service for delinquency in payment. When deemed necessary by the City Manager for the preservation of public health or safety or for the protection of public or private property, the City Manager may suspend sewer service to any person using the wastewater system in a manner to endanger the public health or safety, or public or private property. In suspending service, the City Manager may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the City Manager may act immediately to suspend sewer service without notice or warning to said person.

(f) Civil Penalties - Procedures

Any person who violates any provision of Municipal Code Chapter VI, Article 4, Division 3 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 \$2,500 per day per violation. Such civil penalty shall be assessed and collected in accordance with the procedures set forth in Municipal Code sections 12.0801 – 12.0810.

(g) Criminal Penalties

Any person who intentionally violates any provision of Section 64.0301 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, on conviction, for a sum not to exceed \$10,000 per day per violation, or for imprisonment for not more than one year, or both.

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

SECTION 64.0512 Prohibited Discharges

(a) General Prohibitions

A User may not introduce into a public sewer which directly or indirectly connects to the City's wastewater system any pollutant which causes pass-through or interference. These general prohibitions and the specific prohibitions in Section 64.0512(b) apply to each User introducing pollutants into a Publicly Owned Treatment Works, whether or not the User is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(b) Specific Prohibitions

In addition, the following pollutants shall not be introduced into a public sewer which directly or indirectly connects to the City's wastewater system:

(1) Any pollutant which creates a fire or explosion hazard in the Publicly Owned Treatment Works, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. § 261.21.

(2) Any matter containing toxic or poisonous solids, liquids, or gases in such quantities that, alone or in combination with other substances, may cause acute health and safety problems for humans, animals, or the local environment.

(3) Any matter which will cause corrosive structural damage to structures, equipment, or other physical facilities of the wastewater system, but in no case discharges with pH lower than 5.0, unless the collection system is specifically designed to accommodate such discharges.

(4) Any solid or viscous substance or other matter of such quality, size, or quantity that it may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, fatty acids, grease and oil, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

(5) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the Publicly Owned Treatment Works.

(6) Any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays, or any other uncontaminated water.

(7) 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).

(8) Any matter containing more than 500 mg/l of fats, oil, and grease.

(9) Any strongly odorous matter or matter tending to create odors.

(10) Any matter containing over 1.0 mg/l of dissolved sulfides.

(11) Any matter with a pH equal to or greater than 12.5 standard units.

(12) Any matter which results in the presence of toxic gases, vapors, or fumes within the wastewater conveyance or treatment system in a quantity that may cause acute worker health and safety problems.

(13) Any matter requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.

(14) Any excessive amounts of deionized water, steam condensate, distilled water, or single pass cooling water.

(15) Any trucked or hauled pollutants, except at discharge points designated by the City.

(16) Any radioactive matter, except:

(i) When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and

(ii) When the matter is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17, section 30253), federal regulations (10 C.F.R. § 20.2003 and Table 3 of Appendix B to §§ 20.1001 – 20.2401), and the Nuclear Regulatory Commission regulations and recommendations for safe disposal.

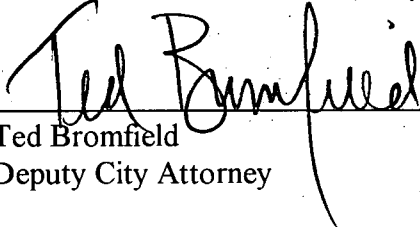
(17) Any matter producing excessive discoloration of the wastewater treatment plant effluent.

(18) Any toxic materials including, but not limited to, all heavy metals, cyanide, phenols, chlorinated hydrocarbons, and other organic compounds unless limited to that concentration which complies with all local, state, and federal discharge limitations, and which does not interfere with the operation of the wastewater facilities.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Ted Bromfield
Deputy City Attorney

TB:mb
11/18/99
Or.Dept:MWWD
Aud.Cert:N/A
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