

ORDINANCE NUMBER O- 21738 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 06 2023

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4,
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING NEW SECTION 64.0521 RELATING TO AN
ELECTRONIC TRANSACTION AND REPORTING SYSTEM
FOR THE INDUSTRIAL WASTEWATER CONTROL
PROGRAM.

WHEREAS, all industrial wastewater discharge into the City of San Diego's wastewater system requires the issuance of a permit and mandates reporting of all discharges to comply with local, state, and federal laws and regulations; and

WHEREAS, the Public Utilities Department's Industrial Wastewater Control Program (IWCP) reviews and submits all discharge reports to the United States Environmental Protection Agency (EPA); and

WHEREAS, the IWCP identified electronic reporting as a secure and efficient alternative to paper submittals, reducing the chance for human error and saving employee time; and

WHEREAS, the City desires to implement an electronic transaction and reporting system in compliance with the EPA's Cross-Media Electronic Reporting Rule (CROMERR), which establishes a framework under which the EPA will accept electronic reports from regulated entities, provided that the electronic submittals have the same level of legal enforceability as paper submittals; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, including information provided by the EPA and verified by City Staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 4, Division 5 of the San Diego Municipal Code is amended by adding new section 64.0521, to read as follows:

§64.0521 Industrial Users Electronic Reporting Compliance

- (a) The City may use electronic transmission, including electronic signatures, to send, receive, and enforce industrial wastewater discharge reports and other documents, provided that the City Manager develops policies and procedures that include the following:
 - (1) A method to verify all reports, permits, and signatures are authentic;
 - (2) A method to certify all signatures and electronic submissions are enforceable under penalty of civil and criminal code;
 - (3) A method to ensure that electronic documents cannot be altered after they are signed, including in transmission and after receipt;
 - (4) A method to ensure that any individual signatory is authorized to electronically sign on behalf of permit holders; and
 - (5) A method to ensure that any reports or documents that the City is required to submit to the EPA comply with the submission requirements in 40 C.F.R. 3 Subpart B, as may be amended.
- (b) Any person submitting discharge reports or other documentation to the City by electronic transmission shall certify the authenticity of their signature and ability to sign for the permit holder through a subscriber agreement.


- (c) Discharge reports or other documentation submitted by electronic transmission under section 64.0521 shall be enforceable in the same manner as paper submittals, including through imposition of civil and criminal penalties. Any electronic signature shall legally bind and obligate the signatory and any person on whose behalf the signatory is signing, to the same extent as the signatory's handwritten signature on a paper document.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Justin E. Stanek
Deputy City Attorney

JES:jdf

09/25/2023

Or.Dept: Public Utilities Department

Doc. No.: 3299382_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 31 2023.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: 11/5/23
(date)

_____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: The date of final passage is November 6, 2023, which represents the date this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

STRIKEOUT

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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§64.0521

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JES:jdf
09/25/2023
Or.Dept: Public Utilities Department
Doc. No.: 3331368_2

Passed by the Council of The City of San Diego on OCT 31 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

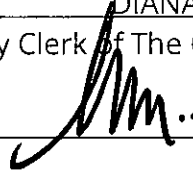
Date of final passage NOV 06 2023.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , 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 2023

NOV 06 2023

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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