

ORDINANCE NUMBER O- 22104 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 15 2026

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING ARTICLE 4, AMENDING CHAPTER 6, ARTICLE 4, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0100 AND 64.0101, RETITLING AND AMENDING SECTION 64.0102; AMENDING CHAPTER 6, DIVISION 2 BY AMENDING SECTION 64.0200; AMENDING CHAPTER 6, DIVISION 3 BY RENUMBERING AND AMENDING SECTION 64.0300 TO SECTION 64.0301, REPEALING FORMER SECTION 64.0301, AMENDING SECTIONS 64.0302, 64.0303, 64.0304, 64.0305, AND 64.0306, RETITLING AND AMENDING SECTION 64.0307, AND ADDING NEW SECTIONS 64.0308, 64.0309, AND 64.0310; AMENDING CHAPTER 6, DIVISION 5 BY RETITLING AND AMENDING SECTIONS 64.0500, 64.0501, 64.0502, 64.0503, 64.0504, AND 64.0505, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0506 TO SECTION 64.0508, ADDING A NEW SECTION 64.0506, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0507 TO SECTION 64.0509, ADDING A NEW SECTION 64.0507, REPEALING SECTIONS 64.0508 AND 64.0509, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0512 TO SECTION 64.0510, ADDING A NEW SECTION 64.0511, RENUMBERING AND AMENDING SECTION 64.0510 TO SECTION 64.0512, RENUMBERING AND AMENDING FORMER SECTION 64.0511 TO SECTION 64.0513, REPEALING FORMER SECTION 64.0512, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0513 TO 64.0514, REPEALING FORMER SECTION 64.0514, RETITLING AND AMENDING SECTION 64.0515, AMENDING SECTION 64.0516, RETITLING AND AMENDING SECTIONS 64.0517 AND 64.0518, AMENDING SECTION 64.0519, AND RETITLING AND AMENDING SECTION 64.0520, ALL RELATING TO THE INDUSTRIAL WASTEWATER CONTROL PROGRAM.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. The Industrial Wastewater Control Program (IWCP) was established to ensure the City of San Diego's (City's) compliance with the Federal Clean Water Act (33 U.S.C. §§ 1251-1387) and the National Pretreatment Program (40 CFR Part 403) which require municipalities to regulate discharge of industrial wastewater into public sewer systems. The regulations are designed to prevent pollutants from interfering with treatment processes, harming treatment plant personnel, or passing untreated wastewater into the environment.

B. The City adopted its Sewer Use Ordinance and related San Diego Municipal Code (Municipal Code) sections to locally implement federal requirements. The IWCP oversees approximately 1,000 industrial users in the City and participating agencies, and conducts inspections, issues discharge permits, and enforces compliance through the Municipal Code.

C. The last comprehensive update to Municipal Code IWCP-related sections occurred in November 2000. During a 2022 regulatory inspection, the San Diego Regional Water Quality Control Board (RWQCB) determined certain sections of the Sewer Use Ordinance were outdated and missing key provisions required under federal pretreatment regulations. The RWQCB further found City definitions, references, and enforcement provisions do not consistently reflect current federal standards.

D. City staff conducted a thorough review of all related Municipal Code sections to identify inconsistencies. The proposed amendments include: amending the title of the Article from Sewers to Wastewater; updating definitions to match federal regulations; clarifying industrial user requirements and permit conditions; updating cross-references to ensure interfile consistency; prohibiting liquefiers; prohibiting discharges from human hydrolysis; and

eliminating a prohibition of Water Softener Brine discharges in the eastern portion of Los Penasquitos area.

E. These Municipal Code amendments ensure the City’s wastewater pretreatment program remains compliant with both state and federal requirements and maintains consistency with RWQCB and United States Environmental Protection Agency expectations.

F. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. That Chapter 6, Article 4 of the San Diego Municipal Code is amended by retitling Article 4 to read as follows:

Article 4: Wastewater

Section 2. That Chapter 6, Division 1 of the San Diego Municipal Code is amended by amending sections 64.0100 and 64.0101, and retitling and amending section 64.0102, to read as follows:

Division 1: Purpose, Scope and Policy

§64.0100 Purpose

The purpose of this Article is to provide for the maximum beneficial public use of the *wastewater system* through adequate regulation of sewer construction, sewer use, and *industrial wastewater* discharge, to provide for equitable distribution of the City’s costs, and to provide procedures for complying with *wastewater* discharge requirements placed upon the City by other regulatory bodies.

§64.0101 Scope

This Article shall be interpreted in accordance with the definitions set forth herein and the provisions of this Article shall apply to the *Discharges* and wastestreams of all waste into the *wastewater system*.

This Article, among other things, provides for the regulation of sewer construction in areas within the City's boundaries, the quantity and quality of wastestreams, the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of *industrial user permits* and of other miscellaneous permits, and the establishment of penalties for violation of this Article.

§64.0102 Wastewater Disposal Policy

The City constructs, operates, and maintains a *wastewater system* serving homes, industries, and commercial establishments within the City's boundaries and to other *wastewater* that is tributary to the *wastewater system*.

Generally, *wastewater* will be transported and treated by the *wastewater system* provided the *wastewater* will not (1) damage structures, (2) create nuisances such as odors, (3) menace public health, (4) impose unreasonable collection, treatment or disposal costs on the City, (5) interfere with *wastewater* treatment processes, (6) violate quality requirements set by regulatory government agencies, or (7) detrimentally affect the local environment.

The City is committed to a policy of *wastewater* reclamation and reuse to provide an alternate source of water supply and to reduce overall costs of *wastewater* treatment and disposal. The reclamation of *wastewater* through secondary and

tertiary *wastewater* treatment processes may necessitate more stringent quality requirements on *Industrial Users* than those required by other regulatory agencies.

To comply with stated policies of the federal government and to permit the City to meet increasingly higher standards, provisions are made in this Article for the regulation of *wastewater*. This Article establishes quantity and quality limitations on *wastewater*. Methods of cost recovery from *Industrial Users* are also established where the *wastewater* imposes inequitable collection, treatment, or disposal costs on the City.

Recovery and reuse procedures established by *Industrial Users* themselves to meet the limitations set on their *discharges* will be preferred by the City over those procedures designed solely to meet *wastewater* limitations. Methods providing for beneficial reuse of otherwise wasted resources shall be the approved method of *industrial wastewater* treatment wherever feasible.

Optimum use of the *wastewater system* may require that certain *wastewater* be discharged during periods of low flow in the *wastewater system*.

Section 3. That Chapter 6, Division 2 of the San Diego Municipal Code is amended by amending section 64.0200, to read as follows:

Division 2: Definitions

§64.0200 Definitions

For purposes of this Article, the following defined terms appear in italics:

Act has the same meaning as in 40 C.F.R. 403.3(b) which means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251-1387.

Applicant means any *person*, firm, entity, or agency who applies for connections to the *wastewater system*.

Best management practices or *BMPs* has the same meaning as in 40 C.F.R. 403.3(e) which means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent discharges prohibited by Municipal Code section 64.0510. *BMPs* also include treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Note: *BMPs* also include alternative means (i.e., management plans) of complying with, or in place of, certain established *Categorical Pretreatment Standards* and effluent limits.

Categorical Pretreatment Standard, Categorical Standard, National Pretreatment Standard, Pretreatment Standard, or Standard has the same meaning as in 40 C.F.R. 403.3(l), which means any regulation containing *pollutant* discharge limits promulgated by the *EPA* in accordance with section 307(b) and (c) of the *Act*, which applies to *Industrial Users*. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. 403.5.

Discharge authorization means any written authorization issued by the City Manager authorizing the disposal of *industrial wastewater* to the *wastewater system* that is not an *industrial user permit*.

Domestic wastewater means *wastewater* from residential sources, hotel rooms, and restrooms consisting primarily of waterborne human waste.

EPA means the United States Environmental Protection Agency.

Indirect Discharge or *Discharge* has the same meaning as in 40 C.F.R. 403.3(i) which means the introduction of pollutants into a *POTW* from any non-domestic source regulated under section 307(b), (c), or (d) of the *Act*.

Hydrolysate means the resultant liquid from the hydrolysis of human remains.

Hydrolysis means the process by which the body of a deceased person is chemically reduced to its essential organic components and bone fragments either before or after processing of the remains after removal from the hydrolysis chamber.

Industrial wastewater means *wastewater* from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other similar operation even if such *wastewater* is combined with *domestic wastewater*, and includes groundwater and surface run-on at project sites with active construction dewatering or groundwater remediation.

Industrial User has the same meaning as in 40 C.F.R. 403.3(j) which means a source of *Indirect Discharge*.

Industrial user permit means a permit issued by the Industrial Wastewater Control Program and authorized by the City Manager for a particular activity pursuant to Municipal Code section 64.0501.

Interference has the same meaning as in 40 C.F.R. 403.3(k) which means a *Discharge* which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) inhibits or disrupts the *POTW*, its treatment processes or operations, or its sludge processes, use or disposal; and

- (2) therefore is a cause of a violation of any requirement of the *POTW's* National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local limit means a numerical limit on a *pollutant* established by the City Manager to implement the general and specific prohibitions set forth at Municipal Code section 64.0510. Such limits shall be technically based and shall require *EPA* or the Regional Water Quality Control Board approval prior to implementation.

New Source has the same meaning as in 40 C.F.R. 403.3(m), which means:

- (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:

- (i) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (ii) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of *pollutants* at an existing source; or
 - (iii) 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 plan, 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 of 40 C.F.R. 403.3(m)(1)(ii) or (m)(1)(iii), but otherwise alters, replaces, or adds to the existing process or production equipment.
- (3) Construction of a *New Source* as defined under this paragraph has commenced if the owner or operator has:

- (i) Begun, or caused to begin as part of a continuous onsite construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of *New Source* facilities or equipment; or
- (ii) 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.

Pass through has the same meaning as in 40 C.F.R. 403.3(p) which means a *Discharge* which exits the *POTW* into 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).

Person has the same meaning as in San Diego Municipal Code section 11.0210.

Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive

materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Publicly Owned Treatment Works or *POTW* has the same meaning as in 40 C.F.R. 403.3(q), which means treatment works as defined by section 212 of the *Act*, which is owned by a State or municipality (as defined by section 502(4) of the *Act*). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey *wastewater* to a *POTW treatment plant*. The term also means the municipality as defined in section 502(4) of the *Act*, which has jurisdiction over the *Indirect Discharges* to and the discharges from such a treatment works.

POTW treatment plant has the same meaning as in 40 C.F.R. 403.3(r), which means that portion of the *POTW* which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Pretreatment has the same meaning as in 40 C.F.R. 403.3(s), which means the reduction of the amount of *pollutants*, the elimination of *pollutants*, or the alteration of the nature of *pollutant* properties in *wastewater* prior to or in lieu of discharging or otherwise introducing such *pollutants* into a *POTW*. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 C.F.R. 403.6(d).

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

with unregulated *wastewater* or with *wastewater* from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. 403.6(e).

Pretreatment Requirement has the same meaning as in 40 C.F.R. 403.3(t), which means any substantive or procedural requirement related to *pretreatment*, other than a *National Pretreatment Standard*, imposed on an *Industrial User*.

Sewer lateral means the pipe that collects *wastewater* from drains, sinks, showers, tubs, toilets, and other fixtures on the property, including the portion of the pipe that extends from the property and connects to the City's sewer main.

Significant Industrial User has the same meaning as in 40 C.F.R. 403.3(v), which means:

- (i) All *Industrial Users* subject to *Categorical Pretreatment Standards* under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and
- (ii) Any other *Industrial User* that: discharges an average of 25,000 gallons per day or more of process *wastewater* to the *POTW* (excluding sanitary, noncontact cooling and boiler blowdown *wastewater*); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the *POTW treatment plant*; or is designated as such by the Control Authority as defined in 40 C.F.R. 403.3(f) 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 (in accordance with 40 C.F.R. 403.8(f)(6)).

Significant Noncompliance or *SNC* has the same meaning as in 40 C.F.R.

403.8(f)(2)(viii), which means a *Significant Industrial User* (or any *Industrial User* which violates 40 C.F.R. 403.8(f)(2)(viii)(C), (D), or (H)) if its violation meets one or more of the following criteria:

- (A) Chronic violations of *wastewater Discharge* limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric *Pretreatment Standard* or *Pretreatment Requirement*, including instantaneous limits, as defined by 40 C.F.R. 403.3(l);
- (B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric *Pretreatment Standard* or *Pretreatment Requirement* including instantaneous limits, as defined by 40 C.F.R. 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other *pollutants* except pH);

- (C) Any other violation of a *Pretreatment Standard* or *Pretreatment Requirement* as defined by 40 C.F.R. 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative *Standard*) that the *POTW* 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 *POTW's* exercise of its emergency authority under 40 C.F.R. 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations, which may include a violation of *Best Management Practices*, which the *POTW* determines will adversely affect the operation or implementation of the local *Pretreatment* program.

Slug discharge means a wastestream of a non-routine, episodic nature, including an accidental spill or an uncustomary batch discharge, which could cause *interference, pass-through*, or adversely affect the operation or maintenance of the *wastewater system*, or in any other way violate the *POTW's* regulations, *local limits*, or permit conditions.

Wastewater means water that is no longer useful and has been or is in the process of being discarded, including liquid and water carried waste and sewage from residential properties, commercial buildings, industrial and manufacturing facilities, and institutions.

Wastewater system means treatment works as defined in section 212 of the *Act*, which is owned or operated by the City, or operated under contract with the City, including any facilities involved in recycling *wastewater* to standards suitable for irrigation or potable reuse, and any facilities generating renewable energy from the byproducts of *wastewater* treatment or disposal. Sewer pipes, pump stations, and related facilities are included only if they convey *wastewater* to or from a *POTW treatment plant*.

Section 4. That Chapter 6, Division 3 of the San Diego Municipal Code is amended by renumbering and amending section 64.0300 to section 64.0301, repealing former

section 64.0301, amending sections 64.0302, 64.0303, 64.0304, 64.0305, and 64.0306, retitling and amending section 64.0307, and adding new sections 64.0308, 64.0309, and 64.0310, to read as follows:

Division 3: General Provisions

§64.0301 Administration

The City Manager shall administer, implement, and enforce the provisions of this Article. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to persons in the employ of the City.

The City Manager shall make and enforce regulations necessary to the administration of this Article and may amend such regulations from time to time as conditions require. These regulations shall be consistent with the general policy established by this Article.

§64.0302 Time Limits

Any time limit provided in any written notice or in any provision of this Article may be extended only by a written directive of the City Manager.

§64.0303 Inspection and Sampling

(a) The City Manager may inspect any property or facility that is connected to the *wastewater system* and may sample any *wastewater* at the property or facility as stated in 40 C.F.R. 403.8(f)(2)(v) and (vii). This includes drains, sewers, *wastewater* pumping stations, pollution control plants, all industrial processes, food establishment facilities or other facilities which discharge grease and oil, *industrial wastewater* generation, conveyance and *pretreatment* facilities, and all similar *wastewater* facilities.

Inspections may be made to determine that such facilities are maintained and operated properly and that no violations of this Article are occurring.

- (b) Access shall be given to authorized personnel of the City during normal business hours, or any time the City Manager reasonably believes a violation of this Article is occurring. Adequate identification shall be provided by the City Manager for all inspectors and authorized personnel, and those persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. Any permanent or temporary obstruction to easy access to the *wastewater* facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the City Manager and permanent obstructions shall not be replaced.
- (c) It is unlawful to interfere with, delay, resist, or refuse entrance to an authorized City employee attempting to inspect any property or facility directly or indirectly connected to the *wastewater system*, or attempting to sample any *wastewater* at the property or facility.
- (d) The City, through its representatives or inspectors, shall have the right to inspect and copy pertinent records relating to an *Industrial User's wastewater* or *pretreatment* operations including: Operations & Maintenance procedures; sampling, analysis, and flow measurement procedures, results and records; inventories, chemical usage, materials sources, hazardous materials manifests, and disposal records; treatment and operations log books; and materials invoices.

§64.0304 Recording of Fees and Charges

The City Manager shall keep an accurate account of all fees and charges received under this Article, recording the names and addresses of the persons on whose account the fees and charges were paid, the date and amount thereof, and the purpose for which charges were paid.

§64.0305 Estimated Quantities and Values

Unless otherwise provided in this Article, whenever the fees and charges required by this Article are based on estimated values or estimated quantities, the City Manager shall make such determinations in accordance with established estimating practices.

§64.0306 Approval of Plans and Issuance of Permits

- (a) The City Manager is responsible for approving plans for the construction of *wastewater* facilities and issuing *industrial user permits* or any other permit under this Article. The City Manager may do so only if it appears that the *wastewater* facilities construction, sewer connection, *Discharge* or other procedure conforms to the requirements of this Article.
- (b) The City Manager may deny or condition any new or increased contributions of *wastewater*, *pollutants*, or changes in the nature of *pollutants*, to the *wastewater system* where such contributions do not meet the applicable *Pretreatment Standard*, *Pretreatment Requirement*, or where such contributions by itself or in combination with other *wastewater*, could cause *interference*, *pass-through*, or adversely affect the operation or maintenance of the *wastewater system*.

- (c) All required fees and charges shall be paid before approval of plans or issuance of a permit.
- (d) The approval of plans or the issuance of a permit shall not relieve a *person* of any duty or obligation imposed by this Article.

§64.0307 Unauthorized Access or Damage to the Wastewater System

It is unlawful for any *person*, without authorization from the City Manager, to enter, break, damage, destroy, uncover, deface, or tamper with any structure, equipment, or appurtenance of the *wastewater system*.

§64.0308 Limitations on Point of Wastewater Disposal

It is unlawful for any person to introduce *wastewater* or any substance or material directly into a manhole or other opening in the *wastewater system* other than through an approved sewer connection or by obtaining a permit issued by the City Manager.

§64.0309 False Information

- (a) It is unlawful for any *person* to intentionally provide false information, or intentionally fail to provide material information, in any application, report, plan, or other document submitted to the City or for any permit issued pursuant to this Article.
- (b) It is unlawful for any *person* to intentionally render inaccurate any monitoring device or method required by a permit issued pursuant to this Article, or to intentionally provide a false or inaccurate *wastewater* sample to the City.

§64.0310 Penalties for Violations

- (a) The penalties and remedies for violations specified in this Article are cumulative to the penalties and remedies set forth in Chapter 1, Article 2 of this Code.
- (b) The disposal or handling of *domestic wastewater or industrial wastewater* in violation of this Article is a public nuisance subject to injunction, abatement, and penalties under Chapter 1, Article 2 of this Code.
 - (1) Violations of Division 5 of this Article are not limited by the maximum amount of civil penalties in Section 12.0803(d). The amount of civil penalties that may be assessed shall be governed by 40 C.F.R. 403.8(f)(1)(vi).
- (c) The failure to use reclaimed water as required by the City Manager under Division 8 of this Article is a public nuisance subject to injunction, abatement, and penalties under Chapter 1, Article 2 of this Code.
- (d) Any *person* who violates a provision of this Article which causes a deposit, obstruction, damage, or any other impairment to the *wastewater system* shall be liable to the City for all expense, loss, and damage incurred by the City as a result of the violation.
- (e) Whenever a wastestream is in violation of the provisions of this Article, 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*.

- (f) The City Manager may terminate *wastewater* service to any property where *wastewater* is disposed or handled in violation of this Article or in a manner that threatens the environment, the health, safety, or welfare of the public, or the operation of the *wastewater system*. The City Manager may terminate *wastewater* service by severing or blocking connections between the property and the *wastewater system*, and by terminating water service as allowed under Chapter 6, Article 7 of this Code.
- (1) The City Manager shall provide prior written notice to the customer that *wastewater* service is being terminated and provide an opportunity to contest the termination at a hearing under Chapter 1, Article 2, Division 4 of this Code. The City Manager shall also send a notice to the property owner if the property owner is not the same *person* as the customer and allow the property owner to contest the termination at the hearing.
- (2) The City Manager may immediately terminate *wastewater* service upon written notice if the discharge of *wastewater* presents an imminent danger to the environment, the health, safety, or welfare of the public, or the operation of the *wastewater system*. Such an immediate termination of *wastewater* service shall remain in effect at least until the conclusion of a hearing held under Chapter 1, Article 2, Division 4 of this Code.
- (3) The City Manager shall reestablish *wastewater* service upon the final decision of a hearing officer that a violation of this Article did not occur and that the disposal of *wastewater* from the property did

not threaten the environment, the health, safety, or welfare of the public, or the operation of the *wastewater system*.

- (4) The City Manager may reestablish *wastewater* service if the City Manager determines that the reason for the termination no longer exists and is not likely to reoccur.

Section 5. That Chapter 6, Division 5 of the San Diego Municipal Code is amended by retitling and amending sections 64.0500, 64.0501, 64.0502, 64.0503, 64.0504, and 64.0505, renumbering, retitling, and amending section 64.0506 to section 64.0508, adding a new section 64.0506, renumbering, retitling, and amending section 64.0507 to section 64.0509, adding a new section 64.0507, repealing sections 64.0508 and 64.0509, renumbering, retitling, and amending section 64.0512 to section 64.0510, adding a new section 64.0511, renumbering and amending section 64.0510 to section 64.0512, renumbering and amending former section 64.0511 to section 64.0513, repealing former section 64.0512, renumbering, retitling, and amending section 64.0513 to 64.0514, repealing former section 64.0514, retitling and amending section 64.0515, amending section 64.0516, retitling and amending sections 64.0517 and 64.0518, amending section 64.0519, and retitling and amending section 64.0520, to read as follows:

Division 5: Industrial Wastewater

§64.0500 Application to Industrial Wastewater Control Program

- (a) Any *person*, municipality, sanitation district, or governmental agency desiring to dispose *industrial wastewater* into the *wastewater system*, or to increase an existing *Discharge*, or to conduct an industrial process that is potentially regulated under a *Pretreatment Standard* shall submit an application to the City on a form prescribed by the City Manager. The application shall include, in units and terms appropriate for evaluation:

- (1) the name, address, and standard industrial classification number of the applicant;
 - (2) the volume of *wastewater* to be disposed, including information demonstrating the capacity fees for the volume of *wastewater* have been or will be paid to the City;
 - (3) the *wastewater* constituents and characteristics, including those listed in section 64.0510, as determined and measured by a laboratory approved by the City;
 - (4) the times of day and duration of the *wastewater* disposal to the *wastewater system*;
 - (5) the average and thirty-minute peak *wastewater* flow rates, including daily, monthly, and seasonal variations, if any;
 - (6) a description of activities, facilities, and industrial processes on the premises, including all materials that are or could be disposed of or transported to the *wastewater system*; and
 - (7) any other information determined by the City Manager to be necessary to evaluate the application.
- (b) The City Manager may require an applicant to provide additional information and may inspect an applicant's treatment systems, plumbing layout, and other processes necessary to evaluate an application.
- (c) If the City Manager determines that a proposed disposal of *industrial wastewater*, by itself or in combination with other *wastewater*, could not cause *interference, pass-through*, or adversely affect the operation or maintenance of the *wastewater system*, the City Manager may approve the

application without issuing an *industrial user permit* or *discharge authorization*.

- (d) The City Manager may require *Industrial Users* to submit applications under section 64.0500 if the City Manager determines it is necessary to prevent *interference, pass-through*, or to prevent an adverse effect to the operation or maintenance of the *wastewater system*.
- (e) The City Manager may deny an application or condition a permit if the capacity fees for the volume of *wastewater* proposed for disposal to the *wastewater system* have not been paid.
- (f) Unless approved under section 64.0502, it is unlawful for any *person, municipality, sanitation district, or governmental agency* to dispose of *industrial wastewater* into the *wastewater system* without an *industrial user permit, a discharge authorization, or an approved application* as required by this Division.

§64.0501 Industrial User Permit

- (a) A permit is required for disposal of *industrial wastewater* into the *wastewater system* if the disposal, by itself or in combination with other *wastewater*, could cause *pass-through, interference*, or adversely affect the operation or maintenance of the *wastewater system* or have an industrial process that is potentially regulated under a *Pretreatment Standard*.
- (b) All *industrial user permits* shall include or require:
 - (1) the date the permit is effective;
 - (2) the date the permit expires;

- (3) a statement that the permit may not be sold, transferred or assigned;
 - (4) *best management practices* and effluent limits based on federal, state, and local requirements;
 - (5) self-monitoring, sampling, reporting, notification, and record retention requirements, in accordance with 40 C.F.R. 403.8(f)(1)(iii)(B)(4) and this Division; and
 - (6) a statement of applicable civil and criminal penalties for violations.
- (c) *Industrial user permits* may also require:
- (1) *pretreatment of industrial wastewater* before entering the *wastewater system*;
 - (2) the development of a compliance schedule for the installation of technology;
 - (3) restriction of peak flow;
 - (4) disposal of *industrial wastewater* only to specified sewers of the City, including relocation of an existing connection to the *wastewater system*;
 - (5) prohibition of certain *wastewater* components or *pollutants*;
 - (6) restriction of *wastewater* disposal to certain hours of the day;
 - (7) control of *slug discharges*;
 - (8) payment of additional charges to reimburse costs incurred by the City as a result of the *Industrial User*; and

- (9) any other conditions necessary to prevent *pass-through*, *interference*, or to prevent an adverse effect to the operation or maintenance of the *wastewater system*.
- (d) An *industrial user permit* can be issued for any duration up to five years, but shall not exceed five years from the effective date of the permit.
- (e) It is unlawful to discharge *industrial wastewater* in violation of the terms or conditions in an *industrial user permit*.
- (f) Any *person*, municipality, sanitation district, or government agency desiring to dispose of *industrial wastewater* in a manner that is not in conformance with the *industrial user permit* shall submit an application pursuant to section 64.0500 explaining why a new or revised *industrial user permit* is needed.
- (g) A schedule of annual *industrial user permit* fees will be established from time to time by resolution of the City Council to recover the cost of services under this Division, provided a notice of the proposed resolution to change the annual permit fee schedule is posted by the City Clerk at least 10 days prior to the consideration of the resolution by City Council.

§64.0502 Discharge Authorization

- (a) Notwithstanding section 64.0501, if the City Manager determines that standardized *discharge authorizations* are sufficient to regulate certain industrial wastestreams, the City Manager may issue *discharge authorizations* instead of *industrial user permits* if all of the following criteria are met:

- (1) the operations are the same or similar to operations regulated under an *industrial user permit*;
 - (2) the *Discharge* involves the same types of waste regulated under an *industrial user permit*;
 - (3) the same effluent limitations are required for those regulated under an *industrial user permit*; and
 - (4) the same or similar sampling and monitoring are required for those regulated under an *industrial user permit*.
- (b) All *discharge authorizations* shall include the requirements of section 64.0501(b).
- (c) A *discharge authorization* shall not exceed five years.
- (d) It is unlawful to dispose of *industrial wastewater* in violation of the terms or conditions in a *discharge authorization*.
- (e) Any *person*, municipality, sanitation district, or governmental agency desiring to dispose of *industrial wastewater* in a manner that is not in conformance with the *discharge authorization* shall submit an application pursuant to section 64.0500 explaining why a new or revised *discharge authorization* or *industrial user permit* is needed.

§64.0503 Categorical Pretreatment Standards and Reports

- (a) *Industrial Users* shall comply with *Categorical Pretreatment Standards* within three years of the date the *Categorical Pretreatment Standard* becomes effective, or the date specified in each *Categorical Pretreatment Standard*, whichever is sooner. *New Sources* shall have equipment necessary to comply with *Categorical Pretreatment Standards* installed

and operational prior to disposal of *industrial wastewater* and shall comply with *Categorical Pretreatment Standards* within the shortest feasible time, not to exceed 90 days.

- (b) *Industrial Users* with *industrial wastewater* subject to *Categorical Pretreatment Standards* and a current *Discharge* or scheduled to *Discharge* to the *wastewater system* shall submit a baseline report to the City Manager in accordance with 40 C.F.R. 403.12(b) within 180 days after the effective date of the *Categorical Pretreatment Standard*, or 180 days after the final administrative decision made upon a category determination submission under 40 C.F.R. 403.6(a)(4), whichever is later. *New Sources* and existing *Industrial Users* that will begin a *Discharge* subsequent to the promulgation of applicable *Categorical Pretreatment Standards* shall submit a baseline report to the City Manager in accordance with 40 C.F.R. 403.12(b) at least 90 days prior to commencement of *Discharge*.
- (c) Existing *Industrial Users* subject to *Categorical Pretreatment Standards* and a current *Discharge* or scheduled to *Discharge* to the *wastewater system* shall submit a compliance report to the City Manager in accordance with 40 C.F.R. 403.12(d) within 90 days after the deadline for final compliance. *New Sources* and existing *Industrial Users* that will begin a *Discharge* subsequent to the promulgation of an applicable *Categorical Pretreatment Standard*, shall submit a compliance report to the City Manager in accordance with 40 C.F.R. 403.12(d) within 90 days after commencement of *Discharge*.

- (d) *Industrial Users* subject to *Categorical Pretreatment Standards* shall submit periodic reports to the City Manager in compliance with 40 C.F.R. 403.12(e) in the months of June and December annually, or as required by *Categorical Pretreatment Standards* or the City Manager, whichever is the most frequent.
- (e) The reports required by section 64.0503(a) through (d) shall include the results of sampling and analysis in accordance with 40 C.F.R. 403.12(g).
- (f) The reports required by section 64.0503(a) through (d) shall include the certification statement required by 40 C.F.R. 403.12(l).

§64.0504 Other Reporting Requirements

- (a) *Significant Industrial Users* not subject to *Categorical Pretreatment Standards* shall submit periodic reports in accordance with 40 C.F.R. 403.12(h) on a frequency determined by the City Manager, but no less than once every six months, describing the nature, concentration, and flow of *pollutants* being discharged, and demonstrating compliance with any required *best management practices*.
- (b) All *Industrial Users* shall promptly notify the City Manager in advance of any substantial change in the volume or character of *pollutants* in their *Discharge*, including the listed or characteristic hazardous wastes for which the *Industrial User* has submitted initial notification under section 64.0504(c).
- (c) All *Industrial Users* shall notify the City Manager, the EPA Regional Waste Management Division Director, and California State hazardous waste authorities in writing of any *Discharge* of a substance, which if

otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must satisfy the requirements of 40 C.F.R. 403.12(p).

- (d) In addition to reporting requirements in section 64.0504, the *Industrial User* shall provide all applicable reports described in 40 C.F.R. 403.12(c), including compliance schedules for meeting *Categorical Pretreatment Standards*, compliance schedule progress reports, reports on compliance with *Categorical Pretreatment Standard* deadlines, and final compliance reports.
- (e) Signatory requirements for *Industrial User* reports set forth at 40 C.F.R. 403.12(l) are incorporated by reference and shall apply to all permit applications and periodic reports on continued compliance submitted to the City Manager.
- (f) Any *person* signing reports submitted under section 64.0503 or 64.0504 shall make the following certification: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines or imprisonment for knowing violations.”

§64.0505 Changes to Permits

The terms and conditions of *industrial user permits* and *discharge authorizations* are subject to modification and change by the City at any time in accordance with changes to federal, state, and local requirements and restrictions. The City Manager shall notify affected *persons* with *industrial user permits* at least 30 days prior to the effective date of any change.

Persons with *industrial user permits* must be in compliance by the time specified in the change to federal, state, or local requirement or restriction, specified in this Division, or when specified by the City Manager, whichever deadline occurs first.

§64.0506 Industrial Wastewater Sampling and Measurements

- (a) The City Manager shall establish the type and frequency of sampling required of each *Industrial User* necessary to ensure compliance with applicable *Pretreatment Requirements*. If an *Industrial User* performs sampling of a type or frequency exceeding the requirements of the City Manager, the results of such sampling shall be included in the reports required by section 64.0503 and 64.0504(a). The City Manager may require an *Industrial User* to install, operate, and maintain, at the *Industrial User's* expense, automatic flow-proportional sampling equipment and automatic analysis and recording equipment if necessary to perform accurate sampling.
- (b) The reports required by sections 64.0503 and 64.0504(a) shall be based upon all data collected through appropriate sampling and analysis performed during the period covered by the report, and such data shall be representative of conditions occurring during the reporting period.

Industrial Users shall comply with the procedures and requirements for sampling, analysis, and submittal in 40 C.F.R. 403.12(g)(3) through (6).

- (c) If sampling indicates a violation of the *industrial user permit* or *discharge authorization*, the permittee shall notify the City within 24 hours of becoming aware of the violation. The *Industrial User* shall also repeat the sampling and analysis and submit the results to the City Manager within 30 days after becoming aware of the violation unless re-sampling is not required pursuant to 40 C.F.R. 403.12(g)(2).
- (d) Every *Industrial User* shall install, operate, and maintain, at its own expense, one or more calibrated flumes, weirs, flow meters, or similar devices approved by the City Manager to measure *wastewater* flow rates and total volume, if such measurements are required by the *industrial user permit* or *discharge authorization*. In lieu of measurement, the City Manager may accept records of water usage if such records can be used to accurately determine *wastewater* flow rates and volume. If a measuring device cannot be installed on the *Industrial User's* premises, the City Manager may require the *Industrial User* to install the device in the public right of way if it will not be obstructed by landscaping or vehicles. The *Industrial User* shall install measuring devices prior to *Discharge*, or by the date determined by the City Manager if measuring devices are being installed to measure existing *Discharge*.
- (e) Federal, state, and local regulatory agencies, the City, and their representatives may enter the premises of a *person* with an *industrial user permit* at any time *wastewater* is being disposed to inspect *pretreatment*

processes, sampling, measuring devices, or to collect *wastewater* samples for analysis.

- (f) *Persons with industrial user permits* shall permit the City Manager to install and operate sampling and measuring devices on their premises as necessary to confirm that the permittee's sampling and measuring devices are accurate.

§64.0507 Confidentiality

- (a) Under 40 C.F.R. 403.8(f)(vii) and 40 C.F.R. 403.14, a *person* submitting information under this Article may claim that information submitted to the City Manager is confidential. The *person* must claim the information is confidential at the time of submission in the manner prescribed on the application form or instructions, or in the case of other submissions or reports, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the City Manager may make the information available to the public without further notice. If a *person* claims information is confidential, the information will be treated in accordance with the procedures in 40 C.F.R. part 2.
- (b) Under 40 C.F.R. 403.14, effluent data provided to, or in the possession of, the City Manager under this Division is not confidential and may be made available to the public without restriction.
- (c) Any plan submitted to the Industrial Wastewater Control Program for review is not confidential and may be made available to the public without restriction.

§64.0508 Non-Transferability of Permits

Industrial user permits, discharge authorizations, and trucked waste permits are not transferable. An application for a new industrial user permit, discharge authorization, or trucked waste permit must be submitted to the City Manager prior to the sale, lease, transfer or assignment of the premises or operation for which an industrial user permit, discharge authorization, or trucked waste permit was issued.

§64.0509 Revocation of Permits

(a) In addition to any remedies available in Chapter 1, Article 2 of this Code, the City Manager may revoke an *industrial user permit, discharge authorization, or trucked waste permit* with at least 30 days prior written notice if a permittee:

- (1) fails to factually report the *wastewater* constituents and characteristics of its *Discharge*;
- (2) fails to report significant changes in operations, or *wastewater* constituents and characteristics;
- (3) refuses reasonable access to the permittee's premises for the purpose of inspection or monitoring;
- (4) violates the terms or conditions of the *industrial user permit, discharge authorization, or trucked waste permit*; or
- (5) denies or unreasonably delays access to the *Industrial User's* premises by a federal, state, or local regulatory agency, the City, or their representatives, exercising authority under sections 64.0506(e) and (f).

- (b) The City Manager may immediately revoke an *industrial user permit*, *discharge authorization*, or a trucked waste permit upon written notice if the City Manager determines *wastewater* is an imminent danger to the environment, the health and welfare of the public, or the operation of the *wastewater system*.
- (c) An *Industrial User* may appeal the revocation of its *industrial user permit*, *discharge authorization*, or trucked waste permit by submitting a written protest to the City Manager within 20 days after receipt of the notice of revocation. The protest must set forth the legal and factual basis for appealing the revocation. Failure to submit a timely written protest will be deemed a waiver of the *Industrial User's* appeal. The City Manager shall issue a written decision on the appeal within 20 days after receipt of the appeal. If the City Manager fails to issue a written decision within 20 days, the appeal will be deemed denied. A revocation issued due to a violation enumerated in section 64.0510(b) shall remain in effect while any appeal is pending. The City Manager's written decision on appeal or deemed denial after 20 days is the final administrative action. Judicial review of the final written decision shall be governed by the California Code of Civil Procedure section 1094.6.
- (d) The revocation procedure does not limit or prohibit any remedies available under Chapter 1 of this Code.

§64.0510° Prohibited Discharges

- (a) General Prohibitions

It is unlawful for a *person* to introduce any *pollutant* or *wastewater* into the *wastewater system* which by itself or in combination with other *wastewater* could cause *pass through* or *interference*, or adversely affect the operation and maintenance of the *wastewater system*.

(b) Specific Prohibitions

It is unlawful to dispose any of the following into *wastewater system*:

- (1) Any pollutant which creates a fire or explosion hazard in the *wastewater system*, including wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 C.F.R. § 261.21.
- (2) Any wastestream containing toxic or poisonous solids, liquids, or gases in such quantities that, alone or in combination with other substances, cause acute health and safety problems for humans, animals, or the local environment.
- (3) Any *pollutant* which will cause corrosive structural damage to structures, equipment, or other physical facilities of the *wastewater system*, but in no event any wastestream with pH lower than 5.0, without written permission from the City Manager.
- (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 system* operations. These objectionable substances include 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 (e.g. BOD), released in a *Discharge* at a flow rate and/or *pollutant* concentration which will cause *interference*.
- (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 wastestream having a temperature higher than 150 degrees Fahrenheit (65.5 degrees Celsius), or at a temperature which causes the influent to the *wastewater* treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (8) Fats, oils, and greases of animal or vegetable origin in a concentration that exceeds 500 mg/L.
- (9) Any *pollutant* with an unreasonably strong odor or which may create unreasonably strong odors.
- (10) Any wastestream containing over 1.0 mg/l of dissolved sulfides.
- (11) Any wastestream with a pH equal to or greater than 12.5 standard units.
- (12) Any *pollutant* 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 *pollutant* 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 material, except where:
 - (A) a *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
 - (B) the radioactive material is discharged in strict conformity with current federal law as incorporated by state law, Cal. Code Regs., title 17, § 30253, and the Nuclear Regulatory Commission for safe disposal.
- (17) Any *pollutant* producing excessive discoloration of the *wastewater* treatment plant effluent.
- (18) Any toxic materials including 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 cause *interference or pass-through*.
- (19) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause *interference or pass-through*.

(20) *Hydrolysate, wastes, or wastewater* resulting from *hydrolysis*.

§64.0511 Industrial Wastewater Control Program

(a) The City Manager shall establish an Industrial Wastewater Control Program to:

- (1) administer and enforce Divisions 3 and 5 of this Article;
- (2) develop, administer, and enforce specific *local limits* and *best management practices* as necessary to implement the prohibitions in section 64.0510;
- (3) develop, administer, and enforce a local *pretreatment* program, including *pretreatment* to comply with *local limits*;
- (4) prepare and submit reports as required by state and federal regulatory agencies; and
- (5) perform any other duties that reduce harmful or toxic discharges to the *wastewater system*.

(b) The Industrial Wastewater Control Program may perform these duties outside the City limits at the request of another public agency with sewers that connect to the *wastewater system*. If the City does not perform these duties, the other public agency shall perform these duties itself in accordance with this Article and any *local limits, best management practices, and pretreatment* programs developed by the City, as a condition of maintaining its connection to the *wastewater system*.

(c) *Local limits* are not enforceable until approved by the *EPA* or the San Diego Regional Water Quality Control Board.

- (d) To the extent it does not contradict terms continued within this Article, the Industrial Wastewater Control Program Enforcement Response Plan, as approved by the City Manager, is incorporated by reference to this Article.

§64.0512 Pretreatment

- (a) The City Manager may require *pretreatment* of *wastewater* to reduce the amount of *pollutants*, eliminate *pollutants*, or alter the nature of *pollutant* properties in *wastewater* prior to or in lieu of *Discharge* or otherwise introducing such *pollutants* into the *wastewater system*. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 C.F.R. 403.6(d).
- (b) Acceptable *pretreatment* technology includes control equipment, such as equalization tanks or facilities, for protection against surges or *slug discharges* that could cause *interference*, *pass-through*, or otherwise disrupt the *wastewater system*. If *wastewater* from a regulated process is mixed in an equalization facility with unregulated *wastewater* or with *wastewater* from another regulated process, the effluent from the equalization facility must meet an adjusted *pretreatment* limit calculated in accordance with 40 C.F.R. 403.6(e).
- (c) *Persons* with *industrial user permits* required to use *pretreatment* shall:
- (1) install, operate, and maintain the *pretreatment* equipment at their sole expense;
 - (2) submit detailed plans, schedules, and operating procedures to the City Manager for review and approval before installation of the

equipment. The City Manager's review or approval shall not relieve an *Industrial User* permittee's responsibility for complying with an *industrial user permit* or *discharge authorization*; and

- (3) submit any subsequent changes in the *pretreatment* facilities or method of operation to the City Manager for approval.
- (d) *Persons* with an *industrial user permit* shall not increase the use of process water or in any way attempt to dilute a *Discharge* as a partial or complete substitute for adequate *pretreatment* to achieve compliance with any local, state, or federal *Standard*, including *National Pretreatment Standards* set forth at 40 C.F.R., Chapter I, Subchapter N, Parts 405 to 499, and incorporated by reference, and *local limits* and requirements developed to implement the General and Specific Prohibitions set forth in section 64.0510. The City Manager may impose mass limitations on *Industrial Users* which are using dilution to meet applicable *Pretreatment Standards* or *Pretreatment Requirements*, or in other cases where the imposition of mass limitations is appropriate.

§64.0513 Protection from Slug Discharges

- (a) *Slug discharges* are prohibited. *Significant Industrial Users* shall:
 - (1) install, operate, and maintain equipment to prevent *slug discharges* at their own cost and expense;
 - (2) permanently post a notice on a bulletin board or other prominent place advising employees who to contact in the event of a *slug discharge*; and

- (3) regularly instruct or advise all employees who may cause, allow, or observe a *slug discharge* of any emergency notification and response procedures.
- (b) The City Manager shall, upon deciding that the potential for a *slug discharge* of harmful or prohibited materials exists, require that a *Significant Industrial User* develop and implement a *slug discharge* control plan, which at a minimum, shall satisfy the requirements of 40 C.F.R. Part 403.8(f)(2)(vi)(A) through (D).
- (c) A *Significant Industrial User* shall immediately notify the City Manager of any changes at its facility affecting the potential for a *slug discharge*.
- (d) A *Significant Industrial User* shall immediately notify the City Manager of any *slug discharges*. The notification shall include location of *slug discharge*, type of waste, concentration and volume, and corrective actions. Within five days following a *slug discharge*, *Significant Industrial Users* shall submit to the City Manager a detailed written report describing the cause of the *slug discharge* and the measures to be taken by the *Significant Industrial User* to prevent future occurrences. Nothing herein will relieve the *Significant Industrial User* of any liability, expense, fines, or penalties resulting from a *slug discharge*.

§64.0514 Garbage Grinders

Waste from garbage grinders shall not be disposed of into the *wastewater system* except for waste generated in preparation of food normally consumed on the premises, or where an *industrial user permit* has been issued to use a garbage grinder connected to the *wastewater system*.

As a permit condition of using a garbage grinder, *Industrial Users* must undertake self-monitoring sufficient to enable the City Manager to determine the sewer service charges based on the waste constituents and characteristics. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the *wastewater system*.

Garbage grinders connected to the *wastewater system* shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

§64.0515 Liquefiers

Liquefiers, also referred to as biodigesters or wet systems, are industrial devices that reduce food waste to a slurry using some combination of grinding, shredding, agitating, biological agents, temperature, and water. Liquefiers shall not be directly or indirectly connected to the *wastewater system*.

§64.0516 Availability of the City's Wastewater Facilities.

The City Manager may deny or condition new or increased *wastewater* if sufficient capacity is not available in the *wastewater system*. When requested, the City Manager will advise *persons* desiring to locate new facilities as to the areas where *industrial wastewater* of their proposed quantity and quality can be received by the *wastewater system*.

§64.0517 Chemical Oxygen Demand or Suspended Solids Increases

An *Industrial User* shall immediately notify the City Manager in writing if chemical oxygen demand or suspended solids are being discharged at a flow rate or concentration that exceeds the amount upon which the *Industrial User's* sewer service charge is based by 15 percent or more. The City Manager may require the *Industrial User* to submit a new application in accordance with section 64.0501.

The City Manager shall recalculate the sewer service charge for an *Industrial User* who exceeds the amount of chemical oxygen demand or suspended solids upon which the *Industrial User's* sewer service charge is based by 15 percent or more. Before these charges shall be assessed at least two additional 24-hour samples and flow measurements shall be obtained by the City Manager with all costs of sampling and analyses to be paid by the *Industrial User*. The City Manager shall consider the data obtained in these samplings along with any other relevant information obtained by the City Manager or presented by the *Industrial User* in determining the new sewer service charge. The City Manager may pursue back charges for sewer service from an *Industrial User* who exceeds the amount of chemical oxygen demand or suspended solids upon which the *Industrial User's* sewer service charge is based by 15 percent or more.

§64.0518 Trucked Waste Permit

- (a) A trucked waste permit is required to dispose of *wastewater* from a transport truck into the *wastewater system* and from generators of non-*domestic wastewater* that use a transport truck to transport *wastewater* to the *wastewater system*. All applicants for a trucked waste permit shall complete the application form provided by the City Manager and pay the appropriate permit fee as established from time to time by City Council resolution. A trucked waste permit shall not exceed one year.
- (b) The City Manager shall designate locations in the *wastewater system* where *wastewater* may be disposed of by *persons* with a valid trucked waste permit. The City Manager may deny access to any *person* with *wastewater* that by itself or in combination with other *wastewater*, could

cause *interference, pass-through*, or adversely affect the operation or maintenance of the *wastewater system*.

- (c) The City Manager shall require payment for treatment and disposal costs from *persons* with trucked waste permits based on treatment and disposal costs approved by City Council resolution.
- (d) It is unlawful for any *person* to dispose of *wastewater* from a truck into the *wastewater system* without a valid trucked waste permit, or to discharge the *wastewater* at any location other than those designated by the City Manager for the type of *wastewater*.

§64.0519 Records Retention

Persons required to have an *industrial user permit*, a *discharge authorization*, or a trucked waste permit, shall retain and preserve all records, including documents, data, photographs, reports, correspondence, and any and all summaries thereof, relating to measuring, *pretreatment*, monitoring, sampling, and chemical analyses of their wastestream and *best management practices* for at least three years. If a *person* has been notified by the City Manager that the *person* has violated a provision of this Article, no such records may be destroyed or otherwise disposed of until after the matter is resolved and any appeals exhausted.

Persons shall permit federal, state, and local regulatory agencies, the City, and their representatives to inspect and copy such records during normal business hours.

§64.0520 Public Notice of Significant Noncompliance

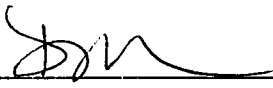
The City Manager shall annually publish the identity of *Industrial Users* who, at any time during the previous calendar year, were in *Significant Noncompliance*

with applicable *Pretreatment Standards* and *Pretreatment Requirements* under 40 C.F.R. 403.8(f)(2)(viii). Publication shall be made in one or more newspapers of general circulation that provide meaningful public notice within the area serviced by the *wastewater system*.

Section 6. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 7. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By  _____
Bonny Hsu
Deputy City Attorney

BH:cw
April 10, 2026
Or.Dept: Public Utilities
CC No.: N/A
Doc. No.: 4091719

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on

JUN 08 2026

DIANA J.S. FUENTES
City Clerk

By *Kristell Medina*
City Clerk

Approved: 6/15/2026
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING ARTICLE 4, AMENDING CHAPTER 6, ARTICLE 4, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0100 AND 64.0101, RETITLING AND AMENDING SECTION 64.0102; AMENDING CHAPTER 6, DIVISION 2 BY AMENDING SECTION 64.0200; AMENDING CHAPTER 6, DIVISION 3 BY RENUMBERING AND AMENDING SECTION 64.0300 TO SECTION 64.0301, REPEALING FORMER SECTION 64.0301, AMENDING SECTIONS 64.0302, 64.0303, 64.0304, 64.0305, AND 64.0306, RETITLING AND AMENDING SECTION 64.0307, AND ADDING NEW SECTIONS 64.0308, 64.0309, AND 64.0310; AMENDING CHAPTER 6, DIVISION 5 BY RETITLING AND AMENDING SECTIONS 64.0500, 64.0501, 64.0502, 64.0503, 64.0504, AND 64.0505, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0506 TO SECTION 64.0508, ADDING A NEW SECTION 64.0506, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0507 TO SECTION 64.0509, ADDING A NEW SECTION 64.0507, REPEALING SECTIONS 64.0508 AND 64.0509, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0512 TO SECTION 64.0510, ADDING A NEW SECTION 64.0511, RENUMBERING AND AMENDING SECTION 64.0510 TO SECTION 64.0512, RENUMBERING AND AMENDING FORMER SECTION 64.0511 TO SECTION 64.0513, REPEALING FORMER SECTION 64.0512, RENUMBERING, RETITLING, AND AMENDING SECTION 64.0513 TO 64.0514, REPEALING FORMER SECTION 64.0514, RETITLING AND AMENDING SECTION 64.0515, AMENDING SECTION 64.0516, RETITLING AND AMENDING SECTIONS 64.0517 AND 64.0518, AMENDING SECTION 64.0519, AND RETITLING AND AMENDING SECTION 64.0520, ALL RELATING TO THE INDUSTRIAL WASTEWATER CONTROL PROGRAM.

Article 4: Sewers Wastewater

Division 1: Purpose, Scope and Policy

§64.0100 Purpose

The purpose of this ~~ordinance~~Article is to provide for the maximum beneficial public use of the ~~City's wastewater system~~wastewater system through adequate regulation of sewer construction, sewer use, and ~~industrial wastewater~~industrial wastewater discharge, to provide for equitable distribution of the City's costs, and to provide procedures for complying with ~~wastewater~~wastewater discharge requirements placed upon the City by other regulatory bodies.

§64.0101 Scope

This ~~ordinance~~Article shall be interpreted in accordance with the definitions set forth herein and the provisions of this ~~ordinance~~Article shall apply to the ~~direct or indirect discharge~~ Discharges and wastestreams of all waste into the City's ~~wastewater system~~wastewater system.

This ~~ordinance~~Article, among other things, provides for the regulation of sewer construction in areas within the City's boundaries, the quantity and quality of ~~discharged wastes~~wastestreams, the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of ~~Permits for Industrial Wastewater Discharge~~ industrial user permits and of other miscellaneous permits, and the establishment of penalties for violation of this ~~ordinance~~Article.

§64.0102 ~~Liquid Waste~~ Wastewater Disposal Policy

The City ~~builds and constructs, operates, and maintains a public sewers, and wastewater facilities~~ wastewater system serving homes, industries, and

commercial establishments. ~~The following policies apply to wastewater discharges~~ within the City's boundaries and to other ~~discharges~~ wastewater that ~~are~~ is tributary to the City's ~~wastewater facilities~~ wastewater system.

Generally, ~~wastewater originating within the City's boundaries~~ wastewater will be ~~removed~~ transported and treated by the City's ~~wastewater system~~ wastewater system provided the ~~wastewater~~ wastewater will not (1) damage structures, (2) create nuisances such as odors, (3) menace public health, (4) impose unreasonable collection, treatment or disposal costs on the City, (5) interfere with ~~wastewater~~ wastewater treatment processes, (6) ~~exceed~~ violate quality requirements set by regulatory government agencies, or (7) detrimentally affect the local environment.

The City is committed to a policy of ~~wastewater~~ wastewater ~~renovation~~ reclamation and reuse ~~in order~~ to provide an alternate source of water supply and to reduce overall costs of ~~wastewater~~ wastewater treatment and disposal. The ~~renovation~~ reclamation of ~~wastewater~~ wastewater through secondary and tertiary ~~wastewater~~ wastewater treatment processes may necessitate more stringent quality requirements on ~~industrial wastewater dischargers~~ Industrial Users than those required by other regulatory agencies.

To comply with stated policies of the ~~Federal~~ federal government and to permit the City to meet increasingly higher standards, provisions are made in this ~~ordinance~~ Article for the regulation of ~~industrial wastewater discharges~~ wastewater. This ~~ordinance~~ Article establishes quantity and quality limitations on ~~industrial wastewater discharges~~ wastewater. Methods of cost recovery from ~~industrial wastewater dischargers~~ Industrial Users are also

established where the ~~discharges~~wastewater imposes inequitable collection, treatment, or disposal costs on the City.

Recovery and reuse procedures established by ~~industrial wastewater discharges~~Industrial Users themselves to meet the limitations set on their ~~discharges~~discharges will be preferred by the City over those procedures designed solely to meet ~~wastewater discharge~~wastewater limitations. Methods providing for beneficial reuse of otherwise wasted resources shall be the approved method of ~~industrial wastewater~~industrial wastewater treatment wherever feasible. Optimum use of the City's ~~wastewater facilities~~ wastewater system may require that certain ~~industrial wastewaters~~wastewater be discharged during periods of low flow in the ~~City's wastewater system~~wastewater system.

Division 2: Definitions

§64.0200 Definitions

~~Unless otherwise defined herein, terms relating to water and wastewater shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Terms related to Industrial Wastewater and to General Provisions when applied in relation to industrial wastewater shall have the same meaning as set forth in the Code of Federal Regulations [C.F.R.] at 40 C.F.R. 401.11 and 403.3. The meaning of other various terms as used in this ordinance shall be as follows~~For purposes of this Article, the following defined terms appear in italics:

(a) ~~“Act”~~ Act has the same meaning as in 40 C.F.R. 403.3(b) which means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251-et seq., 86 Stat. 816, Pub. L. 92-500-1387.

(b) ~~“Applicant”~~ Applicant means any ~~person~~ person, firm, entity, or ~~corporation~~ agency who applies for connections to a ~~public sewer~~ the wastewater system.

(c) ~~“BMP” or Best Management Practice”~~ Best management practices or BMPs has the same meaning as in 40 C.F.R. 403.3(e) which means any procedure or measure designed to reduce, eliminate, or control the generation or discharge of pollutants in lieu of a numeric limits schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent discharges prohibited by Municipal Code section 64.0510. BMPs also include treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established Categorical Pretreatment Standards and effluent limits.

(d) ~~“C.F.R.”~~ means the Code of Federal Regulations.

Categorical Pretreatment Standard, Categorical Standard, National Pretreatment Standard, Pretreatment Standard, or Standard has the same meaning as in 40 C.F.R. 403.3(l), which means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the

Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. 403.5.

(e) “Discharger” means any person that discharges or causes a discharge of wastewater directly or indirectly to a public sewer.

(f) “Discharge Authorization” Discharge authorization means any -written authorization ~~granted~~ issued by the City Manager authorizing the discharge ~~disposal~~ of Industrial Wastewater industrial wastewater to the public sewer wastewater system that is not an Industrial User Discharge Permit industrial user permit.

(g) “Domestic Wastewater” Domestic wastewater means ~~the liquid and waterborne wastes derived from the ordinary living processes in a dwelling unit, said wastes being of such character as to permit satisfactory disposal, without special treatment, into a public sewer or by means of a private disposal system~~ wastewater from residential sources, hotel rooms, and restrooms consisting primarily of waterborne human waste.

(h) “EPA” EPA means the United States Environmental Protection Agency.

Indirect Discharge or Discharge has the same meaning as in 40 C.F.R. 403.3(i) which means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

Hydrolysate means the resultant liquid from the hydrolysis of human remains.

Hydrolysis means the process by which the body of a deceased person is chemically reduced to its essential organic components and bone fragments either before or after processing of the remains after removal from the hydrolysis chamber.

- (i) ~~“Industrial Wastewater”~~ Industrial wastewater means ~~all wastewater, excluding domestic wastewater, and shall include all wastewater~~ wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other similar operation even if such wastewater is combined with domestic wastewater, and includes groundwater and surface run-on at project sites with active construction dewatering or groundwater remediation. ~~These may also include wastes of human origin similar to domestic wastewater.~~
- (j) ~~“Industrial User”~~ Industrial User has the same meaning as in 40 C.F.R. 403.3(j) which means a ~~discharger of Industrial Wastewater to a Public Sewer~~ source of Indirect Discharge.

Industrial user permit means a permit issued by the Industrial Wastewater Control Program and authorized by the City Manager for a particular activity pursuant to Municipal Code section 64.0501.

- (k) ~~“Interference”~~ Interference has the same meaning as in 40 C.F.R. 403.3(k) which means a ~~Discharge~~ Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) inhibits or disrupts the ~~POTW~~ POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) therefore is a cause of a violation of any requirement of the ~~POTW’s~~ POTW’s National Pollutant Discharge Elimination System ~~{(NPDES)}~~ permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory

provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act ~~[(SWDA)]~~ (including title II, more commonly referred to as the Resource Conservation and Recovery Act ~~[(RCRA)]~~), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- (l) ~~“Local Limit”~~ *Local limit* means a numerical limit on a pollutant established by the ~~POTW~~ City Manager to implement the general and specific prohibitions set forth at ~~San Diego~~ Municipal Code section 64.05120. Such limits shall be technically based and shall require ~~EPA~~ EPA or the Regional Water Quality Control Board approval prior to implementation.
- (m) ~~“Mass Emission Rate”~~ means the weight of material discharged to a public sewer during a given time interval.
- (n) ~~“National Pretreatment Standard,” “Categorical Pretreatment Standard,” “Federal Pretreatment Standard Pretreatment Standard,” or “Standard”~~ means the regulations set forth in the Code of Federal Regulations at 40 C.F.R. Chapter I, Subchapter N, parts 405–499, containing pollutant discharge limits promulgated by the EPA, which apply to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. 403.5 and San Diego Municipal Code section 64.0200(k).

(e) “New Source” *New Source* has the same meaning as in 40 C.F.R. 403.3

(k)(1)-(m), which means:

- (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:

 - (i) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (ii) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of *pollutants* at an existing source; or
 - (iii) 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 plan, 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 of 40 C.F.R. 403.3(m)(1)(ii) or (m)(1)(iii), but otherwise alters, replaces, or adds to the existing process or production equipment.

(3) Construction of a *New Source* as defined under this paragraph has commenced if the owner or operator has:

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

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of *New Source* facilities or equipment; or

(ii) 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.

(p) “Pass Through” *Pass through* has the same meaning as in 40 C.F.R. 403.3(p) which means a non-domestic discharge *Discharge* which exits the POTW *POTW* into 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person has the same meaning as in San Diego Municipal Code section 11.0210.

Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

- (q) ~~“Process wastewater” means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.~~
- (r) ~~“Publicly Owned Treatment Works”~~ Publicly Owned Treatment Works or POTW POTW has the same meaning as in 40 C.F.R. 403.3(q), which means treatment works as defined by section 212 of the ~~Act~~ Act, which is owned by a State or municipality (as defined by section 502(4) of the ~~Act~~ Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey ~~wastewater~~ wastewater to a POTW ~~Treatment Plant~~ POTW treatment plant. The term also means the municipality as defined in section 502(4) of the ~~Act~~ Act, which has

jurisdiction over the ~~indirect discharges~~ Indirect Discharges to and the discharges from such a treatment works.

- (s) ~~“POTW Treatment Plant”~~ POTW Treatment Plant has the same meaning as in 40 C.F.R. 403.3(r), which means that portion of the ~~POTW~~ POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- (t) ~~“Pretreatment”~~ Pretreatment has the same meaning as in 40 C.F.R. 403.3(s), which means the reduction of the amount of ~~pollutants~~ pollutants, the elimination of ~~pollutants~~ pollutants, or the alteration of the nature of ~~pollutant~~ pollutant properties in ~~wastewater~~ wastewater prior to or in lieu of discharging or otherwise introducing such ~~pollutants~~ pollutants into a ~~POTW~~ POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 C.F.R. 403.6(d). Appropriate ~~pretreatment~~ pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the ~~POTW~~ POTW. However, where ~~wastewater~~ wastewater from a regulated process is mixed in an equalization facility with unregulated ~~wastewater~~ wastewater or with ~~wastewater~~ wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted ~~pretreatment~~ pretreatment limit calculated in accordance with 40 C.F.R. 403.6(e).

- (u) ~~“Pretreatment requirement”~~ Pretreatment Requirement has the same meaning as in 40 C.F.R. 403.3(t), which means any substantive or procedural requirement related to ~~Pretreatment~~ pretreatment, other than a ~~National Pretreatment Standard~~ National Pretreatment Standard, imposed on an ~~Industrial User~~ Industrial User.

Sewer lateral means the pipe that collects *wastewater* from drains, sinks, showers, tubs, toilets, and other fixtures on the property, including the portion of the pipe that extends from the property and connects to the City’s sewer main.

- (v) ~~“Significant Industrial User”~~ Significant Industrial User has the same meaning as in 40 C.F.R. 403.3(v), which means:

- (i) All ~~industrial users~~ Industrial Users subject to ~~Categorical Pretreatment Standards~~ Categorical Pretreatment Standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and
- (ii) Any other ~~industrial user~~ Industrial User that: discharges an average of 25,000 gallons per day or more of process ~~wastewater~~ wastewater to the ~~POTW~~ POTW (excluding sanitary, noncontact cooling and boiler blowdown ~~wastewater~~ wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the ~~POTW treatment plant~~ POTW treatment plant; or is designated as such by the Control Authority as defined in 40 C.F.R. 403.12 (a) ~~403.3(f)~~ on the basis that the ~~industrial user~~

Industrial User has a reasonable potential for adversely affecting the ~~POTW~~ POTW's operation or for violating any ~~pretreatment standard~~ Pretreatment Standard or requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(w) ~~“Significant Non-Compliance”~~ Significant Noncompliance or ~~“SNC”~~ SNC has the same meaning as in 40 C.F.R. 403.8(f)(2)(viii), which means a Significant Industrial User (or any Industrial User which violates 40 C.F.R. 403.8(f)(2)(viii)(C), (D), or (H)) if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits, as defined by 40 C.F.R. 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement including instantaneous limits, as defined by 40 C.F.R. 403.3(l) multiplied by the applicable TRC (TRC =

1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Pretreatment Requirement as defined by 40 C.F.R. 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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 POTW's exercise of its emergency authority under 40 C.F.R. 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-

monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of *Best Management Practices*, which the *POTW* determines will adversely affect the operation or implementation of the local *Pretreatment* program.

Slug discharge means a wastestream of a non-routine, episodic nature, including an accidental spill or an uncustomary batch discharge, which could cause interference, pass-through, or adversely affect the operation or maintenance of the wastewater system, or in any other way violate the *POTW's* regulations, local limits, or permit conditions.

Wastewater means water that is no longer useful and has been or is in the process of being discarded, including liquid and water carried waste and sewage from residential properties, commercial buildings, industrial and manufacturing facilities, and institutions.

Wastewater system means treatment works as defined in section 212 of the *Act*, which is owned or operated by the City, or operated under contract with the City, including any facilities involved in recycling *wastewater* to standards suitable for irrigation or potable reuse, and any facilities generating renewable energy from the byproducts of *wastewater* treatment or disposal. Sewer pipes, pump stations, and related facilities are included only if they convey *wastewater* to or from a *POTW treatment plant*.

Division 3: General Provisions

§64.03001 Administration

The City Manager shall administer, implement, and enforce the provisions of this ~~ordinance~~Article. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to persons in the employ of the City.

The City Manager shall make and enforce regulations necessary to the administration of this ~~ordinance~~. ~~He~~ Article and may amend such regulations from time to time as conditions require. These regulations shall be consistent with the general policy established ~~herein by the City Council~~this Article.

§64.0301 Penalties for Violations

(a) ~~Public Nuisance~~

~~Discharge of wastewater in any manner in violation of this ordinance or of any order issued by the City Manager as authorized by this ordinance, 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 this ordinance, 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 this ordinance 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 this ordinance, 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 6, 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 this ordinance 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 this division or permit condition or requirement or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national pretreatment standard, or Administrative Order 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 San Diego Municipal Code sections 12.0801-12.0810.~~

(g) ~~Criminal Penalties.~~

~~Any person who intentionally violates any provision of this ordinance or permit condition or requirement or who discharges wastewater which causes pollution or who violates any cease and desist order, prohibition, effluent limitation, national pretreatment standard, or Administrative Order shall be liable, upon conviction, for a sum not to exceed \$25,000 per day per violation, or for imprisonment for not more than one year, or both.~~

§64.0302 Time Limits

Any time limit provided in any written notice or in any provision of this ordinance Article may be extended only by a written directive of the City Manager.

§64.0303 Inspection and Sampling

~~Adequate identification shall be provided by the City Manager for all inspectors and other authorized personnel and those persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. Inspection and sampling of every~~

- (a) The City Manager may inspect any property or facility that is involved directly or indirectly with the discharge of wastewater to the City's wastewater system may be made by the City Manager as he deems necessary connected to the wastewater system and may sample any wastewater at the property or facility as stated in 40 C.F.R. 403.8(f)(2)(v) and (vii). These facilities shall. This includes but not be limited to drains, sewers, wastewater wastewater pumping stations, pollution control plants, all industrial processes, food establishment facilities or other facilities which discharge grease and oil at levels which cause blockages to the sewer, industrial wastewater industrial wastewater generation, conveyance and pretreatment pretreatment facilities, and all similar wastewater wastewater facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions that no violations of this ordinance Article are occurring.
- (b) Access to all of the above facilities or to other facilities directly or indirectly connected to the City's wastewater system shall be given to authorized personnel of the City at all reasonable times including those occasioned by emergency conditions during normal business hours, or any time the City Manager reasonably believes a violation of this Article is

occurring. Adequate identification shall be provided by the City Manager for all inspectors and authorized personnel, and those persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. Any permanent or temporary obstruction to easy access to the ~~wastewater~~ wastewater facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the City Manager and permanent obstructions shall not be replaced.

- (c) It is unlawful to interfere with, delay, resist, or refuse entrance to an authorized City ~~inspector~~ employee attempting to inspect any ~~wastewater generation, conveyance property~~ or ~~treatment facility connected directly or indirectly~~ connected to the City's ~~wastewater system~~ wastewater system, or attempting to sample any wastewater at the property or facility.
- (d) The City, through its representatives or inspectors, shall have the right to inspect and copy pertinent records relating to a ~~permittee's wastewater discharge~~ an Industrial User's wastewater or ~~pretreatment~~ pretreatment operations including, ~~but not limited to:~~ Operations & Maintenance procedures; sampling, analysis, and flow measurement procedures, results and records; inventories, chemical usage, materials sources, hazardous materials manifests, and disposal records; treatment and operations log books; and materials invoices.

§64.0304 Recording of Fees and Charges

The City Manager shall keep a ~~permanent and an~~ accurate account of all fees and charges received under this ordinance Article, giving recording the names and

addresses of the persons on whose account the fees and charges were paid, the date and amount thereof, and the purpose for which charges were paid.

§64.0305 Estimated Quantities and Values

Unless otherwise provided ~~herein~~ in this Article, whenever the fees and charges required by this ~~ordinance~~ Article are based on estimated values or estimated quantities, the City Manager shall make such determinations in accordance with established estimating practices.

§64.0306 Approval of Plans and Issuance of Permits

- (a) ~~The City Manager will approve plans for wastewater~~ is responsible for approving plans for the construction of wastewater facilities construction, issue a Permit for Industrial Wastewater Discharge and issuing industrial user permits or any other permit under this ~~ordinance~~ Article. ~~The City Manager may do so only if it appears to the City Manager that the wastewater~~ wastewater facilities construction, sewer connection, industrial wastewater discharge Discharge or other procedure conforms to the requirements of this ~~ordinance~~ Article.
- (b) The City Manager may deny or condition any new or increased contributions of wastewater, pollutants, or changes in the nature of pollutants, to the wastewater system where such contributions do not meet the applicable Pretreatment Standard, Pretreatment Requirement, or where such contributions by itself or in combination with other wastewater, could cause interference, pass-through, or adversely affect the operation or maintenance of the wastewater system.

- (c) All required fees and charges shall be paid before approval of plans or issuance of a permit.
- (d) The approval of plans or the issuance of a permit shall not relieve the ~~discharger~~ a person of any duty or obligation imposed ~~upon him~~ pursuant to ~~by this ordinance~~ Article.

§64.0307 Malicious Damage to City's Facilities **Unauthorized Access or Damage to the Wastewater System**

~~Any unauthorized~~ It is unlawful for any person, without authorization from the City Manager, to entering, breaking, damaging ~~damage, destroying, uncovering, defacing~~ deface, or tampering with any structure, equipment, or appurtenance which is a part of the City's wastewater system shall be a violation of this ~~ordinance~~ wastewater system.

§64.0308 Limitations on Point of Wastewater Disposal

It is unlawful for any person to introduce wastewater or any substance or material directly into a manhole or other opening in the wastewater system other than through an approved sewer connection or by obtaining a permit issued by the City Manager.

§64.0309 False Information

- (a) It is unlawful for any person to intentionally provide false information, or intentionally fail to provide material information, in any application, report, plan, or other document submitted to the City or for any permit issued pursuant to this Article.
- (b) It is unlawful for any person to intentionally render inaccurate any monitoring device or method required by a permit issued pursuant to this

Article, or to intentionally provide a false or inaccurate wastewater sample to the City:

§64.0310 Penalties for Violations

- (a) The penalties and remedies for violations specified in this Article are cumulative to the penalties and remedies set forth in Chapter 1, Article 2 of this Code.
- (b) The disposal or handling of domestic wastewater or industrial wastewater in violation of this Article is a public nuisance subject to injunction, abatement, and penalties under Chapter 1, Article 2 of this Code.
 - (1) Violations of Division 5 of this Article are not limited by the maximum amount of civil penalties in Section 12.0803(d). The amount of civil penalties that may be assessed shall be governed by 40 C.F.R. 403.8(f)(1)(vi).
- (c) The failure to use reclaimed water as required by the City Manager under Division 8 of this Article is a public nuisance subject to injunction, abatement, and penalties under Chapter 1, Article 2 of this Code.
- (d) Any person who violates a provision of this Article which causes a deposit, obstruction, damage, or any other impairment to the wastewater system shall be liable to the City for all expense, loss, and damage incurred by the City as a result of the violation.
- (e) Whenever a wastestream is in violation of the provisions of this Article, 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*.

(f) The City Manager may terminate *wastewater* service to any property where *wastewater* is disposed or handled in violation of this Article or in a manner that threatens the environment, the health, safety, or welfare of the public, or the operation of the *wastewater system*. The City Manager may terminate *wastewater* service by severing or blocking connections between the property and the *wastewater system*, and by terminating water service as allowed under Chapter 6, Article 7 of this Code.

(1) The City Manager shall provide prior written notice to the customer that *wastewater* service is being terminated and provide an opportunity to contest the termination at a hearing under Chapter 1, Article 2, Division 4 of this Code. The City Manager shall also send a notice to the property owner if the property owner is not the same *person* as the customer and allow the property owner to contest the termination at the hearing.

(2) The City Manager may immediately terminate *wastewater* service upon written notice if the discharge of *wastewater* presents an imminent danger to the environment, the health, safety, or welfare of the public, or the operation of the *wastewater system*. Such an immediate termination of *wastewater* service shall remain in effect at least until the conclusion of a hearing under Chapter 1, Article 2, Division 4 of this Code.

(3) The City Manager shall reestablish wastewater service upon the final decision of a hearing officer that a violation of this Article did not occur and that the disposal of wastewater from the property did not threaten the environment, the health, safety, or welfare of the public, or the operation of the wastewater system.

(4) The City Manager may reestablish wastewater service if the City Manager determines that the reason for the termination no longer exists and is not likely to reoccur.

Division 5: Industrial Wastewater

§64.0500 Waste Disposal—Permit Required Application to Industrial Wastewater Control Program

(a) Any person, municipality, sanitation district, or governmental agency desiring to dispose industrial waste *industrial wastewater* into a public sewer, which may interfere with the operation and maintenance of the sewer system or with the wastewater treatment facilities, shall obtain a permit to discharge wastes into the system from the City Manager known as a Permit for Industrial Wastewater Discharge *the wastewater system*, or to increase an existing *Discharge*, or to conduct an industrial process that is potentially regulated under a *Pretreatment Standard* shall submit an application to the City on a form prescribed by the City Manager. These wastes will include all wastewater discharges which are required to be regulated by federal laws or regulations, State of California mandates, or local ordinances. The application shall include, in units and terms appropriate for evaluation:

- (1) the name, address, and standard industrial classification number of the applicant;
 - (2) the volume of wastewater to be disposed, including information demonstrating the capacity fees for the volume of wastewater have been or will be paid to the City;
 - (3) the wastewater constituents and characteristics, including those listed in section 64.0510, as determined and measured by a laboratory approved by the City;
 - (4) the times of day and duration of the wastewater disposal to the wastewater system;
 - (5) the average and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - (6) a description of activities, facilities, and industrial processes on the premises, including all materials that are or could be disposed of or transported to the wastewater system; and
 - (7) any other information determined by the City Manager to be necessary to evaluate the application.
- (b) The City Manager may require an applicant to provide additional information and may inspect an applicant's treatment systems, plumbing layout, and other processes necessary to evaluate an application.
- (c) If the City Manager determines that a proposed disposal of industrial wastewater, by itself or in combination with other wastewater, could not cause interference, pass-through, or adversely affect the operation or maintenance of the wastewater system, the City Manager may approve the

application without issuing an industrial user permit or discharge authorization.

- (d) The City Manager may require Industrial Users to submit applications under section 64.0500 if the City Manager determines it is necessary to prevent interference, pass-through, or to prevent an adverse effect to the operation or maintenance of the wastewater system.
- (e) The City Manager may deny an application or condition a permit if the capacity fees for the volume of wastewater proposed for disposal to the wastewater system have not been paid.
- (f) Unless approved under section 64.0502, it is unlawful for any person, municipality, sanitation district, or governmental agency to dispose of industrial wastewater into the wastewater system without an industrial user permit, a discharge authorization, or an approved application as required by this Division.

§64.0501 ~~Permit for Industrial Wastewater Discharge~~ User Permit

~~The Permit for Industrial Wastewater Discharge or Discharge Authorization shall require compliance with applicable National Pretreatment Standards and requirements, State discharge requirements, and local limits and requirements. It may also require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge, and such other conditions as may be~~

~~required to effectuate the purpose of this ordinance. It is unlawful to discharge industrial wastewaters in excess of the quantity or quality limitations set by the Permit for Industrial Wastewater Discharge or Discharge Authorization. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the Industrial Wastewater Discharge Permit or Discharge Authorization shall apply to the City Manager for an amended Permit or Authorization.~~

- (a) A permit is required for disposal of *industrial wastewater* into the *wastewater system* if the disposal, by itself or in combination with other *wastewater*, could cause *pass-through, interference*, or adversely affect the *operation or maintenance of the wastewater system* or have an industrial process that is potentially regulated under a *Pretreatment Standard*.
- (b) All *industrial user permits* shall include or require:
- (1) the date the permit is effective;
 - (2) the date the permit expires;
 - (3) a statement that the permit may not be sold, transferred or assigned;
 - (4) *best management practices* and effluent limits based on federal, state, and local requirements;
 - (5) self-monitoring, sampling, reporting, notification, and record retention requirements, in accordance with 40 C.F.R. 403.8(f)(1)(iii)(B)(4) and this Division; and
 - (6) a statement of applicable civil and criminal penalties for violations.
- (c) *Industrial user permits* may also require:

- (1) pretreatment of industrial wastewater before entering the wastewater system;
 - (2) the development of a compliance schedule for the installation of technology;
 - (3) restriction of peak flow;
 - (4) disposal of industrial wastewater only to specified sewers of the City, including relocation of an existing connection to the wastewater system;
 - (5) prohibition of certain wastewater components or pollutants;
 - (6) restriction of wastewater disposal to certain hours of the day;
 - (7) control of slug discharges;
 - (8) payment of additional charges to reimburse costs incurred by the City as a result of the Industrial User; and
 - (9) any other conditions necessary to prevent pass-through, interference, or to prevent an adverse effect to the operation or maintenance of the wastewater system.
- (d) An industrial user permit can be issued for any duration up to five years, but shall not exceed five years from the effective date of the permit.
- (e) It is unlawful to discharge industrial wastewater in violation of the terms or conditions in an industrial user permit.
- (f) Any person, municipality, sanitation district, or government agency desiring to dispose of industrial wastewater in a manner that is not in conformance with the industrial user permit shall submit an application

pursuant to section 64.0500 explaining why a new or revised *industrial user permit* is needed.

- (g) A schedule of annual *industrial user permit* fees will be established from time to time by resolution of the City Council to recover the cost of services under this Division, provided a notice of the proposed resolution to change the annual permit fee schedule is posted by the City Clerk at least 10 days prior to the consideration of the resolution by City Council.

§64.0502 ~~Discharge Reports, Procedures, and Certifications~~ Authorization

~~The City may require that any person discharging or proposing to discharge wastewater into a public sewer file reports, procedures, or certifications, including, but not limited to, the following:~~

- (a) ~~One Time or Periodic Industrial Wastewater Discharge Permit~~
~~Application: The application may require information including, but not be limited to, the nature of production and pretreatment processes, wastewater discharge volumes and rates of flow, mass emission rates, production quantities, hours of operation, certification of compliance with applicable regulations, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. Such applications may also require the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged.~~
- (b) ~~One Time or Periodic Reports on Continued Compliance: Permits may establish one time or periodic sampling and analysis requirements or~~

~~certification requirements or both for specified wastestreams, discharge points, and requirements.~~

- (e) ~~Baseline Monitoring Reports: Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 C.F.R. 403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall submit to the City Manager a report which contains the information listed in 40 C.F.R. 403.12 paragraphs (b)(1) (7). At least ninety days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Pretreatment Standard, shall be required to submit to the City Manager a report which contains the information listed in 40 C.F.R. 403.12 paragraphs (b)(1) (5). New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in 40 C.F.R. 403.12 paragraphs (b) (4) and (5).~~
- (d) ~~Notification of Changed Discharge: All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 C.F.R. 403.12(p).~~

- (e) ~~The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must satisfy the requirements set forth at 40 C.F.R. 403.12(p).~~
- (f) ~~In addition to the foregoing, the Industrial User shall provide all applicable reports described in the Code of Federal Regulations at 40 C.F.R. 403.12, including, but not limited to: compliance schedules for meeting categorical Pretreatment Standards, compliance schedule progress reports, reports on compliance with categorical pretreatment standard deadlines, and final compliance reports.~~
- (g) ~~Signatory requirements: Signatory requirements for Industrial User Reports set forth at 40 C.F.R. 403.12(l) are incorporated herein by reference, and shall apply to all Permit Applications, Baseline Monitoring Reports, Reports on Compliance with Categorical Pretreatment Standard Deadlines, and Periodic Reports on Continued Compliance submitted to the City Manager.~~
- (h) ~~Certification Requirements: Any person signing Industrial User Discharge reports submitted pursuant to Section 64.0502 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my~~

~~inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."~~

- (i) ~~Confidentiality Claims: Any information submitted to the City Manager pursuant to Section 64.0502, or obtained during Industrial Wastewater Control Program inspection activities may be claimed as confidential by the Industrial User. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information, or, in the case of inspections, by submitting a written confidentiality claim at the time of the inspection identifying the inspection areas and type of information for which the claim is asserted. If no claim is made at the time of submission or inspection, the City Manager may make the information available to the public without further notice. When requested and demonstrated by the Industrial User 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 Clean Water Act, and in enforcement proceedings involving the person furnishing the report.~~

~~Wastewater constituents and characteristics and other “effluent data” as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction.~~

(a) Notwithstanding section 64.0501, if the City Manager determines that standardized *discharge authorizations* are sufficient to regulate certain industrial wastestreams, the City Manager may issue *discharge authorizations* instead of *industrial user permits* if all of the following criteria are met:

- (1) the operations are the same or similar to operations regulated under an *industrial user permit*;
- (2) the *Discharge* involves the same types of waste regulated under an *industrial user permit*;
- (3) the same effluent limitations are required for those regulated under an *industrial user permit*; and
- (4) the same or similar sampling and monitoring are required for those regulated under an *industrial user permit*.

(b) All *discharge authorizations* shall include the requirements of section 64.0501(b).

(c) A *discharge authorization* shall not exceed five years.

(d) It is unlawful to dispose of *industrial wastewater* in violation of the terms or conditions in a *discharge authorization*.

(e) Any *person*, municipality, sanitation district, or governmental agency desiring to dispose of *industrial wastewater* in a manner that is not in conformance with the *discharge authorization* shall submit an application

pursuant to section 64.0500 explaining why a new or revised discharge authorization or industrial user permit is needed.

§64.0503 Permit Application Categorical Pretreatment Standards and Reports

~~Persons seeking an Industrial Wastewater Discharge Permit shall complete and file with the City Manager, an application in the form prescribed by the City Manager, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:~~

- ~~(a) Name, address and Standard Industrial Classification number of applicant;~~
- ~~(b) Volume of wastewater to be discharged;~~
- ~~(c) Wastewater constituents and characteristics including but not necessarily limited to those mentioned in Section 64.0512 as determined by a laboratory approved by the City;~~
- ~~(d) Time and duration of discharge;~~
- ~~(e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;~~
- ~~(f) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;~~
- ~~(g) Any other information as may be deemed by the City Manager to be necessary to evaluate the permit application.~~

~~The City Manager will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, treatment systems,~~

~~or other systems relating to the waste discharge may be required. The City Manager may then issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.~~

- (a) Industrial Users shall comply with Categorical Pretreatment Standards within three years of the date the Categorical Pretreatment Standard becomes effective, or the date specified in each Categorical Pretreatment Standard, whichever is sooner. New Sources shall have equipment necessary to comply with Categorical Pretreatment Standards installed and operational prior to disposal of industrial wastewater and shall comply with Categorical Pretreatment Standards within the shortest feasible time, not to exceed 90 days.
- (b) Industrial Users with industrial wastewater subject to Categorical Pretreatment Standards and a current Discharge or scheduled to Discharge to the wastewater system shall submit a baseline report to the City Manager in accordance with 40 C.F.R. 403.12(b) within 180 days after the effective date of the Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 C.F.R. 403.6(a)(4), whichever is later. New Sources and existing Industrial Users that will begin a Discharge subsequent to the promulgation of applicable Categorical Pretreatment Standards shall submit a baseline report to the City Manager in accordance with 40 C.F.R. 403.12(b) at least 90 days prior to commencement of Discharge.

- (c) Existing Industrial Users subject to Categorical Pretreatment Standards and a current Discharge or scheduled to Discharge to the wastewater system shall submit a compliance report to the City Manager in accordance with 40 C.F.R. 403.12(d) within 90 days after the deadline for final compliance. New Sources and existing Industrial Users that will begin a Discharge subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit a compliance report to the City Manager in accordance with 40 C.F.R. 403.12(d) within 90 days after commencement of Discharge.
- (d) Industrial Users subject to Categorical Pretreatment Standards shall submit periodic reports to the City Manager in compliance with 40 C.F.R. 403.12(e) in the months of June and December annually, or as required by Categorical Pretreatment Standards or the City Manager, whichever is the most frequent.
- (e) The reports required by section 64.0503(a) through (d) shall include the results of sampling and analysis in accordance with 40 C.F.R. 403.12(g).
- (f) The reports required by section 64.0503(a) through (d) shall include the certification statement required by 40 C.F.R. 403.12(l).

§64.0504 ~~Permit Conditions~~Other Reporting Requirements

~~Industrial Wastewater Discharge Permits shall be subject to all provisions of this ordinance and all other regulations, user charges and fees established from time to time by resolution of the City Council. The conditions of Industrial Wastewater Discharge Permits shall be uniformly enforced by the City Manager in accordance with this ordinance, and applicable local, State and Federal regulations.~~

- (a) Significant Industrial Users not subject to Categorical Pretreatment Standards shall submit periodic reports in accordance with 40 C.F.R. 403.12(h) on a frequency determined by the City Manager, but no less than once every six months, describing the nature, concentration, and flow of pollutants being discharged, and demonstrating compliance with any required best management practices.
- (b) All Industrial Users shall promptly notify the City Manager in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under section 64.0504(c).
- (c) All Industrial Users shall notify the City Manager, the EPA Regional Waste Management Division Director, and California State hazardous waste authorities in writing of any Discharge of a substance, which if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must satisfy the requirements of 40 C.F.R. 403.12(p).
- (d) In addition to reporting requirements in section 64.0504, the Industrial User shall provide all applicable reports described in 40 C.F.R. 403.12(c), including compliance schedules for meeting Categorical Pretreatment Standards, compliance schedule progress reports, reports on compliance with Categorical Pretreatment Standard deadlines, and final compliance reports.

- (e) Signatory requirements for *Industrial User* reports set forth at 40 C.F.R. 403.12(l) are incorporated by reference and shall apply to all permit applications and periodic reports on continued compliance submitted to the City Manager.
- (f) Any person signing reports submitted under section 64.0503 or 64.0504 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines or imprisonment for knowing violations."

§64.0505 Duration of Industrial Wastewater Discharge Changes to Permits

~~Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the permittee is not notified by the City 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be industrial user permits and discharge authorizations are subject to modification and change by the City during the life of the permit as limitations or requirements as identified in Section 64.0512 are modified and changed. The permittee shall be informed of any proposed changes~~

in his permit at any time in accordance with changes to federal, state, and local requirements and restrictions. The City Manager shall notify affected persons with industrial user permits at least 30 days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Persons with industrial user permits must be in compliance by the time specified in the change to federal, state, or local requirement or restriction, specified in this Division, or when specified by the City Manager, whichever deadline occurs first.

§64.0506

Industrial Wastewater Sampling and Measurements

- (a) The City Manager shall establish the type and frequency of sampling required of each Industrial User necessary to ensure compliance with applicable Pretreatment Requirements. If an Industrial User performs sampling of a type or frequency exceeding the requirements of the City Manager, the results of such sampling shall be included in the reports required by section 64.0503 and 64.0504(a). The City Manager may require an Industrial User to install, operate, and maintain, at the Industrial User's expense, automatic flow-proportional sampling equipment and automatic analysis and recording equipment if necessary to perform accurate sampling.
- (b) The reports required by sections 64.0503 and 64.0504(a) shall be based upon all data collected through appropriate sampling and analysis performed during the period covered by the report, and such data shall be representative of conditions occurring during the reporting period.

Industrial Users shall comply with the procedures and requirements for sampling, analysis, and submittal in 40 C.F.R. 403.12(g)(3) through (6).

(c) If sampling indicates a violation of the industrial user permit or discharge authorization, the permittee shall notify the City within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results to the City Manager within 30 days after becoming aware of the violation unless re-sampling is not required pursuant to 40 C.F.R. 403.12(g)(2).

(d) Every Industrial User shall install, operate, and maintain, at its own expense, one or more calibrated flumes, weirs, flow meters, or similar devices approved by the City Manager to measure wastewater flow rates and total volume, if such measurements are required by the industrial user permit or discharge authorization. In lieu of measurement, the City Manager may accept records of water usage if such records can be used to accurately determine wastewater flow rates and volume. If a measuring device cannot be installed on the Industrial User's premises, the City Manager may require the Industrial User to install the device in the public right of way if it will not be obstructed by landscaping or vehicles. The Industrial User shall install measuring devices prior to Discharge, or by the date determined by the City Manager if measuring devices are being installed to measure existing Discharge.

(e) Federal, state, and local regulatory agencies, the City, and their representatives may enter the premises of a person with an industrial user permit at any time wastewater is being disposed to inspect pretreatment

processes, sampling, measuring devices, or to collect wastewater samples for analysis.

- (f) Persons with industrial user permits shall permit the City Manager to install and operate sampling and measuring devices on their premises as necessary to confirm that the permittee's sampling and measuring devices are accurate.

§64.0507 Confidentiality

- (a) Under 40 C.F.R. 403.8(f)(vii) and 40 C.F.R. 403.14, a person submitting information under this Article may claim that information submitted to the City Manager is confidential. The person must claim the information is confidential at the time of submission in the manner prescribed on the application form or instructions, or in the case of other submissions or reports, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the City Manager may make the information available to the public without further notice. If a person claims information is confidential, the information will be treated in accordance with the procedures in 40 C.F.R. part 2.
- (b) Under 40 C.F.R. 403.14, effluent data provided to, or in the possession of, the City Manager under this Division is not confidential and may be made available to the public without restriction.
- (c) Any plan submitted to the Industrial Wastewater Control Program for review is not confidential and may be made available to the public without restriction.

§64.05068 ~~Transfer Non-Transferability of an Industrial Wastewater Discharge Permits or Changed Use~~

~~Industrial Wastewater Discharge Permits shall be issued only for specific use for a specific operation. Any Industrial user permits, discharge authorizations, and trucked waste permits are not transferable. An application for a new industrial user permit, discharge authorization, or trucked waste permit must be submitted to the City Manager prior to the sale, lease, transfer or assignment of the premises or operation for which ~~the~~ an industrial user permit, discharge authorization, or trucked waste permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued.~~

§64.05079 ~~Revocation of Industrial Wastewater Discharge Permits~~

~~The City Manager may revoke the permit of any permittee who is found to be in violation of this ordinance or applicable local, State or Federal regulations or who:~~

(a) In addition to any remedies available in Chapter 1, Article 2 of this Code, the City Manager may revoke an *industrial user permit, discharge authorization, or trucked waste permit* with at least 30 days prior written notice if a permittee:

- (1) ~~Fails~~fails to factually report the ~~wastewater~~ wastewater constituents and characteristics of its ~~discharge~~ Discharge;
- (2) ~~Fails~~fails to report significant changes in operations, or ~~wastewater~~ wastewater constituents and characteristics;
- (3) ~~Refuses~~refuses reasonable access to the permittee's premises for the purpose of inspection or monitoring; ~~or~~

- (4) ~~Violates~~violates the terms or conditions of the permit*industrial user permit, discharge authorization, or trucked waste permit;* or
- (5) denies or unreasonably delays access to the Industrial User's premises by a federal, state, or local regulatory agency, the City, or their representatives, exercising authority under sections 64.0506(e) and (f).
- (b) The City Manager may immediately revoke an industrial user permit, discharge authorization, or a trucked waste permit upon written notice if the City Manager determines wastewater is an imminent danger to the environment, the health and welfare of the public, or the operation of the wastewater system.
- (c) An Industrial User may appeal the revocation of its industrial user permit, discharge authorization, or trucked waste permit by submitting a written protest to the City Manager within 20 days after receipt of the notice of revocation. The protest must set forth the legal and factual basis for appealing the revocation. Failure to submit a timely written protest will be deemed a waiver of the Industrial User's appeal. The City Manager shall issue a written decision on the appeal within 20 days after receipt of the appeal. If the City Manager fails to issue a written decision within 20 days, the appeal will be deemed denied. A revocation issued due to a violation enumerated in section 64.0510(b) shall remain in effect while any appeal is pending. The City Manager's written decision on appeal or deemed denial after 20 days is the final administrative action. Judicial

review of the final written decision shall be governed by the California Code of Civil Procedure section 1094.6.

(d) The revocation procedure does not limit or prohibit any remedies available under Chapter 1 of this Code.

§64.0508 ~~Industrial Wastewater Discharge Permit Fee~~

~~An Industrial Wastewater Discharge Permit Fee will be collected annually from all permittees. The permit fee will be established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said permit fee by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council.~~

§64.0509 ~~Sampling, Self-Monitoring and Flows~~

~~The City Manager shall require the permittee to provide results of periodic measurements of its discharge which is to include chemical analyses and flow. The City Manager may require a monitoring facility to be furnished and operated at permittee's expenses. All permittees making periodic measurements shall furnish and install at an appropriate location, a calibrated flume, weir, flow meter or similar device suitable to measure flow rate and total volume approved by the City Manager. In lieu of wastewater flow measurement, the City Manager may accept records of water usage and adjust the flow volume by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge. The monitoring facility should normally be situated on the permittee's premises, but the City Manager may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the~~

~~public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City Manager's requirements and shall be completed within ninety days following written notification by the City Manager, unless a time extension is granted by the City Manager. Those permittees required by the City Manager to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements as required in the permit. When required by the City Manager, permittees shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment. Permittees shall allow the City or its representative ready access at all reasonable times to all parts of the premises for purposes of sampling or in the performance of any of their duties. The City Manager shall have the right to set up on the permittee's property such devices as are necessary to conduct sampling or metering operations. Where a permittee has security measures in force, the permittee shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel of the City shall be permitted to enter without delay. All sampling, analysis and flow measurement procedures, equipment, results and records shall be subject at any time to inspection by the City Manager. All sampling and analysis for the purposes of providing pollutant discharge information to the City Manager in self-monitoring and other reports shall be performed in accordance with the techniques prescribed in the Code of Federal Regulations at 40 C.F.R. Part 136 and amendments thereto.~~

~~Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the EPA Administrator.~~

§64.05120 Prohibited Discharges and Local Limits

(a) General Prohibitions

~~A User may not~~ It is unlawful for a person to introduce any pollutant or wastewater into a public sewer which directly or indirectly connects to the City's wastewater system any pollutant wastewater system which by itself or in combination with other wastewater could causes pass through pass through or interference interference, or adversely affect the operation and maintenance of the wastewater system. ~~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, it~~ It is unlawful to introduce dispose any of the following pollutants into a public sewer which directly or indirectly connects to the City's wastewater system wastewater system:

- (1) Any pollutant which creates a fire or explosion hazard in the ~~Publicly Owned Treatment Works~~ wastewater system, including ~~but not limited to~~, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees ~~Centigrade~~ Celsius using the test methods specified in 40 C.F.R. § 261.21.
- (2) Any ~~matter~~ wastestream containing toxic or poisonous solids, liquids, or gases in such quantities that, alone or in combination with other substances, cause acute health and safety problems for humans, animals, or the local environment.
- (3) Any ~~matter~~ pollutant which will cause corrosive structural damage to structures, equipment, or other physical facilities of the ~~wastewater system~~ wastewater system, but in no ~~ease~~ discharges event any wastestream with pH lower than 5.0, ~~unless the collection system is specifically designed to accommodate such discharges~~ without written permission from the City Manager.
- (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~~ wastewater system 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~~pollutant, including oxygen demanding pollutants (e.g. BOD, etc.), released in a ~~discharge~~Discharge at a flow rate and/or ~~pollutant~~pollutant concentration which will cause ~~interference with the Publicly Owned Treatment Works~~interference.
- (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~~wastestream having a temperature higher than 150 degrees Fahrenheit (65.5 degrees Celsius), or at a temperature which causes the influent to the ~~waste~~wastewater treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (8) Fats, oils, and greases of animal or vegetable origin in a concentration that exceeds 500 mg/L.
- (9) Any pollutant with an unreasonably strongly odorous ~~matter~~ or ~~matter tending to~~which may create unreasonably strong odors.
- (10) Any ~~matter~~wastestream containing over 1.0 mg/l of dissolved sulfides.
- (11) Any ~~matter~~wastestream with a pH equal to or greater than 12.5 standard units.
- (12) Any ~~matter~~pollutant which results in the presence of toxic gases, vapors, or fumes within the ~~wastewater~~wastewater conveyance or

treatment system in a quantity that may cause acute worker health and safety problems.

- (13) Any ~~matter~~pollutant 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~~pollutants, except at discharge points designated by the City.
- (16) Any radioactive ~~matter~~material, except where:
 - (A) ~~When the person a~~ 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
 - (B) ~~When the matter the~~ radioactive material is discharged in strict conformity with current ~~California Radiation Control Regulations (California Administrative Code, Title federal law as incorporated by state law, Cal. Code Regs., 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~~pollutant 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~~ cause interference or pass-through.
- (19) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause ~~interference~~ interference or pass-through.
- (20) Hydrolysate, wastes, or wastewater resulting from hydrolysis.
The Industrial Wastewater Control Program shall ~~develop, apply, and enforce specific limits or Best Management Practice Requirements as necessary to implement the prohibitions listed in Section 64.0512(a) and Section 64.0512(b); such limits shall be termed "Local Limits."~~ Where specific prohibitions or local limits are developed by the POTW, such limits shall be deemed and enforceable as Pretreatment Standards.

§64.0511 Industrial Wastewater Control Program

- (a) The City Manager shall establish an Industrial Wastewater Control Program to:
- (1) administer and enforce Divisions 3 and 5 of this Article;
- (2) develop, administer, and enforce specific local limits and best management practices as necessary to implement the prohibitions in section 64.0510;

- (3) develop, administer, and enforce a local pretreatment program, including pretreatment to comply with local limits;
 - (4) prepare and submit reports as required by state and federal regulatory agencies; and
 - (5) perform any other duties that reduce harmful or toxic discharges to the wastewater system.
- (b) The Industrial Wastewater Control Program may perform these duties outside the City limits at the request of another public agency with sewers that connect to the wastewater system. If the City does not perform these duties, the other public agency shall perform these duties itself in accordance with this Article and any local limits, best management practices, and pretreatment programs developed by the City, as a condition of maintaining its connection to the wastewater system.
- (c) Local limits are not enforceable until approved by the EPA or the San Diego Regional Water Quality Control Board.
- (d) To the extent it does not contradict terms continued within this Article, the Industrial Wastewater Control Program Enforcement Response Plan, as approved by the City Manager, is incorporated by reference to this Article.

§64.05102 Pretreatment

~~Permittees shall make wastewater acceptable under the limitations established herein before discharging to any public sewer.~~

- (a) The City Manager may require pretreatment of wastewater to reduce the amount of pollutants, eliminate pollutants, or alter the nature of pollutant properties in wastewater prior to or in lieu of Discharge or otherwise

introducing such pollutants into the wastewater system. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 C.F.R. 403.6(d).

- (b) Acceptable pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug discharges that could cause interference, pass-through, or otherwise disrupt the wastewater system. If wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. 403.6(e).
- (c) Persons with industrial user permits required to use pretreatment shall:
- (1) Any facilities required to pretreat wastewater to a level acceptable to the City Manager shall be provided and maintained at the permittee's install, operate, and maintain the pretreatment equipment at their sole expense;
 - (2) Detailed-submit detailed plans, compliance schedules, and operating procedures shall be submitted to the City Manager for review and shall be approved by the City Manager approval before construction of the facility installation of the equipment. The City Manager's review of such plans and operating procedures will in no way or approval shall not relieve the an Industrial User permittee's from the responsibility of modifying the facility as

~~necessary to produce an effluent acceptable to the City Manager under the provisions of this ordinance for complying with an industrial user permit or discharge authorization; and~~

(3) ~~Any submit any subsequent changes in the pretreatment pretreatment facilities or method of operation shall be reported to and be approved by to the City Manager for approval. No permittee~~

(d) ~~Persons with an industrial user permit shall not increase the use of process water or in any way attempt to dilute a discharge Discharge as a partial or complete substitute for adequate ~~treatment~~ pretreatment to achieve compliance with any local, state, or federal ~~discharge standard~~ Standard, including National Pretreatment Standards set forth at 40 C.F.R., Chapter I, Subchapter N, Parts 405 to 499, and incorporated by reference, and local limits and requirements developed to implement the General and Specific Prohibitions set forth in section 64.0510. The City Manager shall have the authority in negotiation with any industrial permittee, to may impose compliance schedules relating to installation of specific pretreatment equipment, filing of reports, and achievement of specific discharge conditions including, but not limited to, concentration based, production based, or mass based National Pretreatment Standards set forth at 40 C.F.R. Chapter I, Subchapter N, Parts 405 – 499, and incorporated herein by reference, and local limits and requirements developed to implement the General and Specific Prohibitions set forth in San Diego Municipal Code section 64.0512 mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or~~

Pretreatment Requirements, or in other cases where the imposition of mass limitations is appropriate.

§64.05143 Protection from Slug Discharges

- (a) Each permittee shall provide protection from slug discharges of prohibited materials or other substances regulated by this ordinance. For the purposes of Section 64.0511, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. Facilities to prevent slug discharges of prohibited materials shall be provided and maintained at the permittee's own cost and expense. Slug discharges are prohibited. Significant

Industrial Users shall:

- (1) install, operate, and maintain equipment to prevent slug discharges at their own cost and expense;
 - (2) permanently post a notice on a bulletin board or other prominent place advising employees who to contact in the event of a slug discharge; and
 - (3) regularly instruct or advise all employees who may cause, allow, or observe a slug discharge of any emergency notification and response procedures.
- (b) The City Manager may shall, upon deciding that the potential for a slug discharge slug discharge of harmful or prohibited materials exists, require that a permittee Significant Industrial User develop and implement a Slug Discharge Control Plans slug discharge control plan, which satisfies the at a

minimum, shall satisfy the requirements established at of 40 C.F.R. Part 403.8(vf)(2)(vi)(A), (B), (C), and through (D).

(c) A Significant Industrial User shall immediately notify the City Manager of any changes at its facility affecting the potential for a slug discharge.

(d) ~~In the case of an accidental or unauthorized non-customary batch discharge, it is the responsibility of the permittee to~~ A Significant Industrial User shall immediately notify the City Manager of the ~~incidentary slug discharges. The notification shall include location of discharges~~ slug discharge, type of waste, concentration and volume, and corrective actions. Within five days following an accidental or unauthorized non-customary batch discharge, the permittee a slug discharge, Significant Industrial Users shall submit to the City Manager a detailed written report describing the cause of the discharge slug discharge and the measures to be taken by the permittee Significant Industrial User to prevent similar future occurrences. Such notification shall not Nothing herein will relieve the permittee Significant Industrial User of any liability, expense, loss, damages, or other liability which may be incurred as a result of damage to the wastewater systems, fish kills, or any other damage to persons or property; nor shall such notification relieve the permittee of any fines, civil or penalties, or other liability which may be imposed by this ordinance or other applicable law. A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees who to call in the event of an accidental or unauthorized non-customary batch discharge. Permittees shall insure that

~~all employees who may cause, allow, or observe such an accidental or unauthorized non-customary batch discharge to occur are advised of the emergency notification procedures resulting from a slug discharge.~~

§64.0512 Prohibited Discharges and Local Limits

(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, it is unlawful to introduce the following pollutants 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, 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 (65.5 degrees Celsius), or at a temperature which causes the influent to the waste treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).~~
- (8) ~~Fats, oils, and greases of animal or vegetable origin in a concentration that exceeds 500 mg/L.~~
- (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:
 - (A) ~~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~~~~

- (B) ~~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.~~
- (19) ~~Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.~~

~~The Industrial Wastewater Control Program shall develop, apply, and enforce specific limits or Best Management Practice Requirements as necessary to implement the prohibitions listed in Section 64.0512(a) and Section 64.0512(b); such limits shall be termed "Local Limits." Where specific prohibitions or local limits are developed by the POTW, such limits shall be deemed and enforceable as Pretreatment Standards.~~

§64.05134 ~~Limitations of the Use of Garbage Grinders~~

~~Matter~~ Waste from garbage grinders shall not be ~~discharged~~ disposed of into a ~~public sewer~~ the wastewater system except ~~matter for waste~~ generated in preparation of food normally consumed on the premises, or where ~~the permittee~~ has obtained a permit for that specific use from the City Manager, and agrees to undertake whatever self-monitoring is required to enable the City Manager to equitably an industrial user permit has been issued to use a garbage grinder connected to the wastewater system.

As a permit condition of using a garbage grinder, Industrial Users must undertake self-monitoring sufficient to enable the City Manager to determine the sewer service charges based on the waste constituents and characteristics. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer wastewater system.

Garbage grinders connected to the wastewater system shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

§64.0514 ~~Discharge of Water Softener Brines Prohibited in Certain Areas of the City~~

- (a) ~~It is the purpose and intent of this section to prohibit the discharge into the public sewers of residual brine from water softening devices within the eastern portion of the Los Penasquitos area of the City of San Diego where generated sewage flows through any sewer which is tributary to the City of Poway Water Reclamation Plant. This prohibition is necessary in order that the wastewater generated within the portion of the City conform to the residual brine discharge restrictions established by the City of Poway for the purpose of economical wastewater reclamation.~~

(b) ~~It shall be unlawful for any person to discharge into the public sewers any residual brine from commercial or domestic water softening devices within that eastern portion of the Los Penasquitos area in the City of San Diego, California, which is east of Interstate 15, south of Rancho Bernardo, west of Pomerado Road and north of Scripps Ranch, as more particularly designated on that certain drawing filed in the office of the City Clerk as Document No. OO 15449.~~

§64.0515 ~~Limitations on Point of Discharge~~Liquefiers

~~No person shall discharge any substances directly into a manhole or other opening in a public sewer other than through an approved sewer connection unless upon written application and payment of the applicable charges and fees, the City Manager issues a permit for such direct discharges.~~

Liquefiers, also referred to as biodigesters or wet systems, are industrial devices that reduce food waste to a slurry using some combination of grinding, shredding, agitating, biological agents, temperature, and water. Liquefiers shall not be directly or indirectly connected to the wastewater system.

§64.0516 ~~Availability of the City's Wastewater Facilities~~

~~If wastewater facilities capacity is not available, the The City Manager may require the industrial waste discharger to restrict his discharge until deny or condition new or increased wastewater if sufficient capacity can be made is not available in the wastewater system. When requested, the City Manager will advise persons ~~persons~~ desiring to locate new facilities as to the areas where industrial wastewater industrial wastewater of their proposed quantity and quality can be received by available wastewater facilities. ~~The City Manager may refuse service~~~~

to persons locating facilities in areas where their proposed quantity or quality of industrial wastewater is unacceptable in the available treatment facility the wastewater system.

§64.0517 **Discrepancies Between Actual and Reported Industrial Wastewater Discharge Permit Quantities Chemical Oxygen Demand or Suspended Solids Increases**

Should measurements or other investigations reveal that the permittee is discharging a flow rate, or a quantity of flow, chemical oxygen demand or suspended solids significantly in excess of that stated on the permit or in excess of the quantities reported to the City Manager by the permittee and upon which the sewer service charge is based, the permittee shall apply for an amended permit and shall be assessed for all delinquent charges together with penalty and interest.

An Industrial User shall immediately notify the City Manager in writing if chemical oxygen demand or suspended solids are being discharged at a flow rate or concentration that exceeds the amount upon which the Industrial User's sewer service charge is based by 15 percent or more. The City Manager may require the Industrial User to submit a new application in accordance with section 64.0501. The City Manager shall recalculate the sewer service charge for an Industrial User who exceeds the amount of chemical oxygen demand or suspended solids upon which the Industrial User's sewer service charge is based by 15 percent or more. Before these charges shall be assessed at least two additional 24-hour samples and flow measurements shall be obtained by the City Manager with all costs of sampling and analyses to be paid by the permittee Industrial User. The City Manager shall consider the data obtained in these samplings along with any other relevant information obtained by the City Manager or presented by the

Industrial User in determining the new sewer service charge. The City Manager may pursue back charges for sewer service from an Industrial User who exceeds the amount of chemical oxygen demand or suspended solids upon which the Industrial User's sewer service charge is based by 15 percent or more.

~~For the purpose of establishing the correct sewer service charge, the data obtained in these samplings along with any other relevant information obtained by the City Manager or presented by the permittee, shall be used by the City Manager in determining the quantity parameters for use in determining the sewer service charge. A permittee who violates this Section shall, in the absence of other evidence, be presumed to have been discharging at the determined parameter values over the preceding three years or since the City Manager's previous verification of quantity parameters, whichever period is shorter.~~

§64.0518 Trucker's Discharge Trucked Waste Permit

~~All persons owning vacuum or "cesspool" pump trucks or other liquid waste~~

(a) A trucked waste permit is required to dispose of wastewater from a transport trucks and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, industrial liquid wastes or other liquid wastes to the City's public sewers or to facilities that discharge directly or indirectly into such public sewers shall first have a valid City Trucker's Discharge Permit the wastewater system and from generators of non-domestic wastewater that use a transport truck to transport wastewater to the wastewater system. All applicants for a Trucker's Discharge Permit trucked waste permit shall complete the application form provided by the City Manager and pay the appropriate permit fee as established from time

to time by City Council resolution. A trucked waste permit shall not exceed one year.

- (b) The City Manager shall designate locations in the wastewater system where wastewater may be disposed of by persons with a valid trucked waste permit. The City Manager may deny access to any person with wastewater that by itself or in combination with other wastewater, could cause interference, pass-through, or adversely affect the operation or maintenance of the wastewater system.

~~Discharge of septic tank, seepage pit, interceptor or cesspool contents or other wastes containing no industrial wastes may be made at any of the City's designated public dumping manholes by trucks holding a City Permit. Trucks transporting industrial wastes shall be discharged only at the locations specified by the City Manager for the specific waste.~~

- (c) ~~The City Manager may shall require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes. The Trucker's Discharge Permit shall be valid for one year from date of issuance. Any person violating the City's requirements for liquid waste discharges from trucks shall be in violation of this ordinance and may have his permit revoked by the City Manager~~ from persons with trucked waste permits based on treatment and disposal costs approved by City Council resolution.
- (d) It is unlawful for any person to dispose of wastewater from a truck into the wastewater system without a valid trucked waste permit, or to

discharge the wastewater at any location other than those designated by the City Manager for the type of wastewater.

§64.0519 Records Retention

~~All permittees subject to this division of this ordinance shall retain and preserve for not less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a permittee in connection with its discharge. All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.~~

Persons required to have an industrial user permit, a discharge authorization, or a trucked waste permit, shall retain and preserve all records, including documents, data, photographs, reports, correspondence, and any and all summaries thereof, relating to measuring, pretreatment, monitoring, sampling, and chemical analyses of their wastestream and best management practices for at least three years. If a person has been notified by the City Manager that the person has violated a provision of this Article, no such records may be destroyed or otherwise disposed of until after the matter is resolved and any appeals exhausted.

Persons shall permit federal, state, and local regulatory agencies, the City, and their representatives to inspect and copy such records during normal business hours.

§64.0520 ~~Publication of Industrial Users in~~ Public Notice of Significant Noncompliance

The City Manager shall annually publish the identity of *Industrial Users* who, at any time annually, in the largest daily newspaper published in San Diego, a list of the users which, during the previous calendar year, were in significant noncompliance [SNC] *Significant Noncompliance* with applicable pretreatment standards *Pretreatment Standards* and requirements *Pretreatment Requirements* under 40 C.F.R. 403.8(f)(2)(viii). Publication shall be made in one or more newspapers of general circulation that provide meaningful public notice within the area serviced by the *wastewater system*.

BH:cw
April 10, 2026
Or.Dept: PUD
CC.No.: N/A
Doc. No.:4250397

Passed by the Council of The City of San Diego on June 8, 2026, 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"/>
Henry L. Foster III	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JUN 15 2026

(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)

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 [Signature], 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 MAY 12 2026, and on JUN 15 2026.

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 [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number **O-22104**