Ordinance No. _____
Ordinance of the Council of the City of Palo Alto
Amending Chapter 16.09 (Sewer Use Ordinance) of Title 16 of the Palo Alto Municipal Code to Comprehensively Update the Regulations Related to Use of the Sanitary Sewer System

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. In order to protect the public health and environment, including the City’s sanitary sewer system, the Palo Alto Regional Water Quality Control Plant, and San Francisco Bay, the City has developed and implements a water quality control program;

B. Protection of the City’s sanitary sewer system, the Palo Alto Regional Water Quality Control Plant, and San Francisco Bay requires strict control of industrial wastewater discharges;

C. In order to continue to address new pollutants of concern and pollutant sources, City staff shall inform the Council of the need for further controls on industrial, commercial and residential wastewater discharges.

D. The adoption of this Sewer Use Ordinance is a component of the City’s water quality control program and establishes the City’s authority to implement state and federally required industrial wastewater pretreatment programs;

SECTION 2. Chapter 16.09 (Sewer Use Ordinance) of Title 16 is hereby amended and replaced in its entirety to read as follows:

Chapter 16.09

SEWER USE ORDINANCE

Sections:
16.09.005 Purpose and Applicability.
16.09.010 Abbreviations.
16.09.010 Definitions.
16.09.010 Responsibility of the Superintendent.
16.09.020 Confidentiality.
16.09.030 Limitations on Point of Discharge.
16.09.030 Prohibitions.

16.09.045 National Categorical Pretreatment Standards.
16.09.050 Standards for Other Wastes.
16.09.040055 Standards Local Limits.
16.09.045060 Additional Alternative Copper Limitations for Industrial Waste.
16.09.050 Grease Disposal Prohibited
16.09.055 Unpolluted Water
16.09.060 Standards for Other Industrial Wastes
16.09.065 Best Management Practices (BMPs)
16.09.065 City’s Right of Revision.
16.09.070 Dilution.
16.09.075 Unpolluted Water.
16.09.070 Trucker’s Discharge Permit
16.09.075 Food Service Establishments
16.09.080 Industrial Waste Discharge Permit Discharge Permit Required.
16.09.085 Industrial Wastes Discharge Permit Application Procedures.
16.09.090 Exceptional Waste.
16.09.095 Requirements for Facilities Affected by National Pretreatment Standards
16.09.095 Discharge Permit Modification, Suspension or Revocation of Industrial Wastes Discharge.
16.09.100 Discharge Permit Revocation.
16.09.105 Reports of Changed Conditions.
16.09.110 Reports of Potential Problems.
16.09.100115 Permit Issuance, Denial, Modification, Revocation or Suspension Hearing.
16.09.110125 Discharger Monitoring Inspection and Sampling.
16.09.115 Prohibition against Dilution
16.09.120130 Discharger Self-Monitoring.
16.09.125140 Maintenance and Operation of Pollution Control and Monitoring Equipment Pretreatment Facilities.
16.09.130 Compliance with the Pretreatment Requirements
16.09.135145 Monitoring Waiver.
16.09.130 Reporting and Certification Requirements for all Permitted Dischargers Industrial Users.
16.09.150 Reports from Unpermitted Users.
16.09.140155 Requirements for Reporting Noncompliance, Increased Loading, Slug Discharges, and Accidental Discharges.
16.09.165 Affirmative Defenses to Discharge Violations: Prohibited Discharge Standards.
16.09.170 Affirmative Defenses to Discharge Violations: Bypass.
16.09.145 Certification of Reports
16.09.150 Falsification of Information.
16.09.155180 Date of Receipt of Reports.
16.09.160 Retention of Records.
16.09.165 Storm Drain System: Prohibited Discharges
16.09.170 Requirements for Construction Operations
16.09.175 General Prohibitions and Practices
16.09.180 Requirements for Loading Docks.
16.09.185 Requirements for Newly Constructed, Remodeled or Converted Multi-Residential, Commercial and Industrial Facilities.
16.09.190 Requirements for Newly Constructed, Remodeled or Converted Multiple-Family Use Residential Properties.
16.09.205 Storage of Hazardous Materials Above Sinks
16.09.210 Zinc-Containing Floor Finishes.
16.09.220 Root and Pest Control Chemicals Use.
16.09.225 Requirements for Photographic Materials Processing.
16.09.230 Requirements for Dental Facilities that Remove or Place Amalgam Fillings.
16.09.235 Requirements for Vehicle Service Facilities.
16.09.240 Requirements for Machine Shops.
16.09.245 Annual Publication of Users in Significant Noncompliant Dischargers.
16.09.250 Enforcement and Penalties—Warning.
16.09.255 Enforcement: Notice of Noncompliance
16.09.260 Enforcement: Administrative Compliance Order
16.09.265 Enforcement: Criminal Penalties
16.09.270 Enforcement: Administrative Civil Penalties
16.09.275 Enforcement: Judicial Civil Penalties
16.09.280 City Right to Terminate Discharge
16.09.285 Enforcement: Remedies Nonexclusive
16.09.290 Pretreatment Charges and Fees.
16.09.295 Obstruction, Damage or Impairment to Facilities POTW.
This Chapter sets forth uniform requirements for users of the Palo Alto Regional Water Quality Control Plant, a Publicly Owned Treatment Works (POTW), and enables the City and the POTW to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and the water quality requirements set by the San Francisco Bay Regional Water Quality Control Board and/or the California State Water Resources Control Board. The objectives of this Chapter are:

(a) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

(c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of wastewater and sludge from the POTW; and

(e) To enable the POTW to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

The overall goal of this Chapter and the City's water quality control program is to prevent and control pollution and protect and foster human health and the environment. The specific purpose of this Chapter is to prevent the discharge of any pollutant into the sanitary sewer system, the storm drain system, or surface waters, which would: 1) obstruct or damage the sanitary sewer or storm drain system; 2) interfere with, inhibit or disrupt the Palo Alto Regional Water Quality Control Plant (the "plant"), or its treatment processes, or operations, or its sludge processes, use or disposal; 3) pass through the treatment system and contribute to violations of the regulatory requirements placed upon the plant; or 4) result in or threaten harm to or deterioration of human health or the environment. It is the intent of the City to update and modify this Chapter as needed to continue to provide a program for protection of the POTW storm drain system and pretreatment of industrial wastes which is approved by Federal and State regulatory agencies. Therefore, this Chapter is designed to be no less stringent than the Clean Water Act and the Effluent Guidelines and Standards published at Title 40 CFR Chapter I, Subchapter NU.S. Environmental Protection Agency "General Pretreatment Requirements for Existing and New Sources of Pollution" published at Title 40 of the Code of Federal Regulations (CFR), Part 403 and the Federal Water Pollution Control Act, 33 U.S.C. section 1251, as applicable, and as such requirements-regulations may be amended from time to time (hereinafter the "pretreatment requirements" and "Clean Water Act").
This Chapter shall apply to all users of the POTW, including but not limited to, persons within the City of Palo Alto and persons outside the City who are, by contract with the City, users of the POTW. This Chapter authorizes the issuance of individual wastewater discharge permits and general permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; and requires industrial user reporting.

**16.09.010 Abbreviations.**

The following abbreviations, when used in this Chapter, shall have the designated meanings:

- **BOD** – Biochemical Oxygen Demand
- **BMP** – Best Management Practice
- **BMR** – Baseline Monitoring Report
- **CFR** – Code of Federal Regulations
- **CIU** – Categorical Industrial User
- **COD** – Chemical Oxygen Demand
- **EPA** – United States Environmental Protection Agency
- **gpd** – gallons per day
- **gpm** – gallons per minute
- **IU** – Industrial User
- **mg/L** – milligrams per liter
- **NPDES** – National Pollutant Discharge Elimination System
- **NSCIU** – Non-Significant Categorical Industrial User
- **PAMC** – Palo Alto Municipal Code
- **POTW** – Publicly Owned Treatment Works
- **PRCC** – Periodic Report of Continued Compliance
- **RCRA** – Resource Conservation and Recovery Act
- **RWQCP** – Palo Alto Regional Water Quality Control Plant
- **SIU** – Significant Industrial User
- **SNC** – Significant Noncompliance
- **STO** – Single Toxic Organic
- **TDS** – Total Dissolved Solids
- **TSS** – Total Suspended Solids
- **TTO** – Total Toxic Organics

**16.09.010 Definitions.**

The following words and phrases, whenever used in this Chapter, shall be as defined herein. Words and phrases used in this Chapter not otherwise defined shall be as defined or interpreted or used in the Pretreatment Requirements Title 40 of the Code of Federal Regulations. Terminology for analytical testing shall be that contained in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published at Title 40 CFR, Part 136.
(a) “Annual average concentration” means the average concentration of a substance measured over any twelve- (12-) month period of time.

(b) “Authorized representative” means an authorized or duly authorized representative of the user as defined below:

(a1) If the discharger-user is a corporation:

(1A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b2) If the discharger-user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(e3) If the discharger-user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d4) The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or with having overall responsibility for environmental matters for the organization, and the written authorization is submitted to the superintendent/director.

(c) “Average concentration” of a substance means the total daily discharge weight of the substance divided by the total daily wastewater volume at the point of discharge.

(c) “Berm” means a ridge, lip or other raised barrier to the flow of liquid which is not rendered ineffective by the liquid and is sufficiently high to contain anticipated fluid amounts, or which causes sufficient grade to prevent migration of anticipated fluid amounts.
(d) “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions in this Chapter. BMPs include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from materials storage.

(e) “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

(f) “Categorical industrial user” means an industrial user subject to a categorical pretreatment standard.

(g) “Categorical pretreatment standard” means any regulation containing pollutant discharge limits promulgated by EPA that apply to a specific category of dischargers—industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(h) “Cesspool” means a lined or partially lined underground pit into which raw sanitary sewage is discharged.

(i) “City” means the City of Palo Alto located in the State of California.

(j) “Clean Water Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

(k) “Composite sample” means a series of samples taken over a given period of time that accurately represents the average pollutant concentration during said period of time.

(l) “Cooling system blowdown” means water routinely discharged from a cooling water system to maintain efficient operation of the system.

(m) “Cooling water” means water which is used to cool fluids or equipment in commercial or industrial processes or air conditioning systems.

(n) “Cooling water system” means the pipes, heat exchangers and other appurtenances used to convey cooling water in cooling towers, direct contact cooling systems and similar fixed cooling systems. Multiple units of a cooling water system serving a building or
piece of equipment are considered as one system if the cooling water distribution system units are physically connected.

"Contaminated groundwater" means water found beneath the earth's surface which does not meet State or Federal standards for drinking water supplies or other specified beneficial uses.

"Contaminated water" means water that does not meet State or Federal standards for discharge to navigable water.

"County" shall mean the County of Santa Clara.

(o) "Cycles of concentration" means the flow rate of water added to a cooling tower water system divided by the flow rate of water discharged from the cooling tower water system.

(p) "Detection limit" means the minimum concentration of an analyte (substance) that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero as determined by the procedures set forth in 40 CFR Part 136, Appendix B.

"Discharge" means the introduction of any pollutant or of any industrial, commercial or domestic waste into the sanitary sewer system or storm drain system.

"Discharger" means any person or entity who has the potential to or who discharges, causes, or permits the discharge of any pollutant or of any industrial, commercial or domestic waste into the sanitary sewer system or storm drain system.

(q) "Director" means the City's director of public works, his or her designee or such other person as may be designated by the city manager.

(r) "Discharge permit" means a legal document, used as a control mechanism, which grants revocable permission and authorization to discharge wastewater into the sanitary sewer system.

"Domestic waste" means the liquid and waterborne wastes derived from the ordinary living processes, free from industrial wastes and of such character as to permit satisfactory disposal, without special treatment, into the sewer system.

"Enforcement Response Plan" or "ERP" means the document describing the guidelines for identifying violations of and enforcing specific local limits; Pretreatment Standards and requirements; and the requirements of this Chapter.
“Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

“Existing source” means any source of discharge that is not a new source.

“Fail-safe valve” means a gravity, spring loaded or electrically driven valve that is normally closed. The valve can be opened by continuously applying pressure or depressing a switch mechanism that automatically closes the valve when not in use or depressed.

“Grab sample” means a sample that is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream, taken over a period not to exceed fifteen (15) minutes.

“Grease” means, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts and certain fruits. Grease may also be of mineral origin, including kerosene, lubricating oil, and road oil. Grease in the sanitary sewer system is generally present as, but need not be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution.

“Hazardous material” means any material so designated by Title 17 of this code.

“Hazardous waste” means a material designated as a hazardous waste by Federal, State, or localeither State or Federal regulations.

“Industrial waste” means the waste or wastewater from any production, manufacturing or processing operation of whatever nature including institutional and commercial. “Industrial waste” shall not include domestic wastewater. "Industrial waste" shall include contaminated water from construction operations, contaminated water from erosion of disturbed land, and contaminated water from irrigation runoff.

“Interference” means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the plant POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of...
the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act, or exceeds the design capacity of the sanitary sewer system.

(bb) “Loading dock” means that area of a facility intended for the loading and unloading of materials from vehicles, trucks, plus an additional radius of ten feet.

(cc) “Local limit” means specific discharge limits developed and enforced by the POTW upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

(dd) “Machine shop” means a fixed facility which cuts, grinds, polishes, deburrs, or machines metal parts but does not conduct metal finishing as that term is defined by the EPA in 40 CFR part 433.

“Metal fabrication facility” means a fixed facility that forms, welds and assembles metal pieces, but does not conduct metal finishing as that term is defined by the EPA in 40 CFR part 433.

(ee) “Multiple-family use” shall be as defined in Title 18 of this code.

(ff) “New source” means 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 Clean Water Act that will be applicable to such source if such pretreatment standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered. A new or modified building, structure, facility or installation as defined in EPA 40 CFR part 403.3(m) from which there is or may be a discharge subject to proposed or existing Pretreatment Standards.
(gg) “Noncontact cooling water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(hh) “Oil-water separator” means a receptacle designed and constructed to intercept, separate, and prevent the passage of oils and sediments into the sanitary sewer system.

(ii) “Once-through cooling system” means a cooling system through which water passes through only once before discharge to a drain of the sanitary sewer system, including laboratory bench top cooling systems.

(jj) “Organic solvent” means any solvent which contains carbon in its molecular structure.

(kk) “Pass-through” means a discharge that exits the plant POTW into a 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 or provision of the City’s NPDES permit, including an increase in the magnitude or duration of a violation.

(ll) “Person” means any individual, partnership, corporation, association, corporation, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns or public agency. This definition includes all Federal, State, and local government entities.

(mmm) “Pretreatment” 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(nn) “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an industrial user other than a pretreatment standard.

(oo) “Pretreatment standards” means prohibited discharge standards, categorical pretreatment standards and local limits.
"Pretreatment requirement" means any substantive or procedural requirement related to pretreatment imposed on a discharger, other than a Pretreatment Standard.

(pp) “Pretreatment system” means a treatment system at an industrial or commercial facility that is designed to reduce the amount of pollutants, eliminate pollutants, or alter the nature of the pollutant properties in the waste-water prior to discharge to the sanitary sewer system.

(qq) “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined by section 212 of the Clean Water Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(rr) “Reasonable Control Measures” or “RCMs” means control technologies, BMPs, source control practices, and waste minimization procedures which prevent or reduce the introduction of pollutants to the sanitary sewer system, and are determined by the director to be cost effective for particular industry groups, business types, or specific industrial and commercial processes.

(ss) “Root control chemicals” means any chemical introduced into pipes in order to inhibit or kill roots in the pipe.

(ss) “Sampling location” means an access box, valve, spigot or similar structure from which samples representative of an industrial or commercial wastewater discharge from a particular process or processes, piece of equipment, activity, building, or facility may be collected.

(ss) “Sanitary sewage” or “sewage” means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding ground, surface and storm waters, subsurface drainage and also excluding industrial waste.

(ss) “Sanitary Sewer Overflow” or “SSO” means any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from the sanitary sewer system. SSOs include:

(a) Overflows or releases of untreated or partially treated wastewater that reaches waters of the United States;

(b) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and

(c) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the sanitary sewer system.
“Secondary containment” shall be as defined in Title 17 of this code, means and shall have the meaning specified by the Hazardous Materials Storage ordinance (Title 17, Palo Alto Municipal Code).

“Seepage pit” means a device comprised of one or more pits extending into porous strata, lined with open-jointed masonry or similar walls, capped and provided with a means of access such as a manhole cover and into which wastewater disposal system effluent is discharged.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

“Sewage treatment plant” means any arrangement of devices and structures used for treating sanitary sewage.

“Sewer” means a pipe or conduit for carrying sewage wastewater.

“Sewer system” or “sanitary sewer system” means the collection system, all sewers, treatment plants and other facilities owned or operated by the City of Palo Alto for carrying, collecting, storing, treating, reclaiming and disposing of sanitary sewage and industrial wastewater.

“Significant industrial user” (SIU) means, except as provided in (c3) and (d4):

(a1) An discharger—industrial user subject to categorical pretreatment standards; or

(b2) An discharger—industrial user that:

1A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the sanitary sewer system POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

2B) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plants sanitary sewer system; or

3C) Is designated as such by the superintendent—director on the basis that it has a reasonable potential for adversely affecting the POTW’s sanitary sewer system’s operation or for violating any pretreatment standard or requirement.
(c3) The superintendent director may determine that an discharger industrial user subject to categorical pretreatment standards is a Non-Significant Industrial User (Non-SCIU) rather than a significant industrial user on a finding that the industrial user discharger never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(1A) The discharger industrial user, prior to the director's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(2B) The discharger industrial user annually submits the certification statement required in 40 CFR 403.12(q) in 16.09.135(a)(3), together with any additional information necessary to support the certification statement; and

(3C) The discharger industrial user never discharges any untreated concentrated wastewater.

(d4) Upon a finding that a discharger-industrial user meeting the criteria in subsection (b2) of this part has no reasonable potential for adversely affecting the sanitary sewer system's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from a discharger-industrial user, determine that such discharger-industrial user should not be considered a significant industrial user.

(yy) “Significant noncompliance” means a violation or series of violations by a discharger of one or more criteria set forth in 40 CFR 403.8(f)(2)(viii).

(zz) “Simple payback period” means the number of years required to recover the dollar value of an investment in water pollution control to be exceeded by cost savings resulting from the investment.

(aaa) “Slug discharge” means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge of wastewater, material or waste of high volume or pollutant concentration which violates any of the specific prohibitions listed in 40 CFR 403.5(b) or Sections 16.09.045 or 16.09.050 of this code or that has a reasonable potential to cause interference or pass-through, or in any other way violate the plant’s City’s regulations, local limits or Sanitary Sewer System requirements or NPDES-discharge permit conditions.
"Storm drain system" means the system of pipes, gutters, surface conveyance and channels used to collect and convey storm water.

“Superintendent” means the manager of the Palo Alto Regional Water Quality Control Plant, his or her designee or such other person as may be designated by the city manager.

“Total toxic organics” or “TTO” shall mean the summation of all quantifiable toxic organic compound concentrations greater than 0.010 mg/Liter.

“Toxic organic compound” shall mean any organic pollutant contained listed in 40 CFR Part 433.11(e).

“Treatment plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

“Wastewater” means the liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW generated by a domestic, commercial and or industrial facility, whether treated or untreated, discharged into or permitted to enter the sewer system.

“Wet sanding” means the use of water and an abrasive (such as sandpaper) for the removal of paint.


Except as otherwise provided herein, the superintendent shall be responsible for the administration, implement and enforcement of the provisions of this Chapter. The director shall be responsible for conducting an industrial waste source control program, and for promulgating such orders, rules and requirements as are necessary to accomplish the purpose of this articleChapter, in accordance with the requirements regulations that are or may be promulgated by the Environmental Protection Agency EPA, the state of California State Water Resources Control Board, the State Department of Health Services, the California Regional Water Quality Control Board for the San Francisco Bay Region San Francisco Bay Regional Water Quality Control Board, the California Department of Public Health, or other duly authorized boards or agencies. Any powers granted to or duties imposed upon the director may be delegated by the director to a duly authorized City employee.

16.09.020-025 Confidentiality.

(a) Any information submitted to the superintendent pursuant to this Chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information.
the Chapter may be withdrawn and replaced by submittals stamped "confidential business information." If no such claim is made at the time of submission the information may be made available to the public without further notice.

(b) Upon receipt of a request for the release of information to the public which includes information which has been claimed as confidential by a discharger, the discharger has notified the Superintendent is claimed to be a trade secret or sensitive as provided herein, the director superintendent shall notify the discharger submitter in writing of the request by certified mail, return receipt requested. The director superintendent shall release the information to the public, but not earlier than thirty (30) calendar days after the date of mailing the notice of the request for information, unless, prior to the expiration of the thirty-day period, the discharger submitter files an action in an appropriate court for a declaratory judgment that the information is subject to protection under the laws of the State of California or for an injunction prohibiting disclosure of the information to the public and promptly notifies the director superintendent of that action. This section does not permit a discharger to refuse to disclose the information required pursuant to this Chapter to the Superintendent.

(bc) Information and data provided to the director superintendent pursuant to this section Chapter which constitutes effluent or flow data, as defined at 40 CFR 2.302, shall not be recognized as confidential and shall be available to the public without restriction.

(cd) A discharger may be prohibited from discharging a substance unless its composition is made known to the director superintendent.

(e) This Section does not permit a discharger to refuse to disclose information required pursuant to this Chapter to the director superintendent.


(a) Practical Difficulties--The director superintendent is authorized to modify any of the provisions of this Chapter upon application in writing by the owner, a lessee or an authorized representative where there are practical difficulties in the way of carrying out the provisions of this Chapter, provided that the purpose of this Chapter, as set forth in Section 16.09.005, shall be complied with, and substantial justice done. The particulars of any such modification and the decision of the director superintendent shall be entered upon the records of the POTW plant and a signed copy shall be furnished to the applicant.

(b) Alternate Materials--The director superintendent, upon application in writing by the owner, a lessee or an authorized representative, and on notice to the chief building official, is authorized to approve alternate materials or methods, provided that the director superintendent finds that the proposed design, use or operation satisfactorily complies with the intent of this Chapter and that the material, method of work performed or operation is, for the purpose intended, at least equivalent to that prescribed in this Chapter in quality and effectiveness in meeting the purposes of this Chapter. Approvals under the authority herein
contained shall be subject to the approval of the chief building official whenever the alternate material or method involves matters regulated by any code administered by the chief building official. The particulars of any such approval made by the director superintendent under this subsection shall be entered upon the records of the POTW plant and a signed copy shall be furnished to the applicant.

16.09.030 Limitations on Point of Discharge.

No person shall discharge any substances directly into a manhole or other opening in a city sewer or storm drain system, other than through a City approved sewer connection an approved building sewer, or other location approved by the Superintendent.

16.09.035.040 Prohibitions Discharge Standards.

Wastes discharged into the sewer system shall not have characteristics which by themselves or by interaction with other wastes may:

(a) Endanger the health and safety of the public or city personnel;
(b) Cause corrosion or other damage to the sewer system;
(c) Create nuisance such as odors or coloration;
(d) Result in extra cost of collection, treatment, or disposal;
(e) Interfere with, inhibit or disrupt any wastewater treatment process of the plant, its treatment processes, sludge processes, or operations in such manner to cause violations of the plant’s NPDES permit, or any regulatory requirement, or result in the use of sludge in noncompliance with any applicable requirements. This shall include instances due to flow rate and/or pollutant concentration, including oxygen-demanding pollutants (BOD, etc.) and applies to increases in magnitude or duration of violation by the plant;
(f) Pass through or exit the plant into waters of the United States in quantities or concentrations which contribute to a violation of any regulatory requirement applicable to the plant. This shall include increases in magnitude or duration of any violation or period of noncompliance;
(g) Cause the temperature of the influent flow to the plant to exceed 40°C (104°F);
(h) Prevent, hinder, delay, or impede compliance with effluent quality requirements established by regulatory agencies, or exceed the same;
(i) Cause wastewater quality to fall outside reclamation feasibility limits; or
(j) Obstruct flows within the sewer system or otherwise cause or contribute to sanitary sewer overflows.

(a) General prohibitions. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(b) Specific prohibitions. No industrial user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 5.0 or greater than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances in amounts which may cause obstruction of the flow in the POTW but in no case solids greater than one-half inch in any dimension;

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Wastewater which will inhibit the biological activity in the treatment plant resulting in interference, but in no cases wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

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

8. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with Title 16.XX of this code;

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the City’s NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(13) Prescription and non-prescription pharmaceutical drugs or medications;

(14) Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail a toxicity test;

(15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or

(16) Any substance which, if otherwise disposed of, would be considered a hazardous waste; or

(17) Any wastewater which alone or in conjunction with a discharge or discharges from other sources may have an adverse effect on the POTW, its treatment processes or operations or its sludge processes, use or disposal,

(c) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the sanitary sewer system.

16.09.045 National Categorical Pretreatment Standards.

(a) Industrial users shall comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471. In the event of any apparent conflicts between this Chapter and State or Federal regulations, the most stringent provisions shall apply.

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

16.09.050 Standards for Other Wastes.
The director may establish standards for any wastes not specifically referred to in this Chapter. These Standards shall be published and shall be made available to any person upon request.

16.09.040-055 Standards Local Limits.

(a) The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

(a) The following standards shall apply to all discharges to the sewer at a designated sampling location determined by the Superintendent to be consistent with the dilution prohibition contained in Section 16.09.115.

(b) The director may develop Best Management Practices, by promulgation of regulations or in individual Wastewater Discharge Permits, or in general permits, to implement local limits and the requirements of Section 16.09.040 of this Chapter. The director may require the implementation of BMPs and require submission of information to evaluate the implementation and effectiveness of BMPs.

(b) Maximum allowable limitations at the point of sampling shall be specified in each discharge permit, based on flow and waste stream information supplied in the discharger's permit application, applicable National Pretreatment Standards for process wastewaters, and other pertinent information. Maximum allowable limitations may be expressed both in terms of total mass discharged and maximum allowable limits.

(c) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Limit (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.1</td>
</tr>
<tr>
<td>Barium</td>
<td>5.0</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.75</td>
</tr>
<tr>
<td>Boron</td>
<td>1.0</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.1</td>
</tr>
<tr>
<td>Chromium, Hexavalent</td>
<td>1.0</td>
</tr>
<tr>
<td>Chromium, Total</td>
<td>2.0</td>
</tr>
<tr>
<td>Cobalt</td>
<td>1.0</td>
</tr>
<tr>
<td>Copper</td>
<td>0.25</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.5</td>
</tr>
<tr>
<td>Dissolved Sulfides</td>
<td>0.1</td>
</tr>
<tr>
<td>Fluoride</td>
<td>65</td>
</tr>
<tr>
<td>Formaldehyde</td>
<td>5.0</td>
</tr>
<tr>
<td>Lead</td>
<td>0.5</td>
</tr>
<tr>
<td>Manganese</td>
<td>1.0</td>
</tr>
<tr>
<td>Mercaptans</td>
<td>0.1</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.01</td>
</tr>
<tr>
<td>Methyl Tertiary Butyl Ether (MTBE)</td>
<td>0.75</td>
</tr>
<tr>
<td>Nickel</td>
<td>0.5</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Limits* mg/liter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissolved sulfides</td>
<td>0.10</td>
</tr>
<tr>
<td>Fluoride</td>
<td>65</td>
</tr>
<tr>
<td>Mercaptans</td>
<td>0.10</td>
</tr>
<tr>
<td>Oil &amp; grease**</td>
<td>20</td>
</tr>
<tr>
<td>Oil &amp; grease (total)</td>
<td>200</td>
</tr>
</tbody>
</table>

* Apply to both instantaneous and composite samples
** Gravity separation at a temperature of 20°C and a pH of 4.5.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Minimum Limit</th>
<th>Maximum Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH*</td>
<td>5.0</td>
<td>11.0</td>
</tr>
</tbody>
</table>

* no-units

(c) The National Pretreatment Standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471 shall apply to all applicable sources. The definitions and procedures for establishing individual effluent limitations shall be as specified therein. Nothing in this Chapter shall be construed as allowing less stringent limitations.

(d) Local limitations, in addition to those specified in this section, shall be developed by the Superintendent based upon the prohibitions contained in Section 16.09.035. These limitations will be imposed on appropriate dischargers via industrial waste discharge permits or modifications to existing permits.

(e) In addition to the requirements of (c) and (d) above, the following requirements shall apply where they are more stringent:
### Parameters and Maximum Limits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Limits* mg/liter</th>
<th>Maximum Limits** mg/liter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspended solids</td>
<td>3000</td>
<td>6000</td>
</tr>
<tr>
<td>Total dissolved solids</td>
<td>5000</td>
<td>10000</td>
</tr>
</tbody>
</table>

* Apply to instantaneous samples only
** Apply to composite samples only

---

The limits established in subsection (c) of this Section are instantaneous limits, unless indicated otherwise, and shall apply to all discharges to the POTW at appropriate sampling locations determined by the director. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations established in subsection (c) of this Section. Dyes. Wastes showing excessive coloration shall not be discharged into the sewer system. Excessive coloration shall be defined as any coloration in a waste which, for any wave length, displays less than sixty percent of the light transmissibility of distilled water under the following conditions:

1. After filtration through a 0.45 micron membrane filter;
2. In the pH range of 5.5 to 11.0;
3. Through a one centimeter light path;
4. A maximum spectrum band width of 10 nanometers;
5. Through the wave length range from 400 to 800 nanometers.

The limit for total suspended solids established in subsection (c) of this Section applies to composite samples. The total suspended solids limit for grab samples shall be 6,000 mg/L. Oil and/or grease shall not be discharged into the sewer system if the average concentration of floatable oil and/or grease (defined as that which is subject to gravity separation at a temperature of 20° C. and at a pH of 4.5) exceeds twenty mg/liter; nor shall the total oil and/or grease concentration exceed two hundred mg/liter. In addition, the discharge of petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass-through shall be prohibited.

The limit for total dissolved solids established in subsection (c) of this Section applies to composite samples. The total dissolved solids limit for grab samples shall be 10,000 mg/L. Hazardous, Noxious or Malodorous Substances. No industrial waste shall be discharged which alone or in combination with other wastes may create a public nuisance or hazard, make human entry into the sewers unsafe, or which constitutes a discharge of hazardous waste.

For industrial users with average daily discharges greater than 50,000 gpd through any single sampling location, pollutant limits shall be one-half of the limit established in subsection (c) of this Section, with the exception of copper, mercury, MTBE, nickel and silver, for which the pollutant limits shall remain 0.25 mg/L, 0.01 mg/L, 0.75 mg/L, 0.5 mg/L and 0.25 mg/L, respectively, regardless of flow.
Permitted dischargers shall be required to certify at least every six months in their Periodic Report of Continued Compliance (PRCC) that their discharged waste does not constitute a hazardous waste and that during the previous six months no discharge of hazardous waste has occurred. Dischargers shall be required (as a condition to permission to discharge) to file with the Palo Alto fire department a current hazardous materials business plan (HMBP) pursuant to Title 17 of this code and to have on site copies of material safety data sheets for all hazardous materials stored, generated, or used at the discharger’s site. Should any discharge of a hazardous waste occur, the discharger shall immediately verbally notify the Superintendent and shall also verbally notify the EPA and the Regional Water Quality Control Board as soon as possible, but in no event later than twenty-four hours after such discharge. The discharger shall also notify the Superintendent, EPA and the Regional Water Quality Control Board in writing no longer than twenty-one days after such discharge.

(hj) The limit for copper established in subsection (c) of this Section shall apply to all industrial users, except where alternative copper limitations have been established for commercial and industrial users in Section 16.09.060 of this Chapter. Records of hazardous waste disposal manifests, inventories of stored virgin and used hazardous materials, and other documentation required by the HMBP shall be maintained and made available for inspection as described in 16.09.160.

(ik) The limit for mercury established in subsection (c) of this Section shall not apply to dental dischargers. Requirements for dental facilities are set forth in Section 16.09.240 of this Chapter. Explosives. No solids, liquids, or gases which by themselves or by interaction with other substances may create fire or explosion hazards, including waste streams with a closed cup flashpoint of less than 140°F. (60°C) shall be discharged to the sewer system. Flammable substances including, but not limited to, acetone, alcohols, benzene, gasoline, xylene, hexane and naphtha, shall not be discharged into the sanitary sewer system except where present in contaminated groundwater discharges being discharged under an exceptional waste permit issued by the Superintendent. Where groundwater discharges contain such contaminants, the discharger shall monitor the sewer atmosphere for explosivity and flammability using a properly calibrated meter designed for this purpose. The frequency of such monitoring shall be defined in the permit. Whenever ten percent of the lower explosive level is exceeded, the discharger shall immediately notify the Superintendent of the potential hazard in the sewer once the determination of threatened explosivity has been made. The discharger shall follow verbal notification within five days with a written explanation of the cause of the explosive hazard, corrective actions taken to alleviate the situation, and measures taken to prevent reoccurrence. The discharger shall not recommence discharge without prior written approval of the Superintendent. Where flammable substances are used in processes, separate collection and disposal outside the sanitary sewer system shall be provided.

(jl) The limit for silver established in subsection (c) of this Section shall not apply to photoprocessors. Requirements for photographic materials processing facilities are set forth in Section 16.09.235 of this Chapter. Organic Solvents. Except as permitted by other sections of this Chapter, the sewer shall not be used as a means of disposal for organic solvents. Wastewater discharged to the sanitary sewer system shall not contain a sum total greater than
1000 mg/liter of acetone, ethanol, methanol, or isopropyl alcohol, in any combination. Dischargers having organic solvents on site or using same shall provide and use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer. An approved toxic organic management plan (TOMP) that includes control measures to prevent entry of toxic organics and other solvents into the sanitary sewer system shall be filed by the discharger as a condition of permission to discharge to the sanitary sewer. The TOMP shall be updated whenever any significant change in the inventory, usage, or management of toxic organic compounds occurs. The updated TOMP shall be submitted to the City for approval within (30) days. Records documenting appropriate disposal and handling of organic solvents shall be maintained and made available for inspection as described in 16.09.160.

Organic solvents shall include, but shall not be limited to those used in dry cleaning establishments, and shall also include separator water generated by dry cleaning equipment. Neither the organic solvent nor the separator water may lawfully be discharged to the sewer or storm drain system.

The limit for zinc established in subsection (c) of this Section shall not apply to vehicle service facilities. Requirements for vehicle service facilities are set forth in Section 16.09.245 of this Chapter.

Toxic Organics. The prohibition against disposal of organic solvents contained in 16.09.040(l) may be replaced by a specific limitation on Single Toxic Organics (STO) and Total Toxic Organics (TTO). Any such limitation must be contained in an industrial waste permit.

The maximum allowable limit for TTO shall be 1.0 mg/liter. The maximum allowable limit for STO shall be 0.75 mg/liter.

Additionally, dischargers subject to a National Pretreatment Standard shall comply with any toxic organics standard defined by the applicable National Pretreatment Standards.

The maximum allowable limit for phenols shall be 1.0 mg/liter.

Radioactivity. The discharge of radioactive wastes or isotopes into the sewer system is prohibited except when in conformance with all applicable state and federal regulations.

Solids or Viscous Substances. No material shall be discharged to the sanitary sewer system that will obstruct or damage the sanitary sewer system. Specific prohibitions are as follows:

(1) Inert Solids. The discharge of inert solids including, but not limited to sand, glass, metal chips, bone, plastics, etc., into the sanitary sewer system is prohibited. Settling chambers or treatment works shall be installed where necessary to prevent the entry of inert solids into the sanitary sewer system.
(2) Solid Particles. Industrial wastes shall not contain particulate matter that will not pass through a one-half-inch screen; this subsection shall not apply to domestic sewage from industrial establishments.

(p) Stored Liquid Wastes. Liquid aqueous-based wastes that have been collected and held in tanks or containers shall not be discharged into the sanitary sewer system except at locations authorized by the Superintendent to collect such wastes. Wastes of this category include but are not limited to:

(1) Chemical toilet wastes;
(2) Pleasure boat wastes;
(3) Septic tank pumping;
(4) Trailer, camper, house car, or other recreational vehicle wastes;
(5) Industrial wastes collected in containers or tanks.

(q) Toxicity. The following is a nonexclusive list of toxic substances and the maximum allowable limit for each discharge:

<table>
<thead>
<tr>
<th>Toxicant</th>
<th>mg/Liter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.10</td>
</tr>
<tr>
<td>Barium</td>
<td>5.0</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.75</td>
</tr>
<tr>
<td>Boron</td>
<td>1.0</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.10</td>
</tr>
<tr>
<td>Chromium, Hexavalent</td>
<td>1.0</td>
</tr>
<tr>
<td>Chromium total</td>
<td>2.0</td>
</tr>
<tr>
<td>Cobalt</td>
<td>1.0</td>
</tr>
<tr>
<td>Copper</td>
<td>0.25</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.50</td>
</tr>
<tr>
<td>Formaldehyde</td>
<td>5.0</td>
</tr>
<tr>
<td>Lead</td>
<td>0.50</td>
</tr>
<tr>
<td>Manganese</td>
<td>1.0</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.010</td>
</tr>
<tr>
<td>Methyl Tertiary Butyl–Ether (MTBE)</td>
<td>0.75</td>
</tr>
<tr>
<td>Nickel</td>
<td>0.50</td>
</tr>
<tr>
<td>Phenols</td>
<td>1.0</td>
</tr>
<tr>
<td>Substance</td>
<td>Limit</td>
</tr>
<tr>
<td>-----------</td>
<td>-------</td>
</tr>
<tr>
<td>Selenium</td>
<td>1.0</td>
</tr>
<tr>
<td>Silver</td>
<td>0.25</td>
</tr>
<tr>
<td>Zinc</td>
<td>2.0</td>
</tr>
</tbody>
</table>

All limits for metallic substances are for total metal unless indicated otherwise.

For discharges with annual average flows greater than fifty thousand gallons per day through any single sampling location, the maximum allowable limits shall be one-half the values listed in the table, with the exception of copper, mercury, MTBE, nickel, and silver, for which the limits shall remain 0.25 mg/liter, 0.010 mg/liter, 0.75 mg/liter, 0.50 mg/liter, and 0.25 mg/liter, respectively, regardless of flow.

The maximum allowable limit for mercury set forth in this section shall not be applicable to dental facilities using mercury-containing amalgam. Dental facility requirements are set forth in Section 16.09.220.

The maximum allowable limit for silver set forth in this section shall not be applicable to photographic materials processing. Silver limitations for photoprocessors are set forth in Section 16.09.215.

The maximum allowable limit for zinc set forth in this section shall not be applicable to vehicle service facilities. Zinc limitations for vehicle service facilities are set forth in Section 16.09.225.

The maximum allowable limit for copper set forth in this section shall apply to all discharges except where maximum allowable limitations are specified in Section 16.09.045.

### 16.09.045-060 Additional Alternative Copper Limitations for Industrial Waste

(a) Industrial waste discharges to the sanitary sewer system are subject to the copper limitations contained in Section 16.09.040(q) except for commercial and industrial wastewater discharges from the following facilities, including facilities that are components of larger facilities, which are subject to specific alternative copper limitations set forth in other the following sections provisions of this Chapter:

1. Cooling systems, pools, spas, fountains, boilers and heat exchangers as specified in Section 16.09.205-225 of this Chapter;
2. Photographic materials processing facilities as specified in Section 16.09.215-235 of this Chapter;
3. Dental facilities as specified in Section 16.09.220-240 of this Chapter.
(4) Vehicle service facilities as specified in Section 16.09.225245 of this Chapter;

(65) Machine shops as specified in Section 16.09.230-250 of this Chapter; and

(56) Non-process, non-domestic waste as specified in Section 16.09.045(c) of this Chapter.

(b) Industrial waste discharges to the sewer from metal finishing facilities, as defined by the EPA in 40 CFR part 413 and part 433. Industrial users subject to regulation under 40 CFR Part 413 or 40 CFR Part 433 shall meet either subdivision (1) or (2) of this subsection. These requirements—alternative copper limitations—shall apply to discharges from process operations involving process wastes containing copper or nickel solutions or materials prior to dilution by mixing with wastewater not regulated by 40 CFR Part 413 or 40 CFR Part 433 or non-metal finishing process wastes, domestic waste, and cooling water.

(1) The annual average concentration of copper discharged limit for any twelve-month period shall not exceed 0.40 mg/L. In addition, all reasonable control measures specified in accordance with standards established by the director superintendent shall be installed and implemented; or

(2) The annual average mass of copper discharged shall not exceed an amount specified by the director superintendent in the individual wastewater discharge permit, which is based upon a pollution prevention review waste minimization study conducted or approved by the director superintendent. The limitation shall be based upon implementation of those reasonable control measures having a simple payback period of five years or less. The annual average mass per day of copper discharged shall be calculated as a “rolling” measurement, calculated by multiplying the flow-weighted average daily copper concentration mass for all samples taken during any twelve month period by the total flow for that twelve month period. The annual average copper mass per day limit may be increased or decreased by the director superintendent in proportion to increases or decreases in production at the discharger’s industrial user’s facility to the extent that such production increases are within the growth allocation specified in the document prepared by Montgomery Watson, and published by the City of Palo Alto, entitled "City of Palo Alto—Local Limits Development—Proposed Local Limits—April, 1994."

(c) The maximum allowable limit for discharge of copper from non-process industrial wastewater discharges, non-domestic waste discharges, to the sanitary sewer system, other than those covered by subsections (a) or (b) of this Section, shall be 2.0 mg/L. These waste discharge sources shall be designated by the Superintendent upon request and typically consist of infrequent, low volume, or exceptional wastes that are generated during maintenance, repair and cleaning activities.
16.09.050 Grease disposal prohibited.

No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

16.09.055 Unpolluted water.

(a) Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system unless a permit is issued by the city. As used in this section, unpolluted water shall include storm water from roofs, yards, foundation or under-drainage, which meets all state and federal requirements for discharge to surface waters of the United States. The superintendent may approve the discharge of such water to the sewer system only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into the sewer system, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the superintendent.

(b) Non-emergency once-through cooling water from systems using potable water as a coolant shall not be discharged to the sanitary sewer system; provided that the superintendent may approve an exception in the following instances:

(1) For once-through cooling water used for bench top reflux or distillation or other similarly sized activity; or
(2) For short term use only, upon the determination that the use is for a research activity for which another source of cooling is not easily available.

16.09.060 Standards for other industrial wastes.

The superintendent may establish standards for any industrial wastes not specifically referred to in this chapter. These standards shall be published and shall be made available to any person requesting a copy of the standards.


The Superintendent may require the implementation of BMPs. The Superintendent may require submission of information to evaluate the implementation and effectiveness of BMPs.

16.09.065 City’s Right of Revision.

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general permits, more stringent standards or requirements on discharges to the POTW to carry out the purpose of this Chapter. No revision of standards or requirements hereunder shall subject the City to civil liability or penalty for interference with a vested right of any user.
16.09.070  Dilution.

Except where expressly authorized to do so by the director or an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any way, dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement or any other provision of this Chapter. The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

16.09.075  Unpolluted Water.

(a) Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system unless specifically authorized in writing a permit is issued by the City director. As used in this Section, unpolluted water shall include, but is not limited to, storm water from roofs, yards, foundation or under-drainage, surface water, groundwater, artesian well water, roof runoff, and subsurface drainage which meets all State and Federal requirements for discharge to surface waters of the United States. The director/superintendent may approve the discharge of such water to the sanitary sewer system only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into the sewer system, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Superintendent.

(b) Non-emergency once-through cooling water from systems using potable water as a coolant shall not be discharged to the sanitary sewer system; provided that the director/superintendent may approve an exception in the following instances:

(1) For once-through cooling water used for bench top reflux or distillation or other similarly sized activity; or

(2) For short term use only, upon the determination that the use is for a research activity for which another source of cooling is not easily readily available.

16.09.070  Trucker’s discharge permit.

(a) All persons operating vacuum or pump trucks or other liquid waste transport trucks desiring to collect or discharge septic tank, seepage pit, chemical toilet, cesspool contents, or other similar liquid wastes shall be permitted by the county and meet the requirements in Santa Clara County Code, Title B Regulations, Chapter X. All such trucks discharging to the city sanitary sewer system shall first acquire a trucker’s discharge permit from the city. Discharges in the city sanitary sewer system shall be only at the locations specified by the superintendent.
(b) Truck transported industrial wastes discharged to the city sanitary sewer system shall be at the locations specified by the superintendent for the specific waste. The city shall require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes in accordance with city's utilities rules and requirements. Denial, suspension, or revocation of such permit shall be in accordance with Sections 16.09.095 and 16.09.100.

(c) Trucks transporting waste shall not combine loads from the different waste types described in subsection (a), (b) or (c).

(d) Records of all wastes collected or disposed pursuant to this section shall be maintained and made available for inspection as described in Section 16.09.160.

16.09.075 Food service establishments.

(a) Definitions

"Black Grease" means any contents within or removed from a grease control device, generally consisting of brown grease combined with wastewater from toilet plumbing associated with the sanitary sewer.

"Brown Grease" means any contents within or removed from a grease control device, generally FOG combined with non-restroom FSE wastewater.

"Fats, Oils and Grease (FOG)" means any substance such as a vegetable or animal product that is used in, or is a by product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"Food Service Establishment (FSE)" means a facility defined in California Uniform Retail Food Service Establishments Law (CURFFL) Section 113785, and any commercial entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785.

"Grease Control Device (GCD)" means a grease interceptor, grease trap or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of FOG to the sanitary sewer.

"Grease Waste Hauler Service Contract" means a contractual agreement between the City and a City selected and managed GCD service provider to be used by FSEs.
"Lateral" means the drainage piping and appurtenances that constitute the building's connection to the City's sanitary sewer system.

"Tallow Receptacle" means a tallow bin or equivalent waste oil/grease receptacle.

"Twenty-five Percent (25%) Rule" means the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in any location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG.

"Waste Hauler" means any person permitted with the County of Santa Clara and meeting County of Santa Clara Code, Title B Regulations and carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

"Yellow Grease or Tallow" means any waste FOG material generally generated as a byproduct from cooking.

(b) Prohibitions. The following prohibitions shall apply to all FSEs:

1. No person shall dispose of any FOG, or cause any FOG to be disposed, by discharge into any drainage piping, public or private sanitary sewer, storm drain system, or onto any land, street, public way, river, stream or other waterway.

2. Discharge of any GCD contents or materials released during sewer pipe or lateral cleaning is prohibited.

3. Disposal of waste cooking oil into drainage pipes is prohibited.

4. FSE staff shall not remove the contents of GCDs. The contents of GCDs shall only be removed by permitted waste haulers.

5. No FSE shall install, have installed, or use a food waste disposer (grinder).

6. No FSE shall connect any high temperature discharge lines or drainage fixtures that are not a source of FOG to a GCD. Such shall include, but not be limited to, the following:

   1. Dishwashers;
   2. Steamers;
   3. Pasta cookers;
   4. Hot discharge lines from buffet counters and kitchens;
   5. Hand-washing sinks;
   6. Ice machine drip lines;
Soda machine drip lines;
Discharge lines in bar areas.

No FSE shall operate a GCD where FOG and solids accumulation exceed 25% of the design hydraulic depth of the GCD (25% rule).

No FSE shall introduce any additives into GCDs and/or FSE wastewater systems to biologically/chemically treat FOG, for FOG remediation, to emulsify FOG, or as a supplement to GCD maintenance, unless the Superintendent grants prior written consent. Biological or chemical treatment of FOG includes, but is not limited to, systems or additives, such as solvents or enzymes that dissolve or mobilize FOG.

No FSE shall discharge wastes from toilets, urinals, ash basins, and other fixtures containing sanitary sewage materials to sewer lines draining to a GCD.

No FSE shall allow soap or soapy water to flow to the storm drain system.

No FSE shall allow wastewater generated from cleaning of equipment or outside surfaces containing FOG or food residue to flow to the storm drain system.

Best Management Practices (BMPs). FSEs shall implement BMPs to prevent FOG discharge to the sanitary sewer and to prevent non-storm water discharges to the storm drain system. All FSEs shall implement and incorporate BMPs into their operations in accordance with the Superintendent’s guidelines, requirements and directives. The Superintendent may require submission of information to evaluate the implementation of BMPs. At a minimum the following BMPs shall be implemented by FSE’s:

Dishwashing. FSE’s shall remove food from preparation and service items prior to washing. Food waste shall not be disposed in sinks or drains. The FSE shall dispose of all food waste directly into the trash or food scrap container by physically removing the food waste with scrapers, towels, paper towels, rubber spatulas, or other effective methods prior to using water to rinse off plates, dishes, pots, pans, containers, utensils, etc.

Equipment Cleaning.

(A) Drain Screens. Screens shall be installed in all sinks, drains, floor drains, floor sinks, dishwashers, etc. The screens shall be frequently inspected and cleaned by disposing waste into the trash or food scrap container to prevent FOG and food buildup.

(B) Cleaning Wastewater. Wastewater generated from cleaning FOG contaminated items such as large kitchen equipment, floor mats, floors, exhaust hoods and filters, grills, trash, recycling, and food scrap containers, and tallow receptacles; or from any washing of items such as plates, dishes, pots, pans, containers or utensils that occurs other than in an automatic dishwasher shall not be discharged to the sanitary sewer unless it flows through a GCD.
(C) Exhaust hood and vent grease collection devices. All such collection devices, including but not limited to grease cups on roofs, in hoods and removable filters, shall be properly maintained at a frequency sufficient to prevent spills and overflows. Collected waste oil/grease shall be disposed of in a tallow receptacle.

(3) Storm water pollution prevention.

(A) Routinely inspect and dry sweep as necessary outside areas such as walkways, dining areas and waste storage areas to prevent storm water pollution.

(B) Routinely inspect waste collection containers to verify that covers are in place and that container and surrounding areas are clean and free of FOG and food residue, debris and leaks. Such containers include, but are not limited to, trash, recycle, food scrap and tallow receptacles. If FOG or food residue, debris, or leaks are found the FSE shall immediately take action to correct the noncompliance. This may include, placing cover(s) on containers and receptacles, cleaning up FOG or food residues or spills in the surrounding areas or contacting the appropriate vendor for container or receptacle repair/replacement.

(C) If any outdoor surfaces with FOG or food residue require cleaning, first sweep or physically remove excess residue, next use a mop and bucket, then discharge waste mop water through a GCD.

(D) Any wastewater generated from outdoor cleaning of equipment and outdoor surfaces with FOG or food residue shall be captured and disposed of into the sanitary sewer. If the wastewater contains FOG, it shall be disposed through a GCD prior to release to the sanitary sewer system.

(4) FOG Transporting. FSEs shall properly dispose of waste oil and grease into a tallow receptacle. Waste FOG shall be transported in a covered container. Appropriate measures shall be taken to prevent spills. Any spills shall be immediately cleaned using methods described in this Section.

(5) Cleaning with Dry Methods. Dry cleaning methods shall be used inside and outside to clean up FOG spills. Pick up liquids or FOG with rags or absorbent material. Sweep up absorbent material and dispose of it in the trash. Regularly use dry methods to clean near fryers and other locations where FOG may spill or drip. Clean up all FOG spills prior to mopping.

(6) Drain Fixture Identification. All non-restroom drainage fixtures shall be labeled with their discharge location. Fixtures draining to GCDs shall be clearly labeled “drains to grease control device” or equivalent. Fixtures draining to the sanitary sewer that do not drain through a GCD shall be labeled “drains to sanitary sewer” or equivalent. A list of all non-restroom drainage fixtures and their discharge locations shall be maintained onsite.

(I) Training.

(1) All FSEs shall take necessary steps to inform appropriate personnel employed by such FSEs of the provisions of this Section.
(2) Such personnel shall include workers and supervisors whose duties pertain in any manner to the production, treatment or disposal of waste discharges regulated by this Section.

(3) Steps to inform such personnel shall include but not be limited to:

(A) Orientation of newly employed or assigned personnel;
(B) Quarterly training of all appropriate personnel;
(C) Posting of signs or posters in work areas indicating BMPs.

(4) All training/orientation shall be documented and employee signatures retained indicating each employee's attendance and understanding of the regulations reviewed. These records shall be maintained and made available for inspection as described in Section 16.09.160.

(m) FOG Pretreatment Required. FSEs shall install, operate and maintain an approved type and adequately sized GCD sufficient to maintain compliance with the objectives of this Section. The GCD shall be adequate to separate and remove FOG contained in wastewater from the FSE prior to discharge into the sanitary sewer system. Fixtures, equipment, and drain lines located in food preparation and cleanup areas of FSEs that are sources of FOG shall be connected to GCDs. Compliance shall be established as follows:

(1) GCD Requirements,

(A) GCD shall be sized equal to or greater than the minimum size set forth in the following table based on the number of Drain Fixture Units (DFU) draining to the GCD.

Grease Control Device (GCD) Sizing

<table>
<thead>
<tr>
<th>DFUs</th>
<th>GCD Volume (gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>500</td>
</tr>
<tr>
<td>21</td>
<td>750</td>
</tr>
<tr>
<td>35</td>
<td>1,000</td>
</tr>
<tr>
<td>90</td>
<td>1,250</td>
</tr>
<tr>
<td>172</td>
<td>1,500</td>
</tr>
<tr>
<td>216</td>
<td>2,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drain Fixture</th>
<th>DFU-Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Rinse Sink</td>
<td>4</td>
</tr>
<tr>
<td>3-Compartment Sink</td>
<td>3</td>
</tr>
<tr>
<td>2-Compartment Sink</td>
<td>3</td>
</tr>
<tr>
<td>Mop Basin</td>
<td>3</td>
</tr>
<tr>
<td>Prep Sink</td>
<td>3</td>
</tr>
<tr>
<td>Floor Drain</td>
<td>2</td>
</tr>
<tr>
<td>Floor Sink</td>
<td>2</td>
</tr>
</tbody>
</table>
(B) GCDs smaller than 500 gallons may be allowed with written approval by the Superintendent, provided that the proposed design satisfactorily complies with the intent of this Chapter.

(C) All in-ground GCDs greater than 750 gallons shall have a minimum of three manholes to allow visibility over inlet piping, baffle (divider) piping and outlet piping, and to ensure accessibility for inspection, cleaning and removal of all contents. The Superintendent may permit deviance from this requirement in writing prior to GCD installation, provided that the proposed design satisfactorily complies with the intent of this Chapter.

(D) FSEs shall install GCDs in a suitable location to allow easy access for inspection, cleaning and maintenance.

(E) Sample boxes shall be installed downstream of all gravity grease interceptors as defined in the 2007 California Plumbing Code.

(F) Laterals installed between a FSE and GCD, and GCD and the sanitary sewer system sewer main shall include installation of two way (double) clean outs to allow access points for sewer line maintenance and inspection.

(2) GCD Connections

(A) All drainage fixtures where FOG may be discharged shall drain to a GCD. Such fixtures include, but are not limited to:

(i) Pre-rinse (scullery) sinks;

(ii) Three compartment sinks (pot sinks);

(iii) Drainage fixtures in dishwashing room except for dishwashers;

(iv) Trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks;

(v) Floor drains in dishwashing area and kitchens;

(vi) Prep sinks;

(vii) Mop (janitor) sinks;

(viii) Drains in outside areas designated for equipment washing. These drains must be covered;

(ix) Drains in trash/recycling enclosures;

(x) Wok stoves, rotisserie ovens/broilers or other FOG generating cooking equipment with drip lines;

(xi) Kettles and tilt/brasing pans and associated floor drains/sinks;
(B) FSEs shall have a sink or other area connected to a GCD for cleaning floor mats, containers, exhaust hood filters and equipment. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment.

(n) Grease control device maintenance requirements.

(1) GCD and sewer line maintenance requirements.

(A) GCDs shall be maintained in efficient operating condition by periodic removal of the full contents of the GCD which includes wastewater, accumulated FOG, floating materials, sludge and solids.

(B) All GCDs shall be kept in good repair, functioning properly and maintained in continuous operation according to manufacturer’s guidelines and the Superintendent’s requirements and directives.

(C) If a FSE utilizes automatic or mechanically cleaned GCDs its staff shall perform daily cleaning and maintenance.

(D) All existing and newly installed GCDs shall be maintained in a manner consistent with a maintenance frequency approved by the Superintendent pursuant to this Section.

(E) Sewer lines to and from GCDs shall be kept in good repair and clear of any FOG accumulation.

(F) No FOG that has accumulated in a GCD shall be allowed to pass into any sewer lateral, the sanitary sewer system, storm drain system, or public right of way during maintenance activities.

(G) All FOG discharged during GCD or FSE sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, GCD exit lines and or laterals cleaned by jetting or hydro-flushing shall capture the contents prior to discharge. Such contents shall be contained, removed and disposed of by a waste hauler.

(H) All GCDs shall be completely cleaned out and left empty by a City permitted waste hauler prior to the closure of a FSE, the associated building or a change in ownership. In the event the tenant cannot be located the building owner shall assume responsibility for cleaning the GCDs.

(I) Logs shall be kept for all GCD cleaning and maintenance activities. The required records shall be maintained and made available for inspection as described in 16.09.160.

(2) GCD Maintenance Frequency.

(A) The GCD maintenance frequency shall be set so as to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer system. All GCDs shall be maintained to achieve compliance with this Section. When the cleaning frequency to comply with the 25% rule has not yet been established, unless otherwise
directed by the Superintendent, the following minimum cleaning frequencies shall be implemented:

1. **Grease interceptors (gravity grease interceptors) greater than 100 gallons** shall have all their contents removed at a minimum once every three months;
2. **Grease traps (hydro-mechanical grease interceptors)** shall have their contents removed at a minimum once every month;
3. **Automatic or mechanical self cleaning GCDs** shall have their contents completely removed at a minimum once every six months.

**B** The Superintendent may modify GCD maintenance frequencies at any time to reflect changes in operating conditions.

1. The owner/operator of a FSE may at any time submit a request to the Superintendent requesting a change in the maintenance frequency. The FSE has the burden of demonstrating that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements of this Section. Upon determination by the Superintendent that the requested revision is justified, the FSE shall adjust its GCD maintenance frequency accordingly.

**C** If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements described in this Section, the FSE shall have the GCD serviced immediately such that all wastewater, FOG, solids, and other materials are completely removed from the GCD.

**3.** Grease waste hauler.

1. All grease waste haulers servicing GCDs in the City shall comply with the requirements set forth in the Palo Alto Municipal Code Section 16.09.070, Trucker’s discharge permit.

2. If the Grease Waste Hauler Service Contract program has been implemented, FSEs shall use the Grease Waste Hauler Service Contract service provider for routine cleaning and maintenance of their onsite GCDs. Grease waste haulers not selected as service providers for the contract may not provide routine cleaning and maintenance of GCDs.

3. If the Grease Waste Hauler Service Contract program has not been implemented, the FSE shall retain the services of a permitted grease waste hauler.

4. Waste haulers disposing at the RWQCP shall not mix brown grease loads with different types of wastes such as septic, yellow grease, black grease, or any other waste. Each waste hauler vehicle shall be dedicated to each type of liquid waste. If a GCD is found to contain black grease, the waste hauler shall immediately notify the Superintendent. Its entire contents shall be collected and disposed of at the RWQCP, exact disposal location shall be determined by the Superintendent.

5. Waste haulers servicing GCDs shall remove the entire contents of the GCD including all FOG, water, and solids. The sides and structures shall be scoured or otherwise cleaned sufficiently to restore capacity and allow inspection of the device.

6. Waste haulers servicing GCDs within the RWQCP service area shall not reinsert or discharge into a GCD, manhole, cleanout, or other sanitary sewer appurtenance.
any materials that the waste hauler has removed from a GCD or cause those materials to be so
handled. The waste hauler shall obtain prior written approval from the Superintendent to
decant when using appropriate equipment for the separation of water from the FOG waste.

(G) Waste hauler manifest shall contain at a minimum the following:

(i) Name and address of site serviced;
(ii) Service date and time;
(iii) Hauler name and truck ID;
(iv) Volume collected;
(v) GCD observations and comments;
(vi) Disposal site and date;
(vii) Driver signature.

(o) Tallow Receptacles.

(1) Collection of waste cooking oil and grease.

(A) Tallow receptacles shall be in place at the location of any FSE that
generates waste oil or grease. Waste oil or grease generation includes, but is not limited to, the
following equipment or activities:

(i) Fryers
(ii) Rotisserie ovens not connected or draining to a GCD;
(iii) Any other type of oil and grease waste created by cooking;
(iv) Cleaning of FOG contaminated equipment;
(v) Waste FOG from automatically or mechanically cleaned
GCDs which require FSE staff maintenance.

(B) At the Superintendents request, the FSE shall relocate tallow
receptacles to an indoor or covered location to mitigate storm water pollution.

(2) Tallow hauler.

(A) Tallow haulers servicing FSEs shall immediately clean up any spills
occurring during service.

(B) Tallow receptacles delivered for service shall be free of exterior
FOG.

(p) Requirements for Recordkeeping.
Records shall be maintained and made available for inspection as described in Section
16.09.160. Such records shall include, but not be limited to, the following:

(1) GCDs:

(A) Waste hauler manifests

(B) Logbook documenting all GCD maintenance and monitoring
activities including FOG and solids accumulation measurements.
(2) **Tallow Receptacles:**

(A) Maintenance records indicating service, cleaning, repair, and/or replacement.

(B) Spill log indicating date and time of any spills and cleanups.

(3) **Plumbing:**

(A) Any sewer line maintenance and monitoring records including cleaning and videos of facility sewer pipes or laterals.

(B) Records of any sanitary sewer overflows, backups or spills.

(4) **All training/orientation records.**

(5) Any other information deemed appropriate by the Superintendent to ensure and document compliance with this Section

(q) **Requirements for remodeled and newly constructed FSEs.**

(1) Dischargers of FSE wastewater from newly constructed or converted commercial and industrial facilities shall be in full compliance with the provisions of this Section at the time of commencement of discharge.

(2) Buildings that house FSEs shall include a covered area for all receptacles, dumpsters, bins, barrels, carts or containers used for the collection of trash, recycling, food scraps and waste cooking FOG or tallow. The areas shall be designed to prevent water runon to the area and runoff from the area. Drains that are installed within waste storage areas are optional. Any drain installed shall be connected to a GCD. If tallow receptacle(s) are to be stored outside then an adequately sized, segregated space for tallow receptacle(s) shall be included in the covered waste storage area. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled or converted is related to the subject of the requirement.

(r) **Accidental or threatened storm drain system discharges.** For all unauthorized or prohibited releases to the storm drain systems including sanitary sewer overflows and threatened discharges to the storm drain system, the responsible party shall comply with Section 16.09.165.

(s) **FSE Inspection and Monitoring.** All FSEs shall be subject to the regulations contained in Palo Alto Municipal Code Section 16.09.110.

16.09.080 **Discharge Permit Required**

(a) No significant industrial user shall discharge process wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the director. It is unlawful for any person or organization to discharge or cause to be discharged any industrial waste whatsoever directly or indirectly into the sanitary sewer system without first
obtaining a permit for industrial waste discharge pursuant to this Section. Appropriate fees for such permits are specified in a utility rate schedule of the Palo Alto utilities rates and regulations. Furthermore, it shall be unlawful for any person or organization to discharge any industrial waste in excess of the quantity or quality limitations or to violate any other requirement set forth in this Chapter or in a permit for industrial waste discharge.

(b) The director may require other industrial users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purpose of this Chapter.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this Chapter and subjects the permittee to the enforcement provisions set forth in this Chapter. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(d) Any industrial user required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for an individual wastewater discharge permit or general permit, in accordance with Section 16.09.085 of this Chapter, must be filed at least ninety (90) calendar days prior to the date upon which any discharge will begin or recommence.

(e) The director may use general permits to control industrial waste discharges to the sanitary sewer system if the following conditions are met. All facilities to be covered by a general permit must:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations;

(4) Require the same or similar monitoring; and

(5) In the opinion of the director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(f) A permit for industrial waste discharge may include, but is not limited to:

(1) A specific date upon which it will expire, not to exceed five (5) years from the effective date of the permit. A permit for industrial waste discharge may be issued for a period less than five years from the effective date of the permit, at the discretion of the director;
(2) Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW and compliance schedules for meeting these requirements;

(3) Effluent limitations, including BMPs, based upon applicable pretreatment standards or requirements;

(4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

(5) Prohibition of discharge of certain wastewater components;

(6) Installation and maintenance of inspection, sampling and flow measurement equipment and facilities;

(7) Limits on average and/or maximum rate of discharges;

(8) Requirements to control slug discharge, if determined by the director to be necessary;

(9) Restriction of discharge to certain hours of the day;

(10) Requiring payment of additional charges to defray increased costs of the City created by the wastewater discharge;

(11) Implementation of BMPs or specific investigations or studies to determine methods of reducing pollutants in the discharge;

(12) Any grant of a monitoring waiver issued by the director; and

(13) Other conditions as deemed appropriate by the director to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

(g) No permit for industrial waste discharge is transferable without prior written consent of the director. A change of ownership (including a transfer of the majority of shares in a corporate discharger) of the waste generating facility requires submittal of a new discharge permit application and payment of applicable fees.

(h) Any industrial user intending to change the quantity or quality of waste discharged to the sanitary sewer system or to use facilities which are not in conformance with
their discharge permit shall submit a new discharge permit application no later than ninety (90) calendar days in advance of the proposed change in discharge or use of such facilities.

(i) Compliance with the discharger’s permit does not relieve the discharger of responsibility for compliance with all applicable pretreatment standards or requirements, including those which become effective during the term of the discharge permit.

(j) The director may impose terms and conditions or other provisions in discharge permits which the director deems reasonable or necessary to carry out the purpose of this Chapter.

(k) The director may decline to issue or reissue an individual wastewater discharge permit or a general permit to any industrial user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

(b) A discharger may submit an advance written request to discharge prohibited wastes not in conformance with this Chapter or wastes containing concentrations of substances or characteristics in excess of those permitted by this Chapter. Discharge of such wastes shall not be allowed without an exceptional waste permit duly issued.

(c) The Superintendent may authorize a discharger by permit to discharge “exceptional wastes” when the permit will neither result in a violation of any of the provisions of this Chapter nor cause any of the effects described in Section 16.09.035 of this code nor any violation of the Pretreatment Requirements. The City shall be compensated for any costs it incurs in authorizing such discharge including any expense in determining whether such discharge is compatible with the sanitary sewer system and is in compliance with the Pretreatment Requirements.

(1) Permission to discharge exceptional waste may either be given as an addendum to a current permit or by a separate permit. In the case of third parties requesting permission to discharge waste generated by another party, or the products of treating waste generated by another party, the waste generator or responsible party must submit a "designation of authorized representative" (DOAR) form to the Superintendent to authorize the third party to conduct business and sign reports on their behalf. However, certification that the waste as discharged does not constitute a hazardous waste and the permit and permit application must be signed by such waste generator or responsible party.

(2) Exceptional wastes are aqueous wastes that may include but are not limited to:

(A) Construction site dewatering where soil or groundwater contamination is present;

(B) Groundwater contaminated with organic solvents generated as a result of pump tests in preparation for a groundwater cleanup or water generated during sampling events;
(C) Aqueous wastes generated by either permanent or mobile hazardous waste treatment units used to treat hazardous waste at the generator's site;

(D) Or aqueous wastes generated as a result of site cleanup activities.

(3) A permit must be obtained prior to commencement of discharge, and requests for such permits shall be submitted no later than twenty working days prior to intended discharge. The letter of application shall include the name, address, phone number and title of the responsible party, on-site contact person's name, address, and twenty-four-hour contact phone number, analytical data on the contaminants and characteristics of the intended discharge, the intended point of discharge, the duration and volume, dates of intended discharge, and a site plan.

(4) A separate charge for processing such requests shall be established by the Superintendent to recover the City's costs in processing and administering such permits.

(d) The permit for any industrial waste discharge may include, but is not limited to:

(1) A specific date upon which it will expire, not to exceed five years from the effective date of the permit;

(2) Requiring installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the sanitary sewer system or storm drain system and compliance schedules for meeting these requirements;

(3) Effluent limitations;

(4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements;

(5) Prohibition of discharge of certain wastewater components;

(6) Installation and maintenance of inspection, sampling, and flow measurement equipment and facilities;

(7) Limits on average or maximum rate of discharges;

(8) Restriction of discharge to certain hours of the day;

(9) Requiring payment of additional charges to defray increased costs to the City created by the wastewater discharge;

(10) Implementation of BMPs or specific investigations or studies to determine methods of reducing toxic constituents in the discharge;

(11) Other conditions as may be required to meet the purpose of this Chapter.

(e) No permit for industrial waste discharge is transferable without the prior written consent of the Superintendent. A change of ownership (including a transfer of the majority of shares in a corporate discharger) of the waste generating facility requires a new permit application.

(f) Any person or organization desiring to change the quantity or quality of waste discharged to the sanitary sewer system or to discharge wastes or use facilities which are not in
Conformance with their industrial waste permit shall apply for and obtain an amended permit prior to any such discharge or use. An application for an amended permit must be filed sixty days in advance of the proposed commencement of such discharge or use of such facilities.

(g) Compliance with the discharger’s permit does not relieve the discharger of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the discharge permit.

16.09.085 Industrial wastes discharge permit procedure

Discharge Permit Application Procedure.

(a) An applicant for a discharge permit for any industrial waste discharge shall complete and submit a discharge permit application form established by the director(Superintendent). The director(Superintendent) may require information in addition to that required on the discharge permit application form as deemed reasonable or necessary to evaluate the discharge permit application. Interested parties shall be notified of the filing of the application via posting at city hall or on the city web page.

(b) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative.

(c) Completed discharge permit applications shall be filed by the discharger not less than sixty-ninety (90) calendar days in advance of commencing or recommencing discharge. The discharger shall not commence or recommence discharge prior to obtaining a discharge permit approval without specific, interim approval from the director(Superintendent) to discharge during the permitting process. Discharge permit applications for exceptional waste, and root and pest control, as specified in Sections 16.09.090 and 16.09.230 of this Chapter, are not subject to the ninety (90) calendar day requirement of this subsection.

(d) Any industrial user with an expiring individual wastewater discharge permit or general permit shall apply for permit reissuance by submitting a complete discharge permit application, in accordance with Section 16.09.085 of this Chapter, not less than ninety (90) calendar days prior to the expiration of the industrial user’s existing individual wastewater discharge permit or general permit. Determination of National Pretreatment Category according to the Pretreatment Requirements. Prior to approval of a discharge permit, the Superintendent shall determine whether the discharge is subject to the National Pretreatment Standards provided in the Pretreatment requirements. The determination will be made by the Superintendent following the guidelines and procedures of that subpart.

(d) The director may deny any application for an individual wastewater discharge permit or a general permit for good cause, including, but not limited to, the following reasons:

(1) The application contains false or misleading information;
(2) The application is not accompanied by the required fee(s);

(3) The issuance of the discharge permit would result in the discharge of industrial wastes of such quantity or strength that the public health, safety, public, or private property are endangered;

(4) The issuance of the discharge permit would cause the City to violate any NPDES permit conditions, or any Federal, State or local laws or regulations;

(5) The applicant has not provided adequate information to establish that its discharge will comply with all requirements of this Chapter and with such other terms and conditions as the director may deem necessary to include in the applicant’s permit;

(6) The applicant has not provided plans for sufficient protection from accidental discharges to the land, the storm drain system, or the sanitary sewer system; or

(7) The applicant has failed to pay or has outstanding fees, fines, or penalties owed to the City.

(e) If the director refuses to issue a permit, any application fees shall not be returned to the applicant unless the director has ascertained that a permit is not required to discharge the wastewater for which the permit application is made.

(f) Incomplete or inaccurate applications will not be processed.

(e) The Superintendent may impose terms and conditions on the permit which the Superintendent deems reasonable or necessary to carry out the purposes of this Chapter.

(f) The application shall be approved if:

(1) The applicant has complied with all requirements of this Chapter and all applicable city ordinances, state and federal requirements;

(2) The applicant has furnished all requested information;

(3) The Superintendent determines that there are adequate devices, equipment, chemicals, and other facilities to sample, meter where desirable, convey, treat, and dispose of the industrial wastes; and

(4) The person(s) to be responsible for treatment and control are adequately trained and capable of consistently meeting permit requirements.

(g) Interested parties shall be notified of the issuance of permits via posting at city hall or on a city web page. Interested parties and other members of the public may appeal the issuance of a permit within forty-five (45) days of issuance and request a hearing on the matter. The hearing procedures contained in Section 16.09.100–115 shall be followed. The permit effective date shall not be postponed solely because of the filing of an appeal.
16.09.090 Exceptional Waste.

(a) A discharger may submit an advance written request to discharge prohibited wastes not in conformance with this Chapter or wastes containing concentrations of substances or characteristics in excess of those permitted by this Chapter. Discharge of such wastes shall not be allowed without prior written approval from the director.

(b) Exceptional wastes, as used in this Section, are aqueous wastes that may include, but are not limited to:

1. Construction site dewatering wastewater where soil or groundwater contamination is or may be present;

2. Groundwater contaminated with organic solvents generated as a result of pump tests in preparation for a groundwater cleanup and wastewater generated during sampling activities;

3. Aqueous wastes generated by either permanent or mobile hazardous waste treatment units used to treat hazardous wastes at the generator’s site; or

4. Aqueous wastes generated as a result of site cleanup activities.

16.09.090 Requirements for facilities affected by National Pretreatment Standards.

In the event that an industrial waste discharge permit holder or applicant is determined to be affected by a newly promulgated National Pretreatment Standard or an existing discharge permit holder is reclassified as being subject to the National Pretreatment Standards provided in the Pretreatment Requirements due to process changes, or an inspection reveals the presence of regulated processes, or new information becomes available that justifies or requires a reclassification, the discharger shall:

(a) File a Baseline Monitoring Report (BMR) per the requirements specified in 40 CFR 403.12(b) within ninety days of the effective date of a National Pretreatment Standard or reclassification.

(b) If additional pretreatment, operational, or maintenance procedures, or installation of facilities, equipment or improvements will be required to comply with the National Pretreatment Standard, the discharger shall include a compliance time schedule per the requirements specified in 40 CFR 403.12(c) which specifies the shortest feasible schedule by which the discharger shall provide such additional pretreatment procedures or facilities, equipment or improvements to attain compliance. For purposes of Pretreatment requirements, the completion date in this schedule shall not be later than the established compliance date provided by the applicable Pretreatment Requirements.
File a Compliance Report per the requirements specified in 40 CFR 403.12(d) within ninety days of the date for final compliance with applicable National Pretreatment Standards or in the case of a New Source within ninety days following the date commencement of the introduction of wastewater into the sanitary sewer system. The Compliance Report shall state the average and maximum daily flow in gallons per day to the sanitary sewer system and shall contain sampling results from National Pretreatment waste streams and shall contain a certification statement prepared according to the requirements specified in 40 CFR 403.12(b)(6).

16.09.095 Discharge Permit Modification, suspension or revocation of industrial wastes discharge permit.

(a) The director may modify any discharge permit. Any permit for industrial wastes discharge may be revoked, made subject to additional terms or conditions, modified or suspended by the Superintendent in addition to other remedies provided by law, for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;

2. To address significant alterations or additions to the discharger’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

3. To address a change in the plant POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters. To stop a discharge or a threatened discharge which presents a hazard or a threat of hazard to the sanitary sewer system, plant, personnel, public health, safety, welfare, natural environment, the receiving waters or which violates this Chapter;

5. Violation of any terms or conditions of the individual wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical Pretreatment Standards;
(8) To correct typographical or other errors in the individual wastewater discharge permit;

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 16.09.080(e)-080(g) of this Chapter; or

(10) To implement programs or policies required or requested of the City by appropriate Federal, State or local federal regulatory agencies.

(b) Any discharger notified of the Superintendent's intent to revoke, make subject to additional terms or conditions, modify, or suspend the discharger's permit shall immediately comply with directives of the Superintendent or cease and desist the discharge of all industrial wastes or such portion of said wastes as will eliminate the wrongful discharge to the sanitary sewer system pending any hearing that the discharger may request as set forth in Section 16.09.100 of this Chapter.

(c) The Superintendent shall reissue or reinstate any industrial wastes permit or modified permit upon proof of satisfactory ability to comply and/or compliance with all discharge requirements, and the payment of any costs, fines, or penalties which may be assessed.

The Superintendent may require any permit holder to develop and implement a compliance schedule for any proposed modification to permit terms and conditions.

16.09.100 Discharge Permit Revocation.

(a) The director may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the director of changed conditions pursuant to Section 16.09.105 of this Chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the discharge permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the director timely access to the facility premises and records;
(7) Failure to meet effluent limitations;

(8) Failure to pay fees, fines, or penalties;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the individual wastewater discharge permit or the general permit or any provision of this Chapter.

(b) Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a discharger are void upon the issuance of a new individual wastewater discharge permit or a general permit to that discharger.

16.09.105 Reports of Changed Conditions.

Each industrial user shall notify the director of any significant changes to the industrial user’s operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) calendar days before the change.

(a) The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 16.09.085 of this Chapter.

(b) The director may issue an individual wastewater discharge permit or a general permit under Section 16.09.080 of this Chapter or modify an existing individual wastewater discharge permit or a general permit under Section 16.09.095 of this Chapter in response to changed conditions or anticipated changed conditions.

16.09.110 Reports of Potential Problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug discharge that might cause potential problems for the POTW, the industrial user shall immediately telephone and notify the director of the incident. If the industrial user is unable to
reach a live person at the RWQCP, the industrial user shall immediately notify the City by calling the City of Palo Alto 24-hour Dispatch Center at (650) 329-2413. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(b) Within five (5) calendar days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(c) A notice shall be permanently posted on the industrial user’s bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any change at its facility affecting the potential for a slug discharge.

16.09.1001 Permit Issuance, Denial, Modification, Revocation, Suspension, or hearing.

(a) The discharger applicant or permit holder shall have at its request, a hearing before the city manager, or their designee, before the industrial waste discharger’s discharge permit application is issued, denied, or before issuance, modification, subjugation to additional terms and conditions, suspension or revocation of the discharger’s discharge permit the permit is revoked, made subject to additional terms or conditions, modified or suspended.

(b) The director shall give the industrial waste discharger applicant or permit holder ten (10) calendar days written notice of intent to issue or deny the discharger’s discharge permit application or to issue, modify, make subject to additional terms, suspend or revoke, make subject to additional terms or conditions, modify or suspend the discharger’s discharge permit. The director shall post a copy of such notice at city hall or on the web site for interested persons. The notice shall set forth specifically the grounds for the director’s intention to deny the discharger’s discharge permit application, or to issue, modify, make subject to additional terms, suspend or revoke the discharger’s discharge permit, or suspend and shall inform the applicant or permit holder or members of the public that they have ten (10) calendar days from the date of receipt of the notice to file a written request for a hearing. The application shall be issued or application shall be denied or the permit shall be issued, revoked, modified or suspended if a hearing request is not received within the ten day period.
If the applicant or permit holder or interested party or parties file(s) a timely hearing request, the city manager, or their designee, shall within ten (10) calendar days from the receipt of the request, set a time and place for the hearing. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues and to be represented by counsel. The Superintendents decision, action, or determination shall remain in effect during the hearing period. The Superintendant’s decision, action, or determination shall remain in effect during the hearing period. The decision of the city manager, or their designee, whether to issue or deny the dischargers discharge permit application or to issue, modify, make subject to additional terms, suspend or revoke, make subject to additional terms and conditions, modify or suspend the dischargers discharge permit shall be final.


When directed by the director, establishments facilities from which industrial wastes are discharged to the sanitary sewer system shall provide and maintain one or more sampling locations or metering devices or volume and flow measuring methodologies or other sampling and measuring points approved by the director which will allow the separate measuring and sampling of industrial waste and domestic wastes sewage. Unless otherwise approved by the director, domestic and industrial waste shall be kept completely separated upstream of such sampling locations and/or measuring points. Sampling locations shall be so located that they are safe and accessible to the director at any reasonable time during which discharge may occur. Establishments Facilities that are billed for sewer service on the basis of sanitary sewage effluent constituents shall provide a suitable means for sampling and/or measurement of flow to determine billing constituents in accordance with the utilities rules and requirements. Sampling locations shall be so located that they are safe and accessible to the Superintendent at any reasonable time during which discharge is occurring.

16.09.110 Discharger monitoring and Sampling.

(a) The director may conduct all inspection, surveillance, sampling and monitoring procedures necessary to assure compliance with applicable Federal, State, and local regulations in accordance with this Chapter and applicable Federal, State, and local requirements. Records shall be maintained and made available for inspection as described in Section 16.09.160. Unreasonable delays in allowing the director access to the dischargers premises shall be a violation of this Chapter.

(b) The director shall be authorized to enter, without unreasonable delay, the any premises of any discharger for the purposes of to carry out inspections, surveillance, sampling, and monitoring, records examination and copying, and for performance of any additional duties to assure compliance with this Chapter and applicable Federal, State and local regulations. Records shall be maintained and made available for inspection as described in Section 16.09.160. Unreasonable delays in allowing the director access to the dischargers premises shall be a violation of this Chapter.

(c) If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine
inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the Superior Court of California.

(d) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(e) The director shall have the right to set up on the discharger’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger’s operations.

(f) The director may verify compliance with the TTO limit established in Section 16.09.055 of this Chapter by sampling and analyzing for only those toxic organic compounds that the director has determined may be reasonably expected to be present in an industrial user’s discharge.

(c) In addition to any other remedy available to the City, the Superintendent may issue a Notice of Non-Compliance at the time of the inspection to require the discharger to implement actions that will correct violations of this Chapter or the permit. Such directive shall be considered as an additional condition on the dischargers’ permit and may be reviewed as provided in Section 16.09.100.

(dg) Prior to final closure of any industrial or commercial facility, the Superintendent may require cleaning, inspection and/or testing of the facility’s sanitary sewer lines, appurtenances and/or devices to ensure that the integrity of the sewer lines has not been compromised and to determine the quantity and pollutant content of sediments. Inspection and/or testing to ensure the integrity of sewer lines may be required when the facility’s discharge history includes pH fluctuations, or when past discharges may have compromised or call into question the integrity of the sewer lines. Inspection and/or testing to determine the quantity and pollutant content of sediments may be required when the facility’s type of operations and pollutant content of discharges make the presence of contaminated sediments likely. Inspection and testing may include, but not be limited to, pressurized testing, smoke testing, video camera inspection, and/or analytical testing of sediments for pollutants regulated by the facility’s discharge permit. Where contaminated sediments or compromised sewer lines are identified, responses may include, but are not limited to, requiring replacement of compromised sewer lines and requiring removal of contaminated sediments from sewer lines. In lieu of analytical testing, facilities may elect to remove sediments from sewer lines in a manner approved by the Superintendent. For the purposes of this Section, “final closure” means closure of an industrial or commercial facility when an entire building is being vacated by the current operator, or when the uses of an entire building will no longer include use of hazardous materials.
16.09.115 Prohibition against dilution.

Except where expressly authorized to do so by the Superintendent or an applicable National Pretreatment Standard provided in the Pretreatment requirements, no discharger shall increase the use of process water, combine waste streams or in any other way, dilute a discharge. In addition, no discharger shall dilute process waste streams as a partial or complete substitute for adequate treatment to achieve compliance with such National Pretreatment Standard or any other requirement of this Chapter.

16.09.120130 Dischargers’ Self-Monitoring.

(a) The director Superintendent may require the discharger to conduct a wastewater sampling and analysis program of a frequency and type sufficient to demonstrate compliance with the requirements of this Chapter. The discharge permit director shall specify the minimum frequency and type and number of samples, flow monitoring, measuring, and analyses to be conducted by the discharger in the discharge permit. Additional monitoring not specified in a discharge permit may be required by the director Superintendent as deemed reasonable or necessary to ensure compliance with the provisions of this Chapter, for violation follow-up or as part of a notice of noncompliance or other enforcement response. If a discharger subject to reporting requirements monitors any regulated pollutant at a designated sampling location more frequently than required, the results of this monitoring shall be reported.

(b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis and must be representative of the industrial user’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(c) Except as indicated in subsections (d) and (e) below, the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the director, as appropriate.
(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For PRCCs, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(f) The director may authorize an industrial user to sample for a subset of toxic organic compounds to verify compliance with the TTO limit established in Section 16.09.055 of this Chapter.

(gb) The **director** may specify the type of sampling, pH equipment and flow monitoring equipment that must be installed and used for discharger self-monitoring. Flow monitoring equipment installed at a permitted discharger’s sampling locations shall be calibrated at a frequency of at least once per year or less frequently if recommended by the director. pH monitoring equipment installed at a permitted discharger’s sampling locations shall be calibrated at a frequency of at least once every two months or more frequently if recommended by the manufacturer.

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

(hd) All pollutant analyses, including sampling techniques, analyses, and information to be submitted as part of a discharge permit application or report included in self-monitoring reporting, submitted as part of a BMR, wastewater discharge permit application, or report, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Director or other parties approved by the EPA. Samples shall be obtained and analyzed at the discharger’s expense. Samples shall be analyzed by a laboratory accredited by the California State Water Resources Control Board for such analysis. The Director may authorize exemptions to...
the California State Water Resources Control Board laboratory accreditation requirement for continuous flow, continuous pH, internal process control, and temperature self-monitoring.

(i) The detection limit used by the discharger for those substances reported as non-detectable shall be no greater than one-tenth the lowest applicable effluent limit pretreatment standard.

(f) The discharger shall monitor for the toxic organic compounds specified in the National Pretreatment requirements applicable to the discharger.

(g) The Superintendent may determine which additional toxic organic compounds shall be monitored based on those toxic organics that are representative and expected to be present. Permitted dischargers who file a toxic organic management plan, per the guidelines established by the Superintendent, may analyze a subset of the additional toxic organic compounds to demonstrate compliance with the local limits for Single Toxic Organic (STO) and Total Toxic Organics (TTO) when specified in a discharge permit issued by the Superintendent.

(jh) The director Superintendent may require self-monitoring for facilities for which a discharge permit has not been issued.

(k) Records of self-monitoring shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(l) All records generated pursuant to this Section shall be maintained and made available for inspection and copying as described in Section 16.09.160185 of this Chapter.

16.09.135 Monitoring Waiver.

(a) The director may authorize an industrial user subject to categorical pretreatment standards to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the industrial user’s discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical pretreatment standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years.
The industrial user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility’s process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed by an authorized representative of the industrial user, and include the certification statement in 40 CFR 403.6(a)(2)(ii).

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

(6) Any grant of the monitoring waiver by the director must be included as a condition in the industrial user’s discharge permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver shall be maintained by the director for a period of three (3) years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the industrial user’s discharge permit by the director, the industrial user must certify on each report that there has been no increase in the pollutant in its wastestream due to activities of the industrial user, in accordance with the reporting requirements in 40 CFR 403.12(e)(2)(v).

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the industrial user’s operations, the industrial user shall immediately notify the director and shall monitor for the waived pollutant at least once during each PRCC reporting period or more frequently if directed by the director.

(b) This Section does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

16.09.125 140 Maintenance and operation of pollution control and monitoring equipmentPretreatment Facilities.

(a) Industrial users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions contained in Section 16.09.040 of this Chapter within the time limitations specified by EPA, the State, or the director, whichever is more stringent. The discharger-industrial user shall, at all times, properly operate and maintain all facilities and systems of treatment, disposal, monitoring and control (and related appurtenances) which are installed or used by the discharger-industrial user to achieve compliance with this Chapter.
and/or its wastewater discharge permit. Any facilities necessary for compliance shall be provided, operated, and maintained at the industrial user’s expense. All required facilities and systems of treatment and operations and maintenance procedures shall be described in detailed plans, operations and maintenance manuals, and standard operating procedures an Operations and Maintenance Manual. Plans, operations and maintenance manuals, and standard operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities and/or procedures are constructed and/or implemented. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities and/or procedures as necessary to produce a discharge acceptable to the POTW under the provisions of this Chapter. The discharger Industrial users shall keep in a state of readiness all systems necessary installed to achieve compliance with the conditions-provisions of this Chapter and/or their wastewater discharge permit. All systems, both those in service and reserve, shall be inspected and maintained on a regular basis.

(b) Inspection and maintenance records for process and pollution control and monitoring systems shall be maintained and made available for inspection and copying as described in Section 16.09.160185 of this Chapter.

(c) It shall be unlawful to tamper with, divert flow from or render inaccurate or divert flow from any monitoring device or equipment installed or operated to comply with the pretreatment standards or requirements, this Chapter or a discharge permit. Doing so constitutes falsification of information as described in Section 16.09.150175 of this Chapter.

(d) Whenever deemed necessary, the director may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user’s compliance with the requirements of this Chapter.

(e) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.

(f) The director may require any person to install settling chambers or equivalent pretreatment systems where necessary to prevent the entry of inert solids into the sanitary sewer system. For the purposes of this Section, “inert solids” shall mean solid substances including, but not limited to: sand, rocks, dirt, glass, metal, wood, bone, or plastic;

(g) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for
residential users. All interception units shall be of a type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired at the industrial user’s expense in accordance with guidelines established by the director.

16.09.130 Compliance with the Pretreatment requirements.

All industrial dischargers subject to the Pretreatment requirements shall be in conformance with such, including but not limited to, effluent standards, monitoring requirements, and reporting requirements. In the event of any apparent conflicts between the requirements established in this Chapter and federal EPA requirements, the most restrictive limitation shall apply.

16.09.135-145 Reporting and Certification Requirements for all permitted dischargers. Industrial Users.

(a) Industrial users are subject to the reporting and certification requirements contained in Title 40 CFR.

(b) Industrial users shall submit PRCCs to the director every six months, on January 15th and July 15th of each calendar year. The director may require more frequent reporting for individual industrial users as deemed reasonable or necessary to ensure compliance with the provisions of this Chapter.

(c) PRCCs shall be completed according to guidelines established by the director. In cases where a pretreatment standard requires compliance with a BMP or pollution prevention alternative, the industrial user must submit documentation required by the director or the categorical pretreatment standard necessary to determine the compliance status of the industrial user.

(d) The director may require information on facility operations in addition to that required on PRCC forms as deemed necessary to evaluate industrial user compliance during the reporting period.

(e) If an industrial user subject to the reporting requirements in this Chapter monitors any regulated pollutant at an appropriate sampling location more frequently than required and in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, the results of this monitoring shall be reported in the industrial user’s PRCC.

(f) The director may establish an electronic submittal program for submission of reports, documents and data pursuant to 40 CFR Part 3.

(g) Industrial users that send electronic (digital) documents to the director to satisfy the requirements of this Section must meet all Federal, State, and local electronic signature
requirements. Electronic data shall be in a format required by the director. The director may require reporting in both digital and traditional format.

(h) Industrial users that send electronic documents to the director to satisfy the requirements of this Section must register for the system online and submit a signed subscriber agreement to the director. An electronic submission shall be deemed to have been properly received by the director when it is received by the electronic system, accessible by RWQCP staff and a confirmation is sent to the signatory making the submission. When the sender receives confirmation and can fully review the submitted materials, the report and related data shall be considered received.

(i) Electronic submittal of reports, documents, and data by any person under an electronic submittal program established by the director is subject to the following requirements:

(1) A person is subject to any appropriate civil or criminal penalties, or other remedies under Federal, State or local law for failure to comply with a reporting requirement if the person does not comply with the applicable requirements provisions of the established electronic submittal program;

(2) In the event that any submittal under the established electronic submittal program bears an electronic signature, the electronic signature has the same effect under these rules this Section as if the submitting person had instead submitted a paper document with a wet signature;

(3) Proof that a particular electronic signature device was used to create an electronic signature included in reports, documents or data submitted under the established electronic submittal program shall be sufficient to establish that the person individual uniquely entitled to use the electronic signature device at the time of signature did so with the intent to sign the electronic report, document or data and thereby validate and give effect to the electronic submittal; and

(4) Nothing in the established electronic submittal program limits the use of the electronically submitted reports, documents, or data or any information contained therein as evidence in enforcement proceedings.

(a) All permit holders shall be required to submit periodic reports to the Superintendent. Specific reporting requirements shall be specified in the permit, in notices of noncompliance or other directives. All industrial discharge permit holders are required to submit at a minimum periodic reports of continued compliance (PRCC) every six months. The due dates for the PRCC submittals are July 15th and January 15th for the first and second half of the calendar year respectively. Specific requirements for periodic reports of continued compliance are listed below.
(1) Certification Statement. Periodic reports of continued compliance for zero discharge permit holders shall require the permit holder to certify that no process wastewater was discharged to the sanitary sewer system during the reporting period;
(2) Certification Statement. Periodic reports of continued compliance for BMP regulated dischargers shall require the discharger to certify that the BMPs have been implemented during the reporting period;
(3) Certification Statement. Periodic reports of continued compliance for Non-Significant Categorical Industrial Users shall require the permit holder to certify that the discharger has met the criteria for a Non-SCIU;
(4) Periodic reports of continued compliance for all permit holders not covered in (1), (2) or (3) above shall include documentation indicating if applicable federal, state, or local Pretreatment Standards, including those specified in the permit holder’s discharge permit, have been exceeded during the reporting period.

(b) If a discharger subject to reporting requirements monitors any regulated pollutant at a designated sampling location more frequently than required the results of this monitoring shall be included in the report.

(jc) Failure to submit required reports by the specified due date shall be considered a violation of the provisions of this Chapter. The director may allow submission of required reports on the following business day in instances where the due date falls on a weekend or a holiday.

16.09.150 Reports from Unpermitted Users.

Industrial users not required to obtain an individual wastewater discharge permit or general permit shall provide reports to the director as deemed reasonable or necessary by the director.

16.09.140 Reporting Noncompliance, Increased Loading, Slug Discharges, and Accidental Discharges.

(a) Reporting Noncompliance. Noncompliance with the provisions of this Chapter that is known to the discharger shall be reported verbally as soon as possible but no later than twenty-four hours of the discharger’s knowledge of the noncompliance with the provisions of this Chapter, or the provisions of any discharge permit issued pursuant to this Chapter shall be verbally reported to the director within twenty-four (24) hours of becoming aware of the noncompliance. If the noncompliance is related to sampling performed by an industrial user, the industrial user shall repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) calendar days after becoming aware of the noncompliance. Resampling by the industrial user is not required if the City performs sampling at the industrial user’s facility at least once a month, or if the City performs sampling at the industrial user’s facility between the time when the initial sampling was conducted and the time when the industrial user or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the industrial user.
A written report to the Superintendent shall be submitted within five days of knowledge of the noncompliance explaining the nature, volume and duration of the noncompliance, and the mitigation measures taken to correct the noncompliance and to prevent reoccurrence.

(b) Such notification shall not relieve the discharger of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the discharger of any fines, penalties, or other liability which may be imposed pursuant to this Chapter. Such notifications will not relieve any discharger of liability for any expense, including but not limited to, costs for countermeasures; loss or damage to the storm drain system, sanitary sewer system and/or treatment plant or treatment process; or liability to reimburse any fines imposed on the City on account thereof; or for damages incurred by any third-party.

If the noncompliance is related to any violation of the discharge standards specified in the Pretreatment requirements, this Chapter, or in a discharge permit, the discharger shall repeat the sampling and analysis of the violated pollutant(s) and shall submit the results to the Superintendent no later than thirty (30) days from the discharger’s knowledge of the noncompliance.

(cb) Reporting Increased Loading. The reporting requirements of subsection (a) above shall also apply to any short term, large or unusual increase in flow or concentration of waste constituents regardless of whether noncompliance has resulted. Notices shall be posted in process areas (or other equally effective notification procedures used) giving instruction on reporting such increases.

(c) Reporting accidental or slug discharges and treatment system upsets, failures, or bypasses or discharge of hazardous wastes.

(d) The following requirements apply to all releases to the sanitary sewer system caused by spills; slug discharges; accidental or unanticipated pretreatment system upsets, failures, or bypasses; or any other accidental discharges:

1. The discharger shall immediately telephone and verbally notify the Superintendent upon becoming aware of such incidents. If the industrial user is unable to reach a live person at the RWQCP, the industrial user shall immediately notify the City by calling the City of Palo Alto 24-hour Dispatch Center at (650) 329-2413. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user;
(3) As soon as practicable and throughout the incident the discharger shall collect representative samples at the point of release and at any impacted sampling location(s); and.

(4) Within five (5) calendar days following such discharge, the discharger shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the discharger to prevent similar future occurrences. Such notification shall not relieve the discharger of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, penalties, or other liability which may be imposed pursuant to this Chapter. The discharger shall submit a written report to the Superintendent within five days of the discharger’s knowledge of the incident explaining: the nature, volume, and duration of the discharge; and mitigation measures taken to correct the noncompliance and prevent recurrence.

(e) The Industrial users shall notify the directorSuperintendent in advance of any significant change in the volume or characteristics of discharge from the facility or any significant operational, process, or pretreatment system changes.

(f) The Industrial users shall immediately notify the directorSuperintendent of changes that occur at the facility affecting the potential for a spill or slug discharge.


(a) For the purposes of this Section “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c), below, are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause(s) of the upset;
(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The industrial user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) calendar days):

(A) A description of the indirect discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Industrial users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Industrial users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

16.09.165 Affirmative Defenses to Discharge Violations: Prohibited Discharge Standards.

(a) An industrial user shall have an affirmative defense in any action brought against it for noncompliance with the general prohibitions established in Section 16.09.040 of this Chapter and the specific prohibitions established in subsections (b)(3) through (b)(7) and (b)(9) through (b)(17) of Section 16.09.040 of this Chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the industrial user’s prior discharge when the City was regularly in
compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

16.09.170 Affirmative Defenses to Discharge Violations: Bypass.

(a) For the purposes of this Section the following terms and phrases shall be as defined herein:

(1) “Bypass” means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility; and

(2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if the bypass is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (d) through (f) of this Section.

(c) If an industrial user knows in advance of the need for bypass, it shall submit prior notice to the director at least ten (10) calendar days before the date of the bypass, or if the need for bypass becomes known less than ten (10) calendar days in advance, as soon as possible prior to the bypass.

(d) An industrial user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided to the director within five (5) calendar days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(e) Bypass is prohibited, and the director may take enforcement action against an industrial user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(3) The industrial user submitted notices as required under paragraph (c) or (d) of this Section.

(f) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in subsection (e) of this Section.

16.09.145 Certification of reports.

Permit applications, periodic reports of continued compliance, baseline monitoring reports, and user reports submitted shall be certified and signed by an authorized representative with the following statement:

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 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.

16.09.150 Falsification of information.

It shall be unlawful for any person discharger, person or their agents to knowingly make any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, an individual wastewater discharge permit, or general permit, or an order issued by the Superintendent, or to who falsifies, tampers with, diverts flow from, or knowingly renders inaccurate any monitoring device or method required under this Chapter. A person who knowingly makes any such false statements, representations, or certifications or in a wastewater discharge permit shall be subject to:

(a) The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;

(b) The provisions of Section 309(c)(4) of the Clean Water Act (33 U.S.C. Section 1319(c)(4) as amended, governing false statements, representations or certification; and
(c) The provisions of Section 309(c)(6) of the Clean Water Act (33 U.S.C. Section 1319(c)(6) regarding responsible corporate officers.

16.09.155 Date of Receipt of Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the Superintendent shall govern.

16.09.160 Retention of Records.

Dischargers—Industrial users or persons—subject to the reporting requirements of this Chapter shall retain, and make immediately available for inspection and copying upon request without unreasonable delay, all records of information obtained pursuant to this Chapter, including, but not limited to, any required monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the discharger independent of such requirements, and documentation associated with BMPs—Best Management Practices. This includes electronic data and information records maintained and/or submitted in accordance with Section 16.09.145 of this Chapter. All records required to be maintained by this Chapter shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any unresolved litigation concerning the discharger or the City, or where the discharger has been specifically notified of a longer retention period by the Superintendent.

16.09.165 Storm drain system: prohibited discharges.

(a) It shall be unlawful to discharge any domestic waste or industrial waste into the storm drain system, creeks, surface waters or San Francisco Bay. Unlawful discharges shall include, but not be limited to, discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; vehicle cleaning; construction activities, including, but not limited to, painting, paving, concrete placement, saw cutting and grading; swimming pools; spas; and fountains, or substances added to the storm drain to control root growth, unless specifically permitted by a discharge permit or unless exempted pursuant to guidelines published by the Superintendent.

(b) It shall be unlawful to cause hazardous materials, domestic waste or industrial waste to be deposited in such a manner or location as to constitute a threatened discharge into the storm drain system, creeks, surface waters or San Francisco Bay. Domestic or industrial wastes that are not contained in a pipe, tank or other container are considered to be threatened discharges unless the discharge has been controlled, the flow has been blocked and the material is actively being cleaned up.
(c) For all unauthorized or prohibited releases to the storm drain system including sanitary sewer overflows and threatened discharges to the storm drain system, the responsible person shall:

1. Immediately take action to stop, contain, and cleanup unauthorized or threatened discharges or otherwise stop the noncompliance, and correct the problem;
2. Immediately notify the Superintendent upon becoming aware of releases that result in discharge into the storm drain system, creeks, surface waters or San Francisco Bay.

(d) Interior floor drains shall not be connected to the storm drain system.

(e) Exterior drains located in the following areas shall not be connected to the storm drain system:

1. Equipment or vehicle washing areas;
2. Areas where equipment fluids are routinely changed;
3. Areas where hazardous materials, chemicals or other uncontained materials that are easily transported by wind or water are stored and are not secondarily contained;
4. Loading docks: See 16.09.175(k)

(f) Multi-family residential units and residential developments shall be prohibited from providing a designated vehicle washing area that would cause wash water to be deposited in such a manner or location as to constitute a threatened discharge into the storm drain system.

(g) Secondary containment shall be provided for any rooftop equipment, tanks or pipes containing other than potable water, cooling water, heating system hot water, steam, water condensate or equivalent substances, which the Superintendent determines will otherwise cause a probable discharge to the storm drain system.

(h) Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

16.09.170 Requirements for construction operations.

(a) A spill response plan for hazardous waste, hazardous materials and uncontained construction materials shall be prepared and available at the construction sites for all projects where the proposed construction site is equal to or greater than one acre of disturbed soil and for any other projects for which the city engineer determines that a plan is necessary to protect surface waters. Preparation of the plan shall be in accordance with guidelines published by the city engineer.
(b) A storm water pollution prevention plan shall be prepared and available at the construction sites for all projects equal to or greater than one acre of disturbed soil and for any other projects for which the city engineer determines that a storm water management plan is necessary to protect surface waters. Preparation of the plan shall be in accordance with Chapters 16.28 and 16.11 of this code and with guidelines published by the City engineer.

(c) Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain system. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated groundwater or water that exceeds State or Federal requirements for discharge to navigable waters may not be discharged to the storm drain system. Such water may be discharged to the sanitary sewer system, provided that the requirements of Section 16.09.040 are met and the approval of the Superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

(d) No cleanup of construction debris from the streets shall result in the discharge of water to the storm drain system; nor shall any construction debris be deposited or allowed to be deposited in the storm drain system.

16.09.175 General prohibitions and practices
Process Area Sinks and Floor Drains.

(a) Floor drains to the sanitary sewer system may not be placed in areas where hazardous materials, hazardous wastes, industrial wastes, industrial process water, lubricating fluids, vehicle fluids or vehicle equipment cleaning wastewater are used or stored, unless secondary containment is provided for all such materials and equipment. The director/Superintendent may allow an exception to this requirement under the following circumstances:

1. When the drain is connected to a wastewater treatment unit approved by the director/Superintendent;

2. When the drain is protected from spills by a berm or berms;

3. When secondary containment is provided for all such materials and equipment;

4. For safety showers: When the drain is installed with a temporary plug which remains closed except when the shower is in use, or when the drain is protected from spills by either a covered sump or berm system. If a sump is used, the capacity shall be at least as large as the largest chemical container in the laboratory;
For industrial process equipment: If the equipment does not contain hazardous materials or hazardous waste and if all floor drains are equipped with fail-safe valves which shall be kept closed during periods of operation.

(b) Exterior (outdoor) drains may be connected to the sanitary sewer system only if the area in which the drain is located is covered and protected from rainwater run-on by berms and/or grading, and appropriate wastewater pretreatment approved by the Superintendent is provided. For additional information regarding loading docks, see section 16.09.175(k).

(e) Interior floor drains shall not be connected to the storm drain system.
(c) Drains connected to the sanitary sewer system shall not be installed in secondary containment areas used for storage of hazardous materials or hazardous wastes.

(d) Air conditioning condensate may be discharged to the sanitary sewer system or to permeable earth.

(e) Compressed air system condensate drains and similar sources of potential oily waste shall discharge only to the sanitary sewer system and through a device to remove oil from the waste prior to discharge.

(d) Exterior drains shall be connected to the storm drain system. Such connections shall not be permitted within the following areas:

(1) Equipment or Vehicle washing areas;

(2) Equipment or Vehicle Fluid changing areas;

(3) Areas where chemicals, Hazardous Materials, or other uncontained materials are stored unless secondary containment is provided;

(e) Roof drains may discharge to the storm drain system, provided that all roof equipment, tanks, and pipes containing other than potable water, cooling system water, or heating system hot water have secondary containment.

(f) Boiler drain lines shall be connected to the sanitary sewer system and may not be connected or allowed to drain to the storm drain system.

(g) Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas. The Superintendent may allow a drain for work areas (but not for hazardous storage areas) if the secondary containment area is covered and if the drain is connected to a wastewater treatment facility approved by the Superintendent.
Aspirators connected to laboratory sink faucets are prohibited. Aspirators designed and used for transferring acids and bases from stationary, permanent laboratory sinks to treatment facilities shall be allowed.

No hazardous material shall be stored above a sink that is connected to the sanitary sewer system. Laboratory countertops and laboratory sinks shall be separated by a berm which prevents hazardous materials spilled on the countertop from draining to the sink.

Sewer traps below laboratory sinks shall be made of glass or other approved transparent materials to allow inspection and to determine frequency of cleaning. Alternatively, a removable plug for cleaning the trap may be provided, in which case a cleaning frequency shall be established by the director. In establishing the cleaning frequency, the superintendent shall consider the recommendations of the facility. The director will may grant an exception to this requirement for areas where mercury or mercury containing equipment will not be stored or used; provided, that in the event such an exception is granted and mercury or mercury containing equipment is subsequently stored or used in the area, the sink trap shall be retrofitted at the discharger’s expense to meet this requirement prior to storage or use of the mercury or mercury containing equipment.

Loading docks.

This paragraph covers loading docks constructed prior to August 8, 1994. In cases where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the sanitary sewer system or storm drain system may be allowed only if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. For drains connected to the sanitary sewer system, the area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the superintendent shall be provided for all rainwater contacting the loading dock site.

For loading docks constructed after August 8, 1994:

Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation.

Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the superintendent shall be provided for all rainwater contacting the loading dock site.
16.09.195 Loading Docks.

(a) This paragraph covers loading docks constructed prior to August 8, 1994. In cases where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the sanitary sewer system or storm drain system may be allowed only if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. For drains connected to the sanitary sewer system the area in which the drain is located shall be covered and protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the superintendent director shall be provided for all rainwater contacting the loading dock site.

(b2) For loading docks constructed after August 8, 1994 and before July 1, 2019:

(1i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation.

(2ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered and protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the superintendent director shall be provided for all rainwater contacting the loading dock site.

(c) For loading docks constructed after July 1, 2019:

(1) A drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered and protected from rain, rainwater run-on and runoff of spilled materials. Appropriate wastewater treatment approved by the director shall be provided for all rainwater contacting the loading dock site.

16.09.180 Requirements for Newly Constructed, Remodeled or Converted multi-residential, Commercial and Industrial Facilities.

(a) Newly constructed, remodeled or converted commercial and industrial facilities shall comply with the following requirements to the extent that the portion of the facility to be constructed, remodeled or converted is related to the subject of the requirement:
(1) Dischargers of industrial waste from newly constructed, remodeled or converted commercial and industrial facilities shall be in full compliance with the provisions of this Chapter at the time of prior to commencement of discharge into the sanitary sewer system.

(2) Dischargers from newly constructed, remodeled, or converted commercial and industrial facilities, upon request of the director Superintendent, dischargers shall complete a waste minimization study in accordance with guidelines published established by the director Superintendent, and shall certify that measures have been taken to minimize toxic constituents in the discharge.

(b) The owner of every newly constructed, remodeled, or converted commercial or industrial facility shall comply with the following requirements. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled or converted is related to the subject of the requirement:

(13) Segregated Industrial Waste Plumbing. The owner of every new commercial and industrial building or portion thereof shall cause the building to be constructed so that industrial waste is segregated from sewage, by means of separate plumbing prior to a point determined acceptable by the director for location of industrial waste pretreatment and/or monitoring equipment, from domestic waste prior to converging with other waste streams in the sanitary sewer system. For the purposes of this section only, the term "new" shall also include change to a use that requires plumbing for industrial waste;

(24) Exterior drains shall be connected to the storm drain system are subject to the requirements of and shall be in compliance with Section 16.09.190 of this Chapter;

(35) Loading docks are subject to the requirements of and shall be in compliance with See Section 16.09.175(k), 195 of this Chapter;

(4) Fueling areas shall have impermeable floors and rain covers that extend a minimum of ten feet in each direction from each pump. Fueling areas shall be designed to prevent water runoff to the covered area;

(5) Condensate lines shall not be connected or allowed to drain to the storm drain system;

(6) Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sanitary sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical;

(7) Sacrificial zinc anodes are not permitted to be in contact with the water supply in a water distribution system;
Discharge drains for swimming pools, spas and fountains shall not be connected directly to the storm drain system or to the sanitary sewer system. When draining is necessary the discharge will be allowed by way of either:

(A) A hose or other temporary system shall be directed into a sanitary sewer (not storm drain system) clean out. A sewer clean out shall be installed in a readily accessible area; or

(B) A fixed pipe with an air gap and receiving sink directed to the sanitary sewer.

If installed, parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every twelve months or more frequently if recommended by the manufacturer or required by the director/superintendent. Oil/water separators shall have a minimum capacity of 100 gallons;

Newly constructed, remodeled or converted commercial and industrial facilities buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water run-on and runoff from the area;

New Multi-family residential units and residential development projects with 25 or more units shall provide a covered area for occupants to wash their vehicles. A drain shall be installed to capture all vehicle wash waters and shall be connected to an oil/water separator prior to discharge to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every six months or more frequently if recommended by the manufacturer or the Superintendent. Oil/water separators shall have a minimum capacity of 100 gallons. The area shall be graded or bermed in such a manner as to prevent the discharge of storm water to the sanitary sewer system;

Mercury switches shall not be installed in sewer or storm drain sumps;

Fire sprinkler system flush, test or drain water shall not be discharged to the storm drain system. Discharges to the sanitary sewer system shall not exceed 30 gallons per minute (GPM). Higher discharge rates shall be diverted to a detention tank to achieve a flowrate less than or equal to the 30 gpm flow;

Copper Roofing Materials. On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and
small copper ornaments are exempt from this prohibition. Replacement roof ing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be pre-patinated at the factory by the manufacturer. For the purposes of this exemption, the definition of “historic” shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Inventory and Report and Inventory.

16.09.205 Requirements for Newly Constructed, Remodeled or Converted Multiple-Family Use Residential Properties.

(a) Newly constructed, remodeled or converted multiple-family use residential properties shall comply with the following requirements to the extent that the portion of the property to be constructed, remodeled or converted is related to the subject of the requirement:

(1) Exterior drains are subject to the requirements of and shall be in compliance with Section 16.09.190 of this Chapter;

(2) Loading docks are subject to the requirements of and shall be in compliance with Section 16.09.195 of this Chapter; Condensate lines shall not be connected or allowed to drain to the storm drain system;

(3) Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sanitary sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical;

(4) Sacrificial zinc anodes are not permitted to be in contact with the water supply in a water distribution system;

(5) Discharge drains for pools, spas and fountains shall not be connected directly to the storm drain system or to the sanitary sewer system. When draining is necessary the discharge will be allowed by way of either:

(A) A hose or other temporary system shall be directed into a sanitary sewer (not storm drain system) clean out. A sewer clean out shall be installed in a readily accessible area; or

(B) A fixed pipe with an air gap and receiving sink directed to the sanitary sewer;

(6) If installed, parking garage floor drains on interior levels shall be connected to an oil-water separator prior to discharging into the sanitary sewer system. The oil-water separator shall be cleaned at a frequency of at least once every twelve (12) months or
more frequently if recommended by the manufacturer or required by the director. Oil-water separators shall have a minimum capacity of 100 gallons.

Newly constructed, remodeled or converted multi-family residential properties providing centralized solid waste collection shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a Berm system to prevent water run-on and runoff from the area;

(7) Newly constructed, remodeled or converted multiple-family use residential properties and residential development projects with 25 or more units shall provide a covered area for occupants to wash their vehicles. A drain shall be installed to capture all vehicle wash waters and shall be connected to an oil-water separator prior to discharge to the sanitary sewer system. The oil-water separator shall be cleaned at a frequency of at least once every twelve (12) months or more frequently if recommended by the manufacturer or required by the director. Oil-water separators shall have a minimum capacity of 100 gallons. The area shall be graded or bermed in such a manner as to prevent the discharge of stormwater to the sanitary sewer system;

(8) Mercury switches shall not be installed in sewer or storm drain sumps;

(9) Fire sprinkler system flush, test or drain water shall not be discharged to the storm drain system. Discharges to the sanitary sewer system shall not exceed 30 gpm. Higher discharge rates shall be diverted to a detention tank to achieve a flowrate less than or equal to 30 gpm;

Copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential building. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be pre-patinated by the manufacturer. For the purposes of this exemption, the definition of “historic” shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Inventory and Report.

16.09.185 Personnel Orientation.

(a) Industrial users. Holders of industrial waste discharge permits shall take necessary steps to inform appropriate personnel employed by such permit holders of the provisions of this Chapter.

(b) Such personnel shall include, but not be limited to, workers, contractors, and supervisors, and managers whose duties or responsibilities pertain in any manner to the production, treatment or disposal of wastes discharges regulated by this Chapter.

Steps to inform such personnel shall include, but not be limited to:
(1) Orientation of newly employed or assigned personnel prior to commencement of work and at least annually thereafter;

(2) Posting of signs at work areas indicating approved methods for disposition of wastes and reporting requirements and instructions for accidental spills and increased loadings; and

(3) Posting of signs visible from each drainage area (sink, cup sink, floor drain) not connected to appropriate treatment indicating “NOTICE – DO NOT DISPOSE OF CHEMICALS IN THIS DRAIN” or equivalent.

(c) All signs shall be translated into the appropriate primary language(s) of personnel whose duties or responsibilities pertain in any manner to the production, treatment or disposal of wastes regulated by this Chapter, unless the primary language of all personnel is English.

16.09.190-215 Accidental Discharge Prevention.

(a) Each discharger—industrial users shall provide adequate protection to prevent accidental discharge of hazardous or prohibited materials, slugs, or other wastes regulated by this Chapter. Where directed by the director—superintendent the discharger—industrial user shall install retention basins, dikes, storage tanks, or other facilities in conformance with Chapter 17.12—Title 17 of this code designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or wastes which may be accidentally discharged in violation of this Chapter 16.09.

(b) Each industrial user shall notify the City immediately of any changes at its facility affecting the potential for a slug discharge. The director may require any industrial user to develop, submit for approval, and implement a slug control plan or take such other action that may be necessary to control slug discharges. A slug control plan shall contain, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the director of slug discharges, as required by Section 16.09.155 of this Chapter; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of
storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. When directed by the Superintendent, the discharger shall complete and implement a slug control plan per the guidelines issued by the Superintendent in accordance with the requirements contained in 40 CFR. 403.8(f)(2)(vi). The discharger shall notify the City of any changes to facilities, plans or operations that would necessitate a change in the slug control plan.

16.09.195 Storage of hazardous materials above sinks.

No person shall store hazardous materials above a sink that is connected to the sanitary sewer system in a commercial or industrial facility.

16.09.200220 Zinc-containing floor finishes.

No person shall discharge or dispose to the sanitary sewer system any zinc-containing floor finish or a stripper solution that has been used for the stripping of a zinc-containing floor finish, except when the solutions have been treated in a wastewater treatment unit approved by the director for removal of zinc. For the purposes of this section, zinc-containing floor finishes shall be defined as floor finish solutions containing greater than 0.01% zinc by weight.


(a) It shall be unlawful to discharge water from cooling systems, pools, spas, fountains, boilers and heat exchangers to the storm drain system.

(b) No person shall discharge or add to the sanitary sewer system or storm drain system, or add to a-cooling systems, pools, spas, fountains, boilers or heat exchangers, any substance that contains any of the following:

(1) **Copper-Chromium** in excess of 2.0 mg/liter;

(2) **Copper in excess of 2.0 mg/liter**;

(3) **Chromium-Zinc** in excess of 2.0 mg/liter;

(4) **Zinc in excess of 2.0 mg/liter**;

(5) **Molybdenum in excess of 2.0 mg/liter**.
The above limits shall apply to any of the above-listed substances prior to dilution within the cooling system, pool, spa, or fountain water, boiler or heat exchanger.

(c) Cooling System Discharges.

(4b) For the purposes of this section the average daily flow blowdown from cooling systems shall be determined by dividing the total cooling system blowdown volume from April 1st through October 30th by the number of days of operation for the same period.

(2) The maximum allowable limit for discharge of copper for cooling systems discharging an average daily flow of less than 2,000 gallons per day shall be 2.0 mg/L.

(c) The copper limit for cooling systems with an average daily blowdown less than or equal to 2,000 gpd shall be 2.0 mg/L.

(3d) The maximum allowable copper limit for discharge of copper for cooling systems discharging with an average daily flow blowdown of greater than 2,000 gallons per day gpd shall be 2.0 mg/L for the first twelve months of operation. The copper limit shall be reduced to 0.25 mg/L after the first twelve months of operation.

(f) The director/superintendent may impose a higher alternative maximum allowable copper limit for cooling towers when the cycles of concentrations routinely exceed ten. The alternative requirement may consist of an alternative concentration limit, a mass limit, or a specified maintenance program, or a combination of these.

(4) New cooling systems commencing discharge with an estimated average daily flow greater than 2,000 gallons per day shall comply with the maximum allowable copper limit of 2.0 mg/L and shall not be required to comply with the 0.25 mg/L maximum allowable copper discharge limit specified in subsection (c)(3), until one year after the date of such commencement.

(4g) Cooling System, oiler, heat exchanger cleaning. Wastewater from cleaning of cooling systems, boilers, heat exchangers and associated piping where a chemical cleaner or physical scouring is used in the cleaning process shall be sampled prior to discharge to the sanitary sewer system. The maximum allowable copper limits for these discharges of copper shall be 2.0 mg/L. For purposes of this section, “physical scouring” does not include the use of water at typical water supply pressure; and “associated piping” shall mean piping associated with a heating or cooling system through which water or another heat transfer fluid passes during operation of the system. The wastewater shall be analyzed for copper and any
other constituents specified by the director. The results of such analysis shall be reviewed by the cooling system operator prior to discharge.

(e) Devices using electricity to dissolve copper or silver into water distribution systems, cooling systems, pools, spas or fountains are prohibited.

16.09.210-230 Root and Pest Control Chemicals Use.

(a) No person shall discharge, dispose of or add to the sanitary sewer system any substance intended to control roots or pests, or for any other purpose without first obtaining a root control application discharge permit from the director.

(1b) Applicants for a discharge permit shall complete and submit a completed discharge permit application form pursuant to Section 16.09.085 of this Chapter. The Superintendent shall establish the contents of said form and may require additional information on the characteristics of the root control chemical and application methods beyond that required on the application form. Completed application forms shall be filed by the root or pest control applicator not less than sixty days in advance of commencing discharge. The discharger shall not commence discharge prior to permit approval.

(2c) The director may impose terms and conditions on the discharge permit which the director deems reasonable or necessary to carry out the purposes of this Chapter.

(bd) No person shall discharge, dispose of or add to the sanitary sewer system any substance containing greater than five percent copper by weight, or copper sulfate in any amount, to control roots or for any other purpose.

(c) No person shall discharge, dispose or add to the storm drain system any substance to control roots or pests.

(e) The provisions of this Section shall not apply to discharges from residential properties.


(a) All photoprocessors shall comply with either subdivision (2) or subdivision (3) of this subsection (a). Persons who fully comply with subdivision (3) shall not be required to obtain an industrial waste discharge permit pursuant to Section 16.09.080, unless required to do so pursuant to other sections of this Chapter, but shall be required to meet applicable maximum allowable limits for wastewater discharge and other requirements.
(a1) Definitions. For the purposes of this Section the following words and phrases shall be as defined herein:

(1A) “Photographic materials processing” means developing silver-bearing film, including, but not limited to x-ray film and photographic paper.

(2B) “Photoprocessor” means any person who owns a photographic materials processing system including a business that does photographic materials processing or any person who engages in photographic materials processing.

(3C) “Spent solutions” means spent fixer, bleach fixer, stabilizer from washless systems, silver-bearing cleaning solutions and functionally similar solutions other than washwater.

(4D) “Regeneration” means the treatment of washwater, fixer, or bleach fixer for re-use.

(5E) “Washwater” means water that has been used to rinse fixer or bleach fixer from photographic film or paper.

(b) Photoprocessors shall comply with either part (1) or part (2) of this subsection (b).

(12) Silver Removal System. Persons Photoprocessors who comply with this subdivision (2) shall install and operate in their facilities a silver removal system in addition to the following requirements, in a manner which shall insure consistent compliance with the following effluent standards:

(A) The maximum allowable limit for silver shall be 1.0 mg/liter. The maximum allowable limit for copper shall be 2.0 mg/liter.

(A) Photoprocessors must obtain a discharge permit for such wastes from the director prior to discharging into the sanitary sewer system;

(B) All spent solutions and wash water that are not sent off site shall be treated to ensure consistent compliance with the local limits established in Section 16.09.055 of this Chapter and the alternative copper and silver limits for photoprocessors established in subsections (d) and (e) of this Section 16.09.235, prior to discharge to the sanitary sewer system; effluent standards set forth in this subsection (a)(2).

(C) Silver removal from wash-water shall be conducted in a manner that does not reduce the effectiveness of the treatment of spent solutions.
The photoprocessors shall sample the discharge silver removal system effluent at least once per month or more frequently as needed or as directed by the director based upon the flow rate from the facility. However, in no event shall sampling be done less frequently than once a month. A duplicate of each sample collected shall be kept until the next sampling event. The duplicate sample shall be immediately relinquished to the director upon request. A sampling port shall be installed in accordance with Section 16.09.120 of this Chapter in addition to any guidelines established by the director specifications set forth in the photoprocessor’s wastewater discharge permit.

Every person owning or operating a silver removal system shall cause such system to be serviced at least once per year by the manufacturer, equipment distributor, or a qualified consultant who shall certify that all equipment in the system is functioning in accordance with the manufacturer’s standards for such equipment. Records of system service shall be maintained and made available for inspection and copying as described in Section 16.09.160 of this Chapter; and.

Every person intending to comply with the provisions of this subsection shall submit a completed permit application to the Superintendent, per Section 16.09.085 of this Chapter, at least forty-five days prior to commencing operation of such system.

Every person intending to comply with the provisions of this subsection shall submit an annual report to the director in accordance with guidelines established by the director.

The annual report shall contain the following information for the preceding calendar year:

(i) Type and description of silver removal processes and any regeneration systems employed;
(ii) Amount of spent solutions generated;
(iii) Dates of equipment servicing;
(iv) Description of any major changes in equipment or operation; and
(v) All wastewater sampling data.

Off-Site Disposal. Persons who comply with this subsection shall ship or cause to be shipped off site, for recovery or appropriate disposal, all spent solutions in addition to the following requirements:

(A) or shall regenerate all spent solutions on site. Storage, shipment and disposal of spent solutions shall be in accordance with applicable all Federal, State, federal and local regulations requirements.
Every person who complies with this subsection shall maintain, or cause to be maintained, records that detail the purchase date and quantity of all new fixer, bleach-fix, stabilizer and functionally similar solutions kept or used by such processor. Such processor shall also maintain, or cause to be maintained, detailed disposal records that include the date, type and amount of waste spent solutions disposed of; the name, address and identification number of the shipper; and the ultimate destination of each batch of waste solution shipped off site; and. Such person shall also maintain, or cause to be maintained, a record of the amount of spent solutions regenerated on site.

Every photoprocessor intending to comply with the provisions of this subsection shall submit an annual report to the director Superintendent in accordance with guidelines established by the director. on or before February 1 of each calendar year. The annual report shall contain for the preceding calendar year a summary of the required records maintained by such person relating to purchase and disposition of photographic solutions. The summary shall be on a form provided by the Superintendent. Along with the summary, the photoprocessor shall submit a statement certifying that it is in compliance with this subsection and that the required records shall be maintained and made available for inspection as described in 16.09.160.

Photoprocessors that comply with this subsection need not meet the local limit for silver established in Section 16.09.055 of this chapter or the alternative silver limit for photoprocessors established silver discharge limitations set forth in subsection (a)(2)(A)(e) of this Section or the silver discharge limitations set forth in 16.09.040(q) with respect to the photographic materials processing portion of their operations; provided, however, that those photoprocessors generating a total of one hundred (100) gallons or more per month of spent solutions shall be required to meet the silver limit established in subsection (a)(2)(A)(e) of this Section with respect to washwater discharged to the sanitary sewer system, even if all spent solutions are shipped off site.

The copper maximum allowable limit for photographic materials processing discharges shall be 2.0 mg/L.

The silver limit for photographic materials processing discharges shall be 1.0 mg/L.

16.09.220-240 Requirements for Dental Facilities that remove or place amalgam fillings.

Definitions. For the purposes of this section the following words and phrases shall be as defined herein:
(1) “Amalgam process wastewater” means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam;

(12) “Amalgam separator” means a collection device designed to capture and remove dental amalgam from amalgam process wastewater of a dental facility is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer system;

(23) “Amalgam waste” means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules;


(5) “Dental amalgam” means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry;

(6) “Dental discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, State or local governments, that discharges wastewater to the sanitary sewer system. Dental dischargers subject to this Section are not “categorical industrial users” as defined in Section 16.09.015 of this Chapter; and

(37) “ISO 11143” is the means International Organization for Standardization’s (ISO) 11143 Standard for Amalgam Separators (2008).

(b) Subsection (c) of this Section does not apply to dental dischargers that:

(1) Exclusively practice one or more of the following dental specialties, provided that removal or placement of amalgam fillings occurs at the facility no more than three (3) days per year:

(A) Oral pathology;

(B) Oral and maxillofacial radiology;

(C) Oral and maxillofacial surgery;
(D) Orthodontics;

(E) Periodontics; and

(F) Prosthodontics; or

(2) Dental Dischargers that do not discharge any amalgam process wastewater to the sanitary sewer system, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, are also exempt from the requirements of Subsection (c).

(bc) Dental Dischargers All owners and operators of dental facilities that remove or place dental amalgam fillings—shall comply with the following waste management requirements:

(1) Dental amalgam solids shall be removed from amalgam process wastewater by installation, operation, and maintenance of one or more amalgam separators compliant with either ANSI/ADA 108 or ISO 11143 or subsequent versions so long as that version requires amalgam separators to achieve at least ninety-five percent (95%) removal efficiency. An ANSI/ADA 108 or ISO 11143 certified amalgam separator shall be installed for each dental vacuum system. The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater. Neither the amalgam separator nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam removal device that exceeds the practical capacity of ANSI/ADA 108 or ISO 11143 test methodologies, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ANSI/ADA or ISO certified. Operators of non-certified amalgam removal devices will be required to demonstrate and document that non-certified amalgam removal devices can achieve at least 95% removal efficiency as described in 40 CFR 441.30(2). The demonstration of non-certified device(s) must be documented and made available for inspection and copying in either physical or electronic form for a period of at least three (3) years after removal of the device, or as long as a dental discharger is in operation, or until ownership of the facility is transferred, whichever is later;

(2) Amalgam separator(s) shall be inspected in accordance with the manufacturer’s operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s). In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a compliant unit within ten (10) business days after the malfunction is discovered by the dental discharger;

(3) Amalgam retaining units shall be replaced in accordance with the manufacturer’s schedule as specified in the manufacturer’s operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the
operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes sooner;

(4) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained and made available for inspection and copying as described in Section 16.09.185 of this Chapter;

(15) No person shall rinse chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices shall not be cleaned or rinsed, or amalgam separators equipment in a sink or other connection to the sanitary sewer system;

(26) Dental office personnel Owners and operators of dental facilities shall ensure that all staff members who handle amalgam and amalgam waste are shall be trained in the proper handling, management and disposal of mercury-containing materials and fixer-containing solutions. Training records shall be maintained and made available for inspection and copying in accordance with as described in Section 16.09.160185 of this Chapter;

(37) Amalgam waste including, but not limited to dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices shall not be discharged to the sanitary sewer system. Amalgam waste shall be stored, and managed and disposed in accordance with applicable Federal, State, and local regulations the instructions of the recycler or hauler of such materials;

(48) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system. Oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 shall not be used to disinfect dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to the sanitary sewer system; and

(5) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(9) Dental dischargers shall submit an annual report for each facility in accordance with guidelines established by the director.

(c) All owners and operators of dental vacuum suction systems, except as set forth in subsection (d) of this section, shall comply with the following:

(1) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 certified as capable of removing a minimum of 95% of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass.
facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

(2) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained and made available for inspection as described in Section 16.09.160.

(d) The following types of dental practice are exempt from Section 16.09.220, provided that removal or placement of amalgam fillings occurs at the facility no more than three days per year:

(1) Orthodontics;
(2) Periodontics;
(3) Oral and maxillofacial surgery;
(4) Radiology;
(5) Oral pathology or oral medicine;
(6) Endodontistry; and
(7) Prosthodontistry.

(d) Records required to be kept pursuant to this Section shall be maintained and made available for inspection and copying as described in Section 16.09.185 of this Chapter.

(e) All owners and operators of dental facilities shall submit an annual report for each facility to the Superintendent on or before February 1 of each calendar year. The annual report shall contain information on the dental facility’s amalgam separator and its maintenance, and shall require the dental facility to certify that it is in full compliance with this section. The annual report shall be on a form provided by the Superintendent.

(f) The copper maximum allowable limit for dental facilities facility discharges shall be 2.0 mg/liter.

(f) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

16.09.225 Requirements for Vehicle Service Facilities.

(a) Definitions. For the purposes of this Section the following words and phrases shall be as defined herein:

(1) “Commercial vehicle washing facility” means a commercial facility where vehicle washing is a primary business activity. Commercial vehicle washing facilities include, but are not limited to, mobile washing rigs.

(2) “Fleet washing facility” means a facility for washing vehicles, at a location where a business maintains six or more vehicles.
(3) "Ground surfaces" means and includes dirt, gravel, or other unpaved surfaces.

(41) “Vehicle” means a mode of transporting people or things. Vehicles include, but are not limited to, automobiles, buses, trucks, recreational vehicles, tractors, motorcycles, airplanes and boats.

(52) “Vehicle fluid” means a liquid used in or drained from a motor vehicle. Vehicle fluids include, but are not limited to, gasoline, diesel fuel, motor oil, brake fluid, power steering fluid, radiator fluid, hydraulic fluid, gearbox oil, transmission fluid, and coolant.

(63) “Vehicle service facility” means a commercial or industrial facility establishment that conducts one or more of the following types of operations with respect to motor vehicles or components of motor vehicles: vehicle repair, modification, fuel dispensing, vehicle fluid draining/replacement, parts, engine, drivetrain and undercarriage parts cleaning, body repair, vehicle salvage and wrecking, or vehicle washing and detailing.

(b) All vehicle service facilities shall be operated in accordance with the following requirements:

(1) No vehicle service facility shall discharge vehicle fluids or industrial waste from parts cleaning or motor vehicle washing to the sanitary sewer system without first obtaining a discharge permit from the director.

(2) The director may require a vehicle service facility to obtain a discharge permit for industrial waste generated as a result of general housekeeping (mopping of floors, cleanup of small leaks or spills, etc.) if the following three step procedure, or equivalent, is not followed:

(A) Clean up spills with rags or other dry absorbent materials;

(B) Sweep or vacuum the floor; and

(C) Mop floor and discharge mop water to the sanitary sewer system;

(3) Motor vehicle washing using detergents or cleansers must be conducted in a wash pad area approved by the director. The wash pad area must be sloped and/or berm to prevent discharge to the storm drain system and to prevent stormwater run-on to the wash pad area. The director may require that the wash pad area be covered. The director may require treatment prior to discharge to the sanitary sewer system;

(4) Vehicle service facilities shall provide wastewater treatment as necessary to comply with the provisions of this chapter. Any facilities necessary for compliance shall be provided, operated, and maintained at the discharger’s expense;
(5) Floor drains in work areas are prohibited, except for such floor drains which are connected to a pretreatment system which has been approved by the director;

(1) No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinse water from parts cleaning operations into storm drains;

(2) All owners and operators of vehicle service facilities shall ensure that any vehicle fluid, hazardous material, or rinse water from parts cleaning operations that comes into contact with any floor, pavement or ground surface is cleaned up immediately from such surface;

(3) No person shall dispose of vehicle fluids or rinse water from parts cleaning operations into the sanitary sewer system except pursuant to an industrial waste discharge permit obtained in accordance with this Chapter;

(4) No vehicle service facilities shall contain floor drains, excepting only such floor drains as are connected to wastewater pretreatment systems for which an industrial waste discharge permit has been obtained in accordance with this Chapter;

(5) No tanks, containers or sinks used for parts cleaning or rinsing shall be connected to the storm drain system, or to the sanitary sewer system except pursuant to an industrial waste discharge permit obtained in accordance with this Chapter;

(6) No person shall perform vehicle fluid removal outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any spilled fluid will be in an area of secondary containment;

(7) Leaking vehicle fluids shall be contained or drained immediately;

(8) No person shall leave unattended drip pans or other open containers containing vehicle fluid, unless such containers are in use or in an area of secondary containment;

(9) No person shall discharge wastewater from vehicle washing operations or wash racks to the storm drain system or onto the ground. Discharge to the sanitary sewer system may be allowed pursuant to an industrial waste discharge permit obtained in accordance with this Chapter. Nothing in this subsection shall be construed to prohibit the proper reuse of wastewater;

(10) No person shall discharge into the storm drains water from vehicle washing operations, except from rinsing of vehicle exterior surfaces, with water only, to remove atmospheric dust that deposited on a vehicle when not in use. This exception does not apply to commercial vehicle washing facilities or fleet washing;

(11) Vehicle service facilities shall be cleaned using only those methods of cleaning that ensure that no materials are discharged to the storm drain system or to the sanitary sewer system, except for wastewater which is discharged to the sanitary sewer system pursuant to an industrial waste discharge permit obtained in accordance with this Chapter; provided, however, that a permit shall not be required for facilities that use the following three-step sequence for cleaning floors:

(A) Clean up spills with rags or other absorbent materials;
(B) Sweep floor using dry absorbent material;
(C) Mop floor. Mop water must be discharged to the sanitary sewer via a toilet or sink.

(126) Adequate types and quantities of and All owners and operators of vehicle service facilities shall ensure that spill prevention and clean-up materials and equipment shall be kept in stock and made readily available for use at all times and absorbent materials are kept in stock at all times and are readily available for use;

(137) Acid-containing batteries shall be stored except within secondary containment;

(148) Vehicle service facility personnel shall be All owners and operators of vehicle service facilities shall ensure that all employees of such facilities are trained, upon hiring and at least annually thereafter, regarding the provisions of this chapter and applicable vehicle service facility best management practice BMPs in accordance with guidelines issued and published by the director. Training records shall be maintained and made available for inspection and copying in accordance with Section 16.09.185 of this Chapter; and

(15) All owners and operators of vehicle service facilities shall post or cause to be posted signs on all storm drain inlets located on the property of the facility with the words “No dumping Flows to Bay” or equivalent;

(169) Solids shall be removed from No person shall discharge to the sanitary sewer system solid materials wastewater generated from wet sanding and mop water from mopping in wet sanding areas prior to discharge into the sanitary sewer system. Vehicle service facilities using wet sanding processes shall have provide one (1) or more containers to accumulate wet sanding wastewater and mop water from wet sanding areas. A minimum of forty-eight (48) hours shall be provided for the settling of solid materials from the water prior to the water’s discharge to the sanitary sewer system. An alternative solids removal method may be utilized provided that the method has been demonstrated to be equally effective, and approved by the director. Settled solid materials shall be managed in accordance with all Federal, State, federal and local requirements.

(ce) The maximum allowable limit for zinc limit for vehicle service facility discharges shall be 4.0 mg/liter.

(c) The maximum allowable limit for copper limit for vehicle service facility discharges shall be 2.0 mg/liter.

(d) All records required to be kept pursuant to this subsection shall be maintained and made available for inspection as described in Section 16.09.160.

(a) **Machine shops shall be operated in accordance with the following standards:**

1. **No machine shop shall discharge process wastewater or industrial waste to the sanitary sewer system without first obtaining a discharge permit from the director;**

2. The director may require a machine shop to obtain a discharge permit for industrial waste generated as a result of general housekeeping (mopping of floors, cleanup of small leaks or spills, etc.) if the following three step procedure, or equivalent, is not followed:

   A. Clean up spills with rags or other dry absorbent materials;

   B. Sweep or vacuum the floor; and

   C. Mop floor and discharge mop water to the sanitary sewer system;

3. **Machine shops shall provide wastewater treatment as necessary to comply with the provisions of this Chapter. Any facilities necessary for compliance shall be provided, operated, and maintained at the discharger's expense;**

4. **Floor drains in work areas are prohibited, except for such floor drains which are connected to a pretreatment system which has been approved by the director;**

   No person shall dispose of, nor permit the disposal, directly or indirectly, of machine shop fluids, hazardous materials, mop water, or rinse water from parts cleaning or deburring/tumbling operations into storm drains;

   2. No person shall dispose of machine shop fluids or rinse water from parts cleaning or deburring/tumbling operations into the sanitary sewer system except pursuant to an industrial waste discharge permit obtained in accordance with this Chapter;

3. No machine shop shall contain floor drains, excepting only such floor drains as are connected to wastewater pretreatment systems for which an industrial waste discharge permit has been obtained in accordance with this Chapter;

4. **Adequate types and quantities of spill prevention and clean-up materials and equipment shall be kept in stock and made readily available for use at all times; and**

5. **Machine shop personnel shall be trained, upon hiring and at least annually thereafter, regarding the provisions of this Chapter and applicable machine shop BMPs established by the director. Training records shall be maintained and made available for inspection and copying in accordance with Section 16.09.185 of this Chapter.**

6. **Machine shops shall be cleaned using only those methods of cleaning which ensure that no materials are discharged to the storm drain system or to the sanitary sewer system, except for wastewater that is discharged to the sanitary sewer system pursuant**
to an industrial waste discharge permit obtained in accordance with this Chapter; provided, however, that a permit shall not be required for facilities that use the following three-step sequence for cleaning floors, or an approved equivalent:

(A) Clean up spills with rags or other absorbent materials;
(B) Sweep floor using dry absorbent material; and
(C) Mop floor. Mop water shall be discharged to the sanitary sewer via a toilet or sink.

(5) All owners and operators or machine shops shall ensure that spill prevention, clean-up equipment and absorbent materials are kept in stock at all times and are readily available for use.

(6) All owners and operators of machine shops shall post or cause to be posted signs on all storm drain inlets located on the property of the facility with the words “No Dumping—Flows to Bay” or equivalent.

(7) All owners and operators of machine shops shall ensure that all employees who work directly on machine operations or clean-up of such facilities are trained, upon hiring and annually thereafter, regarding best management practices for machine shops in accordance with guidelines issued and published by the Superintendent.

(b) The maximum allowable limit for copper limit for machine shop discharge shall be 2.0 mg/liter.

16.09.235255 Publication of Users in Significant NoncomplianceAnnual publication of significant noncompliant dischargers.

At least annually, notice shall be provided in the largest local daily newspaper listing those dischargers that were found to have been in significant noncompliance, as defined in this Chapter, during the previous twelve months.

The director shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this Section, a significant industrial user (or any industrial user that violates paragraphs (c), (d), or (h) of this Section) is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-(6)-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant
parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 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 requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City 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 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety- (90-) day compliance reports, periodic self-monitoring reports (PRCC), and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violations or group of violations, which may include a violation of BMPs, which the director determines will adversely affect the operation or implementation of the pretreatment program.


(a) Warning. When the director finds that a user has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the director superintendent may issue verbal or written warnings in response to minor violations or the potential for a discharger to cause violations of this Chapter. Compliance with warnings does not limit further enforcement action by the City.

16.09.245 Enforcement: Notice of non-compliance.

(b) Notice of noncompliance. When the director finds that a user has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or
requirement, the director may serve upon that discharger a written notice of noncompliance (NON). The NON may include a deadline for the discharger to respond with an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of such a plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NON. Nothing in this Section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of noncompliance.

(a) Unless the Superintendent finds that the severity of the violation warrants immediate action under Sections 16.09.255, 16.09.265 or 16.09.270 or permit revocation or suspension, he or she shall issue a notice of noncompliance which:

(1) Enumerates the violations found; and
(2) Orders compliance by a certain date.

If the violations are not abated in the time period identified, further action may be taken by the Superintendent, including, but not limited to, suspension, revocation or modification of the discharger’s permit pursuant to Section 16.09.095.

(b) Subject to the following limitations, and in addition to the provisions of subsection (a), the Superintendent may require a discharger that has violated any discharge limits contained in this Chapter to install a temporary system for the capture, testing and release of wastewater:

(1) The requirement will apply to facilities that have produced multiple violations for the same parameter at the same sampling point, when the Superintendent determines that appropriate corrective measures have proved difficult to identify or implement.
(2) The requirement will apply only to those specific areas of a facility from which the Superintendent determines that the discharge may be originating, rather than to the entire flow from the facility, unless there is no reasonable way to determine where the discharge may be originating.
(3) The requirement will not be applied when the Superintendent determines that a capture system is impractical. If the Superintendent determines that a capture system is impractical, the Superintendent may require an alternative compliance measure of equivalent effectiveness.
(4) The requirement will be terminated following a demonstration of compliance as determined by the Superintendent. The sampling required to demonstrate compliance for violations of discharge limits shall be set by the Superintendent and may be up to twenty-one consecutive, violation-free calendar days of sampling by the discharger followed by up to four days of violation-free sampling by the Superintendent.

(c) Continued noncompliance. When the director finds that a user continues to violate any provision of this Chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the
director may take further actions including, but not limited to, suspension, revocation or modification of the discharger’s permit.

(d) Required installation of capture system. A discharger that has violated any provisions contained in this Chapter may be required to install a temporary system for the capture, testing and release of wastewater, subject to the following limitations:

(1) This requirement will apply to facilities that have produced multiple violations for the same parameter at the same sampling point or repeat violation of permit provisions, when the director determines that appropriate corrective measures have proved difficult to identify or implement;

(2) This requirement will apply only to those specific areas of a facility from which the director determines that the discharge or noncompliance may be originating, rather than to the entire flow from the facility, unless there is no reasonable way to determine where the discharge may be originating or to segregate said flows;

(3) This requirement will not be applied when the director determines that a capture system is impractical. If the director determines that a capture system is impractical, the director may require an alternative compliance measure of equivalent effectiveness; and

(4) This requirement will be terminated following a demonstration of compliance as determined by the director. The sampling required to demonstrate compliance for violations of pollutant limits shall be set by the director and may be up to twenty-one (21) consecutive business days of violation-free self-monitoring by the discharger followed by up to ten (10) days of violation-free sampling by the director.

(e) Cease and desist orders. When the director finds that a user has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, or that the discharger’s past violations are likely to recur, the director may issue an order to the discharger directing it to cease and desist all such violations and directing the discharger to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the discharger.

16.09.250 Enforcement: Administrative compliance order.

(f) Administrative compliance order. Any person who violates any provision of this chapter or When the director finds that a user has violated, or continues to violate, any
 provision of this Chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue a compliance order to the discharger, in accordance with the provisions of Chapter 1.16 of this code, directing that the discharger come into compliance within a specified time. Any permit issued pursuant to this chapter shall be subject to the administrative compliance order provisions contained in Chapter 1.16 of this code. If the discharger does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the discharger of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the discharger.

16.09.255 Enforcement: Criminal penalties.

As provided in 1.08 of Title 1 of this code, violations of the provisions of this title shall be subject to criminal penalties. The following designated employee positions may enforce the provisions of this Chapter by the issuance of citations. Persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this Chapter. The designated employee positions are: industrial waste inspector; industrial waste investigator; associate engineer; manager, environmental control programs; supervisor, industrial waste; and manager.


(g) Administrative citation. When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an administrative citation. Any person who violates any provision of this Chapter or any provision of any permit issued pursuant to this Chapter shall be subject to the administrative citation in accordance with the provisions contained in Chapter 1.12 of this code. Issuance of an administrative citation shall not be a bar against, or a prerequisite for, taking any other action against the person.

16.09.265 Enforcement: Administrative civil penalties.

(a) Complaint. The Superintendent may serve an administrative complaint on any person who has violated any provision of this Chapter. The complaint shall state:

(1) The act or failure that constitutes the violation;
(2) The provisions of law authorizing the civil liability to be imposed; and
(3) The proposed civil penalty.

The complaint shall be served by personal delivery or certified mail on the person subject to requirements that the Superintendent alleges were violated, and shall inform the person served that a hearing on the complaint shall be conducted within sixty days after service, unless the person charged with the violation waives his or her right to a hearing.

(b) Hearing. Unless the person charged with the violation(s) waives his or her right to a hearing, the city manager or designee of the city manager shall conduct a hearing within sixty days. If the hearing officer finds that the person has caused a violation, he or she may assess administrative penalties against the person. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger. Civil penalties that may be imposed are as follows:

(1) An amount not to exceed two thousand dollars per day for failing or refusing to furnish technical or monitoring reports;

(2) An amount not to exceed three thousand dollars per day for failing or refusing to comply in a timely fashion with any compliance schedule established by the City;

(3) An amount not to exceed five thousand dollars per day of violation for discharges in violation of any waste discharge limitation, permit condition or requirement issued by the City; and

(4) An amount not to exceed ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued or adopted by the City.

(c) Appeal. Any person against whom penalties are assessed by the hearing officer may appeal the decision of the hearing officer within thirty days of notice of the decision. The city council may hear the appeal or deny review of the case. If the city council decides to hear the appeal, it shall conduct the appeal in accordance with procedures established by the council. The decision of the city council shall be in writing and shall be final. All civil penalties imposed in accordance with this section shall be payable within thirty days of the decision of the hearing officer; provided, that if the decision is appealed, all penalties shall be payable within thirty days after the city council's decision on the appeal.

(d) Lien. The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the violation occurred resulting in imposition of the penalty. The Superintendent shall cause the amount of uncollected penalty to be recorded with the county recorder, in accordance with Section 54740.5 of the California Government Code, as the same from time to time may be amended.
(h) Emergency suspension. The director may immediately suspend any discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a discharger’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. Any discharger notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a discharger’s failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any persons. The director may allow the discharger to recommence its discharge when the discharger has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in Section 16.09.295 of this Chapter are initiated against the discharger.

(i) Termination of discharge. The City reserves the right to revoke any permit issued pursuant to this Chapter and/or terminate or cause to be terminated sewer service to any premises for noncompliance with the provisions of this Chapter which reasonably appear to present an imminent endangerment to the health, safety, and welfare of persons. The discharger shall immediately cease discharge of any waste presenting such a hazard, upon verbal and/or written notice of the director. Such termination shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Section 16.09.115 of this Chapter. It shall be unlawful for any person to discharge any industrial waste into the sanitary sewer system from any premises for which the permit has been revoked or sewer service has been suspended or terminated.

(j) Injunctive relief. When the director finds that a user has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the Superior Court of California through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this Chapter on activities of the discharger. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the discharger to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a discharger.

16.09.270 Enforcement: Judicial civil penalties.

(k) Civil penalties.
(1) Any person who intentionally or negligently has violated, or continues to violate any provision of this chapter or any provision of any permit issued pursuant to this chapter, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other pretreatment standard or requirement shall be civilly liable to the City for a maximum civil penalty of up to twenty-five thousand dollars ($25,000) per day for each day in which such violation occurs. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The City may petition the Superior Court of California pursuant to Government Code Section 54740 to recover the sums in subsection (k)(1) of this Section as well as reasonable attorneys’ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City, impose, assess, and recover such sums.

(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User’s violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a discharger.

The remedy provided in this section is cumulative and not exclusive, and shall be in addition to the penalty provisions of Chapter 1.08 of this code and all other remedies available to the City under state and federal law.

16.09.275 Damage to facilities.

When a discharge causes an obstruction, damage, or any other impairment to City facilities, the City may assess a charge against the discharger to reimburse the City for costs incurred to clean or repair said facility.

16.09.280 City right to terminate discharge.

The City reserves the right to terminate sewer service for noncompliance with the provisions of this Chapter which reasonably appear to present an imminent endangerment to the health, safety, and welfare of persons. The discharger shall immediately cease discharge of any waste presenting such a hazard, upon verbal and/or written notice of the Superintendent. Such termination shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Section 16.09.100.
(l) Criminal penalties. As provided in Chapter 1.08 of this code, violations of the provisions of this Chapter shall be subject to criminal penalties.


(m) Remedies nonexclusive. The remedies provided for in this Chapter of this ordinance are cumulative and not exclusive, and shall be in addition to the provisions of Chapters 1.08, 1.12, and 1.16 of this code, and all other remedies available to the City under Federal, State or local law. The director may take any, all, or any combination of these actions against a noncompliant discharger. Enforcement of pretreatment violations will generally be in accordance with the City’s enforcement response plan. However, the director may take other action against any discharger when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant discharger. Enforcement actions may be taken concurrently.

16.09.265 Pretreatment Charges and Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City’s pretreatment program, which may include:

(a) Fees for discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user’s discharge, and reviewing monitoring reports and certification statements submitted by industrial users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in subsection (b) of this Section) associated with the enforcement activity taken by the director to address discharger noncompliance; and

(f) Other fees as the City may deem necessary to carry out the requirements of this Chapter.

16.09.270 Obstruction, Damage or Impairment to POTW.

Dischargers shall be responsible for and liable to the City for any obstruction, damage or impairment to the POTW associated with a discharge that causes an obstruction, damage, or any other impairment to the POTW. When a discharge causes an obstruction, damage, or any
other impairment to the POTW, the City may assess a charge against the discharger to reimburse the City for costs incurred to clean or repair said obstruction, damage or impairment.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Ordinance is also exempt from CEQA pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.
**SECTION 5.** This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

________________________________________  ____________________________
City Clerk       Mayor

APPROVED AS TO FORM:  APPROVED:

________________________________________  ____________________________
Assistant City Attorney     City Manager

________________________________________
Director of Public Works