

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CERTAIN SECTIONS OF SANTA ROSA CITY CODE TITLE 15 - SEWERS TO MAINTAIN COMPLIANCE WITH EPA INDUSTRIAL PRETREATMENT PROGRAM REGULATION REVISIONS

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 15-04, Section 15-04.030 shall be amended to read as follows:

**15-04.030 Definitions.**

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- (1) “Act” means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq., or as amended.
- (2) “Administrator” means the appropriate Environmental Protection Agency (EPA) Regional Administrator (San Francisco EPA, Region IX).
- (3) “Amalgam separator” means 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 sewer.
- (4) “Amalgam waste” means and includes noncontact 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) “Applicant” means a person or entity making application for a permit and shall be an occupant and/or owner, or an occupant and/or owner’s authorized representative of the premises to be served by the sewer for which a permit is required.
- (6) “Approval authority” means the Program Director in a National Pollutant Discharge Elimination System (NPDES) State with an approved State pretreatment program.
- (7) “Approved POTW pretreatment program” means a program administered by a publicly owned treatment works (POTW) that meets the criteria established in 40 CFR, Parts 403.8 and 403.9, or as amended, and which has been approved by the administrator or approval authority in accordance with 40 CFR, Part 403.11, or as amended.
- (8) “Authorized representative” of the applicant or user.

(a) If the applicant or user is a corporation:

(i) 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

(ii) 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 the 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 action(s) taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the applicant or user is a partnership, association, or sole proprietorship: an authorized representative shall mean a general partner or proprietor, respectively.

(c) If the applicant or 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.

(d) The individuals described in subsections (a) through (c), may designate another 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 having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City's Director of Utilities.

(e) A user not falling within one of the above categories must designate as the authorized representative an individual responsible for the overall operation of the facility.

(9) "Average dry weather flow (ADWF)" means the mean daily volume of sewage during the period of time not influenced by rainfall.

(10) "Best available technology (BAT)" means the most efficient hardware, fixtures and systems as determined by the Director of Utilities for reduction of the amount of wastewater volume or pollutants.

(11) "Best management practices (BMPs)" means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce unintended discharges to the sanitary sewer system. BMPs include, but are not limited to, pretreatment requirements, operational procedures and practices, maintenance and repair of equipment, record keeping, containment to prevent spills or leaks, sludge or waste disposal, good housekeeping practices or diversion of water away from raw materials or chemical storage areas.

(12) "Board of Public Utilities" means the Board of Public Utilities of the City.

- (13) “BOD” means biochemical oxygen demand as determined by the five-day BOD in accordance with standards set forth in 40 CFR Part 136, or as amended.
- (14) “Building” means any structure used or intended for supporting or sheltering any use or occupancy as determined by the Director of Utilities.
- (15) “Categorical standards” means National Categorical Pretreatment Standards or Pretreatment Standard.
- (16) “Categorical user or categorical industrial user (CIU)” means all industrial users that are subject to categorical pre-treatment standards under 40 CFR Part 403.6 or as amended and in any industry as defined in 40 CFR Parts 405-599 or as amended.
- (17) “City” means the City of Santa Rosa, Sonoma County, California.
- (18) “Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.
- (19) “Commercial user” means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments, including churches and lodges.
- (20) “Compatible pollutant” means a component of wastewater which does not interfere with, is removed by, and is not otherwise incompatible with the subregional water reclamation system or its processes.
- (21) “Compliance schedule” means a detailed time schedule of specific actions which a user is required to take in order to prevent or correct a violation of any prohibitions or limitations prescribed herein or any of the City’s effluent limitations or pretreatment standards promulgated in accordance herewith.
- (22) “Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow proportional or time.
- (23) “Connected” means a physical joinder of any plumbing or drainage system or fixture contained in any structure to the subregional sewer system.
- (24) “Contamination” means an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.
- (25) “Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat and other minor chemical constituents.

(26) “Cooling water, noncontact” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(27) “Control authority” means the Director of Utilities or duly authorized representatives.

(28) “Customer” means a person who is, or who has agreed to be, responsible for the payment of water or sewer service charges. “Customer” is also synonymous with “account,” against which charges are assessed and billed

(29) “Director” means the Director of Utilities or duly authorized representative.

(30) “Discharger” is synonymous with “user.”

(31) “Dissolved solids” means the residue upon evaporation of water after filtration in accordance with standards set forth in 40 CFR Part 136, or as amended, or any other test procedures approved by the Administrator. Dissolved solids are also termed total dissolved solids or “TDS.”

(32) “Enforcement response plan or ERP” means the mechanism for addressing applicable local, State, or Federal violations. The ERP shall include a written description of each type of enforcement, when to administer it, and how the monitoring schedule is affected. In conjunction with the written description, there may be an enforcement response plan flow chart which maps out the path through the various levels of enforcement.

(33) “EPA” means the Federal Environmental Protection Agency.

(34) “Equivalent single-family unit (ESU)” means a unit of flow that is equivalent to that from a single-family residential unit.

(35) “Existing source” means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards under Section 307 (b) and (c) of the Act or as amended which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act or as amended.

(36) “Federal Water Pollution Control Act of 1972” means Public Law 92-500, officially entitled the “Federal Water Pollution Control Act Amendments of 1972,” also known as the Clean Water Act, and as amended, as well as guidelines, limitations, and standards promulgated by the Environmental Protection Agency.

(37) “Grab sample” means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

(38) “Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(39) “Improvement” means that which is built or constructed, an edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purpose of this title, this definition shall not include “building” as defined above and temporary on-site storm basins, but shall include the playing area of any nonenclosed sport facility or restricted sport field.

(40) “Indirect discharge” means the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c), or (d), or as amended, of the Act.

(41) “Industrial cost recovery” means the portion of annual capital cost recovery allocable to industry and subject to Federal industrial payback.

(42) “Industrial user” means a source of indirect discharge including SIUs and other industry.

(43) “Industrial wastewater” means the waterborne waste and wastewater from any production, manufacturing, or processing operation of whatever nature including institutional and commercial operations where water is used for the removal of significant quantities of waste other than from human habitation of premises connected to the public sewers.

(44) “Infiltration” means water entering the sewer system through the ground.

(45) “Inflow” means water entering a sewer system from surface drainage and from clean cooling water from noncontact cooling systems.

(46) “Instantaneous maximum allowable discharge limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite samples collected, independent of the industrial flow rate and the duration of the sampling event.

(47) “Interceptor” means a grease removal device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the sewer system from entering.

(48) “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

(b) Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with statutory provisions, regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act or as amended; the Solid Waste Disposal Act (SWDA) or as amended, including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) or as amended, and including regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA or

as amended; the Clean Air Act or as amended; the Toxic Substances Control Act or as amended, and the Marine Protection, Research and Sanctuaries Act or as amended.

(49) “Local limits” means the technically and/or literature-based limits, expressed either as concentration or as mass, of those pollutants.

(50) “Lot” means any premises, piece or parcel of land or property as bounded, defined or shown upon a map, plat or deed recorded in the office of the County Recorder, provided, however, that in the event any building or improvements appurtenant to said building cover more area than a “lot,” as herein defined, the term “lot” shall be deemed to be and include all such pieces or parcels of land upon which said buildings or improvements are wholly or partly located.

(51) “Medical waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(52) “Multifamily residential unit” means a residential unit as defined in Section 20-70.020 of the City Code and as amended that is connected through a service lateral connection to the collection system and the service lateral connection serves more than one residential unit.

(53) “National Categorical Pretreatment Standard” Categorical Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c), or as amended, of the Act, which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

(54) “Natural outlet” means any outlet into a watercourse, ditch, pond, lake, or other body of surface or groundwater.

(55) “New source” means:

(a) Any building, structure, facility, improvement 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), or as amended, of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, improvement or installation is constructed at a site or on a lot at which no other source is located, or

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

(iii) The production or wastewater generating processes of the building, structure, facility, improvement or installation are substantially independent of an existing source at the same site or lot. The Director of Utilities shall determine whether the production or wastewater generating processes are substantially independent, taking into account these factors 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;

(b) Construction on a site at which an existing source is located resulting in a modification of said source if the construction does not create a new building, structure, facility, improvement or installation but otherwise alters, replaces, or adds to existing process or production equipment;

(c) Construction of a new source as defined under this section has commenced if the applicant, user or customer has:

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

1. Any placement, assembly, or installation of facilities, improvement or equipment, or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, improvements or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified with-out substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(56) “Nonresidential user” means users whose premises are primarily for commercial, or governmental or other nonresidential activity but excluding premises of industrial users. Incidental residential use is not precluded.

(57) “NPDES permit” means National Pollutant Discharge Elimination System Permit issued to a POTW pursuant to Section 402 of the Act, or as amended.

(58) “Nuisance” means any condition caused, maintained or permitted to exist which constitutes a threat to public health, safety, and welfare or which is injurious to the senses or which significantly obstructs, injures or interferes with the reasonable or free use of property in a neighborhood, community or to any considerable number of persons. A public nuisance also has the same meaning as set forth under the California Civil Code.

(59) “Off-site sewer” means a public sewer constructed or to be constructed outside the boundaries of a subdivision or outside the edges of a lot.

(60) “Pass-through” means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit or waste discharge requirements, including an increase in the magnitude or du-ration of a violation.

(61) “Peak wet weather flow (PWWF)” means peak rate of flow occurring during or from the effects of precipitation.

(62) “Permanent sewer service” means the installation of a permanent (nontemporary) City water meter by City forces in an approved water meter box accompanied by (a) completion of construction of a permanent sewer lateral to a permitted structure, and (b) a request to the City by the property owner, agent, or tenant to establish a permanent sewer service account. For sewer service only requests, “permanent sewer service” means the completion of construction of a permanent sewer lateral to a permitted structure accompanied by a request to the City by the property owner, agent, or tenant to establish a permanent sewer service account.

(63) “Person(s)” means any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

(64) “pH” means the logarithm of the reciprocal of the hydrogen ion concentration and indicates the measure of acidity or alkalinity, expressed as Standard Units (SU).

(65) “Pollutant” includes but is not limited to dredge soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TDS, TSS, turbidity, color, BOD, COD, toxicity, or odor) as well as any other referenced pollutants in 40 CFR or as amended.

(66) “Pollution” means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects: (a) such waters for beneficial use; or (b) facilities which serve such beneficial uses.

(67) “Premises” means a parcel of real property, or portion thereof, including any improvements thereon, which is determined by the Director of Utilities to be a single unit for the purposes of receiving, using, and paying for sewerage service.

(68) “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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR Part 403.6 (d), or as amended.

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

(70) “Pretreatment standards” or “standards” mean discharge standards, categorical pretreatment standards, and local standards and limits.

(71) “Prohibited discharge standards” or “prohibited discharges” mean prohibitions against the discharge of certain sub-stances.

(72) “Public agency” means the United States Government or any department or agency thereof; the State of California or any department or agency thereof; any city, county, town, or any department or agencies thereof; any school district; any other governmental or public district or entity; or any other legal public district, entity or entities; or any combination of the foregoing.

(73) “Publicly owned treatment works (POTW)” means a treatment works as defined by Section 212, or as amended, of the Act, which is owned and/or operated by a State or municipality. This includes any devices and systems used in the collection, storage, treatment, recycling, and reclamation of the municipal sewage or industrial wastewater of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.

(74) “Regional Water Quality Control Board” means the California Regional Water Quality Control Board, North Coastal Region, which has jurisdiction in the Santa Rosa area.

(75) “Residential user” means users whose premises are primarily for residential purposes and have no significant producing or processing activity of a commercial or industrial nature.

(76) “Septic tank waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks. (See Holding tank waste.)

(77) “Sewage” means the water-borne wastes received from human habitation and use of premises for residential, business, institutional, commercial and industrial purposes.

(78) “Sewer service lateral” means that portion of the sewer system which connects the user’s premises to the City sewer.

(79) “Sewer or sanitary sewer” means a pipe or conduit which carries sewage and/or industrial wastewater and to which storm, surface, and groundwater are not intentionally admitted. Unless otherwise qualified, the word “sewer” when used in this title shall be taken to mean “sanitary sewer.” A City sewer or public sewer is any sewer located within an easement or public right-of-way and which is maintained by the City.

(80) “Sewer or sanitary overflow” means any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater that may or may not reach water of the United States or that may or may not cause wastewater backups into buildings or onto private property.

(81) “Sewer system” means all works for collecting, pumping, treating, disposing, storing, and reclaiming sewage.

(82) “Shall” is mandatory, and “may” is permissive.

(83) “Significant industrial user (SIU).”

(a) Except as provided in subsections (83)(b) and (c) of this section, the term “significant industrial user” or “SIU” means:

(i) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, sub-chapter N; and

(ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW(excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Director of Utilities on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(b) The Director of Utilities may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user 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:

(i) The industrial user, prior to the Director of Utilities’ finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(c) Upon finding that an industrial user meeting the criteria in subsection (83)(a)(ii) of this section has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standards or requirement, the Di-

rector of Utilities may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(84) “Single-family residential unit” means a residential unit as defined in Section 20-70.020 of the City Code and as amended that is served by a single service lateral.

(85) “Sludge” means a primarily organic solid product produced by wastewater treatment processes that can be beneficially recycled.

(86) “Slug discharge” means a discharge capable of causing adverse impacts to the City, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant con-centration which may cause interference with

the operation of the City sewer system. A slug discharge is considered to be a discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

(87) "Standard Industrial Classification" or "SIC" means a classification pursuant to the latest published edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget used to promote the comparability of industries.

(88) "Subregional system" means the Santa Rosa Subregional Water Reclamation System service area, a POTW, which includes the Cities of Santa Rosa, Rohnert Park, Sebastopol, Cotati, and the South Park County Sanitation District.

(89) "Suspended solids (SS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering per standards set forth in 40 CFR Part 136, or as amended, and amendments thereto or any other test procedure approved by the Administrator. Other test procedures may be used when approved by the Director of Utilities.

(90) "Total dissolved solids (TDS)" means the residue upon evaporation of water after filtration. Standards for analysis are set forth in 40 CFR Part 136, or as amended. Other test procedures may be used when approved by the Director of Utilities.

(91) "Total Kjeldahl Nitrogen (TKN)" means ammonia as nitrogen, as measured by the Kjeldahl method. Standards for analysis are set forth in 40 CFR Part 136 or as amended. Other test procedures may be used when approved by the Director of Utilities.

(92) "Toxic pollutant" means one of the pollutants or combinations of pollutants listed as toxic under Section 307 of the Act or as amended.

(93) "Trade secret" means a method or process, not patented, but known only to persons using it in producing an article of trade or a service having commercial value.

(94) "Treatment plant effluent" means treated wastewater from the subregional system.

(95) "User" means any person who is owner of record, lessee, sublessee, mortgagee in possession, or responsible for property having a connection to a City sewer or for processes which contribute sewage or industrial wastewater to a City sewer. See also "Industrial user."

(96) "User agency" means a public agency which by agreement with the City is served by and acquires a capacity service in the Santa Rosa subregional system.

(97) “Waste” includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature. See also “Industrial wastewater.”

(98) “Waste hauler” means those that haul wastewater from a domestic, commercial, industrial origin or others as approved by the Director of Utilities to the POTW. Such domestic sources include chemical toilets, campers, trailers, septic tanks, or cesspools.

(99) “Wastewater” means the liquid and water carried industrial wastewater, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the City sewer system.

(100) “Wastewater discharge permit” means the written permit or mechanism by which new or increased contributions of pollutants, or changes in the nature of pollutants, to the subregional system by industrial users, may be controlled to ensure compliance with applicable pretreatment standards, pretreatment requirements, or City local limits.

(101) “Wastewater treatment plant” or “treatment plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial wastewater.

(102) “Water quality requirements” means requirements for City’s treatment plant effluent established by the National Pollutant Discharge Elimination System permit, or by State or Federal regulatory agencies for the protection of receiving water quality. Water quality requirements include effluent limitations and waste discharge standards, limitations, or prohibitions which may be established, adopted or amended from time to time by State or Federal laws or regulatory agencies.

(103) “Waters of the State” or “receiving waters” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Section 2. Chapter 15-06, Section 15-06.120 shall be amended to read as follows:

**15-06.120 Publication of Users in Significant Non-Compliance.**

The Director of Utilities shall publish annually in accordance with 40 CFR 403, in any paper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW of industrial users which, at any time during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates subsections (C), (D), or (H) of this section) is in significant noncompliance if its violations meet one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l). In the case of continuous pH monitoring, the percentage of samples out of compliance is determined by dividing the amount of time out of compliance by the total time pH was monitored;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pre-treatment 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, oils 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 of Utilities determines has caused, alone or in combination with other discharges, interference or pass through, (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Director of Utilities exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation(s) or group of violations, including a violation of best management practices, which the Director of Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

Section 3. Chapter 15-06, Section 15-06.200 shall be amended to read as follows:

**15-06.200 Appeals.**

If the discharger or applicant for a permit is dissatisfied with the decision, enforcement action or determination made by the Director of Utilities under Section 15-06.190, he or she may, within 30 days after receipt of said ruling by the Director of Utilities, appeal said ruling by giving written notice of the basis of his or her appeal to the Board of Public Utilities of the City.

Section 4. Chapter 15-08, Section 15-08.050 shall be amended to read as follows:

**15-08.050 Wastewater discharge permit classification.**

The Director of Utilities will classify all users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to the subregional system on the basis of each user's waste quality, quantity, flow, and City involvement; to provide an effective means of source control of toxic substances; and to provide a basis for sewer use charges to insure an equitable recovery of capital and operating costs. User permit classifications are as follows:

- (A) Nonresidential User. Users that discharge nondomestic wastewater to the sanitary sewer system and do not meet the criteria of SIU.
- (B) Non-Significant Categorical Industrial User. Defined in 15-04.30(83)(B).
- (C) Significant Industrial User.
- (D) Ongoing Groundwater Discharger. Users that discharge wastewater generated from groundwater remediation projects in excess of six months.
- (E) One Time Discharger. Users that discharge wastewater generated as a result of purging monitoring wells, dewatering underground storage tanks, groundwater sampling, or for a variety of other circumstances.
- (F) Waste Hauler. Haulers that discharge domestic septic waste, portable chemical toilet waste, non-hazardous commercial or industrial waste, groundwater remediation site waste, and/or landfill leachate at the POTW.

Section 5. Chapter 15-08, Section 15-08.070 shall be amended to read as follows:

**15-08.070 Prohibited discharge standards.**

- (A) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through, interference, or is listed in the specific prohibitions in subsection (B) of this section. These general prohibitions apply to all users discharging to the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- (B) Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create fire or explosive hazard in the POTW, including but not limited to wastestreams with closed cup flashpoint of less than 140° F (60° C) using test methods specified in 40 CFR Part 261.21 or as amended, or at any point in the POTW, of more than 10 percent of the Lower Explosive Limit on a combustible gas meter; or
  - (2) Wastewater having a pH less than 5.0 or more than 12.0, or any substance causing corrosive structural damage to the POTW, or equipment as standardized in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, current edition; or
  - (3) Solid or viscous pollutants in amounts or concentrations which will cause or threaten to cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-fourth inch or 0.635 cm in any dimension. The installation and use of garbage grinders

- (disposals) in commercial food establishments is prohibited, except in the case where a 1,000 gallon minimum interceptor is in use (40 CFR Part 403.5(b)(3)) or as amended; or
- (4) Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW (40 CFR Part 403.5(b)(4)) or as amended; or
- (5) Wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature at the POTW to exceed 104° F (40° C); ) (40 CFR Part 403.5(b)(5)) or as amended; or
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; or
- (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 (40 CFR Part 403.5(b)(7)) or as amended; or
- (8) Trucked or hauled pollutants, except at discharge points designated by the POTW (40 CFR Part 403.5(b)(8)) or as amended; or
- (9) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. Toxic pollutants shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act or as amended; or
- (10) 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 are sufficient to prevent entry into the sewers for maintenance or repair; or
- (11) Any malodorous substance such as hydrogen sulfide or any other substance which will cause offensive odors in the sewer system or at the treatment plant; or
- (12) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or as amended, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used; or
- (13) Any substance which will cause the POTW to violate the NPDES permit or waste discharge requirements issued by the State; or
- (14) Any wastewater containing substances that may precipitate, solidify, or become viscous at temperatures capable of either causing obstruction to the flow in the sewers or interfering with the proper sewer system operation and maintenance; or
- (15) Any portions of the human anatomy; or
- (16) 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 POTW's effluent, thereby violating the City's NPDES permit; or
- (17) Wastewater containing any radioactive waste or isotopes except in compliance with applicable State or Federal regulations; or
- (18) Unpolluted water(s) including but not limited to stormwater, surface water, roof runoff,

subsurface drainage, non-contact cooling water or other; or

(19) Sludges, screenings, or other residues from the pretreatment of industrial wastewater; or

(20) Any infectious waste that is deemed a threat to the public health and safety, or will result in any violation of applicable waste discharge requirements shall be rendered noninfectious prior to discharge; or

(21) Wastewater causing the POTW effluent to fail a toxicity test; or

(22) Pollutants which create conditions which violate any statute, rule, regulation, or ordinance of any public agency relating to releases of hazardous wastes, hazardous substances, or other pollutants to the environment when such release is to a publicly owned sanitary sewer; or

(23) Any substance which is not amenable to treatment by the processes employed at the POTW; or

(24) Any substance which may cause damage to City facilities; or

(25) Any slug loading; or

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

(27) Any of the following prohibited substances as tested according to approved 40 CFR 136 methods:

- (a) Aldrin
- (b) Alpha-endosulfan
- (c) Benzidine and its salt
- (d) BHC-Alpha
- (e) BHC-Beta
- (f) BHC-Delta
- (g) BHC-Gamma (Lindane)
- (h) Chlordane
- (i) Chrysene
- (j) DDD, DDE, and DDT
- (k) Dieldrin
- (l) Endrin
- (m) Endrin aldehyde
- (n) Endosulfan II (B Endosulfan)
- (o) Endosulfan sulfate
- (p) Heptachlor
- (q) Heptachlor Epoxide
- (r) Phenanthrene
- (s) Polychlorinated Biphenyl Compounds (PCBs)
- (t) Tetrachloroethene, (Perchloroethylene, Perc)
- (u) Toxaphene;
- (v) 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD); or

(28) Any septic tank waste, holding tank waste, or portable toilet waste unless a permit is issued by the City and unless such sludge or waste is transported to the POTW by a permitted waste hauler in accordance with the regulations set forth within this title; or

(29) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent, or any single reading over 10 percent of the lower explosive limit of the meter.

(C) Compliance by existing sources with the National Categorical Pretreatment Standards shall be within three years of the date the standard is promulgated unless a shorter compliance time is specified in the appropriate subpart of 40 CFR, Chapter 1, Subchapter N or as amended. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Director of Utilities will notify all affected users of the applicable reporting requirements under 40 CFR Part 403.12 or as amended.

(D) Other Prohibitions.

(1) No user shall discharge any wastewater directly into a manhole or other opening in the City sewage system other than through sewer laterals or other sewer connection approved by the Director of Utilities, unless a permit has been obtained for such discharge. A permit will only be issued for such direct discharge in the event the discharge is otherwise in compliance with provisions of this Title and no other alternative is reasonably available in the opinion of the Director of Utilities.

(2) Any discharge of sewage, industrial/commercial waste or other polluted waters into any storm drain or natural out-let.

(3) Pollutants, substances, or wastewater prohibited by this title shall not be processed or stored in such a manner that they could be discharged to the POTW.

(4) No person who owns operates or maintains a restaurant shall at any time discharge any wastewater to the storm drain, service dock areas, or ground. Wastewater generated by restaurants shall be disposed of through a sanitary sewer, and an approved grease removal device, interceptor, or sample station connected to a sanitary sewer or hauled off site and disposed at a legal disposal site.

(5) It is unlawful for any person to discharge the contents of a swimming pool or a spa into the City sewer system except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than one inch and shall not be under a head to exceed 20 feet. If the water is discharged by pumping, the rate of flow shall not exceed 50 gallons per minute. Each swimming pool or spa discharging to a sanitary sewer shall be equipped with an approved air gap to preclude any possibility of a backflow of sewage into the swimming pool or spa piping system.

Section 6. Chapter 15-08, Section 15-08.100 shall be amended to read as follows:

**15-08.100 Local Limits.**

The following pollutant limits are established to protect against pass through and interference. No SIU or groundwater remediation shall discharge or cause to discharge, any wastewater containing in excess of the following daily maximum allowable discharge limits. In addition the Director of Utilities may apply all or some of the limits set forth below as the Director of Utilities deems appropriate and designates in the user's permit.

1.	Arsenic, Total	0.5	mg/l*
2.	Cadmium, Total	0.2	mg/l
3.	Chromium, Total	2	mg/l
4.	Copper, Total	1	mg/l
5.	Cyanide, Total	0.2	mg/l

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6.	Lead, Total	0.3	mg/l
7.	Mercury, Total	0.0003	mg/l
8.	Nickel, Total	3	mg/l
9.	Zinc, Total	2	mg/l
10.	pH	5.0 – 12.0	SU*
11.	Silver, Total	0.5	mg/l
12.	TPH Gas and Diesel**	100	mg/l
13.	Total Dissolved Solids (TDS)	5,200	mg/l
14.	Halogenated TTO**	0.02	mg/l
15.	BTEX**	2	mg/l

\* mg/l = milligrams per liter; SU = Standard Units.

\*\* Groundwater remediation and cleanup projects only.

- Total Petroleum Hydrocarbons (TPH) Gas and Diesel
- Halogenated TTO = Carbon tetrachloride (tetrachloromethane), Chlorobenzene, 1,2,4-Trichlorobenzene, 1,2-Dichloroethane, 1,1,1-Trichloroethane, 1,1-Dichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, Chloroethane, 2-Chloroethyl vinyl ether (mixed), , Chloroform (trichloromethane), 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 1,1-Dichloroethylene, 1,2-Trans-dichloroethylene, 1,2-Dichloropropane, 1,3-Dichloropropylene (cis 1,3-dichloropropene, trans 1,3-dichloropropene), Methylene chloride (dichloromethane), Methyl chloride (chloromethane), Methyl bromide (bromomethane), Bromoform (tri-bromomethane), Dichlorobromomethane, Chlorodibromomethane, 3Trichloroethylene, Vinyl chloride (chloroethylene), cis- 1, 2-dichloroethene.
- BTEX = Benzene, Toluene, Ethylbenzene, Xylene
- The sum of Halogenated TTO or BTEX test values are defined as the summation of all values observed at levels greater than 5 micrograms/liter(ug/L). Results less than 5 ug/L will not be considered or included in the summation.

Section 7. Chapter 15-08, Section 15-08.210 shall be amended to read as follows:

**15-08.210 Hauled wastewater.**

(A) Septic tank waste may be introduced into the POTW only at locations designated by the Director of Utilities, and at such times as are established by the Director of Utilities. Such waste shall not violate any requirements established by the City. The Director of Utilities will require septic tank waste haulers to obtain wastewater discharge permits.

(B) The Director of Utilities shall require haulers/generators of industrial wastewater to obtain wastewater discharge permits. The Director of Utilities also may prohibit the disposal of hauled industrial wastewater. The discharge of hauled industrial wastewater is subject to all other requirements of this title.

(C) Industrial wastewater haulers shall discharge loads only at locations designated by the Director of Utilities. No load may be discharged without prior consent of the Director of

Utilities. The Director of Utilities may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Utilities may require the industrial wastewater hauler/generator to provide a waste analysis of any load prior to discharge.

(D) Septic and/or industrial wastewater haulers shall provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial wastewater hauler, permit number, truck identification, names and addresses of sources of waste, volume, and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents.

(E) Hauled groundwater discharges shall be subject to the criteria set forth in this section.

(F) Trucked wastes of commercial and/or industrial origin which are generated outside of the subregional service area (Cotati, Sebastopol, Santa Rosa, Rohnert Park, South Park Sanitation District) may be accepted for disposal with the prior approval of the Director of Utilities.

Section 8. Chapter 15-08, Section 15-08.215 shall be amended to read as follows:

**15-08.215 Clean-up and remediation projects.**

Treated water(s) generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells, or other similar sources shall not be discharged through direct or indirect connection to the City sewer system unless a temporary permit or a wastewater discharge permit is issued by the Director of Utilities. The Director of Utilities may approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available; and the City's facilities will not be significantly affected.

Section 9. Chapter 15-08, Section 15-08.340 shall be amended to read as follows:

**15-08.340 Wastewater discharge permit contents.**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Wastewater discharge permits will contain provisions, requirements, and standards appropriate to carry out the objectives of this title, including but not limited to the following:

(1) A statement that indicates wastewater discharge permit duration, which shall not exceed five years for SIU and categorical users;

(2) A statement that the wastewater discharge permit is nontransferable. Any new user must apply for a new wastewater discharge permit and receive prior approval from the Director of Utilities before discharging to the sewer;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12 (e)(2), or a specific waived pollutant in the case of an individual control mechanism, sampling location, sampling frequency, and sample type based on the applicable

general Pretreatment Standards in part 403, categorical pretreatment standards, local limits, and State and local law;

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance beyond that required by applicable Federal, State, or local law;

(B) Wastewater discharge permits may contain provisions, requirements, and standards appropriate to carry out the objectives of this title, including but not limited to the following:

(1) Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants;

(2) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(3) Implementation of best management practices or best available technology as determined by the Director of Utilities.

(a) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works,

(b) Requirements for the development and implementation of spill control plans, toxic organic management plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges,

(c) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW,

(d) Requirements for installation and maintenance of inspection, sampling and flow metering facilities, and other related monitoring equipment and three years of records retention,

(e) A statement that compliance with the wastewater discharge permit does not relieve the user of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit,

(f) Requirements for reporting compliance schedules, self-monitoring, change in conditions, change in discharge including slug loads, bypass, process changes and chemical changes and automatic resampling,

(g) The prohibition of dilution as partial or complete substitute for adequate pretreatment to achieve compliance with permit conditions,

(h) Signatory requirements specifying the responsible corporate officer for the industrial user,

(i) Other conditions as deemed appropriate by the Director of Utilities to ensure compliance with this title, and State and Federal laws, rules, and regulations or the terms of the permit.

Section 10. Chapter 15-08, Section 15-08.430 shall be amended to read as follows:

### **15-08.430 Sampling.**

The Director of Utilities may periodically require any user to sample their wastewater discharge or submit to the wastewater sampling by the Director of Utilities in establishing the appropriate class of the user and/or to evaluate compliance with the standards and requirements of this title.

(A) Sample collection, except as indicated in subsection (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow

proportional sampling is infeasible, the Director of Utilities may authorize the use of time proportional sampling or grab sampling over the production day where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with daily maximum discharge limits.

(B) Samples should be taken for Federal 40 CFR limits, for categorical industries immediately downstream from pre-treatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in order to evaluate compliance with the pretreatment standards. Sampling must be conducted in accordance with the requirements set forth in 40 CFR Part 403.12(g)(3) & (4).

Section 11. Chapter 15-08, Section 15-08.490 shall be amended to read as follows:

**15-08.490 Periodic compliance reports.**

(A) All significant industrial users shall, at a frequency determined by the Director of Utilities, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards or requirements and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with 40 CFR Part 403.6(a)(2)(ii) or as amended. The report shall contain a description of the methods utilized by the user in collecting the wastewater sample for analysis, including but not limited to the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities will be properly operated, cleaned, calibrated, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order is a violation and shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user, subject to the reporting requirement in this section, monitors any pollutant more frequently than required by the Director of Utilities, using the procedures prescribed in this title, the results of this monitoring will be included in the report.

(D) In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the City within the next business day, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within 30 days of the discovery of the first violation. The initial sampling and analysis report shall be sub-mitted within 45 days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date with regard to the violation, and the scheduled additional actions which will be implemented to prevent a recurrence.

(E) The Director of Utilities may also, at any time, require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standard requirements.

(F) When required by the Director of Utilities, an industrial user shall submit a report indicating the concentration of specific pollutants discharged in the effluent. The determination of said pollutants by the Director of Utilities shall be based on what is reasonably expected to be found at the site and the frequency of monitoring shall be based on the compliance status of the industrial user.

(G) Periodic compliance reports may be waived by the Director of Utilities if the City is monitoring the user discharge.

Section 12. Chapter 15-08, Section 15-08.567 shall be amended to read as follows:

**15-08.567 Amalgam separators.**

Amalgam separators shall be provided by dental dischargers in accordance with 40 CFR part 441. The Director of Utilities may specify additional requirements for dental dischargers that remove or place amalgam.

(A) All dental dischargers that remove or place amalgam fillings shall comply with the following best management practices:

(1) No person shall rinse chair-side traps, vacuum screens, pump filters, dental tools, cuspidors or amalgam separator equipment in a sink or other connection to the sanitary sewer.

(2) Dental dischargers shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that shall be available for inspection by the Director of Utilities during normal business hours.

(3) Amalgam waste, to include amalgam, elemental mercury, broken or unusable amalgam capsules, extracted teeth with amalgam, chairside traps, and vacuum system screens/filters, shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(4) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to the City must not be cleaned with 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.

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

(6) Dental practice shall complete and maintain the One-Time Compliance Report and make it available for inspection.

(B) All users of and dischargers from dental vacuum suction systems, except as set forth in subsection (C) of this section, shall comply with the following:

(1) An ANSI/ADA 108-2009 or ISO 11143 certified amalgam separator or comparable device shall be installed for each dental vacuum suction system, and a One-Time Compliance Report must be submitted to the Director of Utilities as required in (B)(1) (a), (b) and (c) below.

(a) Dental dischargers (under any ownership) that were discharging into the POTW prior to July 14, 2017 (“existing sources”) must be in compliance with the 40 CFR 441 by July 14, 2020 and submit a One-Time Compliance Report certifying such by October 12, 2020.

(b) Dental dischargers whose first discharge to the POTW occurs after July 14, 2017 (“new sources”) must be in compliance with the standards immediately and submit a One-Time Compliance Report certifying such within 90 days after the first discharge to the POTW.

(c) If an “existing source” or “new source dental discharger transfers ownership, the new owner must submit a new One-Time Compliance report to the Director of Utilities, no later than 90 days after the transfer.

(2) The installed device must be capable of removing a minimum of 95 percent of the amalgam. The amalgam separator(s) must be sized to accommodate the maximum discharge rate of the amalgam process wastewater. Alternative materials and methods may be proposed to the Director of Utilities for approval.

(3) Amalgam separators shall be maintained in accordance with manufacturer’s recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by the Director of Utilities during normal business hours.

(4) Reporting and recordkeeping requirements as specified in 40 CFR part 441.50, or as amended, in lieu of the otherwise applicable requirements in 40 CFR part 404.12(b), (d), (e), and (g).

(C) The following types of dental practices are exempt from this section

(1) Any dental discharger exclusively practicing one of the following dental specialties: orthodontics, periodontics, oral and maxillofacial surgery, oral and maxillofacial radiology, oral pathology, and prosthodontics.

(2) Wastewater discharges from a mobile unit operated by a dental discharger.

(3) Dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR part 137.

(4) Dental dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Director of Utilities as required in part 441.50.

Section 13. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 14. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 15. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on \_\_\_\_\_, 2019.

IN COUNCIL DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney