

ORDINANCE NO. \_\_\_\_\_

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.

Section 15-04:030(8) shall be amended as follows:

- (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 operation facility employing more than 250 persons or having gross annual sales or expenditures exceeding \$60 million (in fourth quarter 2005 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~
    - (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 paragraphs (1) through (3), 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.

Section 2. Section 15-04:030(83) shall be amended as follows:

(83) “Significant industrial user (SIU)” ~~means A user subject to categorical pretreatment standards under 40 CFR Part 403.6 or as amended and in any industry as defined in 40 CFR Parts 405-471 or as amended; or~~

~~(a) A user that:~~

~~(f) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);~~

~~(g) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or~~

~~(h) Is designated as such by the Director of Utilities on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR Part 403.8(f)(6)) or as amended.~~

(a) Except as provided in subparagraphs (83)(b) and (83)(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 chapters I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW(excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the 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 paragraph (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 Director 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.

Section 3. Section 15-06:120 shall be amended 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 ~~or as amended~~, in any paper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, ~~a list of the users of Industrial Users~~ which, at any time during the previous 12 months, were in significant noncompliance (SNC) with applicable ~~p~~Pretreatment standards and requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates ~~paragraphs-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% or more of ~~wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount; all of the measurements taken for the same pollutant parameter during a 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 33% or more of ~~all of the wastewater~~ measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous ~~daily maximum~~ limits, as defined by 40 CFR 403.3(l) ~~or the average limit~~ multiplied by the applicable TRC ~~criteria~~ (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (C) Any other ~~discharge violation that the Director of Utilities believes has caused, 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 the public 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 4. Section 15-08:100 shall be amended 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.	Antimony (T)*	153	mg/l
2.	Arsenic (T)*	0.47	mg/l
3.	Beryllium (T)*	0.5	mg/l
4.	Biochemical Oxygen Demand (BOD)	20,400	mg/l
5.	Cadmium (T)*	0.04	mg/l
6.	Chromium VI	0.1	mg/l
7.	Chromium (T)*	1.71	mg/l
8.	Copper (T)*	0.2	mg/l
9.	Cyanide (T)*	0.2	mg/l
10.	Lead (T)*	0.3	mg/l
11.	Mercury (T)*	0.003	mg/l
12.	Nickel (T)*	1.51	mg/l
13.	Selenium (T)*	2.7	mg/l
14.	Thallium (T)*	3.9	mg/l
15.	Zinc (T)*	1.63	mg/l
16.	pH	5.5 – 11.9	
17.	Silver	0.17	mg/l
18.	Total Toxic Organics (TTO)**	2.13	mg/l
19.	Total Suspended Solids (TSS)	9,800	mg/l
20.	TPH Gas and Diesel	100	mg/l
21.	Total Dissolved Solids	5,200	mg/l
22.	Total Kjeldahl Nitrogen (TKN)	2,600	mg/l
23.	Halogenated TTO***	0.02	mg/l
24.	BTEX****	2.0	mg/l

\* T =Total; mg/l = milligrams per liter

\*\* Federal Register List from 40 CFR ~~131 Subpart D—Total Toxic Organics less pesticides and dioxins~~ 433.11(e) Listed TTO's. The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics: Acenaphthene, Acrolein, Acrylonitrile, Benzene, Carbon tetrachloride (tetrachloromethane), Chlorobenzene, 1,2,4-Trichlorobenzene, Hexachlorobenzene, 1,2-Dichloroethane, 1,1,1-Trichloroethane, Hexachloroethane, 1,1-Dichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, Chloroethane, Bis (2-chloroethyl) ether, 2-Chloroethyl vinyl ether (mixed), 2-Chloronaphthalene, 2,4,6-Trichlorophenol, Parachlorometa cresol, Chloroform (trichloromethane), 2-Chlorophenol, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 3,3-Dichlorobenzidine, 1,1-Dichloroethylene, 1,2-Trans-dichloroethylene, 2,4-Dichlorophenol, 1,2-Dichloropropane, 1,3-Dichloropropylene (1,3-dichloropropene), 2,4-Dimethylphenol, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 1,2-Diphenylhydrazine, Ethylbenzene, Fluoranthene, 4-Chlorophenyl phenyl ether, 4-Bromophenyl phenyl ether, Bis (2-chloroisopropyl) ether, Bis (2-chloroethoxy) methane, Methylene Chloride (dichloromethane), Methyl chloride (chloromethane), Methyl bromide (bromomethane), Bromoform (tribromomethane), Dichlorobromomethane, Chlorodibromomethane, Hexachlorobutadiene, Hexachlorocyclopentadiene, Isophorone, Naphthalene, Nitrobenzene, 2-Nitrophenol, 4-Nitrophenol, 2,4-Dinitrophenol, 4,6-Dinitro-o-cresol, N-nitrosodimethylamine, N-nitrosodiphenylamine, N-nitrosodi-

n-propylamine, Pentachlorophenol, Phenol, Bis (2-ethylhexyl) phthalate, Butyl benzyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Diethyl phthalate, Dimethyl phthalate, 1,2-Benzanthracene (benzo(a)anthracene), Benzo(a)pyrene (3,4-benzopyrene), 3,4-Benzofluoranthene (benzo(b)fluoranthene), 11,12-Benzofluoranthene (benzo(k)fluoranthene), Acenaphthylene, Anthracene, 1,12-Benzoperylene (benzo(ghi)perylene), Fluorene, 1,2,5,6-Dibenzanthracene (dibenzo(a,h)anthracene), Indeno(1,2,3-cd) pyrene (2,3-o-phenylene pyrene), Pyrene, Toluene, Trichloroethylene, Vinyl chloride (chloroethylene)

\*\*\* Groundwater remediation and cleanup projects only. Halogenated TTO= Carbon tetrachloride (tetrachloromethane), Chlorobenzene, 1,2,4-Trichlorobenzene, Hexachlorobenzene, 1,2-Dichloroethane, 1,1,1-Trichloroethane, Hexachloroethane, 1,1-Dichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, Chloroethane, Bis (2-chloroethyl) ether, 2-Chloroethyl vinyl ether (mixed), 2-Chloronaphthalene, 2,4,6-Trichlorophenol, Parachlorometa cresol (4- Chloro-3-methylphenol), Chloroform (trichloromethane), 2-Chlorophenol, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 3,3-Dichlorobenzidine, 1,1-Dichloroethylene, 1,2-Trans-dichloroethylene, 2,4-Dichlorophenol, 1,2-Dichloropropane, 1,3-Dichloropropylene (cis 1,3-dichloropropene, trans 1,3 dichloropropene), Fluoranthene, 4-Chlorophenyl phenyl ether, 4-Bromophenyl phenyl ether, Bis (2-chloroisopropyl) ether, Bis (2-chloroethoxy) methane, Methylene Chloride (dichloromethane), Methyl chloride (chloromethane), Methylbromide (bromomethane), Bromoform (tribromomethane), Dichlorobromomethane, Chlorodibromomethane, Hexachlorobutadiene, Hexachlorocyclopentadiene, Pentachlorophenol, 3,4-Benzofluoranthene (benzo(b)fluoranthene), 11,12-Benzofluoranthene (benzo(k)fluoranthene), Fluorene, Trichloroethylene, Vinyl chloride (chloroethylene)

\*\*\* Groundwater remediation and cleanup projects only. BTEX=Benzene, Toluene, Ethylbenzene, Xylene

The above limits apply at the point where the wastewater is discharged to the POTW. The Director of Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

The Director of Utilities may allow the SIU to discharge in excess of local limits when, at the discretion of the Director of Utilities, the SIU has implemented all applicable Best Management Practices adopted by the City.

Section 5. 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 6. 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 7. 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 \_\_\_\_\_, 2015.

IN COUNCIL DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:

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NOES:

ABSENT:

ABSTAIN:

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

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

APPROVED AS TO FORM:

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