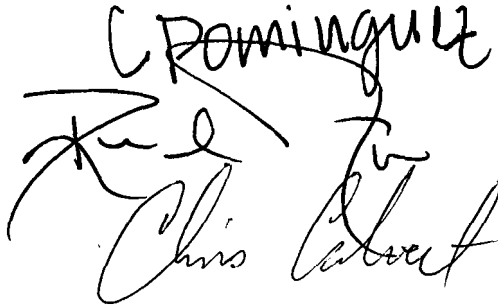


CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008-24

INTRODUCED BY:



AN ORDINANCE

AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987 REGARDING
INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 22-9.1 SFCC 1987 (being Ord. No. 2006-42, §3) is amended to
add the following definitions:

Administrator means the United States Environmental Protection Agency Administrator.

BMPs means best management practices.

Best management practices means schedules of activities, prohibitions of practices,
maintenance procedures, and other management practices to implement the prohibitions listed in
CFR 40 Sec. 403.5(a)(1) and (b). BMPs also include treatment requirements, operating
procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal,
or drainage from raw materials storage.

Section 2. Section 22-9.7 SFCC 1987 (being Ord. No. 2006-42, §9) is amended
to read:

1 **22-9.7 Reporting Requirements.**

2 A. Within one hundred eighty (180) calendar days after the effective date of a
3 categorical standard, or one hundred eighty (180) calendar days after the final administrative
4 decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, users subject to
5 such categorical pretreatment standards and currently discharging to or scheduled to discharge to
6 the POTW shall submit to the division, a baseline monitoring report which shall contain the
7 information listed below. A baseline monitoring report [~~must~~] shall be submitted by industrial users
8 subject to pretreatment standards and requirements ninety (90) calendar days prior to the approval
9 and issuance of a discharge permit authorizing commencement of discharge. Industrial users with
10 an existing permit that have changed processes or sources so as to become a new source shall
11 submit a baseline monitoring report ninety (90) calendar days prior to commencement of discharge,
12 contingent on approval by the division. A baseline monitoring report [~~must~~] shall be submitted
13 ninety (90) calendar days prior to the expiration date of an existing discharge permit. A new source
14 shall also be required to report the method of pretreatment it intends to use to meet applicable
15 pretreatment standards and any other local, state or federal laws or regulations governing its
16 discharge. A new source shall also give estimates of its anticipated flow and quantity of pollutants
17 discharged, as described in Section 22-9.7A.(1)(d) and (e) of this section.

18 (1) The information required by this subsection shall include:

19 (a) Name and address of the facility including the name of the
20 operator and owners;

21 (b) A list of any environmental control permits held by the user or for
22 the facility;

23 (c) A brief description of the nature, average rate of production, and
24 standard industrial classifications of the operation(s) carried out by such industrial
25 user. This description should include a schematic process diagram which indicates

1 points of discharge to the system from the regulated processes;

2 (d) Information showing the measured average daily and maximum
3 daily flow, in gallons per day, to the POTW from regulated process streams and
4 other streams as necessary to allow use of the combined wastestream formula set
5 out in 40 CFR Section 403.6(e). The control authority may allow for verifiable
6 estimates of these flows where justified by costs or feasibility considerations;

7 (e) Measurement of pollutants.

8 (i) The industrial user shall identify the categorical
9 pretreatment standards and any other local, state or federal laws affecting
10 its discharge applicable to each regulated process and sample to
11 demonstrate compliance during the required reporting period. Sampling
12 shall be performed and reported every six (6) months, at a minimum.

13 (ii) In addition, the industrial user shall submit the results of
14 sampling and analysis identifying the nature and concentration (or mass,
15 where required by the standards or control authority) of regulated
16 pollutants in the discharge from each regulated process. Both daily
17 maximum and average concentrations (or mass, where required) shall be
18 reported. The sample shall be representative of daily operations. In cases
19 where the standard requires compliance with a best management practice
20 or pollution prevention alternative, the user shall submit documentation
21 as required by the control authority or the applicable standards to
22 determine compliance with the standard.

23 (iii) A minimum of four (4) grab samples [~~must~~] shall be used
24 for pH, cyanide, total phenols, oil and grease, sulfide, and volatile
25 organics. All other pollutants [~~will~~] shall be measured by composite

1 samples obtained through flow proportional sampling techniques where
2 feasible. If flow proportional composite sampling is infeasible, samples
3 may be obtained through time proportional sampling techniques or through
4 four (4) grab samples if the user demonstrates to the control [authorities]
5 authority's satisfaction that such a sample [~~will~~] shall be representative of
6 the discharge.

7 (iv) The user shall take a minimum of one (1) representative
8 sample to compile that data necessary to comply with the requirements
9 of this paragraph.

10 (v) Samples should be taken immediately downstream from
11 pretreatment facilities if such exist or immediately downstream from the
12 regulated process if no pretreatment exists. If other wastewaters are mixed
13 with the regulated wastewater prior to pretreatment, the user should
14 measure the flows and concentrations necessary to allow use of the
15 combined wastestream formula of 40 CFR Section 403.6(e) in order to
16 evaluate compliance with the pretreatment standards. Where an alternate
17 concentration or mass limit has been calculated in accordance with 40
18 CFR Section 403.6(e) this adjusted limit along with supporting data shall
19 be submitted to the control authority.

20 (vi) Sampling and analysis shall be performed in accordance
21 with the techniques prescribed in 40 CFR part 136 and amendments
22 thereto. Where 40 CFR part 136 does not contain sampling or analytical
23 techniques for the pollutant in question, or where the director determines
24 that the part 136 sampling and analytical techniques are inappropriate for
25 the pollutant in question, sampling and analysis shall be performed by

1 using validated analytical methods or any other applicable sampling and
2 analytical procedures, including procedures suggested by the POTW or
3 other parties, approved by the Administrator.

4 (vii) The control authority may allow the submission of a
5 baseline report which utilizes only historical data so long as the data
6 provides information sufficient to determine the need for industrial
7 pretreatment measures.

8 (viii) The baseline report shall indicate the time, date and place,
9 of sampling, and methods of analysis, and shall certify that such sampling
10 and analysis is representative of normal work cycles and expected
11 pollutant discharges to the POTW;

12 (f) A statement shall be provided which is approved by an authorized
13 representative of the industrial user and qualified professional as determined by the
14 division, verifying that pretreatment standards are being met on a consistent basis
15 and, if not, whether additional operation and maintenance (O&M) and/or additional
16 pretreatment is required in order to meet the pretreatment standards and
17 requirements.

18 (g) Compliance schedule. If additional pretreatment and/or O & M
19 [~~with~~] shall be required to meet the pretreatment standards; the shortest schedule
20 by which the industrial user [~~with~~] shall provide such additional pretreatment
21 and/or O&M. The completion date in this schedule shall not be later than the
22 compliance date established for the applicable pretreatment standard.

23 (h) Compliance schedule for meeting categorical pretreatment
24 standards. The following conditions shall apply to the schedule:

25 (i) The schedule shall contain increments of progress in the

1 form of dates for the commencement and completion of major events
2 leading to the construction and operation of additional pretreatment
3 required for the industrial user to meet the applicable categorical
4 pretreatment standards (e.g., hiring an engineer, completing preliminary
5 plans, completing final plans, executing contract for major components,
6 commencing construction, completing construction, etc.);

7 (ii) No increment shall exceed nine (9) months; and

8 (iii) Not later than fourteen (14) calendar days following
9 each date in the schedule and the final date for compliance, the industrial
10 user shall submit a progress report to the control authority including, at a
11 minimum, whether or not it complied with the increment of progress to
12 be met on such date and, if not, the date on which it expects to comply
13 with this increment of progress, the reason for delay, and the steps being
14 taken by the industrial user to return the construction to the schedule
15 established. In no event shall more than nine (9) months elapse between
16 such progress reports to the control authority;

17 (i) All baseline monitoring reports ~~[must]~~ shall be signed and
18 certified in accordance with Section 22-9.5H.

19 ~~[B. — Periodic Reports on Continued Compliance.~~

20 ~~(1) — Any industrial user subject to a categorical pretreatment standard, after~~
21 ~~the compliance date of such pretreatment standard, or, in the case of a new source, after~~
22 ~~commencement of the discharge into the POTW, shall submit to the control authority~~
23 ~~during the months of June and December, unless required more frequently in the~~
24 ~~pretreatment standard or by the control authority or the approval authority, a report~~
25 ~~indicating the nature and concentration of pollutants in the effluent which are limited by~~

1 such categorical pretreatment standards. In addition, this report shall include a record of
2 measured or estimated average and maximum daily flows for the reporting period for the
3 discharge reported except that the control authority may require more detailed reporting
4 of flows. At the discretion of the control authority and in consideration of such factors as
5 local high or low flow rates, holidays, budget cycles, etc., the control authority may agree
6 to alter the months during which the above reports are to be submitted.

7 (2) — Where the control authority has imposed mass limitations on industrial
8 users as provided for by 40 CFR Section 403.6(d), the report required shall indicate the mass
9 of pollutants regulated by pretreatment standards in the discharge from the industrial user.

10 (3) — For industrial users subject to equivalent mass or concentration limits
11 established by the control authority in accordance with the procedures in 40 CFR Section
12 403.6(e) of CFR 40, the report required above shall contain a reasonable measure of the
13 user's long term production rate. For all other industrial users subject to categorical
14 pretreatment standards expressed only in terms of allowable pollutant discharge per unit
15 of production (or other measure of operation), the report required shall include the user's
16 actual average production rate for the reporting period.

17 (4) — All periodic compliance reports must be signed and certified in accordance
18 with Section 22-9.5H.]

19 B. Report on compliance with categorical pretreatment standard deadline. Within
20 90 days following the date for final compliance with applicable categorical Pretreatment
21 Standards or in the case of a New Source following commencement of the introduction of
22 wastewater into the POTW, any Industrial User subject to Pretreatment Standards and
23 Requirements shall submit to the Control Authority a report containing the information described
24 in Section 22-9.7A.(1) d, e., and f. and Section 22-9.5 H. All sampling shall be done in
25 conformance with Section 22-9.7D.(3). For Industrial Users subject to equivalent mass or

1 concentration limits established by the Control Authority in accordance with the procedures in
2 §403.6(c), this report shall contain a reasonable measure of the User's long term production rate.
3 For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of
4 allowable pollutant discharge per unit of production (or other measure of operation), this report
5 shall include the User's actual production during the appropriate sampling period.

6 ~~[C.—Monitoring and Analysis to Demonstrate Continued Compliance.~~

7 ~~(1)——The reports required shall contain the results of sampling and analysis of~~
8 ~~the discharge, including the flow and the nature and concentration, or production and~~
9 ~~mass where requested by the control authority, of pollutants contained therein which are~~
10 ~~limited by the applicable pretreatment standards. This sampling and analysis may be~~
11 ~~performed by the control authority in lieu of the industrial user. Where the POTW~~
12 ~~performs the required sampling and analysis in lieu of the industrial user, the user will not~~
13 ~~be required to submit the compliance certification. In addition, where the POTW itself~~
14 ~~collects all the information required for the report, including flow data, the industrial user~~
15 ~~will not be required to submit the report.~~

16 ~~(2)——If sampling performed by an industrial user indicates a violation, the user~~
17 ~~shall notify the control authority within twenty-four (24) hours of becoming aware of the~~
18 ~~violation. The user shall also repeat the sampling and analysis and submit the results of~~
19 ~~the repeat analysis to the control authority within thirty (30) calendar days after becoming~~
20 ~~aware of the violation, except the industrial user is not required to resample if:~~

21 ~~(a)——The control authority performs sampling at the industrial user at~~
22 ~~a frequency of at least once per month; or~~

23 ~~(b)——The control authority performs sampling at the user between the~~
24 ~~time when the user performs its initial sampling and the time when the user~~
25 ~~receives the results of this sampling.~~

1 (3) ~~— The reports shall be based upon data obtained through appropriate~~
2 ~~sampling and analysis performed during the period covered by the report, which data is~~
3 ~~representative of conditions occurring during the reporting period. The control authority~~
4 ~~shall require that frequency of monitoring necessary to assess and assure compliance by~~
5 ~~industrial users with applicable pretreatment standards and requirements.~~

6 (4) ~~— All analyses shall be performed in accordance with procedures~~
7 ~~established by the director pursuant to section 304(h) of the Act and contained in 40 CFR~~
8 ~~part 136 and amendments thereto or with any other test procedures approved by the~~
9 ~~director. Sampling shall be performed in accordance with the techniques approved by the~~
10 ~~director. Where 40 CFR part 136 does not include sampling or analytical techniques for~~
11 ~~the pollutants in question, or where the director determines that the part 136 sampling and~~
12 ~~analytical techniques are inappropriate for the pollutant in question, sampling and~~
13 ~~analyses shall be performed using validated analytical methods or any other sampling and~~
14 ~~analytical procedures, including procedures suggested by the POTW or other parties,~~
15 ~~approved by the director.~~

16 (5) ~~— If an industrial user subject to the reporting requirement in Section 22.9.7 B.~~
17 ~~monitors any pollutant more frequently than required by the control authority, using the~~
18 ~~procedures prescribed in Section 22.9.7 paragraph C. (4), the results of this monitoring shall be~~
19 ~~included in the report.]~~

20 C. Periodic Reports on Continued Compliance.

21 (1) Any industrial user subject to a categorical pretreatment standard (except
22 a non-significant categorical user as defined in 40 CFR Section 403.3(v)(2)), after the
23 compliance date of such pretreatment standard, or, in the case of a new source, after
24 commencement of the discharge into the POTW, shall submit to the control authority
25 during the months of June and December, unless required more frequently in the

1 pretreatment standard or by the control authority or the approval authority, a report
2 indicating the nature and concentration of pollutants in the effluent which are limited by
3 such categorical pretreatment standards. In addition, this report shall include a record of
4 measured or estimated average and maximum daily flows for the reporting period for the
5 discharge reported except that the control authority may require more detailed reporting
6 of flows. In cases where the pretreatment standard requires compliance with a best
7 management practice (or pollution prevention alternative), the user shall submit
8 documentation required by the control authority or the pretreatment standard necessary to
9 determine the compliance status of the user. At the discretion of the control authority and
10 in consideration of such factors as local high or low flow rates, holidays, budget cycles,
11 etc., the control authority may modify the months during which the above reports are to
12 be submitted.

13 (2) The control authority may authorize the industrial user subject to a
14 categorical pretreatment standard to forego sampling of a pollutant regulated by a
15 categorical pretreatment standard if the industrial user has demonstrated through
16 sampling and other technical factors that the pollutant is neither present nor expected to
17 be present in the discharge, or is present only at background levels from intake water and
18 without any increase in the pollutant due to activities of the industrial user. This
19 authorization is subject to the following conditions:

20 (a) The control authority may authorize a waiver where a pollutant
21 is determined to be present solely due to sanitary wastewater discharged from the
22 facility provided that the sanitary wastewater is not regulated by an applicable
23 categorical standard and otherwise includes no process wastewater.

24 (b) The monitoring waiver is valid only for the duration of the
25 effective period of the permit or other equivalent individual permit, but in no case

1 longer than five (5) years. The user shall submit a new request for the waiver
2 before the waiver can be granted for each subsequent permit.

3 (c) In making a demonstration that a pollutant is not present, the
4 industrial user shall provide data from at least one sampling of the facility's
5 process wastewater prior to any treatment present at the facility that is
6 representative of all wastewater from all processes. The request for a
7 monitoring waiver shall be signed in accordance with Section 22-9.7P. and
8 include the certification statement in Section 22-9.5H. Non-detectable sample
9 results may only be used as a demonstration that a pollutant is not present if the
10 EPA approved method from 40 CFR part 136 with the lowest minimum detection
11 level for that pollutant was used in the analysis.

12 (d) Any grant of the monitoring waiver by the control authority shall
13 be included as a condition in the user's permit. The reasons supporting the waiver
14 and any information submitted by the user in its request for the waiver shall be
15 maintained by the control authority for three (3) years after expiration of the
16 waiver.

17 (e) Upon approval of the monitoring waiver and revision of the
18 user's permit by the control authority, the industrial user shall certify on each
19 report with the statement below, that there has been no increase in the pollutant
20 in its wastestream due to activities of the industrial user:

21 "Based on my inquiry of the person or persons directly
22 responsible for managing compliance with the pretreatment standard for
23 40 CFR ----- {specify applicable national pretreatment standard
24 part(s)}, I certify that, to the best of my knowledge and belief, there has
25 been no increase in the level of ----- {list pollutant(s)} in the

1 wastewaters due to the activities at the facility since filing of the last
2 periodic report under Section 22-9.7 C.(1).”

3 (f) In the event that a waived pollutant is found to be present or is
4 expected to be present based on changes that occur in the user's operations, the
5 user shall immediately: comply with the monitoring requirements of Section 22-
6 9.7 C.(1) or other more frequent monitoring requirements imposed by the control
7 authority; and notify the control authority.

8 (g) This provision does not supersede certification processes and
9 requirements established in categorical pretreatment standards, except as
10 otherwise specified in the categorical pretreatment standard.

11 (3) The control authority may reduce the requirement in Section 22-9.7 C.(1)
12 to a requirement to report no less frequently than once a year, unless required more
13 frequently in the pretreatment standard or by the approval authority, where the industrial
14 user meets all of the following conditions:

15 (a) The industrial user's total categorical wastewater flow does not
16 exceed any of the following:

17 (i) 0.01 percent of the design dry weather hydraulic
18 capacity authority of the POTW, or 5,000 gallons per day, whichever is
19 smaller, as measured by a continuous effluent flow monitoring device
20 unless the industrial user discharges in batches;

21 (ii) 0.01 percent of the design dry weather organic treatment
22 capacity of the POTW; and

23 (iii) 0.01 percent of the maximum allowable headworks
24 loading for any pollutant regulated by the applicable categorical
25 pretreatment standard for which approved local limits were developed by

1 a POTW in accordance with 40 CFR Section 403.5(c) and (d);

2 (b) The industrial user has not been in significant noncompliance, as
3 defined in Section 22-9.10, for any time in the past two (2) years;

4 (c) The industrial user does not have daily flow rates, production
5 levels, or pollutant levels that vary so significantly that decreasing the reporting
6 requirement for this industrial user would result in data that are not representative
7 of conditions occurring during the reporting period pursuant to Section 22-9.7
8 D(3);

9 (d) The industrial user shall notify the control authority immediately
10 of any changes at its facility causing it to no longer meet conditions of
11 paragraphs 3(a) or (b) of this section. Upon notification, the industrial user shall
12 immediately begin complying with the minimum reporting in paragraph (1) of
13 this section; and

14 (e) The control authority shall retain documentation to support the
15 control authority's determination that a specific industrial user qualifies for
16 reduced reporting requirements under paragraph (3) of this section for a period of
17 three (3) years after the expiration of the term of the permit.

18 (4) For industrial users subject to equivalent mass or concentration limits
19 established by the control authority in accordance with the procedures in 40 CFR Section
20 403.6(c), the report required by paragraph (1) of this section shall contain a reasonable
21 measure of the user's long term production rate. For all other industrial users subject to
22 categorical pretreatment standards expressed only in terms of allowable pollutant
23 discharge per unit of production (or other measure of operation), the report required by
24 paragraph (1) of this section shall include the user's actual average production rate for the
25 reporting period.

1 (5) All periodic compliance reports must be signed and certified in
2 accordance with 22-9.5H of this ordinance.

3 (6) All written reports will be deemed to have been submitted on the date
4 postmarked. For reports, which are not mailed, postage pre-paid, into a mail facility
5 served by the United States Postal Service, the date of receipt of the report shall govern.

6 ~~[D.—Reporting requirements for industrial users not subject to categorical~~
7 ~~pretreatment standards. The control authority shall require appropriate reporting from those~~
8 ~~industrial users with discharges that are not subject to categorical pretreatment standards.~~
9 ~~Significant noncategorical industrial users shall submit to the control authority at least once every~~
10 ~~six (6) months (on dates specified by the control authority) a description of the nature,~~
11 ~~concentration, and flow of the pollutants required to be reported by the control authority. These~~
12 ~~reports shall be based on sampling and analysis performed in the period covered by the report,~~
13 ~~and performed in accordance with the techniques described in 40 CFR part 136 and amendments~~
14 ~~thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the~~
15 ~~pollutant in question, or where the director determines that the part 136 sampling and analytical~~
16 ~~techniques are inappropriate for the pollutant in question, sampling and analysis shall be~~
17 ~~performed by using validated analytical methods or any other applicable sampling and analytical~~
18 ~~procedures, including procedures suggested by the POTW or other persons, approved by the~~
19 ~~director. This sampling and analysis may be performed by the control authority in lieu of the~~
20 ~~significant noncategorical industrial user. Where the POTW itself collects all the information~~
21 ~~required for the report, the noncategorical significant industrial user will not be required to submit~~
22 ~~the report.]~~

23 D. Monitoring and Analysis to Demonstrate Continued Compliance.

24 (1) Except in the case of non-significant categorical users, the reports
25 required in paragraphs A, B, C, and E of this section shall contain the results of sampling

1 and analysis of the discharge, including the flow and the nature and concentration, or
2 production and mass where requested by the control authority, of pollutants contained
3 therein which are limited by the applicable pretreatment standards. This sampling and
4 analysis may be performed by the control authority in lieu of the industrial user. Where
5 the POTW performs the required sampling and analysis in lieu of the industrial user, the
6 user shall not be required to submit the compliance certification required under
7 paragraphs A(1)(f) and B of this section. In addition, where the POTW itself collects all
8 the information required for the report, including flow data, the industrial user shall not
9 be required to submit the report.

10 (2) If sampling performed by an industrial user indicates a violation, the user
11 shall notify the control authority within twenty-four (24) hours of becoming aware of the
12 violation. The user shall also repeat the sampling and analysis and submit the results of
13 the repeat analysis to the control authority within thirty (30) days after becoming aware
14 of the violation. Where the control authority has performed the sampling and analysis in
15 lieu of the industrial user, the control authority shall perform the repeat sampling and
16 analysis unless it notifies the user of the violation and requires the user to perform the
17 repeat analysis. Resampling is not required if:

18 (a) The control authority performs sampling at the industrial user at
19 a frequency of at least once per month; or

20 (b) The control authority performs sampling at the user between the
21 time when the initial sampling was conducted and the time when the user or the
22 control authority receives the results of this sampling.

23 (3) The reports required in paragraphs A, B, C, and E of this section shall be
24 based upon data obtained through appropriate sampling and analysis performed during
25 the period covered by the report, which data are representative of conditions occurring

1 during the reporting period. The control authority shall require that frequency of
2 monitoring necessary to assess and assure compliance by industrial users with applicable
3 pretreatment standards and requirements. Grab samples shall be used for pH, cyanide,
4 total phenols, oil and grease, sulfide, and volatile organic compounds. For all other
5 pollutants, 24-hour composite samples shall be obtained through flow-proportional
6 composite sampling techniques, unless time-proportional composite sampling or grab
7 sampling is authorized by the control authority. Where time-proportional composite
8 sampling or grab sampling is authorized by the control authority, the samples shall be
9 representative of the discharge and the decision to allow the alternative sampling shall be
10 documented in the industrial user file for that facility or facilities. Using protocols
11 (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA
12 guidance, multiple grab samples collected during a 24-hour period may be composited
13 prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may
14 be composited in the laboratory or in the field; for volatile organics and oil & grease the
15 samples may be composited in the laboratory. Composite samples for other parameters
16 unaffected by the compositing procedures as documented in approved EPA
17 methodologies may be authorized by the control authority, as appropriate.

18 (4) For sampling required in support of baseline monitoring and ninety (90)
19 day compliance reports required in paragraphs A and B of this section, a minimum of
20 four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide
21 and volatile organic compounds for facilities for which historical sampling data do not
22 exist; for facilities for which historical sampling data are available, the control authority
23 may authorize a lower minimum. For the reports required by paragraphs C and E of this
24 section, the control authority shall require the number of grab samples necessary to assess
25 and assure compliance by industrial users with applicable pretreatment standards and

1 requirements.

2 (5) All analyses shall be performed in accordance with procedures
3 established by the Administrator pursuant to section 304(h) of the Act and contained in
4 40 CFR part 136 and amendments thereto or with any other test procedures approved by
5 the Administrator. (See, Sec. Sec. 136.4 and 136.5.) Sampling shall be performed in
6 accordance with the techniques approved by the Administrator. Where 40 CFR part 136
7 does not include sampling or analytical techniques for the pollutants in question, or where
8 the Administrator determines that the part 136 sampling and analytical techniques are
9 inappropriate for the pollutant in question, sampling and analyses shall be performed
10 using validated analytical methods or any other sampling and analytical procedures,
11 including procedures suggested by the POTW or other parties, approved by the
12 Administrator.

13 (6) If an industrial user subject to the reporting requirement in paragraph C
14 or E of this section monitors any regulated pollutant at the appropriate sampling location
15 more frequently than required by the control authority, using the procedures prescribed in
16 D (5) of this section, the results of this monitoring shall be included in the report.

17 [~~E. *Notification of Changed Discharge.* All industrial users shall promptly notify the~~
18 ~~POTW in advance of any substantial change in the volume or character of pollutants in their~~
19 ~~discharge, including the listed or characteristic hazardous wastes for which the industrial user has~~
20 ~~submitted initial notification under 40 CFR 403.12(p).]~~

21 E. *Reporting Requirements for Industrial Users not Subject to Categorical*
22 *Pretreatment Standards.* The control authority shall require appropriate reporting from those
23 industrial users with discharges that are not subject to categorical pretreatment standards.
24 Significant noncategorical industrial users shall submit to the control authority at least once every
25 six (6) months (on dates specified by the control authority) a description of the nature,

1 concentration, and flow of the pollutants required to be reported by the control authority. In cases
2 where a local limit requires compliance with a best management practice or pollution prevention
3 alternative, the user shall submit documentation required by the control authority to determine the
4 compliance status of the user. These reports shall be based on sampling and analysis performed in
5 the period covered by the report, and in accordance with the techniques described in 40 CFR part
6 136 and amendments thereto. This sampling and analysis may be performed by the control
7 authority in lieu of the significant noncategorical industrial user.

8 ~~[F. — *Notice of Potential Problems, Including Slug Loading.* All categorical and~~
9 ~~noncategorical industrial users shall notify the POTW immediately of all discharges that could~~
10 ~~cause problems to the POTW, including any slug loadings, by the industrial user.]~~

11 F. — *Notification of changed discharge.* All industrial users shall promptly notify the
12 POTW in advance of any substantial change in the volume or character of pollutants in their
13 discharge, including the listed or characteristic hazardous wastes for which the industrial user has
14 submitted initial notification under 40 CFR 403.12(p).

15 ~~[G. — The control authority shall randomly sample and analyze the effluent from~~
16 ~~industrial users and conduct surveillance activities in order to identify, independent of~~
17 ~~information supplied by industrial users, occasional and continuing noncompliance with~~
18 ~~pretreatment standards. Inspect and sample the effluent from each significant industrial user at~~
19 ~~least once a year.]~~

20 G. — *Notice of potential problems, including slug loading.* All categorical and non-
21 categorical industrial users shall notify the POTW immediately of all discharges that could cause
22 problems to the POTW, including any slug loadings, by the industrial user.

23 ~~[H. — *Record Keeping Requirements.*~~

24 ~~(1) — Any industrial user and POTW subject to the reporting requirements~~
25 ~~established in this section shall maintain records of all information resulting from any~~

1 monitoring activities required by this section. Such records shall include for all samples:

2 (a) ~~— The date, exact place, method, and time of sampling and the~~
3 ~~names of the person or persons taking the samples;~~

4 (b) ~~— The dates analyses were performed;~~

5 (c) ~~— Who performed the analyses;~~

6 (d) ~~— The analytical techniques/methods used; and~~

7 (e) ~~— The results of such analyses.~~

8 (2) ~~— Any industrial user or POTW subject to the reporting requirements~~
9 ~~established in this section shall be required to retain for a minimum of three (3) years any~~
10 ~~records of monitoring activities and results (whether or not such monitoring activities are~~
11 ~~required by this section) and shall make such records available for inspection and~~
12 ~~copying by the director and the regional administrator (and POTW in the case of an~~
13 ~~industrial user). This period of retention shall be extended during the course of any~~
14 ~~unresolved litigation regarding the industrial user or POTW or when requested by the~~
15 ~~director or the regional administrator.~~

16 (3) ~~— Any POTW to which reports are submitted by an industrial user pursuant~~
17 ~~to paragraphs B, D, E, and H of this section shall retain such reports for a minimum of~~
18 ~~three (3) years and shall make such reports available for inspection and copying by the~~
19 ~~director and the regional administrator. This period of retention shall be extended during~~
20 ~~the course of any unresolved litigation regarding the discharge of pollutants by the~~
21 ~~industrial user or the operation of the POTW pretreatment program or when requested by~~
22 ~~the director or the regional administrator.]~~

23 H. The control authority shall randomly sample and analyze the effluent from
24 industrial users and conduct surveillance activities in order to identify, independent of
25 information supplied by industrial users, occasional and continuing noncompliance with

1 pretreatment standards. Inspect and sample the effluent from each significant industrial user at
2 least once a year.

3 ~~[I. All wastewater samples must be representative of the industrial user's discharge.~~
4 ~~Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean,~~
5 ~~and maintained in good working order at all times. The failure of an industrial user to keep its~~
6 ~~monitoring facility in good working order shall not be grounds for the industrial user to claim that~~
7 ~~sample results are unrepresentative of its discharge.]~~

8 I. *Record-Keeping Requirements.*

9 (1) Any industrial user and POTW subject to the reporting requirements
10 established in this section shall maintain records of all information resulting from any
11 monitoring activities required by this section, including documentation associated with
12 best management practices. Such records shall include for all samples:

13 (a) The date, exact place, method, and time of sampling and the
14 names of the person or persons taking the samples;

15 (b) The dates analyses were performed;

16 (c) Who performed the analyses;

17 (d) The analytical techniques/methods use; and

18 (e) The results of such analyses.

19 (2) Any industrial user or POTW subject to the reporting requirements
20 established in this section (including documentation associated with best management
21 practices) shall be required to retain for a minimum of three (3) years any records of
22 monitoring activities and results (whether or not such monitoring activities are required
23 by this section) and shall make such records available for inspection and copying by the
24 director and the regional administrator (and POTW in the case of an industrial user). This
25 period of retention shall be extended during the course of any unresolved litigation

1 regarding the industrial user or POTW or when requested by the director or the regional
2 administrator.

3 (3) Any POTW to which reports are submitted by an industrial user pursuant
4 to paragraphs A, B, C, and E of this section shall retain such reports for a minimum of
5 three (3) years and shall make such reports available for inspection and copying by the
6 director and the regional administrator. This period of retention shall be extended during
7 the course of any unresolved litigation regarding the discharge of pollutants by the
8 industrial user or the operation of the POTW pretreatment program or when requested by
9 the director or the regional administrator.

10 ~~[J. In the event an industrial user's monitoring results indicate a violation of~~
11 ~~this section has occurred, the industrial user shall immediately notify the division and~~
12 ~~resample its discharge. The industrial user must report the results of the repeated~~
13 ~~sampling within thirty (30) calendar days of discovering the first violation.]~~

14 J. All wastewater samples shall be representative of the industrial user's discharge.
15 Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and
16 maintained in good working order at all times. The failure of an industrial user to keep its
17 monitoring facility in good working order shall not be grounds for the industrial user to claim that
18 sample results are unrepresentative of its discharge.

19 ~~[K. Each industrial user is required to notify the division of any planned significant~~
20 ~~changes to the industrial user's operations or pretreatment systems which might alter the~~
21 ~~characteristics, quality or volume of its wastewater.~~

22 ~~(1) The division may require the industrial user to submit information as~~
23 ~~necessary to evaluate the changed condition, including the submission of a wastewater permit~~
24 ~~application, if necessary.~~

25 ~~(2) The division may issue a discharge permit under subsection 22-9.6 or~~

1 ~~modify an existing wastewater permit under subsection 22-9.6D.~~

2 (3) ~~— No industrial user shall implement the planned changed condition(s)~~
3 ~~until and unless the division has responded to the industrial user's notice.~~

4 (4) ~~— Daily flow average increases of twenty percent (20%) or greater and/or~~
5 ~~the discharge of any previously unreported pollutant shall be deemed significant.]~~

6 K. In the event an industrial user's monitoring results indicate a violation of this
7 section has occurred, the industrial user shall immediately notify the division and resample its
8 discharge. The industrial user shall report the results of the repeated sampling within thirty (30)
9 calendar days of discovering the first violation.

10 ~~[L.— Each industrial user shall take reasonable measures to predict and prevent any~~
11 ~~prohibited discharges of substances regulated by this section. Devices and systems to prevent~~
12 ~~prohibited discharges shall be provided and maintained at the facility owner's or user's expense.~~
13 ~~For those industries required to submit a spill prevention and/or slug discharge control plan in~~
14 ~~accordance with this section, detailed plans showing any pretreatment systems facilities and~~
15 ~~operating procedures to provide this protection shall be submitted to the division prior to~~
16 ~~construction. Review of such plans and operating procedures shall not relieve the industrial user~~
17 ~~from the responsibility to modify the user's facility as necessary to meet the requirements of this~~
18 ~~section.~~

19 (1) ~~— Industrial users who commence contributions to the POTW after the~~
20 ~~effective date of this section* and who are defined by the division, as significant industrial users,~~
21 ~~shall not be permitted to introduce pollutants into the POTW until an accidental discharge~~
22 ~~response plan has been approved by the division.~~

23 (2) ~~— In any case of prohibited discharge which may potentially upset,~~
24 ~~interfere or pass through the treatment facilities, or cause potential health hazards to POTW~~
25 ~~personnel, or impair the city's potential options for the beneficial reuse, marketing, reclamation or~~

1 disposal of waste treatment by products, the user shall immediately telephone and notify the
2 division of the incident. This notification shall include the location of the discharge, type of
3 waste, concentration and volume, if known, and corrective actions taken by the user. Failure to
4 notify the division of any prohibited discharge under this section within one (1) hour of
5 recognition of the discharge constitutes a violation of this section.

6 (3) Within five (5) calendar days following prohibited discharge, the user
7 shall, unless exempted by the division, submit a detailed written report describing the cause(s) of
8 the discharge and the measures to be taken by the user to prevent similar future occurrences. Such
9 notification shall not relieve the user of any liability which may be incurred as a result of such
10 discharge; nor shall such notification relieve the user of any fines, criminal or civil penalties, or
11 other liability.

12 (4) A notice shall be permanently posted on the user's bulletin board or other
13 prominent place advising employees who to call in the event of a prohibited discharge described
14 in paragraph L(2), above. Employers shall ensure that all employees are advised of the emergency
15 notification procedure.]

16 L. Each industrial user is required to notify the division of any planned significant
17 changes to the industrial user's operations or pretreatment systems which might alter the
18 characteristics, quality or volume of its wastewater.

19 (1) The division may require the industrial user to submit information as
20 necessary to evaluate the changed condition, including the submission of a wastewater
21 permit application, if necessary.

22 (2) The division may issue a discharge permit under Section 22-9.6 or modify
23 an existing wastewater permit under Section 22-9.6(D).

24 (3) No industrial user shall implement the planned changed condition(s) until
25 and unless the division has responded to the industrial user's notice.

1 (4) Daily flow average increases of twenty percent (20%) or greater and/or
2 the discharge of any previously unreported pollutant shall be deemed significant.

3 ~~[M. Industrial users not subject to categorical pretreatment standards and not~~
4 ~~required to obtain a discharge permit shall, as required by the division, provide any~~
5 ~~information or reports that are deemed by the division to be necessary.]~~

6 M. Each industrial user shall take reasonable measures to predict and prevent any
7 prohibited discharges of substances regulated by this section. Devices and systems to prevent
8 prohibited discharges shall be provided and maintained at the facility owner's or user's expense. For
9 those industries required to submit a spill prevention and/or slug discharge control plan in
10 accordance with this section, detailed plans showing any pretreatment systems facilities and
11 operating procedures to provide this protection shall be submitted to the division prior to
12 construction. Review of such plans and operating procedures shall not relieve the industrial user
13 from the responsibility to modify the user's facility as necessary to meet the requirements of this
14 section.

15 (1) Industrial users who commence contributions to the POTW after the
16 effective date of this section and who are defined by the division, as significant industrial
17 users, shall not be permitted to introduce pollutants into the POTW until an accidental
18 discharge response plan has been approved by the division.

19 (2) In any case of prohibited discharge which may potentially upset, interfere
20 or pass through the treatment facilities, or cause potential health hazards to POTW
21 personnel, or impair the city's potential options for the beneficial reuse, marketing,
22 reclamation or disposal of waste treatment by-products, the user shall immediately
23 telephone and notify the division of the incident. This notification shall include the location
24 of the discharge, type of waste, concentration and volume, if known, and corrective actions
25 taken by the user. Failure to notify the division of any prohibited discharge under this

1 section within one (1) hour of recognition of the discharge constitutes a violation of this
2 section.

3 (3) Within five (5) calendar days following prohibited discharge, the user
4 shall, unless exempted by the division, submit a detailed written report describing the
5 cause(s) of the discharge and the measures to be taken by the user to prevent similar future
6 occurrences. Such notification shall not relieve the user of any liability which may be
7 incurred as a result of such discharge; nor shall such notification relieve the user of any
8 fines, criminal or civil penalties, or other liability.

9 (4) A notice shall be permanently posted on the user's bulletin board or other
10 prominent place advising employees who to call in the event of a prohibited discharge
11 described in paragraph L (2), above. Employers shall ensure that all employees are advised
12 of the emergency notification procedure.

13 ~~[N. Where required by the division, manholes or cleanouts shall be required to be~~
14 ~~placed in the industrial user's wastewater system for the purpose of monitoring and periodic~~
15 ~~sampling of the wastewater effluent. Such manholes will meet all standards and specifications as~~
16 ~~set forth by the division and shall be maintained at the industrial user's expense.]~~

17 N. Industrial users not subject to categorical pretreatment standards and not required
18 to obtain a discharge permit shall, as required by the division, provide any information or reports
19 that are deemed by the division to be necessary.

20 O. Where required by the division, manholes or cleanouts shall be required to be
21 placed in the industrial user's wastewater system for the purpose of monitoring and periodic
22 sampling of the wastewater effluent. Such manholes shall meet all standards and specifications as
23 set forth by the division and shall be maintained at the industrial user's expense.

24 P. Signatory requirements for Industrial User reports. The reports required by
25 Section 22-9.7A., B., and C. shall include the certification statement as set forth in Section 22-9.5

1 H, and shall be signed as follows:

2 (1) By a responsible corporate officer, if the Industrial User submitting the
3 reports required by Section 22-9.7A., B. and C. is a corporation. For the purpose of this
4 paragraph, a responsible corporate officer means:

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

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

18 (2) By a general partner or proprietor if the Industrial User submitting the
19 reports required by Section 22-9.7A., B. and C is a partnership, or sole proprietorship
20 respectively.

21 (3) By a duly authorized representative of the individual designated in
22 paragraph (1) or (2) of this section if:

23 (a) The authorization is made in writing by the individual described
24 in paragraph (1) or (2);

25 (b) The authorization specifies either an individual or a position

1 having responsibility for the overall operation of the facility from which the
2 Industrial Discharge originates, such as the position of plant manager, operator of
3 a well, or well field superintendent, or a position of equivalent responsibility, or
4 having overall responsibility for environmental matters for the company; and

5 (c) the written authorization is submitted to the Control Authority.

6 (4) If an authorization under paragraph (3) of this section is no longer
7 accurate because a different individual or position has responsibility for the overall
8 operation of the facility, or overall responsibility for environmental matters for the
9 company, a new authorization satisfying the requirements of (3) of this section must be
10 submitted to the Control Authority prior to or together with any reports to be signed by an
11 authorized representative.

12 **Section 3. Section 22-9.10 SFCC 1987 (being Ord. No. 2006-42, §12) is**
13 **amended to read:**

14 **22-9.10 Publication of Significant Violators.** The division shall annually publish, in the
15 largest daily newspaper circulated in the area where the POTW is located, a list of the industrial
16 users which, during the previous twelve (12) months, were in significant noncompliance with
17 applicable pretreatment standards and requirements. The term significant noncompliance shall
18 mean:

19 A. ~~[Sixty-six percent (66%) or more of wastewater measurements taken during a six~~
20 ~~(6) month period exceed the discharge limit for the same pollutant parameter by any amount;]~~
21 Chronic violations of wastewater Discharge limits, defined here as those in which sixty-six percent
22 (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6)
23 month period exceed (by any magnitude) a numeric pretreatment standard or requirement,
24 including instantaneous limits;

25 B. ~~[Thirty-three percent (33%) or more of wastewater measurements taken during a~~

1 ~~six (6) month period equals or exceeds the product of the daily maximum limit or the average limit~~
2 ~~multiplied by 1.4 for fats, oils and grease, and 1.2 for all other pollutants except for pH;]~~ Thirty-
3 three percent (33%) or more of all of the measurements taken for the same pollutant parameter
4 during a six (6) month period equal or exceed the product of the numeric pretreatment standard or
5 requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for
6 BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

7 C. ~~[Any other discharge violation that has caused, alone or in combination with other~~
8 ~~discharges, interference or pass through (including endangering the health of city personnel or the~~
9 ~~general public);]~~ Any other violation of a pretreatment standard or requirement as (daily
10 maximum, long-term average, instantaneous limit, or narrative standard) that the POTW
11 determines has caused, alone or in combination with other discharges, interference or pass
12 through (including endangering the health of POTW personnel or the general public);

13 D. Any discharge of pollutants that has caused imminent endangerment to the public
14 or to the environment, or has resulted in the division's exercise of its emergency authority to halt or
15 prevent such a discharge;

16 E. Failure to meet, within ninety (90) calendar days of the scheduled date, a
17 compliance schedule milestone contained in a permit or enforcement order for starting construction,
18 completing construction, or attaining final compliance;


19 F. Failure to provide, within thirty (30) calendar days after the due date, any required
20 reports, including baseline monitoring reports, ninety (90) day compliance reports, periodic self
21 monitoring reports, and reports on compliance with compliance schedules;

22 G. Failure to ~~report~~ accurately report noncompliance; or

23 H. ~~[Any other violation(s) that the division determines may adversely affect the~~
24 ~~operation of the POTW or implementation of this section.]~~ Any other violation or group of
25 violations, which may include a violation of Best Management Practices, which the POTW

1 determines will adversely affect the operation or implementation of the Pretreatment Program.

2 APPROVED AS TO FORM:

3 
4 _____
5 FRANK D. KATZ, CITY ATTORNEY

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Jp/N drive/2008 bills/industrial pretreatment