

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2008-30

3
4
5 AN ORDINANCE

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

8
9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

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

12 *Administrator* means the United States Environmental Protection Agency Administrator.

13 *BMPs* means best management practices.

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

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

21 **22-9.7 Reporting Requirements.**

22 A. Within one hundred eighty (180) calendar days after the effective date of a
23 categorical standard, or one hundred eighty (180) calendar days after the final administrative
24 decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, users subject to
25 such categorical pretreatment standards and currently discharging to or scheduled to discharge to

1 the POTW shall submit to the division, a baseline monitoring report which shall contain the
2 information listed below. A baseline monitoring report shall be submitted by industrial users
3 subject to pretreatment standards and requirements ninety (90) calendar days prior to the approval
4 and issuance of a discharge permit authorizing commencement of discharge. Industrial users with
5 an existing permit that have changed processes or sources so as to become a new source shall
6 submit a baseline monitoring report ninety (90) calendar days prior to commencement of discharge,
7 contingent on approval by the division. A baseline monitoring report shall be submitted ninety (90)
8 calendar days prior to the expiration date of an existing discharge permit. A new source shall also
9 be required to report the method of pretreatment it intends to use to meet applicable pretreatment
10 standards and any other local, state or federal laws or regulations governing its discharge. A new
11 source shall also give estimates of its anticipated flow and quantity of pollutants discharged, as
12 described in Section 22-9.7A.(1)(d) and (e) of this section.

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

14 (a) Name and address of the facility including the name of the
15 operator and owners;

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

18 (c) A brief description of the nature, average rate of production, and
19 standard industrial classifications of the operation(s) carried out by such industrial
20 user. This description should include a schematic process diagram which indicates
21 points of discharge to the system from the regulated processes;

22 (d) Information showing the measured average daily and maximum
23 daily flow, in gallons per day, to the POTW from regulated process streams and
24 other streams as necessary to allow use of the combined wastestream formula set
25 out in 40 CFR Section 403.6(e). The control authority may allow for verifiable

1 estimates of these flows where justified by costs or feasibility considerations;

2 (e) Measurement of pollutants.

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

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

18 (iii) A minimum of four (4) grab samples shall be used for pH,
19 cyanide, total phenols, oil and grease, sulfide, and volatile organics. All
20 other pollutants shall be measured by composite samples obtained through
21 flow proportional sampling techniques where feasible. If flow
22 proportional composite sampling is infeasible, samples may be obtained
23 through time proportional sampling techniques or through four (4) grab
24 samples if the user demonstrates to the control authority's satisfaction that
25 such a sample shall be representative of the discharge.

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

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

14 (vi) Sampling and analysis shall be performed in accordance
15 with the techniques prescribed in 40 CFR part 136 and amendments
16 thereto. Where 40 CFR part 136 does not contain sampling or analytical
17 techniques for the pollutant in question, or where the director determines
18 that the part 136 sampling and analytical techniques are inappropriate for
19 the pollutant in question, sampling and analysis shall be performed by
20 using validated analytical methods or any other applicable sampling and
21 analytical procedures, including procedures suggested by the POTW or
22 other parties, approved by the Administrator.

23 (vii) The control authority may allow the submission of a
24 baseline report which utilizes only historical data so long as the data
25 provides information sufficient to determine the need for industrial

1 pretreatment measures.

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

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

12 (g) Compliance schedule. If additional pretreatment and/or O & M
13 shall be required to meet the pretreatment standards; the shortest schedule by
14 which the industrial user shall provide such additional pretreatment and/or O&M.
15 The completion date in this schedule shall not be later than the compliance date
16 established for the applicable pretreatment standard.

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

19 (i) The schedule shall contain increments of progress in the
20 form of dates for the commencement and completion of major events
21 leading to the construction and operation of additional pretreatment
22 required for the industrial user to meet the applicable categorical
23 pretreatment standards (e.g., hiring an engineer, completing preliminary
24 plans, completing final plans, executing contract for major components,
25 commencing construction, completing construction, etc.);

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

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

11 (i) All baseline monitoring reports shall be signed and certified in
12 accordance with Section 22-9.5(H).

13 B. *Report on Compliance with Categorical Pretreatment Standard Deadline.* Within
14 ninety (90) days following the date for final compliance with applicable categorical pretreatment
15 standards or in the case of a new source following commencement of the introduction of
16 wastewater into the POTW, any industrial user subject to pretreatment standards and
17 requirements shall submit to the control authority a report containing the information described in
18 Section 22-9.7A(1)(d)(e), and (f) SFCC 1987 and Section 22-9.5(H) SFCC 1987 . All sampling
19 shall be done in conformance with Section 22-9.7(D)(3) SFCC 1987. For industrial users subject
20 to equivalent mass or concentration limits established by the control authority in accordance with
21 the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the user's
22 long term production rate. For all other industrial users subject to categorical pretreatment
23 standards expressed in terms of allowable pollutant discharge per unit of production (or other
24 measure of operation), this report shall include the user's actual production during the appropriate
25 sampling period.

1 C. *Periodic Reports on Continued Compliance.*

2 (1) Any industrial user subject to a categorical pretreatment standard (except
3 a non-significant categorical user as defined in 40 CFR §403.3(v)(2), after the
4 compliance date of such pretreatment standard, or, in the case of a new source, after
5 commencement of the discharge into the POTW, shall submit to the control authority
6 during the months of June and December, unless required more frequently in the
7 pretreatment standard or by the control authority or the approval authority, a report
8 indicating the nature and concentration of pollutants in the effluent which are limited by
9 such categorical pretreatment standards. In addition, this report shall include a record of
10 measured or estimated average and maximum daily flows for the reporting period for the
11 discharge reported except that the control authority may require more detailed reporting
12 of flows. In cases where the pretreatment standard requires compliance with a best
13 management practice (or pollution prevention alternative), the user shall submit
14 documentation required by the control authority or the pretreatment standard necessary to
15 determine the compliance status of the user. At the discretion of the control authority and
16 in consideration of such factors as local high or low flow rates, holidays, budget cycles,
17 etc., the control authority may modify the months during which the above reports are to
18 be submitted.

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

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

5 (b) The monitoring waiver is valid only for the duration of the
6 effective period of the permit or other equivalent individual permit, but in no case
7 longer than five (5) years. The user shall submit a new request for the waiver
8 before the waiver can be granted for each subsequent permit.

9 (c) In making a demonstration that a pollutant is not present, the
10 industrial user shall provide data from at least one sampling of the facility's
11 process wastewater prior to any treatment present at the facility that is
12 representative of all wastewater from all processes. The request for a monitoring
13 waiver shall be signed in accordance with Section 22-9.7(P) SFCC 1987, and
14 include the certification statement in Section 22-9.5(H) SFCC 1987. Non-
15 detectable sample results may only be used as a demonstration that a pollutant is
16 not present if the EPA approved method from 40 CFR part 136 with the lowest
17 minimum detection level for that pollutant was used in the analysis.

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

23 (e) Upon approval of the monitoring waiver and revision of the
24 user's permit by the control authority, the industrial user shall certify on each
25 report with the statement below, that there has been no increase in the pollutant.

1 in its wastestream due to activities of the industrial user:

2 "Based on my inquiry of the person or persons directly
3 responsible for managing compliance with the pretreatment standard for
4 40 CFR ----- {specify applicable national pretreatment standard
5 part(s)}, I certify that, to the best of my knowledge and belief, there has
6 been no increase in the level of ----- {list pollutant(s)} in the
7 wastewaters due to the activities at the facility since filing of the last
8 periodic report under Section 22-9.7(C)(1) SFCC 1987."

9 (f) In the event that a waived pollutant is found to be present or is
10 expected to be present based on changes that occur in the user's operations, the
11 user shall immediately: comply with the monitoring requirements of Section 22-
12 9.7(C)(1) SFCC 1987 or other more frequent monitoring requirements imposed
13 by the control authority; and notify the control authority.

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

17 (3) The control authority may reduce the requirement in Section 22-
18 9.7(C)(1) SFCC 1987 to a requirement to report no less frequently than once a year,
19 unless required more frequently in the pretreatment standard or by the approval authority,
20 where the industrial user meets all of the following conditions:

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

23 (i) 0.01 percent of the design dry weather hydraulic
24 capacity authority of the POTW, or 5,000 gallons per day, whichever is
25 smaller, as measured by a continuous effluent flow monitoring device

1 unless the industrial user discharges in batches;

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

4 (iii) 0.01 percent of the maximum allowable headworks
5 loading for any pollutant regulated by the applicable categorical
6 pretreatment standard for which approved local limits were developed by
7 a POTW in accordance with 40 CFR Section 403.5(e) and (d);

8 (b) The industrial user has not been in significant noncompliance, as
9 defined in Section 22-9.10 SFCC 1987 for any time in the past two (2) years;

10 (c) The industrial user does not have daily flow rates, production
11 levels, or pollutant levels that vary so significantly that decreasing the reporting
12 requirement for this industrial user would result in data that are not representative
13 of conditions occurring during the reporting period pursuant to Section 22-
14 9.7(D)(3) SFCC 1987;

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

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

24 (4) For industrial users subject to equivalent mass or concentration limits
25 established by the control authority in accordance with the procedures in 40 CFR Section

1 403.6(c), the report required by paragraph (1) of this section shall contain a reasonable
2 measure of the user's long term production rate. For all other industrial users subject to
3 categorical pretreatment standards expressed only in terms of allowable pollutant
4 discharge per unit of production (or other measure of operation), the report required by
5 paragraph (1) of this section shall include the user's actual average production rate for the
6 reporting period.

7 (5) All periodic compliance reports shall be signed and certified in
8 accordance with 22-9.5(H) SFCC 1987.

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

12 D. *Monitoring and Analysis to Demonstrate Continued Compliance.*

13 (1) Except in the case of non-significant categorical users, the reports
14 required in paragraphs A, B, C, and E of this section shall contain the results of sampling
15 and analysis of the discharge, including the flow and the nature and concentration, or
16 production and mass where requested by the control authority, of pollutants contained
17 therein which are limited by the applicable pretreatment standards. This sampling and
18 analysis may be performed by the control authority in lieu of the industrial user. Where
19 the POTW performs the required sampling and analysis in lieu of the industrial user, the
20 user shall not be required to submit the compliance certification required under
21 paragraphs 22-9.7(A)(1)(f) and (B) of this section. In addition, where the POTW itself
22 collects all the information required for the report, including flow data, the industrial user
23 shall not be required to submit the report.

24 (2) If sampling performed by an industrial user indicates a violation, the user
25 shall notify the control authority within twenty-four (24) hours of becoming aware of the

1 violation. The user shall also repeat the sampling and analysis and submit the results of
2 the repeat analysis to the control authority within thirty (30) days after becoming aware
3 of the violation. Where the control authority has performed the sampling and analysis in
4 lieu of the industrial user, the control authority shall perform the repeat sampling and
5 analysis unless it notifies the user of the violation and requires the user to perform the
6 repeat analysis. Resampling is not required if:

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

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

12 (3) The reports required in paragraphs 22-9.7(A)(B)(C), and (E) of this
13 section shall be based upon data obtained through appropriate sampling and analysis
14 performed during the period covered by the report, which data are representative of
15 conditions occurring during the reporting period. The control authority shall require that
16 frequency of monitoring necessary to assess and assure compliance by industrial users
17 with applicable pretreatment standards and requirements. Grab samples shall be used for
18 pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For
19 all other pollutants, 24-hour composite samples shall be obtained through flow-
20 proportional composite sampling techniques, unless time-proportional composite
21 sampling or grab sampling is authorized by the control authority. Where time-
22 proportional composite sampling or grab sampling is authorized by the control authority,
23 the samples shall be representative of the discharge and the decision to allow the
24 alternative sampling shall be documented in the industrial user file for that facility or
25 facilities. Using protocols (including appropriate preservation) specified in 40 CFR part

1 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour
2 period may be composited prior to the analysis as follows: for cyanide, total phenols, and
3 sulfides the samples may be composited in the laboratory or in the field; for volatile
4 organics and oil and grease the samples may be composited in the laboratory. Composite
5 samples for other parameters unaffected by the compositing procedures as documented in
6 approved EPA methodologies may be authorized by the control authority, as appropriate.

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

16 (5) All analyses shall be performed in accordance with procedures
17 established by the administrator pursuant to section 304(h) of the Act and contained in 40
18 CFR part 136 and amendments thereto or with any other test procedures approved by the
19 administrator. (See §§136.4 and 136.5) Sampling shall be performed in accordance with
20 the techniques approved by the Administrator. Where 40 CFR part 136 does not include
21 sampling or analytical techniques for the pollutants in question, or where the
22 administrator determines that the part 136 sampling and analytical techniques are
23 inappropriate for the pollutant in question, sampling and analyses shall be performed
24 using validated analytical methods or any other sampling and analytical procedures,
25 including procedures suggested by the POTW or other parties, approved by the

1 administrator.

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

6 E. *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. In cases
12 where a local limit requires compliance with a best management practice or pollution prevention
13 alternative, the user shall submit documentation required by the control authority to determine the
14 compliance status of the user. These reports shall be based on sampling and analysis performed in
15 the period covered by the report, and in accordance with the techniques described in 40 CFR part
16 136 and amendments thereto. This sampling and analysis may be performed by the control
17 authority in lieu of the significant noncategorical industrial user.

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

22 G. *Notice of Potential Problems, Including Slug Loading.* All categorical and non-
23 categorical industrial users shall notify the POTW immediately of all discharges that could cause
24 problems to the POTW, including any slug loadings, by the industrial user.

25 H. The control authority shall randomly sample and analyze the effluent from

1 industrial users, conduct surveillance activities in order to identify, independent of information
2 supplied by industrial users, occasional and continuing noncompliance with pretreatment
3 standards, and inspect and sample the effluent from each significant industrial user at least once a
4 year.

5 I. Record-Keeping Requirements.

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

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

12 (b) The dates analyses were performed;

13 (c) Who performed the analyses;

14 (d) The analytical techniques/methods used; and

15 (e) The results of such analyses.

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

25 (3) Any POTW to which reports are submitted by an industrial user pursuant

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

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

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

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 SFCC
23 1987 or modify an existing wastewater permit under Section 22-9.6(D) SFCC 1987.

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 the
2 discharge of any previously unreported pollutant shall be deemed significant.

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

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

16 (2) In any case of prohibited discharge which may potentially upset, interfere
17 or pass through the treatment facilities, or cause potential health hazards to POTW
18 personnel, or impair the city's potential options for the beneficial reuse, marketing,
19 reclamation or disposal of waste treatment by-products, the user shall immediately
20 telephone and notify the division of the incident. This notification shall include the location
21 of the discharge, type of waste, concentration and volume, if known, and corrective actions
22 taken by the user. Failure to notify the division of any prohibited discharge under this
23 section within one (1) hour of recognition of the discharge constitutes a violation of this
24 section.

25 (3) Within five (5) calendar days following prohibited discharge, the user

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

6 (4) A notice shall be permanently posted on the user's bulletin board or other
7 prominent place advising employees who to call in the event of a prohibited discharge
8 described in paragraph 22-9.7(L)(2) SFCC 1987, above. Employers shall ensure that all
9 employees are advised of the emergency notification procedure.

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

13 O. 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 shall meet all standards and specifications as
16 set forth by the division and shall be maintained at the industrial user's expense.

17 P. *Signatory Requirements for Industrial User Reports.* The reports required by
18 Section 22-9.7(A)(B) and (C) SFCC 1987 shall include the certification statement as set forth in
19 Section 22-9.5(H) SFCC 1987 and shall be signed as follows:

20 (1) By a responsible corporate officer, if the industrial user submitting the
21 reports required by Section 22-9.7(A)(B) and (C) SFCC 1987 is a corporation. For the
22 purpose of this paragraph, a responsible corporate officer means:

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

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

11 (2) By a general partner or proprietor if the industrial user submitting the
12 reports required by Section 22-9.7(A)(B) and (C) SFCC 1987 is a partnership, or sole
13 proprietorship respectively.

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

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

18 (b) The authorization specifies either an individual or a position
19 having responsibility for the overall operation of the facility from which the
20 industrial discharge originates, such as the position of plant manager, operator of
21 a well, or well field superintendent, or a position of equivalent responsibility, or
22 having overall responsibility for environmental matters for the company; and

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

24 (4) If an authorization under paragraph (3) of this section is no longer
25 accurate because a different individual or position has responsibility for the overall

1 operation of the facility, or overall responsibility for environmental matters for the
2 company, a new authorization satisfying the requirements of (3) of this section shall be
3 submitted to the control authority prior to or together with any reports to be signed by an
4 authorized representative.

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

7 **22-9.10 Publication of Significant Violators.** The division shall annually publish, in the
8 largest daily newspaper circulated in the area where the POTW is located, a list of the industrial
9 users which, during the previous twelve (12) months, were in significant noncompliance with
10 applicable pretreatment standards and requirements. The term significant noncompliance shall
11 mean:

12 A. Chronic violations of wastewater Discharge limits, defined here as those in which
13 sixty-six percent (66%) or more of all of the measurements taken for the same pollutant
14 parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment
15 standard or requirement, including instantaneous limits;

16 B. Thirty-three percent (33%) or more of all of the measurements taken for the same
17 pollutant parameter during a six (6) month period equal or exceed the product of the numeric
18 pretreatment standard or requirement including instantaneous limits, multiplied by the applicable
19 TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

20 C. Any other violation of a pretreatment standard or requirement as (daily
21 maximum, long-term average, instantaneous limit, or narrative standard) that the POTW
22 determines has caused, alone or in combination with other discharges, interference or pass
23 through (including endangering the health of POTW personnel or the general public);

24 D. Any discharge of pollutants that has caused imminent endangerment to the public
25 or to the environment, or has resulted in the division's exercise of its emergency authority to halt or

1 prevent such a discharge;

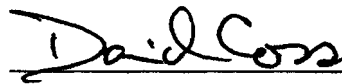
2 E. Failure to meet, within ninety (90) calendar days of the scheduled date, a
3 compliance schedule milestone contained in a permit or enforcement order for starting construction,
4 completing construction, or attaining final compliance;

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

8 G. Failure to accurately report noncompliance; or

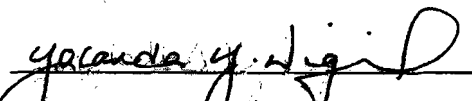
9 H. Any other violation or group of violations, which may include a violation of best
10 management practices, which the POTW determines will adversely affect the operation or
11 implementation of the Pretreatment Program.

12 PASSED, APPROVED and ADOPTED this 11th day of June 2008.

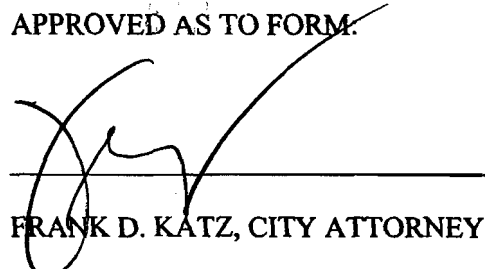
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14 

15 DAVID COSS, MAYOR

16 ATTEST:

17
18 
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM.

21
22 
23 FRANK D. KATZ, CITY ATTORNEY

24
25 *mdb/M drive/2008 ordinances/industrial pretreatment*