

City of Lompoc Wastewater Ordinance

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Article 2. Sewer System.

Division 1. General Provisions.

Section 3332. Title.

This Article shall be known as the Sewer System Ordinance of the City of Lompoc.

Section 3333. Purpose and Policy.

This Article shall apply to the discharge of all wastes to the City's sewerage system, and shall provide for regulation of wastewater discharge in accordance with 40 CFR Part 403.2. Objectives of General Pretreatment Regulations:

A. to prevent the introduction of pollutants which will interfere with the operation of the City's Wastewater System, including interference with its use or disposal of municipal sludge;

B. to prevent the introduction of pollutants which will pass through the treatment works or otherwise be incompatible with such works;

C. to improve other opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; and

D. to prevent the exposure of Wastewater System workers to chemical hazards.

Section 3334. Definitions and Abbreviations.

A. Abbreviations. The following abbreviations shall have the designated meanings:

Act	Clean Water Act
ASPP	Accidental Spill Prevention Plan
BOD	Biochemical Oxygen Demand
CCR	California Code of Regulations (California Administrative Code)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)
CFR	Code of Federal Regulations
EO	Enforcement Order
EPA	United States Environmental Protection Agency
et seq.	and following
gal/d	gallons per day
IU	Industrial User
LEL	Lower Explosive Limit
mg/L	milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
NOV	Notice of Violation
NPS	National Pretreatment Standard
O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
ppm	parts per million
RCRA	Resource Conservation and Recovery Act (42 USC 6901 et seq.)
RWQCB	The California Regional Water Quality Control Board
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-Compliance
SWDA	Solid Waste Disposal Act (42 USC 3251 et seq.)
SWRCB	California State Water Resources Control Board
TRC	Technical Review Criteria

TOMP	Toxic Organics Management Plan
TSCA	Toxic Substances Control Act (15 USC 2601 et seq.)
TSS	Total Suspended Solids
UPC	Uniform Plumbing Code
USC	United States Code

B. Definitions. Unless the particular provision or the context otherwise requires, definitions and provisions contained in this Section shall govern the construction, meaning, and application of words and phrases used in this Article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derived from it, or from which it is a derivative, as the case may be.

1. Act or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 22 USC 1251, et seq.

2. Administrative Hearing means a due process hearing at a specified time, date, and place at which a user, authorized representatives of the user, and/or interested persons shall have the opportunity to submit statements, documentary evidence, and/or arguments orally and/or in writing.

3. Applicable Regulations, Standards and Limitations means all local, state, and federal regulations, standards, and limitations to which a discharge or related activity is subject under the Act, effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 304, 306-308, 403, and 405 of the Act.

4. Authorized Representative of Industrial User means either of the following:

a. A principal executive officer of at least the level of vice-president if the IU is a corporation;

b. A general partner or proprietor, if the IU is a partnership or sole proprietorship, respectively;

c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

5. Biochemical Oxygen Demand (BOD) means the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius (58 degrees Fahrenheit). The laboratory determination shall be made in accordance with procedures established by the EPA and specified in 40 CFR Part 136, as amended.

6. Building Sewer Lateral means the sewer from the premises of a user to the public sewer main.

7. Categorical Pretreatment Standard means NPS or Pretreatment Standard, as defined herein, which applies to a specified industrial category.

8. Chlorine Requirement means the amount of chlorine, in mg/L, which must be added to wastewater to produce a specified residual chlorine content or other specified objective.

9. City means the City of Lompoc or the City Council of the City of Lompoc.

10. City sewer means a sewer owned and operated by the City, which is tributary to the Wastewater Treatment Plant.

11. Class I User means any IU who discharges 10,000 gal/d (average annual daily flow) of process wastewater or is otherwise determined to be a SIU as defined herein. Waste haulers, as defined herein, shall also be Class I users.

12. Class II User means any user who discharges industrial wastes of less than 10,000 gal/d (average annual daily flow) and whose discharge may:

a. contain unusual amounts of compatible pollutants, or

b. exceed applicable regulations, standards or limitations, or

c. contain incompatible pollutants, or

d. be judged to have any other special characteristics requiring site specific discharge limits.

13. Compatible Pollutant (Compatible Constituent) means a combination of BOD, TSS, pH, coliform bacteria, plus other pollutants in amounts the Wastewater Treatment Plant is designed to accept and/or remove. Some otherwise compatible pollutants may be considered incompatible when discharged in excessive quantities

14. Composite Sample means a series of grab samples collected at equal intervals and combined proportional to flow, or a sample collected continuously proportional to flow, or a series of equal volume grab samples taken at varying time intervals, in order to determine the average pollutant concentration during the compositing period.

15. Cooling Water means the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

16. Director means the City of Lompoc Utilities Director or his/her designated representative(s).

17. Discharger means any person or entity introducing pollutants into the Wastewater System from any non-domestic source regulated under Section 307(b), 307(c), or 307(d) of the Act. For the purposes of this Article, Discharger also means any person or entity introducing industrial waste to the Wastewater System.

18. Domestic Wastewater means wastewater from residences and other premises derived from personal use of water for washing or sanitary purposes.

19. EPA means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of the EPA.

20. Equalization of Discharge means the control of flow rate in a manner designed to protect the Wastewater System.

21. Existing Source means any source which is not a New Source.

22. Extra Strength Concentration means any wastewater discharges containing concentrations of TSS or BOD greater than 300 mg/L.

23. Fixture means any appurtenance connected to a building sewer lateral.

24. Fomites means any inanimate objects that can carry disease-causing organisms.

25. Grab Sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

26. Hazardous Substance means any substance capable of creating imminent endangerment to health or the environment including, but not limited to, those substances defined under Section 309 (c) of the Act (33 USC 1251 et seq.) as follows:

a. any substance designated under 40 CFR Part 116 pursuant to Section 311(b)(2)(A) of the Act;

b. any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the CERCLA;

c. any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of (41 U.S.C. 3251 et seq.) but not including any waste the regulation of which under the SWDA has been suspended by the Act;

d. any toxic pollutant listed under Section 307(a) of the Act;

e. any imminently hazardous chemical substance or mixture with respect to which the EPA has taken action pursuant to Section 7 of the TSCA (15 USC 2601 et seq.), and;

f. any waste determined to be hazardous or extremely hazardous in accordance with Title 22 of the CCR, as amended.

27. Helminth means a worm classified as a parasite, i.e. a disease-causing organism that lives on or in a human or another animal and derives its nourishment from its host.

28. Holding Tank Waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

29. Incompatible Pollutant/Incompatible Constituent means any pollutant which is not a compatible pollutant as defined herein.

30. Indirect Discharge means the introduction of pollutants into the Wastewater System from any non-domestic source regulated under Section 307(b),

307(c), or 307(d) of the Act. For the purposes of this Article, Indirect Discharge also means the introduction of any industrial waste to the Wastewater System.

31. Industrial User means, generally, any discharger of industrial waste, or a source of Indirect Discharge.

32. Industrial Waste means any solid, liquid or gaseous substance discharged or permitted to flow into a City sewer from any industrial, manufacturing, agricultural, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource.

33. Infectious Waste means:

a. laboratory wastes, including cultures of etiologic agents, which pose a substantial threat to health due to their volume and virulence;

b. pathologic specimens, including human or animal tissues, blood elements, excreta, and secretions which contain etiologic agents, and attendant disposable fomites;

c. surgical specimens, including human or animal parts and tissues removed surgically or at autopsy which contain etiologic agents, and attendant disposable fomites;

d. equipment, instruments, utensils, and other disposable materials, which are reasonably believed to transmit etiologic agents from the rooms of humans, or the enclosures of animals, which have been isolated because of suspected or diagnosed communicable disease;

e. human dialysis waste materials including arterial lines and dialyzable membranes;

f. carcasses of animals infected with etiologic agents which may present a substantial hazard to public health if improperly managed; or

g. any other material which in the determination of the Director presents a significant danger of infection because it is contaminated with or may reasonably be expected to be contaminated with, etiologic agents (etiologic agent means, for the purposes of this Article, a type of micro-organism, helminth, or virus which causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings).

34. Instantaneous Maximum means the highest allowable pollutant/constituent concentration in any single grab sample.

35. Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. inhibits or disrupts the City's wastewater sewerage system, its treatment processes or operations, or its sludge processes, uses or disposal; and,

b. therefore, is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of the violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Act (33 USC 1345) the SWDA including Title II, more commonly referred to as the RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the TSCA and the Marine Protection, Research and Sanctuaries Act.

36. Lower Explosive Limit (LEL) means the minimum concentration of a combustible gas or vapor in air which will ignite if an ignition source is present.

37. Mass Emission Rate means the weight of material discharged to the sewerage system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a specific pollutant.

38. Maximum Allowable Headworks Loading means the calculated maximum quantity of a given pollutant (generally expressed in pounds per day) which can be accepted by the City's Wastewater Treatment Plant without the occurrence of Interference or Pass Through.

39. Medical Facility means any hospital, clinic, medical laboratory, office of a doctor or dentist, convalescent home or related medical or therapeutic facility.

40. Milligram per Liter (mg/L) means a unit of the concentration of a water or wastewater pollutant. It is 0.001 grams of the pollutant in 1 Liter of water. Generally considered equivalent to ppm.

41. National Pollutant Discharge Elimination System or NPDES Permit means a permit issued to a POTW pursuant to Section 402 of the Act (33 USC 1342.)

42. National Pretreatment Standard (NPS) or Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 14347), which applies to IUs. NPS includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5, and categorical standards specified in 40 CFR Parts 401-471.

43. National Prohibitive Discharge Standard or Prohibitive Discharge Standard means any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR Part 403.5.

44. New Source means any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), subject to the provisions of 40 CFR Part 403.3 (k).

45. Pass Through means a discharge which exits the City's Wastewater Treatment Plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

46. Permit means Wastewater Discharge Permit issued by the City, unless otherwise indicated by context.

47. Person means any individual, partnership, firm, company, trust, estate, governmental entity, or any other legal entity, or their respective legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

48. pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per Liter of solution. It is used in expressing both acidity and alkalinity on a scale ranging from 0 to 14 where 7 represents neutrality, numbers lower than 7 represent increasing acidity, and numbers higher than 7 represent increasing alkalinity.

49. Pollutant means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, high temperature waste, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water, or any pollutant or characteristic of wastewater on which a discharge limitation may be imposed either by the City or by other regulatory agencies.

50. Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the Wastewater System.

51. Pretreatment Requirement means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an IU.

52. Publicly Owned Treatment Works (POTW) means a treatment works as defined by Section 212 of the Act, (33 USC Section 1292), including any sewers that convey wastewater to the POTW Treatment Plant, and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature (see also Wastewater System).

53. POTW Treatment Plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation of municipal sewage and industrial waste). (See also Wastewater Treatment Plant.)

54. Public Sewer means City sewer.

55. Regulatory Agencies means those agencies having jurisdiction to regulate the operation of, and having appropriate jurisdiction over the City's

Wastewater System and/or IU, including but not limited to the EPA, the SWRCB, and the RWQCB.

56. Sanitary Sewer means a sewer that conveys sewage or industrial wastes or a combination of both, but into which storm, surface, or ground waters or other unpolluted waters are not intentionally admitted.

57. Service Charge means those charges specified in the City's Wastewater Service Rates and Charges for furnishing the service of wastewater collection and disposal, and includes charges for extra-strength sewage (TSS and BOD greater than 300 mg/L) but does not include additional fees such as non-compliance fees and administrative penalties, which may be imposed upon any IU discharging wastewater in violation of this Article.

58. Sewage means wastewater.

59. Sewer means a pipe or conduit for conveying domestic and/or industrial wastewater.

60. Sewer Main means a portion of the public sewer lying in a public easement or street and does not mean a building sewer lateral.

61. Sewerage System means the systems of sewers and appurtenances for the collection, transportation, and pumping of sewage.

62. Significant Industrial User (SIU) means any IU that:

a. is subject to federal categorical pretreatment standards; or
b. discharges 25,000 gal/d or more of process wastewater (average annual daily flow); or

c. contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic loading capacity of the Wastewater Treatment Plant; or

d. has a reasonable potential, in the opinion of the Director, to adversely affect the Wastewater Treatment Plant (e.g., cause Interference, Pass-Through, or endangerment to employees of the Wastewater System).

63. Significant Non-Compliance (SNC) means any IU violations which meet one or more of the following criteria:

a. violations of wastewater discharge limits:

(1) Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period.

(2) Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period.

(3) Any other violation(s) of a discharge limit that the director believes has caused, alone or in conjunction with other discharges, interference or pass-through; or endangered the health of the general public or employees of the wastewater system.

(4) Any discharge that has caused imminent endangerment to the general public or the environment, resulting in the exercise of emergency authority in accordance with Section 3374B.

b. violations of permit compliance schedule milestones by ninety (90) days or more after the schedule date;

c. failure to provide reports for compliance schedules or self-monitoring data, or any other reports required by this Article or established as a permit requirement, by thirty (30) days or more from the due date;

d. failure to accurately report non-compliance;

e. any other violation(s) the Director considers to be significant.

64. Significant violation means:

a. a violation which remains uncorrected 45 days after notification of noncompliance, which is part of a pattern of non-compliance over a twelve month period; or

b. a violation which results in the POTW exercising its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 3374B of this Article.

65. Slug Load means:

a. any discharge of wastewater which in concentration of any pollutant or in quantity of flow exceeds for any period of duration longer than 15

minutes, more than five times its average concentration or flow, on a normal workday, said average being calculated over a two week period. As to quantity of flow, this definition shall apply to discharges greater than 10,000 gal/d; or

b. any willful discharge of concentrated incompatible pollutants in a manner or method that is not approved by the Director.

66. Spill Containment means a protective system installed by a user to prevent the accidental discharge of incompatible pollutant to the sewer. (See Section 3369)

67. Standard Industrial Classification SIC means a classification pursuant to the Standard Industrial Classification Manual, as most recently amended and issued by the Executive Office of the President, Office of Management and Budget.

68. State means the State of California.

69. Storm Drain means a pipe or conduit that carries storm, surface, or groundwater drainage, but excludes domestic and industrial wastewater.

70. TRC or Technical Review Criteria includes the following:

a. 1.4 times the applicable limit for BOD, TSS, oil, grease and fats or

b. 1.2 times the applicable limit for any other Non-Compatible Pollutant.

71. Temporary User means any person or entity granted temporary permission by the Director to discharge unpolluted water to the sewerage system, when no alternate method of disposal is reasonably available.

72. Total Suspended Solids (TSS) means those solids, expressed in ppm by weight, which are retained on a glass fiber filter and dried to a constant weight at 103-105 degrees Celsius (217-221 degrees Fahrenheit). The laboratory determination shall be made in accordance with procedures established by the EPA and specified in 40 CFR Part 136, as amended.

73. Toxic Pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307(a) of the Act.

74. Trap/Interceptor means any gravity separation interceptor designed to remove floatable and/or settleable material from a waste prior to its discharge to a City sewer.

75. Unpolluted Water means water to which no pollutant has been added either intentionally or accidentally.

76. Upset means any exceptional incident in which unintentional and temporary non-compliance with NPS or pretreatment requirements occurs because of factors beyond the reasonable control of the IU. An Upset does not include non-compliance to the extent caused by an operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or negligent or wrongful operation.

77. User means any person entity contributing, causing, or permitting the contribution of wastewater to the Wastewater System.

78. Waste means wastewater and any and all other waste substances, whether liquid, solid, gaseous, or radioactive, associated with human habitation.

79. Wastehauler means any person or entity engaging in vehicular transport of waste as part of, or incidental to, any business for the purpose of disposal of such waste.

80. Wastewater means the liquid and water-borne industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the Wastewater System.

81. Wastewater Discharge Permit means a permit issued by the Director authorizing the discharge of wastewater in accordance with terms and conditions specified therein.

82. Wastewater System means all facilities for collecting, pumping, treating, or disposing of wastewater, and includes the sewerage system as well as the Wastewater Treatment Plant.

83. Wastewater Treatment Plant means the POTW Treatment Plant of the City.

Section 3335. Connection to Public Sewer Required.

The owner or occupier of any property used for human occupancy abutting any street or easement in which there is located a sewer main, is required, at his or her expense, to construct a building sewer lateral serving waste discharge fixtures in or on said property, and to connect said lateral to the sewer main in accordance with the provisions of the applicable plumbing code, construction standards of the City, and provisions of this Article within 120 days after notice from the Director to do so, provided that such main is within 200 feet of the property. No person shall tap a building sewer lateral into a City sewer main unless advance written permission has been granted by the City.

Section 3336. Disconnection from Public Sewer.

The Director is hereby empowered to revoke a user's Wastewater Discharge Permit, or to order the disconnection of the user's building sewer lateral(s) from the sewer main, or to order the severance or plugging of any such lateral(s) as necessary in the opinion of the Director to terminate a discharge in violation of this Article in order to protect the health and safety of the community. The Director's decision may be appealed in accordance with Section 3345 of this Article. The premises shall not be reconnected until all Wastewater Discharge Permits required in accordance with this Article are obtained, and all applicable charges and fees for disconnection and reconnection have been paid.

Section 3337. Tampering with Public Sewer.

No person shall willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater system.

Section 3338. Maintenance of Private Sewer.

Any person owning or controlling any premises connected to the public sewer shall keep all building sewer laterals and fixtures in good working order and repair at all times at his or her own expense.

Section 3339. Right of Discharge Limited.

No user shall discharge any sanitary sewage, industrial wastes, or polluted water into any place other than a public sewer. No user shall construct, excavate, or install within the corporate limits of the City any installation, tank, leach line, or pit commonly known, described, and referred to as a "septic" tank or any similar device or installation designed to be used for the disposal of wastewater, without advance written authorization from the Director and the RWQCB.

Section 3340. Right of Inspection

All users shall allow authorized representatives and agents of the City, at all reasonable times, to enter the premises of the user in which a permitted discharge source or treatment system is located, or in which records required to be kept in response to pretreatment requirements are located, in order to carry out the inspection, records examination, copying, monitoring, and surveillance procedures necessary to determine compliance with this Article. For the purposes of this Article, all reasonable times include not only normal working hours, but at any time a discharge to the Wastewater System, is occurring, or may occur. Where a user has security measures in force which would require proper identification and clearance before entry, the user shall make necessary arrangements with user's security personnel so that, upon presentation of suitable identification, authorized representatives and agents of the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal or obstruction of access for the purposes of inspection, monitoring, and surveillance in accordance with this Article may result in revocation of permit (Section 3354), or other appropriate enforcement action.

Section 3341. Sampling and Analysis.

All sampling and analysis performed under provisions of this Article shall be in accordance with procedures established by the EPA pursuant to Section 304 (g) of

the Act and contained in 40 CFR Part 136, as amended. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling, and analysis shall be performed in accordance with validated analytical methods approved by the City and EPA. All analyses shall be performed by a reliable laboratory certified by the State and approved by the Director.

Section 3342. Confidential Information.

User information and use of data obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the general public without restriction, unless the user specifically requests otherwise, and demonstrates to the satisfaction of the Director that the release of such information would divulge information entitled to protection as user's trade secrets. In no case, however, shall information concerning discharge quality or quantity be considered confidential, and in no case shall any information be withheld from governmental agencies or from the public. Government agencies shall handle confidentiality claims in accordance with the procedures specified in 40 CFR Part 403.14 (Confidentiality) and/or 40 CFR Part 2 (Public Information) and subject to applicable state statutes.

Section 3343. Responsibility of Private Utility.

It is the responsibility of private and public utilities connected to the City's Wastewater System to ensure that wastewater discharged to the Wastewater System is in strict compliance with the provisions of this Article, all contractual agreements, and all applicable laws, regulations, standards, and limitations.

Section 3344. National Pretreatment Standards.

Upon the promulgation of NPS, the NPS, if more stringent than the limitations imposed under this Article, shall immediately supersede the limitations imposed under provisions of this Article. The Director shall notify all affected users of the promulgation of applicable Pretreatment Standards, and of the applicable reporting requirements of 40 CFR Part 403.12.

Section 3345. Appeals.

The Director is hereby empowered to enforce the rules, regulations, and limitations established in this Article, to implement the provisions of this Article. Any user, permit applicant, or permit holder affected by any decision, action, or determination made by the Director interpreting or implementing the provisions of this Article or any Wastewater Discharge Permit issued pursuant to this Article, may file for reconsideration in writing within fifteen (15) working days. The Director shall render a decision within fifteen (15) working days after receipt of the request. If the user is dissatisfied with the ruling of the Director, the user may, within ten (10) working days after the Director's ruling, file a written appeal with the City Clerk. The appeal shall be heard and decided by the City Council within sixty (60) days after receipt of the request and Council's ruling shall be final.

Section 3346. Special Agreements.

Nothing in this Ordinance shall be construed as prohibiting any special agreement or arrangement between the City and any user whereby a waste of unusual strength or character may be admitted to the Wastewater System, either before or after pretreatment, provided that such waste is in compliance with all applicable State and Federal requirements; provided, however, that no impairment to the functioning of the Wastewater System will occur by reason of admission of such wastes, and that no extra costs are incurred by the City without being fully reimbursed by the user.

Division 2. Wastewater Discharge Permits

Section 3347. Permits Required.

In accordance with this Division, permits for the use of the City's Sewerage System shall be required of Class I Users, Class II Users, Temporary Users, and any other user discharging into or proposing to discharge into a City sewer shall obtain

permits as required by Director based upon the need to achieve the objectives set forth in Section 3333 and to protect the public health and safety. Applications for permits under this Subsection shall be submitted as required by the Director.

Section 3348. Applications and Fees.

A. APPLICATIONS

Wastewater Discharge Permit Applications (baseline reports) shall be submitted in the form prescribed by the City. Appropriate permit applications shall be completed and filed with the Director, accompanied by all applicable fees.

1. Application Information: The Applicant shall submit the following information:

a. Identifying information:

- (1) Name and address of facility
- (2) SIC code number(s).
- (3) Names of all owner(s) and operator(s).

b. Operation Description.

- (1) Description of facilities, activities, and plant processes, including all materials which are or could be discharged.
- (2) Type and amount of raw materials processed (average and maximum per day).
- (3) Each product produced by type, amount, and rate of production.
- (4) Number and type of employees, and hours of operation of plant (including proposed or actual hours of operation of pretreatment system).
- (5) Site plans, floor plans, mechanical plans, and plumbing plans, including details to show all sewers, sewer connections, and appurtenances described by size, location, and elevation.

c. Discharge Description.

- (1) Wastewater pollutants and characteristics as required by the Director, and determined in accordance with Section 3341 of this Article.
- (2) Average daily and three minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.

d. Control Permits List any environmental control permits held by or for the facility, including, as applicable:

- (1) EPA Hazardous Waste Facility Identification Number.
- (2) EPA Hazardous Waste Number(s).

e. Certification. A statement, by an authorized representative of the IU, indicating whether applicable Pretreatment Standards and Pretreatment Requirements are met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment are required to meet applicable regulations, standards, and limitations;

f. Compliance Schedules. If additional pretreatment and/or O&M will be required to meet applicable regulations, standards and limitations, include the shortest schedule by which the user will achieve compliance. In the case of NPS, the completion date in this schedule shall be not later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to Compliance Schedules:

(1) The schedule shall contain specific increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable standards.

(2) No increment of progress referred to in Section 3348, A 1 f (1), (above) shall exceed nine (9) months.

(3) In no case shall the final compliance date exceed three years from the date of permit issuance.

(4) Detailed descriptions of facilities/procedures to be constructed/implemented in order to achieve compliance shall be provided.

g. Compliance Report. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a new source following commencement of the introduction of wastewater into the

POTW, any IU subject to Pretreatment Standards and Requirements shall submit to the City a report containing the information as follows:

(1) Flow Measurement The user shall submit information showing the measured average daily and maximum daily flow, in gal/d, to the City from any regulated process streams. Verifiable estimates of these flows will be acceptable upon approval of the Director.

(2) Measurement of Pollutants.

(A) The user shall identify the Pretreatment Standards applicable to each regulated process.

(B) The user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations; sampling will be in accordance with Section 3341 of this Article.

(i) The user shall take a minimum of one representative sample to compile those data necessary to comply with the requirements of this Section.

(ii) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process, if no pretreatment exists.

(C) The Director may allow submission of a baseline report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures; this report shall include, at a minimum:

(i) The time, date, and place of sampling;

(ii) Methods of analysis; and

(iii) User certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(3) Certification. Certification shall follow the guidelines in Section 3348E of this Article.

h. Any other information required by the Director to evaluate the application.

2. Permit Issuance

a. The Director shall evaluate the data furnished by the user and may require additional information. Upon review and acceptance of the application, the City may issue a Wastewater Discharge Permit subject to the terms and conditions provided therein.

b. All users subject to Categorical Pretreatment Standards shall provide baseline report information (Section 3348A 1 a-h), as required by the Director, at least ninety (90) days prior to commencement of discharge. All other users shall submit baseline reports as required by the Director, by the date specified by the Director.

B. FEES: See Section 3372.

Section 3349. Permit Terms and Conditions.

Wastewater Discharge Permits are subject to all provisions of this Article and all other applicable regulations, standards, and limitations. In addition, permits may contain the following conditions:

A. Limits on average and maximum wastewater pollutant concentrations and mass emission rates;

B. Limits on rate and time of discharge and/or requirements for flow equalization;

C. Requirements for the installation and maintenance of facilities in accordance with Division 4 of this Article;

D. Specifications for monitoring and reporting programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;

E. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording the City access thereto;

F. Requirements for notification of the City of any new introduction of wastewater pollutants or any significant change in the volume or character of the wastewater pollutants discharged to the Wastewater System, or any discharge that could cause problems to the POTW and its treatment works;

G. Requirements for notification of accidental discharge in accordance with Section 3369 D;

H. Requirements for the notification, in writing, of any waste discharge to the POTW that would be considered hazardous (if disposed of by any other means) according to 40 CFR Part 261.

I. Requirements for development of ASPP, TOMP, and plans for the transport and disposal of hazardous materials or materials recovered from pretreatment facilities;

J. Requirements for evaluating the need for an ASPP and/or evaluating current ASPP and TOMP every two years;

K. Compliance schedules (See Section 3348 A 1 f);

L. Closure procedures: Requirements for notification, in writing, to the Wastewater Division, City of Lompoc, when selling or going out of business. Notification must be made at least thirty (30) days prior to closure. Written notification must include, but is not limited to:

1. disposal procedures of equipment, raw materials, products, etc.
2. name, address and telephone number of person purchasing the property (either equipment or real estate)
3. date of closure.

M. Other terms and conditions as deemed appropriate by the Director to ensure compliance with this Article.

Section 3350. Modification of Permit Terms and Conditions

The terms and conditions of Wastewater Discharge Permits may be modified in response to changes in applicable regulations, standards, and limitations, or such terms and conditions may be modified to reflect process changes by the user. Compliance schedules may be modified when, in the opinion of the Director, the user has shown good faith efforts to comply, but requires additional time for the acquisition and/or construction of necessary pretreatment facilities or equipment, provided that no federal or state requirements are violated by said modifications. The user shall be informed of the proposed permit modifications at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 3351. Permit Transfer.

Wastewater Discharge Permits are issued to a specific user for a specific operation and shall not be reassigned, transferred, or sold.

Section 3352. Permit Duration.

Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than one year, or may contain a specific expiration date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration date of the user's existing permit.

Section 3353. Other Requirements Unaffected.

The issuance of a permit does not waive, modify, or otherwise relieve the user of limitations, restrictions, or conditions imposed by any other regulatory agency or City department.

Section 3354. Revocation of Permit.

A. Conditions. Any user who violates any of the following provisions of this Article, or any applicable state or federal regulation, standard, or limitation, is subject to permit revocation:

1. failure to factually report wastewater pollutants and characteristics;
 2. failure to report significant changes in operations or wastewater constituents and characteristics, including slug loads;
 3. knowingly submitting false statements, false representations, records, plans or other documents to the City;
 4. tampering or knowingly rendering inaccurate any monitoring device required by this Article;
 5. refusal of, or obstruction to, reasonable access to the user's premises for the purpose of inspection and/or monitoring and surveillance;
 6. violation of permit terms and conditions.
- B. Notification. When the Director determines that reason exists for permit revocation, he shall notify the user of the reason(s) for permit revocation, and schedule a hearing as set forth in Section 3345 of this Article.

Division 3. Discharge Prohibitions and Limitations.

Section 3355. General Discharge Prohibitions

- A. No user may discharge, or cause or allow to be discharged, any pollutant(s), including oxygen demanding pollutants (BOD, etc.), at a flow rate or concentration which causes pass-through or interference (as defined in Section 3334 and 40 CFR Part 403.3) with the Wastewater System, or causes or significantly contributes to an exceedance of the calculated maximum allowable headworks loading for any given pollutant.
- B. No person may discharge, or cause or allow to be discharged, any pollutant or water containing pollutants onto the ground, public right-of-way, easement, storm drain, or water course.

Section 3356. Specific Discharge Prohibitions

No user shall discharge, cause, or allow to be discharged any of the following described wastes to a City sewer:

- A. Fire or Explosion Hazards. Any solid, liquid, or gas which, by itself or by interaction with other substances, may cause fire or explosion hazards, or in any other manner create imminent endangerment to wastewater personnel, the environment, or the public health. At no time shall the reading on a combustible gas meter, at the point of discharge or at any point in the Wastewater System exceed five percent (5%) of the LEL of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, other liquids having a closed cup flashpoint of less than 140 degrees Fahrenheit (65 degrees Celsius), peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any other substance which may represent a fire hazard, health hazard, environmental hazard, or hazard to the wastewater system.
- B. pH or Corrosion Hazards. Any wastewater having a pH less than 5.0, or otherwise having any corrosive property capable of causing damage to the Wastewater System.
- C. Solid or Viscous Waste. Any solid waste that will not pass through a one-half inch mesh opening, ashes, asphalt, dead animals, offal, cinders, sand, mud, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, animal manure, bones, hair or fleshings, entrails, paper products, greases, slurries, petroleum, non-biodegradable cutting oils, mineral oils, refining residues, fuel or oil residues, or viscous materials, of such character or in such quantity that may, in the opinion of the Director, cause an obstruction to the flow in the sewer or interfere with the proper function of the Wastewater System.
- D. Reactive Materials. Any reactive material(s) capable of producing toxic fumes, or any noxious or malodorous liquids or gases which either singly, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into a sewer for maintenance and repair.
- E. Heat. Heat in amounts which will inhibit biological activity in the Wastewater Treatment Plant, resulting in interference. In no case shall any discharge to the sewerage system exceed 140 degrees Fahrenheit (65 degrees Celsius) at the point of discharge, or cause the temperature at the influent to the Wastewater Treatment Plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).

- F. Slug loads. Slug loads of compatible or incompatible pollutant(s).
- G. Color. Any discharge with objectionable color not removed in the wastewater treatment process.
- H. Concentration. Any discharge with a concentration of reducing agents or substances which will significantly increase the chlorine requirement or the amount of other disinfecting agent required, or upset biological stabilization, or impose an additional air requirement.
- I. Interference. Any substance which may cause the Wastewater System, its effluent, or any other product such as residues, sludges, or scums to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall any substance discharged to a City sewer cause the City to be in violation of its NPDES permit (including an increase in the magnitude or duration of a violation), or prevent sludge use and disposal in compliance with any statutory provision contained in:
1. Section 405 of the Act;
 2. The SWDA (including Title II, more commonly referred to as the RCRA);
 3. The Clean Air Act;
 4. The TSCA;
 5. The Marine Protection, Research, and Sanctuaries Act; and
 6. Any state criteria applicable to the sludge management method used by the City.
- J. Violations. Any waste which violates any statute, rule, regulation, or ordinance of any public agency having jurisdiction over the discharge of wastewater through the sanitary sewer system.
- K. Significant change. Any significant change in the nature or quantity of wastewater discharged to the wastewater system, unless approved in writing by the Director. For the purposes of this Article, a significant change is any change which results in a long-term average flow rate change of twenty percent (20%) or more, or results in a long-term average change in concentration of any pollutants(s) of twenty percent (20%) or more.

Section 3357. Hazardous Wastes.

The discharge of any hazardous substance is prohibited. Any user that generates, treats, stores, transports, or disposes of hazardous waste must notify the Director and the EPA, and shall be notified by the Director of applicable requirements under Subtitle C of RCRA.

Section 3358. Trucked or Hauled Waste.

Wastehaulers shall not discharge trucked or hauled waste, either domestic or industrial, to the City's Wastewater System except at such City owned facilities as may be constructed and operated specifically to receive such wastes, and as authorized in accordance with the terms and conditions of a Class I User Permit. Trucked or hauled wastes include but are not limited to septic tank, chemical toilet, cesspool or seepage pit waste, and any waste recovered from a trap. Recreational vehicles may discharge domestic holding tank waste only at locations designated by the Director and authorized specifically for that purpose.

Section 3359. Medical Facility Wastes.

A. The following wastes shall not be discharged from a medical facility to the public sewer by any means:

1. Infection wastes;
2. Recognizable portions of the human anatomy;
3. X-ray processing waste and radioactive waste, except as authorized in accordance with the provisions of Section 3360.

B. Infectious waste generated by medical facilities shall be handled in accordance with applicable provisions of CCR Title 22, as amended, and Article V of Chapter 18 of the Santa Barbara County Code, and the applicable provisions of this Article.

Section 3360. Radioactive Wastes

No user shall discharge, or cause to be discharged, any radioactive waste into a City sewer unless:

- A. Discharged in strict conformity with applicable regulations, standards, and limitations;
- B. Authorized to use radioactive materials by the State Department of Health and/or other governmental agencies empowered to regulate the use of radioactive materials; and
- C. Authorized in and in accordance with the terms and conditions of a Class I or Class II User Permit.

Section 3361. Unpolluted Water.

Storm water, ground water, street drainage, surface drainage, subsurface drainage, yard drainage, swimming pool water, and other unpolluted waters such as single-pass cooling water shall not be discharged to a City sewer except as authorized in a Temporary User Permit secured in accordance with this Article.

Section 3362. Swimming Pool Waste.

Swimming pool water shall not be discharged to a City sanitary sewer. Backwash water, and any waste generated by acid cleaning of a swimming pool are considered polluted water and shall be discharged to a sanitary sewer, provided that the City is notified at least twenty-four (24) hours prior to the discharge and the pH requirements of this Article are not violated.

Section 3363. Water Softening Waste.

It is unlawful to install, replace, or enlarge apparatus for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated on the site of use with the regeneration wastes being discharged to the ground, storm drain, or City sewerage system, unless said softener or demineralizer meets or exceeds the standards specified in Chapter 7.8 Water Softening or Conditioning of the California Health and Safety Code, Part I, Division 5, relating to water softening or conditioning. This Section shall not apply to apparatus of the type which is regenerated off-site by a water conditioning company.

A person installing or operating a legal water-treating apparatus of any kind shall make such apparatus accessible to the Director for inspection at all reasonable times and shall make such report relative to such apparatus as the Director may request.

Section 3364. Excessive Discharge.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment in order to achieve compliance.

Section 3365. Limitations of Discharge.

- A. The Director shall develop discharge limitations as necessary to ensure compliance with the provisions of this Article. Discharge limitations may be adopted by ordinance or resolution of the City Council, or may be incorporated into the user's Wastewater Discharge Permit. Discharge limitations shall not be imposed until individual notice is given to persons or groups who have requested such notice, and until such persons or groups are given an opportunity to show cause, if they have any, why discharge limitations should not be imposed upon them. Discharge limitations specified as a condition to Class I or Class II User Permits shall supersede the limitations imposed under Section 3365 B of this Article.
- B. Except as authorized in accordance with the terms and conditions of a Class I or Class II User Permit, no user shall discharge, after the effective date of this Article, wastewater containing pollutants in excess of the quantities specified herein.

Constituent	Concentration*	Type of Limit
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Ammonia	55	Maximum Daily Average
Arsenic	2.0	Maximum Daily Average
Beryllium	3.0	Maximum Daily Average
Cadmium	0.2	Maximum Daily Average
Chloride	250	Maximum Daily Average
Chromium	2.0	Maximum Daily Average
Copper	2.0	Maximum Daily Average
Cyanide (total)	1.0	Instantaneous Maximum
Lead	1.0	Maximum Daily Average
Mercury	0.01	Maximum Daily Average
Nickel	3.0	Maximum Daily Average
Oil and Grease	100	Instantaneous Maximum
pH (pH units)	acceptable range 6-9	Instantaneous Maximum
Phenol	25.0	Instantaneous Maximum
Selenium	0.4	Maximum Daily Average
Silver	1.5	Maximum Daily Average
Sodium	270	Maximum Daily Average
Total Dissolved Solids	1100	Maximum Daily Average
Zinc	1.0	Maximum Daily Average

*All concentrations are in mg/L, determined in accordance with analytical procedures specified by 40 CFR Part 136.

Division 4. Facilities Requirements

Section 3366. Pretreatment; in General.

A. When the Director determines that it is necessary to modify or eliminate wastes or portions of wastes in order to comply with this Article, the user shall provide, operate, and maintain continuously in satisfactory and effective operation at user's expense such pretreatment or processing facilities as may be necessary to ensure compliance with this Article.

B. Detailed plans, specifications, and operating procedures, and any other pertinent information relating to the proposed facilities shall be submitted to the Director for approval. No premises and no new facilities may be connected to the public sewer until such approval is obtained in writing. The review and approval by the Director of such plans, specifications, and procedures does not constitute an opinion or evaluation of the adequacy of such plans, specifications, and procedures to perform in a manner that guarantees compliance with applicable regulations, standards, and limitations, nor does such approval relieve the user from the responsibility of modifying the facility in the future, as necessary to ensure compliance with this Article.

C. When pretreatment facilities are provided, whether or not required, they shall be maintained continuously in satisfactory and effective operation by the user.

D. Wastes recovered from pretreatment devices and not permitted to be discharged into a City sewer shall be transported to a State approved disposal site in accordance with applicable regulations, standards, and limitations.

Section 3367. Equalized Discharges.

A. The Director may require any user to provide, operate, and maintain a flow equalization facility, in accordance with Section 3366 - Pretreatment - General, in order to ensure equalization of discharge if, in the opinion of the Director, such action is necessary to protect the Wastewater System.

B. This facility shall have a capacity of at least eighty percent (80%) of the total normal volume of a twenty-four (24) hour production period, and the outlet to the sewer shall be equipped with a rate discharge rate controller or other approved device acceptable to the Director.

Section 3368. Traps/Interceptors.

A. Traps/interceptors to capture grease, oil, lint, hair, and/or sand shall be provided when, in the opinion of the Director, they are necessary for the

protection of the Wastewater System from liquid wastes containing excessive amounts of grease, flammable wastes, sand, or other harmful ingredients. Such traps/interceptors may be required, for discharges from service stations, restaurants, automobile repair garages, wash racks, laundries, barbershops, beauty shops, and dry cleaning establishments.

B. The Director shall notify any user when he or she has determined that a trap/interceptor is necessary, and the user shall provide, operate, and maintain the trap/interceptor in accordance with Section 3366 of this Article. The trap/interceptor shall be constructed in accordance with UPC Appendix H.

C. Grease and Oil or sand traps/interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. Traps/interceptors shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight. All traps/interceptors shall be located as to be readily and easily accessible for cleaning and inspection, and shall be maintained continuously in satisfactory and effective operation by the user.

Section 3369 Accidental Discharge.

A. All users shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article.

B. Upon notification from the Director, a user shall provide, operate, and maintain facilities designed to preclude the accidental discharge of prohibited materials or other substances regulated by this Article in accordance with Section 3366 of this Article, and applicable provisions of CCR Title 22.

C. Upon notification from the Director, a user shall develop, submit to the Director for approval, and implement an ASPP. ASPPs may be required prior to permit issuance, or may be required in accordance with a compliance schedule as a condition of the user's Wastewater Discharge Permit.

D. In case of an accidental discharge, the user shall immediately notify the Wastewater Treatment Plant, by telephone, of the incident. The notification shall include location of discharge, type of wastewater, concentration, and volume, and corrective actions taken and planned to prevent reoccurrence.

1. Written Notice. Upon notification by the Director, the user shall submit to the Director, within fifteen (15) days following an accidental discharge, a detailed report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

2. Notice to Employees. Upon notification by the Director, a user shall permanently post on the user's bulletin board, or other prominent place, a notice advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or witness such a discharge are advised of the notification procedure.

Section 3370. Monitoring and Metering Facilities

A. The Director may require any user to provide, operate, and maintain at user's expense flow monitoring, process monitoring, and/or sampling facilities. Upon notification from the Director, the user shall provide, operate and maintain such facilities in accordance with Section 3366 of this Article.

B. Any sample taken from a sampling facility installed in accordance with this Section is presumed to be discharging to the City sewer.

C. Monitoring or metering facilities may be required to have a security closure that can be locked with a City-provided hasp lock during sampling and monitoring

Division 5. Fees and Charges

Section 3371. Purpose.

The City shall recover costs from users of the Wastewater System for the implementation of the pretreatment program established herein. The applicable charges and fees shall be as set forth in the City's Wastewater Service Rates and Charges, as adopted by resolution or ordinance of the City Council and amended from time to time.

Section 3372. Fees and Charges.

The City may adopt fees and charges which may include:

- A. Wastewater Fees
 - 1. Reimbursement of costs of developing and operating the City's pretreatment program.
 - 2. Monitoring, inspection, and surveillance procedures.
 - 3. Reviewing accidental discharge procedures and construction.
 - 4. Permit applications.
 - 5. Filing appeals.
 - 6. Non-compliance.
 - 7. Consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards.
 - 8. Connection to sewer.
 - 9. Other fees as deemed necessary by the City to implement the provisions of this Article.
- B. Wastewater Charges
 - 1. Extra-strength
 - 2. Other charges as deemed necessary by the City to implement the provisions of this Article.

These fees and charges relate exclusively to matters covered by this Article and are separate from all other fees chargeable by the City.

Section 3373. Payment of Charges.

Unless specified otherwise, all fees, charges and penalties imposed pursuant to this Article are due and payable upon receipt of notice thereof, and shall be collected in accordance with the City's Utility Billing Charges and Special Procedures.

Division 6. Enforcement.

Section 3374. Harmful Contributions.

- A. Liability for Violation. Any user discharging wastewater which causes interference, obstruction, pass through, or damage to the Wastewater System shall be responsible for all costs incurred by the City as a result of such discharge, including assessments by other agencies or the court.
- B. Emergency Authority. The Director may immediately suspend or terminate wastewater service to a user after notifying the user of violation, if necessary in the Director's opinion, to terminate a discharge which reasonably appears to endanger the health or safety of the community, or threatens to pass through or interfere with the operation of the Wastewater System.

Section 3375. Publishing Lists of IU in Significant Non-Compliance.

The City of Lompoc shall publish, at least annually, a list of users that are in significant non-compliance and/or significant violation of applicable Pretreatment Standards or Pretreatment requirements during the previous 12 months.

Section 3376 . Enforcement Orders (EO)

- A. Any user found to be violating this Article shall be so notified by the Director by personal service or by Certified Mail with a notice that the user shall, within the period of time stated in the notice or within such extension thereof as may be granted by the Director, correct and cease the violation.
- B. The Director may impose administrative penalties at his discretion upon any user found to be violating this Article. Minimum penalties are specified in the City's Wastewater Service Rates and Charges, and shall be collected in accordance with the City's Utility Billing Procedures and Special Charges.
- C. The Director may order any user found to be violating this Article to attend an Administrative Hearing, not less than 15 days after NOV, at which time the user shall have an opportunity to respond. The user may be required to explain corrective actions and/or show cause why further enforcement action should not take

place. Upon review of the information submitted by the user, the Director may pursue further enforcement actions at his discretion.

D. Violation of this Article or of any EO issued pursuant to this Article is hereby declared a public nuisance and shall be corrected as directed by the Director. Violation of this Article is a misdemeanor.

Section 3377 . Affirmative Defense - Upsets.

Any upset, as defined herein, shall constitute an affirmative defense to an enforcement action taken against a user for noncompliance with this Article provided that the user can demonstrate to the satisfaction of the Director that:

- A. An upset has occurred and the user can identify the causes of the upset;
- B. The facility was being operated in a prudent manner in compliance with applicable operations and maintenance procedures at the time of the upset;
- C. The user notifies the Director within 24 hours after the upset, and submits a written report, as specified by the Director, within 5 days after the upset. In any enforcement proceedings, the user seeking to establish the occurrence of an upset shall have the burden of proof.

Section 3378 . Legal Action.

The City Attorney may commence an action for appropriate legal and/or equitable relief in the Superior Court of Santa Barbara County against any user who violates this Article or any EO issued by the Director pursuant to this Article, or any permit requirement.

- A. Injunction. The City Attorney may commence an action for the issuance of a preliminary or permanent injunction as appropriate to enforce the provisions of this Article.
- B. Civil Penalties. In accordance with Section 309(d) of the Act, any user who violates this Article may also be liable in a sum not to exceed \$25,000 per day in which such violation occurs (33 USC 1319).
- C. Criminal Penalties. The City Attorney may prosecute violations of this Article in accordance with the General Penalty provisions of Section 0107 of this Code. Violations shall be subject to fines of up to \$1,000 and imprisonment not exceeding six months (reference Government Code Section 36901). Every day any violation continues to exist shall constitute a separate offense.

In addition, violations may be subject to prosecution pursuant to 33 USC Section 1319, which specifies criminal penalties, as described below, for violation of the Act:

- 1. Negligent Violations. Any user who negligently violates applicable pretreatment requirements or negligently discharges to the wastewater system any pollutant or hazardous substance which the user knew or reasonably should have known could cause personal injury or property damage shall be subject to fines of not less than \$2,500 nor more than \$25,000 per day of violation and/or imprisonment for not more than one year.
- 2. Knowing Violations. Any user who knowingly violates applicable pretreatment requirements or knowingly discharges to the Wastewater System any pollutant or hazardous substance which the user knew or reasonably should have known could cause personal injury or property damage shall be subject to fines of not less than \$5,000 nor more than \$50,000 per day of violation and/or imprisonment for not more than three years.
- 3. Knowing Endangerment. Any person who knowingly violates this Article, and who knows at that time he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.
- 4. False Statements. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document or who knowingly tampers with or renders inaccurate any monitoring device or method shall be subject to a fine of not more than \$10,000 and/or imprisonment for not more than two years.

5. For the purposes of this Subsection, a single operational incident which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

6. For the purposes of this Subsection, the term "person" means, in addition to the definition in Section 3334, any responsible corporate officer.

Division 7. Enforcement.

Section 3379. Violation of Article.

Any discharger found to be violating any provision of this Article shall be served by the Director in person or by registered or certified mail with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Any discharger with knowledge of the notice shall, within the period of time stated in the notice, or within such extension thereof as may be granted by the Director, correct and cease the violation. The violation of this Section shall be a misdemeanor. Any discharge of wastewater in violation of the provisions of this Article is a public nuisance.

Section 3380 . Disconnection from Public Sewer.

The Director shall have the power to disconnect any building sewer lateral from a sewer main or sever or plug any such building sewer lateral within any easement or public street when the premises connected by such building sewer lateral to a sewer main is the point of the discharge made in violation of this Article. The premises shall not be reconnected to the wastewater system and discharge shall not be further allowed, until the Director shall have estimated the cost of disconnection and reconnection, and such costs shall have been paid to the City by the discharger. Any difference between the estimated costs and the actual costs of disconnection and reconnection shall be paid or refunded, as the case may be.

Section 3381 . Liability for Violation.

A. Any person violating any of the provisions of this Article, or rules, regulations, or standards promulgated by the Director, shall be liable to the City for all expenses, losses, and damage suffered by the City by reason of such violation.

B. Any person violating provisions of this Article or any rules, regulations, or standards of the Director, or who violates any state or federal regulation or permit relating to the operation of the wastewater system, of which he has knowledge, shall be liable to the City in a sum equal to the amount of any fine or charge made upon the City by the state or federal government for such a violation plus reasonable attorney's fees and costs of suit required to collect such an amount.