

(Amended by Ord. No. 183,756, Eff. 8/11/15.)

A. General Provisions.

1. **Policy.** It is the policy of the City of Los Angeles to assure that the highest and best use of the Publicly Owned Treatment Works (POTW) is for the collection, treatment and disposal of domestic wastewater. The use of this system for industrial wastewater is a privilege which is subject to the requirements of this section.

2. **Objectives.** This section sets forth uniform requirements for dischargers to the POTW. Through a permit and inspection program administered under the jurisdiction of the Board, the City seeks to comply with all applicable State and Federal laws.

As a part of the permit and inspection program provided herein, the Board and the Director shall have the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all laws and lawful standards and orders, or special orders, to assure the implementation of the following objectives:

- (a) Prevent any discharge into the POTW which may interfere with the operations thereof;
- (b) Prevent any discharge into the POTW which will pass through the POTW, inadequately treated, into receiving waters, land or the atmosphere or otherwise be incompatible with the POTW;
- (c) Protect the POTW, from damage by any pollutants;
- (d) Provide the opportunity to recycle and reclaim sludges and wastewater from the POTW;
- (e) Provide for recovery of costs, including administration, implementation and enforcement of the program established herein, associated with the discharge of wastewater to the POTW;
- (f) Protect the life, health, and safety of operating and maintenance personnel;
- (g) Preserve hydraulic capacity in the POTW;
- (h) Insure the health, safety and welfare of the public.

3. **Scope.** This section provides for the regulation of dischargers to the POTW through the issuance of Industrial Wastewater Permits containing specific discharge requirements and through enforcement of general discharge prohibitions; authorizes monitoring and enforcement activities; imposes reporting requirements on specific permittees; and sets fees for the recovery of program costs. This section shall apply to all dischargers within the City of Los Angeles and to all persons outside the City of Los Angeles who discharge to the City's POTW except as otherwise provided herein, the Director of the Bureau of Sanitation under the jurisdiction of the Board of Public Works shall administer, implement and enforce the provisions of this section.

B. Regulations.

1. **Prohibitions:**

(a) **Discharge Prohibitions.** Except as expressly allowed in an Industrial Wastewater Permit, no discharger shall introduce or cause to be introduced into the POTW any of the following:

- (1) Gasoline, mercury, total identifiable chlorinated hydrocarbons, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, solvents, pesticides or jet fuel.
- (2) Any liquids, solids or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive or radioactive, or by interaction with other materials could result in fire, explosion or injury. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.
- (3) Any solid or viscous materials which could cause obstruction to the flow or operation of the POTW.
- (4) Any toxic pollutants in sufficient quantity to injure or interfere with any wastewater treatment process, including private pretreatment systems, to constitute a hazard or cause injury to human, animal, plant or fish life, or to exceed any limitation set forth in this Section.
- (5) Any noxious or malodorous liquids, gases, or solids in sufficient quantity either singly or by interaction with other materials to create a public nuisance, hazard to life, or to prevent entry of any person to the POTW.
- (6) Any material of sufficient quantity to interfere with any POTW treatment plant process or to render any product thereof unsuitable for reclamation and reuse.
- (7) Any material in sufficient quantity to cause the POTW to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations in conjunction with Section 405 of the Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuaries Act, or State criteria (including those contained in any state sludge management plan prepared pursuant to Title II of SWDA) applicable to the biosolids management method being used.
- (8) Any material which will cause the POTW to violate its NPDES Permit, applicable Federal and State statutes, rules or regulations.
- (9) Any wastewater containing pigment which is not removed in the ordinary POTW treatment process and which creates a visual contrast with the material appearance of the POTW discharge observable at the point of POTW discharge.
- (10) Any wastewater having a heat content in such quantities that the temperature of the wastewater at the introduction into the POTW Collection system exceeds 140 degrees Fahrenheit, or at the introduction into the POTW treatment plant exceeds 104 degrees Fahrenheit.
- (11) Any pollutants, including oxygen demanding pollutants, released at a flow rate or pollutant concentration which will cause or contribute to interference, as that term is defined in Section 64.00.
- (12) Any storm water collected and discharged to the POTW, except as specifically authorized by the Director.
- (13) Single pass cooling water in excess of 200 gallons per day discharged to the POTW. However, the blowdown or bleedoff from cooling towers or other evaporative coolers may be accepted into the POTW.
- (14) Any wastewater which constitutes a hazard or causes injury to human; animal, plant or fish life or creates a public nuisance.
- (15) Recognizable portions of the human or animal anatomy.
- (16) Floatable material which is readily removable.
- (17) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (18) Any human or animal blood suspected or known to contain bloodborne pathogen(s).
- (19) Any Pharmaceutical wastes.
- (20) Any Medical wastes.
- (21) Any Sharps.

(b) **Prohibitions Against Interference, Hazard, or Injury to Human, Animal, Plant or Fish Life.** No person shall discharge to the POTW, any material of sufficient quantity which, singly or by interaction with other materials, interferes with the POTW treatment plant process or renders any product thereof unsuitable for reclamation and reuse, causes the POTW to be in noncompliance as that term is used with respect to provisions listed in Paragraph (a)(7) above, or which constitutes a hazard to or which may cause injury to human, animal, plant or fish life.

2. **Pollutant Limitations.**

(a) **Specific Pollutant Limits.** No person shall introduce wastewater to the POTW that exceeds the following Instantaneous limitations:

Arsenic	3 mg/L
Cadmium	15 mg/L
Copper	15 mg/L
Cyanide (Total)	10 mg/L
Cyanide (Free)	2 mg/L

Dissolved Sulfides	0.1 mg/L
Lead	5 mg/L
Nickel	12 mg/L
pH Range	5.5-11
Silver	5 mg/L
Total chromium	10 mg/L
Zinc	25 mg/L
Dispersed oil and grease (Total)	600 mg/L
Floatable oil and grease	None Visible

The above limitations shall not apply where more restrictive limitations are imposed by permit, Best Management Practices (BMP), or National Categorical Pretreatment Standards. The Director may develop BMP to implement pollutant limitations and prohibitions of this section. Such BMP shall be considered local limits and pretreatment standards.

(b) **Radioactive Wastes.** No person shall discharge radioactive wastes except in accordance with the State of California Administrative Code, Title 17, Public Health, Regulations of the Bureau of Radiological Health.

(c) **Grinder Wastes. (Amended by Ord. No. 174,047, Eff. 8/5/01.)** The use of garbage grinder to discharge food wastes from commercial kitchens, markets, or food plants to the POTW is prohibited unless expressly allowed by the Director. When the use of a grinder is allowed, the following fineness of grind requirements shall be met at all times.

- (1) At least 40% shall pass a No. 8 sieve.
- (2) At least 65% shall pass a No. 3 sieve.
- (3) 100% shall pass a 1/2-inch screen.

3. National Categorical Pretreatment Standards (NCPS).

(a) **Standards.** Upon the promulgation of mandatory NCPS for any industrial category, the NCPS, if more restrictive than limitations otherwise imposed under this section, shall apply. A discharger shall comply with applicable NCPS as set forth in 40 CFR Part 401 *et seq.*

(b) **Compliance Schedule.** The Director may impose a phased compliance schedule to ensure that affected industries meet the NCPS. Failure to meet the phased compliance schedule may result in permit revocation.

4. **Dilution.** No discharger shall use any water to dilute any pollutant to achieve compliance with the discharge limitations contained in this section.

5. Slug Discharges.

(a) **Containment of Slug Discharges.** Upon written notification by the Director, dischargers shall provide spill containment to prevent slug discharges of prohibited material or other substances regulated by this section. Facilities to contain spills shall be provided and maintained at the discharger's own cost and expense. Dischargers so notified shall provide detailed spill containment plans, including facilities and operating procedures, to the Director for review. Such plans shall be approved by the Director before commencement of construction of the facility. Construction shall be completed within the time period designated by the Director. Review and approval of spill containment plans and operating procedures shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this section.

(b) **Notification of Slug Discharges.** In the event of a slug discharge, the discharger shall immediately notify the Director of the incident by telephone. The notification shall include location of discharge, type of material, concentration and volume, and corrective actions taken.

(c) **Written Report Describing Slug Discharges.** Within five days following the slug discharge, the discharger shall submit to the Director a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences. Such notification shall not relieve the discharger of liability or fines incurred as a result of this slug discharge.

(d) **Notice to Employees; Notification to Director of Slug Discharge.** A legible, understandable and conspicuously placed notice shall be permanently posted on the discharger's bulletin board or other prominent place advising employees to call the Director, in the event of a slug discharge, as soon as possible or within one hour of the discharge, and to provide at least the information listed below. In the event that the discharger's employees use a language other than English as a primary language, the notice shall be worded in both English and the language or languages involved. The notice shall set forth the current phone number of the Director and shall identify the following as the minimum necessary information which is to be provided to the Director:

- (1) Time, location, type, concentration and volume of discharge.
- (2) Corrective action taken. Employers shall insure that all employees in a position to cause or allow a slug discharge to occur are advised of this notification procedure.

(e) **Notification of Potential for Slug Discharges.** Dischargers are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge.

(f) **Slug Discharge Control Plan(s).** The Director shall evaluate whether each discharger needs a slug discharge control plan or other action to control slug discharges. The Director may require any discharger to develop, submit for approval and implement such a plan, or take such other action that may be necessary to control slug discharges. Alternatively, the Director may develop such a plan for any discharger. A slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediate notification to the Director of any slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures must address, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

6. Bypass.

(a) **Bypass Not Violating Applicable Pretreatment Standards or Requirements.** A discharger may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs (b) and (c).

(b) **Notice.**

- (1) If a discharger knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible, at least ten days before the date of the bypass.
- (2) A discharger shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within 24 hours from the time the discharger becomes aware of the bypass. A written submission shall also be provided within five days of the time the discharger becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(c) **Prohibition of Bypass.**

- (1) Bypass is prohibited, and the Director may take enforcement action against a discharger for a bypass, unless;
 - (i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The discharger submitted notices as required under Paragraph (b) of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that the bypass will meet the three conditions previously listed in Paragraph (c)(1).

C. Administration.

1. Industrial Wastewater Permit.

(a) **Application.** No person shall discharge industrial wastewater to the POTW without permission as provided in an Industrial Wastewater Permit. The permit shall not be issued until determination has been made by the Board that the wastewater to be discharged shall not violate any provisions of this Code, the Board's Rules and Regulations, the water quality objectives for receiving waters established by the California Water Quality Control Board, Los Angeles Region, or any applicable federal or state statutes, rules or regulations. Such determination shall be made from the information set forth in the application for permit.

(b) **Permit Information.** A separate permit shall be required for each point of discharge to the POTW. In connection therewith, the applicant may be required to furnish the following:

- (1) **(Amended by Ord. No. 177,614, Eff. 7/19/06.)** The name and address of the applicant;
- (2) The name and address of the discharger;
- (3) The address or location of the premises where the discharge will take place;
- (4) The Standard Industrial Classification (SIC) of the discharger;
- (5) Information with respect to constituents and characteristics of wastewater proposed to be discharged, including, but not limited to, those referred to in Subsection B. of this section. Sampling and analysis shall be performed 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, and by laboratories certified by the State of California. In the absence of a State certification process, the Director may certify a laboratory to perform necessary sampling and analysis;
- (6) Time and duration of the proposed discharge or discharges;
- (7) Average daily and 5-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (8) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and storm drains, connections and appurtenances by their size, location and elevation.
- (9) Description of activities, facilities and plant processes on the applicant's premises, including all pollutants which could be discharged.
- (10) Detailed plans showing pretreatment facilities, sampling facilities, uncontrolled discharge containment facilities, and operating procedures.
- (11) Identification of the nature and concentration of any pollutant located at the premises of the discharger (and/or applicant if different) if that pollutant is prohibited from discharge under Subdivision 1. of Subsection B. of this section, or any proposed discharge which is regulated as provided in Subdivision 2. of Subsection B. of this section, plus a statement specifying whether the specific limitations set forth in said Subdivision 2. are being met, and, if not, what additional Operation and Maintenance (O & M) or pretreatment is proposed by the discharger to cause compliance;
- (12) The shortest time schedule by which the discharger shall provide the necessary additional pretreatment, if additional pretreatment or O & M will be required to meet the regulations in Subsection B. of this section. Any completion date in such a proposed schedule shall not be later than the compliance date established by the applicable regulation.
- (13) The schedule shall provide for reporting increments in progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment necessary for the discharger to meet the applicable regulation (e.g., hiring an engineer, completing preliminary and final plans, executing contract for major components, commencing construction, completing construction).
- (14) After permit issuance, progress reports shall be submitted subject to the same limitations set forth in Subparagraph (7) of Paragraph (h) of Subdivision 2. of this Subsection C., except that time limits specified pursuant to this section for reporting, commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to meet the applicable regulations may be extended by mutual consent of the discharger and the Director, and provided however, that in no event shall any such date be extended beyond the compliance date established by the applicable regulation.
- (15) Each product of the discharger by type, amount, and rate of production;
- (16) Type and amount of raw materials processed by the discharger (average and maximum per day);
- (17) Number of employees, hours of operation of plant, and hours of operation of the proposed pretreatment system;
- (18) Copies of any current City Business License, NPDES Permit, South Coast Air Quality Management District Permit, Regional Water Quality Control Board Permit and State Department of Health Services Permit for the subject premises;
- (19) The name, business address, and motor vehicle driver's license number of the authorized representative;
- (20) Any other information deemed by the Director to be necessary to evaluate the permit application.
- (21) The application shall be signed under penalty of perjury by the authorized representative of the discharger. After evaluation and acceptance of the data furnished, the Board may issue an Industrial Wastewater Permit subject to the terms and conditions imposed by the Director pursuant to Paragraph (c) of this Subdivision as stated herein. Granting of the permit shall not relieve the discharger from the responsibility for compliance with all provisions of this section. By acceptance of a permit, the applicant thereby delegates authority to the Director to enter the premises of the applicant as necessary for purposes of inspection and maintenance with respect to any wastewater discharge therefrom.

(c) **Exemptions.** An Industrial Wastewater Permit is not required for the following dischargers or discharges to the POTW not subject to NCPS:

- (1) **(Amended by Ord. No. 177,614, Eff. 7/19/06.)** An FSE that does not potentially generate waste FOG during food preparation processes, and does not significantly affect the POTW, as determined by the Director, provided that the FSE has implemented and demonstrates compliance with BMP requirements as specified in the Rules and Regulations;
- (2) Bleed-off or blowdown from cooling towers, evaporation condensers or other recirculating water devices with rated capacity of 25 tons or less,
- (3) Self-service laundries with washing machines of 20 pounds maximum capacity, with further allowance that the facility may also have a maximum of two machines with maximum 50-pound capacity of each,
- (4) Discharges from establishments wherein the industrial wastewater discharge is less than 200 gallons per day (gpd) and pretreatment is not required. This exemption does not apply to PSDF.

(d) **Permit Conditions.** Industrial Wastewater Permits shall be subject to all provisions of this Code, all other applicable statutes, rules and regulations, and fees and charges established by the City. The Director shall have authority to impose permit conditions including the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics;
- (2) Limits on average and maximum rate and time of discharge;
- (3) Limits regarding the discharge of specific pollutants;
- (4) Requirements for installation and maintenance of inspection and sampling facilities and slug discharge containment facilities;
- (5) Requirements, which may include specific sampling locations, frequency of sampling, times of sampling, number, types, test standards and reporting schedules, for monitoring programs;
- (6) Compliance schedules;
- (7) Requirements for submission of technical or discharge reports;
- (8) **(Amended by Ord. No. 174,047, Eff. 8/5/01.)** Requirements for maintaining and affording City access to plant records relating to discharges, including hauled waste records and manifests;
- (9) Requirements for notification of the City of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents;
- (10) Requirements for notification of slug discharges;
- (11) The Director may require all industrial users to install pretreatment systems, upgrade existing pretreatment systems and/or install additional pretreatment systems, implement Best Management Practices (BMP), maintain and make available records of BMP compliance and any other conditions deemed appropriate to achieve the objectives of this ordinance as defined in Subsection A. Subdivision 2. of LAMC 64.30;
- (12) Limits, including Best Management Practices, based on applicable pretreatment standards, state and local law;
- (13) Requirements to control slug discharges;
- (14) A description of the process for seeking a waiver for a pollutant neither present nor expected to be present or a specific waived pollutant; and
- (15) Other conditions deemed appropriate by the Director to ensure compliance with this section.

(e) **Change of Ownership or Location.** An Industrial Wastewater Permit shall not be transferable, by operation of law or otherwise, either from one location to another, or from one person to another. For purposes of this subdivision, statutory mergers or name changes shall not constitute a transfer or a change in ownership. Following a change in ownership, and upon application for a new Industrial Wastewater Permit, a temporary permit may be issued by the Director for a period of no more than 180 days pending the issuance of such new permit.

(f) **Delayed Commencement of Discharge.** All permitted dischargers, except dischargers undergoing construction, must commence the discharge within 180 days from the effective date of the Industrial Wastewater Permit or the permit is deemed void.

(g) **Duration of Industrial Wastewater Permit.** Except as otherwise provided herein, Industrial Wastewater Permits may be issued for a specified time period and may be subject to expiration and renewal as determined by the Director. Industrial Wastewater Permits for Significant Industrial Users shall have a duration or effective life not to exceed three (3) years from the date of initial issuance or reissuance.

(h) **Permit Renewal.** Applications for permit renewal shall be filed with the Director a minimum of ninety (90) days prior to the permit expiration date.

(i) **Administrative Permit Cancellation.** As part of permit administration, the Director may cancel any Industrial Wastewater Permit with the express written consent of the permittee or upon verification that one or more of the following conditions exist:

(1) The permittee is not a batch treatment discharger and has permanently ceased the discharging of industrial wastewater to the POTW; or changes in the industrial process or reduction of discharge levels occur such that an Industrial Wastewater Permit is no longer required as provided by the exemption provisions of this subsection; or

(2) Changes in industrial process or reduction of discharge levels occur such that an Industrial Wastewater Permit is no longer required as provided by the exemption provisions of this subsection; or

(3) Change of business ownership; or

(4) Change or abandonment of the site or location described by the permit.

(j) **Permit Reinstatement.** Notwithstanding any other provisions of this Code, a permit which has been administratively canceled pursuant to Paragraph (i) of this subdivision, shall be reinstated upon the written request of the permittee and upon approval by the Director. Request for reinstatement under this paragraph must be made within 180 days from the effective date of cancellation. Administrative permit cancellation, pursuant to Paragraph (i) of this subdivision, shall not be used in lieu of the enforcement remedy set forth for permit suspension or revocation, as provided in Subsection E. of this section.

(k) **Private Septage Disposal Facilities (PSDF).** PSDFs discharging to the POTW shall be subject to all provisions of this Section including the following specific requirements.

(1) PSDFs shall be required to maintain an Industrial Wastewater Permit. Exemptions under Paragraph (c) of Subdivision 1. of Subsection C. of this Section shall not apply to private septage disposal facilities.

(2) All waste discharged through a PSDF shall be subject to discharge prohibitions under Subdivision 1. of Subsection B. of Section 64.30 and specific pollutant limitations under Subdivision 2. of Subsection B. of Section 64.30.

(3) In cases where hauled septage is discharged at a facility in addition to any discharge from any other industrial operations performed at that site, a separate industrial wastewater permit shall be required specifically for the discharge of hauled septage in addition to any other required industrial wastewater permit(s).

(4) **(Amended by Ord. No. 174,047, Eff. 8/5/01.)** Additional regulations regarding the operation of PSDFs are specified in the Board's Rules and Regulations. All PSDFs shall be required to comply with these Rules and Regulations.

(l) **Food Service Establishment (FSE) Requirements.**

(1) All FSEs must implement and demonstrate compliance with Best Management Practices (BMP) requirements as specified in the Board's Rules and Regulations.

(2) FSEs that are required to maintain an Industrial Wastewater Permit are also required to install, operate and maintain an approved type and adequately sized, remotely located and readily accessible, gravity grease interceptor unless a conditional waiver is granted by the Director.

(3) All FSEs to be newly constructed are subject to gravity grease interceptor requirements and shall not qualify for a conditional waiver unless exempt as specified in Subsection C.1.(c)(1). Existing FSEs with planned modifications having a building permit valuation of \$100,000 or more are also subject to gravity grease interceptor requirements and shall not qualify for a conditional waiver unless exempt as specified in Subsection C.1.(c)(1).

(4) Additional regulations regarding FSEs are specified in the Board's Rules and Regulations. All food service establishments are required to comply with these Rules and Regulations.

(i) **Grease Interceptor Specifications.** All gravity grease interceptors, hydromechanical grease interceptors and other grease removal devices must meet the specifications as set forth in Section 94 of the City of Los Angeles Plumbing Code.

(ii) **Conditional Waiver from Gravity Grease Interceptor Installation Requirements.** Under the sole discretion of the Director, an FSE determined to have no immediate adverse impact on the POTW may be granted a conditional waiver from gravity grease interceptor installation requirements. The Director may, at any time, revoke this conditional waiver and require the FSE to install a gravity grease interceptor.

(iii) **Variance to Allow Alternative Grease Removal Devices (GRD).** If an FSE can demonstrate that installation of a grease interceptor is not feasible due to space constraints or other considerations, the Director may issue a variance from grease interceptor requirements and authorize the installation of alternative grease removal devices. Alternative grease removal devices include, but are not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the POTW. All alternative grease removal devices must be approved by the Director, on a case-by-case basis. The FSE must also demonstrate that BMPs have been implemented.

2. Reporting Requirements.

(a) **Federal Reporting Requirements and Additional Reporting Requirements.** Notwithstanding the reporting requirements set forth in 40 CFR Part 403, including, but not limited to, the requirements as set forth in 40 CFR § 403.12, the Director may impose additional reporting requirements by permit or otherwise.

(b) **Reporting by Dischargers Subject to NCPS.** Unless required more frequently or otherwise specified by the Director, dischargers which are subject to NCPS shall submit to the Director, semi-annually, a Periodic Compliance Report which shall contain, at a minimum, the information required by 40 CFR § 403.12(e)(1). The Director may require a discharger to submit such reports on a more frequent basis and may base such decision upon the amount of discharge or other site-specific concerns the Director may have pertaining to the discharge. In addition, dischargers that are subject to NCPS shall submit Baseline Monitoring Reports (BMRs), Compliance Schedule Progress Reports and Reports on Compliance with NCPS deadlines in accordance with the General Pretreatment Regulations for Existing and New Sources of Pollution (Title 40, Code of Federal Regulations, Part 403.12).

(c) **Reporting by SIUs not Subject To NCPS.** Unless required more frequently by the Director, dischargers which are Significant Industrial Users but are not subject to NCPS shall submit to the Director semi-annually a report indicating the nature, concentration and flow of pollutants in the effluent which are required to be reported by the Director. At a minimum, the report shall contain the information required by 40 CFR § 403.12(h).

(d) **Production Data.** The Director may require any discharger to submit production data. At a minimum, dischargers subject to equivalent mass or concentration limits or subject to production-based NCPS shall report production data as follows:

(1) Dischargers subject to NCPS in which equivalent mass or concentration limits are established by the Director in accordance with 40 CFR § 403.6(c)(1) shall report a reasonable measure of long term production rate (based upon the criteria used for developing the discharger's effluent limitations) in its Report on Compliance and its Periodic Compliance Reports, as applicable. In addition, such dischargers shall notify the Director in accordance with Paragraph (e) of this subdivision after the discharger has a reasonable basis to know that the production level will significantly change within the next calendar month.

(2) All other dischargers subject to NCPS expressed in terms of allowable pollutant discharge per unit of production (or other measure of production) shall include information on the actual production during the sampling period in its Report on Compliance and its Periodic Compliance Reports, as applicable.

(e) **Notification of Changed Discharge.**

(1) All industrial dischargers shall provide written notification to the Director before any planned change, including physical alterations or additions to the permitted facility, production increases and anticipated process changes which will result in a significant change in the volume or character of pollutants to be discharged, including notification of changes in the listed or characteristic hazardous wastes for which the discharger has submitted initial notification under 40 CFR § 403.12(p)(1). Notice shall be provided immediately before the change, except if such notice is not feasible, the discharger shall provide the Director notice as soon as the information becomes available.

(2) No wastewater discharge shall be commenced, without notification to and approval by the Director, in which there has been a significant change in the volume or characteristic which causes it to be different from that expressly allowed under the permit issued. Upon such notification, the Director, in the Director's discretion, may require that a new application be filed and a new permit obtained before any wastewater discharge involving the changed characteristic takes place.

(f) **Signatory/Certification for Baseline Monitoring Reports, Reports on Compliance, and Periodic Compliance Reports.** Baseline Monitoring Reports, Reports on Compliance and Periodic Compliance Reports submitted by dischargers subject to NCPS shall be signed by an authorized representative of the discharger and shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel

properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(g) **Signatory/Certification for Other Reports.** The Director, at the Director's discretion, may require other reports or information submitted by dischargers subject to NCPS, or any other discharger, to meet signatory/certification requirements as the Director deems appropriate.

(h) **Adoption of New City Specific Pollutant Limitations.** Within 180 days after promulgation of a new City Specific Pollutant Limitation and notification thereof by the Board to specific dischargers affected thereby, any discharger subject to such limitations shall submit to the Director a report containing:

- (1) The name and address of the discharger;
- (2) The address or location of the premises where the discharge does or will take place;
- (3) The nature, average production rate, and Standard Industrial Classification of the operations carried out by the discharger;
- (4) The average and maximum flow of the discharge in gallons per day;
- (5) The nature and concentration of pollutants in the discharge from each regulated process and identification of applicable limitations. The concentration shall be reported as a maximum or average as provided in applicable limitations. If equivalent concentration limits have been calculated in accordance with the limitation, this adjusted concentration limit shall also be submitted;
- (6) A statement, reviewed by an authorized representative and certified under penalty of perjury by a person with primary responsibility for the operation which contributes to the discharge, indicating whether the limitations are being met, and, if not, what operation and maintenance improvements or additional pretreatment is required for compliance;
- (7) The shortest schedule under which any additional pretreatment or operation and maintenance improvements required as a result of the new limitations or requirements imposed pursuant to Paragraph (a) of Subdivision I. of Subsection C. of this section will be completed.
 - (i) The completion date in such a schedule shall not be later than the compliance date established for the applicable limitation.
 - (ii) The schedule shall provide for reporting increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of any additional pretreatment necessary (e.g., hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing construction, completing construction).
 - (iii) The discharger shall also submit a written progress report to the Director, not later than 14 days following each increment of progress date in the schedule and the final date for compliance. That report shall state whether the discharger is in compliance with the scheduled increment of progress. If compliance was not achieved, the report shall state the date by which the discharger expects to comply with the scheduled increment of progress, the reason for the failure to comply, and the steps being taken by the discharger to maintain the established compliance schedule.
 - (iv) The time limit specified in this paragraph for operation or maintenance improvements or additional pretreatment may be extended by the Board.

(i) **Reporting by SIUs Subject to BMPs.** Unless required more frequently by the Director, dischargers which are SIUs subject to a BMP based Categorical Pretreatment Standard, or other BMP based pollution prevention alternative or local limit, shall submit to the Director, semi- annually, documentation necessary to determine the compliance status of the discharger.

(j) **Reporting by SIUs that Perform Monitoring.** Dischargers which are SIUs subject to the reporting requirements in this section that monitor any regulated pollutant at the appropriate sampling location using the procedures prescribed in subsection C.4.(d) of this section, the result(s) of this monitoring shall be included in the periodic compliance report.

(k) **Signatory / Certification Statement for Monitoring Waiver for Pollutants Neither Present Nor Expected.** Upon approval of the monitoring waiver and revision of a discharger's control mechanism by the Director, the discharger must certify on each periodic compliance report submittal with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the discharger: Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic compliance report.

3. **Monitoring Facilities.** The Director may require to be provided, operated and maintained at the discharger's expense, separate and secured monitoring facilities to allow inspection, sampling, and flow measurement of the discharge. The monitoring facilities ordinarily shall be situated on the discharger's premises and in said event the Director shall be granted total and unrestricted access thereto and use thereof by the discharger as a condition of that discharger's permit; however, at its discretion the Board may allow monitoring facilities to be constructed off-premises.

4. Monitoring and Sampling.

(a) **Pre-Notification.** Any discharger may be required by the Director, by permit or otherwise, to engage in periodic monitoring and sampling of its discharge. Where a discharger is required to monitor or sample, the discharger shall notify the Director by telephone at least 48 hours in advance of any monitoring or sampling to be performed. Notification shall include the date, time and location of proposed monitoring and sampling. Monitoring and sampling shall be carried out during a period of normal operations. Prior to the commencement of any sampling or monitoring, the Director may request that the discharger furnish to the Director a split sample and all supporting data (i.e., methodology, flow measuring data, strip chart recordings, and other pertinent information). The Director reserves the right to refuse any data developed from the monitoring or sampling activity if the discharger fails to comply with the pre-notification procedure.

(b) **Notification of Discharge Violations and Resampling.** If sampling performed by a discharger indicates a violation, the discharger shall notify the Director within 24 hours of becoming aware of the violation. The discharger shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. Where the Director has performed the sampling and analysis in lieu of the discharger, the Director must perform the repeat sampling and analysis unless it notifies the discharger of the violation and requires the discharger to perform the repeat analysis. Re-sampling is not required if:

- (1) The Director performs sampling at the discharger's facility at a frequency of at least once per month, or
- (2) The Director performs sampling at the discharger's facility between the time when the initial sampling was conducted and the time the discharger or the Director receives the results of this sampling.

(c) **Representative Samples.** Samples must be taken during the required monitoring period to ensure the data from the analysis of the samples is representative of the conditions occurring at that time. Samples shall represent the normal wastewater flow to the POTW over a 24-hour period. Composite samples shall be collected according to time or flow as specified by the Director, with at least one sample collected hourly. The Director may require grab samples or continuous monitoring as deemed appropriate (e.g. pH and flow). Samples may be collected either manually or by automatic integrated sampling equipment approved by the Director.

(d) **Sample Analysis.** The handling, storage, and analysis of all samples taken for the determination of the characteristics of wastewater discharged shall be performed by laboratories certified by the State of California and shall be in accordance with the procedures established by the EPA pursuant to Section 304(a) of the Act and contained in 40 CFR, Part 136, as amended. In the absence of a State certification process, the Director may approve of a laboratory to perform any necessary sampling and analysis.

(e) **Sampling Requirement.** Where the discharger is a SIU, the discharger is to follow all sampling requirements as set forth in 40 CFR 403.12(g), unless the Director specifies otherwise.

(f) **Waiver for Pollutants Neither Present Nor Expected.** The Director may authorize a discharger subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the discharger has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the discharger.

5. Inspection and Sampling.

(a) **Inspections to Enforce Local, State, and Federal Laws.** Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this section or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the Director is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Director by this section or other applicable law provided that:

- (1) If the property is occupied, the Director shall first present proper credentials to the occupant and request entry explaining the reasons therefore and;
- (2) If the property is unoccupied the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining the reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

(b) **Inspections to Safeguard the Public Health or Safety.** Notwithstanding the foregoing, if the Director has reasonable cause to believe that wastewater discharge conditions on or emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the Director shall have the right to immediately enter and inspect the property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained. If the property is occupied, the Director shall first present proper credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

(c) **Penalty for Refusal to Permit Director to Make Inspections.** No person shall fail or refuse, after proper demand has been made upon that person as provided in Paragraph (b) of this Subdivision 5, to promptly permit the Director to make any inspection provided for by said Paragraph (b). Any person violating this subdivision shall be guilty of a misdemeanor.

(d) **Consent and Agreement to Enter Premises.** The applicant, by accepting any permit issued pursuant to this section, does thereby consent and agree to the entry upon the premises, described in the permit, by Department personnel for the following purposes as required by this section or other applicable laws. The City shall be afforded access at all reasonable times:

- (1) for the purposes of inspection, sampling, flow measurement, examination of records in the performance of other authorized duties;
- (2) to set up on the discharger's property such devices as are necessary to conduct sampling inspections, compliance- monitoring, flow measuring or metering operations;
- (3) to inspect and copy any records, reports, test results or other information required to carry out the provisions of this section; and
- (4) to photograph any waste, waste container, vehicle, waste treatment process, discharge location, or violation discovered during an inspection.

(e) **Entry of Premises with Security Measures.** Where a discharger has instituted security measures requiring proper identification and clearance before entry onto the premises, the discharger shall make all necessary arrangements with its security guards in order that, upon presentation of such identification, City personnel shall be permitted to enter the premises without delay for the purpose of performing their authorized duties.

6. **Public Access to Information.** Discharge and effluent data provided to the City by the discharger shall be available to the public without restriction. Other information may be subject to a claim of confidentiality by the discharger. All information which is submitted to the City by the discharger shall be available to the public, at least to the extent provided by 40 CFR 2.302. With the exception of governmental agencies, any person requesting this information from the City shall be required, prior to the receipt of the requested information, to pay the reasonable cost of said data gathering, reproduction and transmission incurred by the City.

7. **Confidentiality.** All information, except for discharge and effluent data, submitted to the City pursuant to this section may be claimed by the discharger to be confidential. Any such claim must be asserted at the time of submission of the information or data to the City. The claim may be asserted by stamping the words "**Confidential Business Information**" on each page containing such information or by other means, however, if no claim is asserted at the time of submission, the City may make the information available to the public without further notice. If such a claim is asserted, the information will be treated in accordance with the procedures set forth in 40 CFR Part 2 (Public Information).

8. **Falsifying Information.** No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed with the Director or required to be maintained pursuant to this section, or tamper with or knowingly render inaccurate any monitoring device required under this section.

9. **Rules and Regulations.** The Board shall adopt rules and regulations consistent with this section to effectuate its purpose and intent.

10. **Retention of Records.** A discharger subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this section), and shall make such records available for inspection and copying by the Director. This period of retention shall be extended during the course of any unresolved litigation regarding the discharger when requested by the Director.

D. Fees and Charges.

1. **Purpose and Disposition.** It is the purpose of this subsection to provide for the recovery of City costs associated with the discharge of wastewater to the POTW. All fees and money collected by the City pursuant to the provisions of this section shall be deposited into the Sewer Construction and Maintenance Fund established by Section 64.19.2 of this Code. Monies required hereunder to be deposited into that Fund shall be expended for the purposes set forth in said section and to provide for any appropriate refunds relative to such fees.

2. **Application Fees. (Amended by Ord. No. 182,076, Eff. 4/6/12.)** The Board shall require payment of an initial fee of \$370 for each application for an Industrial Wastewater Permit. No permit shall be deemed valid until the initial fee has been paid. The application fee shall be annually adjusted as shown in the table below:

Effective Date	Permit Application Fees
July 1, 2012	\$385
July 1, 2013	\$400
July 1, 2014	\$424
July 1, 2015	\$450
July 1, 2016	\$479
July 1, 2017	\$510
July 1, 2018	\$544
July 1, 2019	\$579
July 1, 2020	\$616

3. Inspection and Control Fees.

(a) **Purpose of Inspection and Control Fees.** All permittees must pay an annual Inspection and Control (I & C) Fee as a function of their assigned Inspection Classification Number. Inspection and Control Fees are part of the City's approved wastewater revenue program and pay for the basic level of services which include the following:

- Permitting,
- Inspection,
- Sampling,
- Providing laboratory analytical services,
- Monitoring facilities' self monitoring program,
- Inventory control and development,
- Systems development and data management,
- Reporting to local, State and Federal authorities.

(b) **Inspection and Control Fee Schedule. (Amended by Ord. No. 182,076, Eff. 4/6/12.)** The Inspection and Control (I&C) Fee shall be paid quarterly in arrears by each permittee, except permittees in the Class I SubClass group as specified in Subsection D.3.(c), in possession of a valid Industrial Wastewater Permit in accordance with the following schedule:

I&C Class	Annual Fee	Quarterly Fee
Class 1	\$254.00	\$63.50
Class 2	\$508.00	\$127.00
Class 3	\$761.00	\$190.25
Class 4	\$1,015.00	\$253.75
Class 5	\$1,269.00	\$317.25
Class 12	\$3,045.00	\$761.25
Class 1D	\$51.00	N/A

I&C Fees shall be annually adjusted as shown in the table below:

I&C Class	July 1, 2012	July 1, 2013	July 1, 2014	July 1, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Class 1	\$264	\$274	\$291	\$308	\$328	\$350	\$373	\$397
Class 2	\$528	\$549	\$582	\$617	\$657	\$700	\$745	\$793
Class 3	\$792	\$823	\$873	\$925	\$985	\$1,049	\$1,118	\$1,190
Class 4	\$1,056	\$1,098	\$1,164	\$1,234	\$1,314	\$1,399	\$1,490	\$1,587
Class 5	\$1,320	\$1,372	\$1,455	\$1,542	\$1,642	\$1,749	\$1,863	\$1,984
Class 12	\$3,167	\$3,294	\$3,491	\$3,701	\$3,941	\$4,197	\$4,470	\$4,761
Class 1D	\$53	\$55	\$58	\$62	\$66	\$70	\$75	\$80

(c) **Class I SubClasses.** A Subclass of Class I described above may be established by the Board to apply to certain groups of permittees under Class I that qualify for reduced inspection and control services. The Board may group permittees for this purpose based on the amount and type of discharges and based on the viability of implementing Best Management Practices as an effective control mechanism that merits reduced inspection and control services. Consequently, the annual fee will be a portion of the Class I annual fee and in the amount proportional to the cost of inspection and control services provided for that group of permittees and as specified in Table I of the Board's Rules and Regulations.

(d) **I & C Fee Payment Schedule.** Each permittee, except the Class I Subclass group, shall make quarterly payments in arrears on the first of April, July, October or January, following the first permit anniversary date.

(e) **Class I Subclass Fee Payment Schedule.** Permittees under the Class I SubClass group shall commence making annual payments on the first of April, July, October or January, following the first quarterly period in which their permit becomes effective.

4. **Quality Surcharge Fee. (Amended by Ord. No. 188,363, Eff. 10/19/24.)**

(a) **Quality Surcharge Fee Requirement.** The Sewer Service Charge (SSC), as established under Section 64.41.03 of this Code, recovers the cost of treatment of domestic strength wastes discharged to the Publicly Owned Treatment Works (POTW) for treatment. The SSC is paid by all of the users of the POTW whose Wastewater is treated in a City treatment plant. However, industrial wastewater discharged by industrial users (IUs) can vary significantly in strength from that of Domestic Sewage. Industrial wastewater strength can be higher or lower than that of the Domestic Sewage. A permittee whose Discharge is determined to contain BOD or SS, as defined in Subsection A. of Section 64.00 of this Code, with concentrations in excess of the designated BOD and SS values in the Rules and Regulations shall pay a Quality Surcharge Fee.

(b) **Quality Surcharge Fee Determination.** A fee based on the quality/strength of the industrial wastewater discharged into the POTW shall be paid quarterly in arrears by all industrial users or permittees in possession of a valid Industrial Wastewater Permit where the industrial wastewater of said permittees is found to be subject to the City's Quality Surcharge Fee and which is treated in a City treatment plant. The permittee may choose to be billed for the City's Quality Surcharge Fee based on either the provisions of Subparagraphs (b)(1) or (b)(2) of Subdivision 64.30 D.4. below.

(1) Permittees whose industrial wastewater is treated in a City treatment plant and is determined to contain BOD or SS with concentrations in excess of the designated BOD and SS values in the Rules and Regulations shall pay a Quality Surcharge Fee according to the following formula and provisions.

The Quality Surcharge Fee for these permittees shall be determined pursuant to the following formula:

$$C = V [a(SS-DSS) + b(BOD-DBOD)]k$$

where:

"C" is the Quality Surcharge Fee.

"V" is the average daily volume of Wastewater discharged in gallons and shall be deemed: (1) the volume of water supplied to the premises, adjusted as determined by the Board to account for water not discharged into the POTW; (2) the metered volume of Wastewater discharged into the POTW, in accordance with a measuring device approved by the Board; or (3) a figure determined by the Board, based upon any other equitable method.

"SS" is the suspended solids as defined in Subdivision 79. of Subsection A. of Section 64.00 of this Code, expressed in milligrams per liter.

"BOD" is the biochemical oxygen demand of the Wastewater as defined in Subdivision 6. of Subsection A. of Section 64.00 of this Code, expressed in milligrams per liter.

"DSS" is the suspended solids concentration designated by the Board in the Rules and Regulations.

"DBOD" is the biochemical oxygen demand concentration designated by the Board in the Rules and Regulations.

"a" is the verifiable cost assessed for each pound of suspended solids (SS), as shown in the table below on or after the effective dates shown in the table.

"b" is the verifiable cost assessed for each pound of biochemical oxygen demand (BOD), as shown in the table below on or after the effective dates shown in the table.

"k" is (365 x 8.34)/1,000,000, a dimensional constant to convert C to dollars.

Effective Date	BOD Rate (\$/pound of BOD)	SS Rate (\$/pound of SS)
October 1, 2024	0.73	0.64
March 1, 2025	0.80	0.70
July 1, 2025	0.86	0.74
January 1, 2026	0.96	0.83
July 1, 2026	1.02	0.86
July 1, 2027	1.10	0.92
July 1, 2028	1.17	0.97

If the term containing SS or BOD is negative, a value of zero shall be used for the term.

(i) In determining the amount of Quality Surcharge Fee to be paid by various industrial users, the Board may establish industry-wide averages for SS and BOD values. The Board may group permittees into appropriate discharge volume ranges, each of which shall be represented by an average discharge volume. Where sampling and volume measurements of any permittee are not practical for physical, economic, or other reasons, these averages may be used in establishing such permittee's Quality Surcharge Fee.

(ii) Any permittee whose fee has been determined in the above manner who is not satisfied that the averages are applicable to its Discharge, may submit appropriate engineering data to the Board for its consideration. If the Board finds that such permittee's Discharge differs significantly from the averages established, it may determine the fee on a more appropriate basis.

(2) Permittees whose industrial wastewater is treated in a City treatment plant and is determined to contain BOD or SS with concentrations less than the designated BOD and SS values in the Rules and Regulations may petition the Board to pay a Low-Strength SSC Rate as defined in Subsection (o) of Section 64.41.01 of this Code. Upon qualification, such permittee may be allowed to pay a Low-Strength SSC Rate where the Low-Strength SSC Rate excludes the cost component associated with the domestic sewage strength included in the SSC rate. However, should such a permittee petition and be allowed to pay a Low-Strength SSC Rate, such permittee shall simultaneously become subject to the Zero-Based Quality Surcharge Fee as defined in this section. This fee is to recover the treatment cost associated with removal of BOD and SS, as defined below, in the permittee's Discharge. This fee is also representative of, and a replacement for, the cost component associated with the domestic sewage strength included in the SSC rate not included in the Low-Strength SSC Rate as defined in Subsection (o) of Section 64.41.01 of this Code.

The Zero-Based Quality Surcharge Fee for these permittees shall be determined pursuant to the following formula:

$$C = V [a(SS) + b(BOD)]k$$

where:

C, V, a, b, k, BOD, and SS are defined under Paragraph (b) of Subdivision 64.30 D.4. above.

(c) **Zero-Based Quality Surcharge Fee Qualifications and Requirements.** Any industrial user or permittee in possession of a valid Industrial Wastewater Permit that petitions to pay a Low-Strength SSC Rate and a Zero-Based Quality Surcharge Fee shall meet the following qualifications and requirements:

(1) The industrial user, if not in possession of a valid Industrial Wastewater Permit, must apply for and obtain an Industrial Wastewater Permit as defined in Subsection A. of Section 64.00 of this Code.

(2) The permittee must petition, in writing, to the Board to be placed on the Zero-Based Quality Surcharge Fee;

(3) The permittee must submit analytical data of its Discharge, at the time of and with its petition, to demonstrate that the average strengths of its BOD and/or SS concentrations discharged over a one-year period are less than the designated BOD and SS values in the Rules and Regulations;

(4) The permittee shall become subject to self-monitoring and reporting requirements of its Discharge, per policies of the Bureau of Sanitation of the Department of Public Works and also as defined and established in Section 9 of the Rules and Regulations; and

(5) The permittee shall install a sampling facility, for the purposes of self-monitoring, in accordance with the requirements set forth by the Director.

5. **Private Septage Disposal Facility (PSDF) Fees.** Subject to the provisions of this Subsection, all PSDFs shall pay, quarterly in arrears, the following fees and discharge user rates:

(a) **PSDF Inspection and Control Fee.** An annual Inspection and Control (I & C) Fee, in the amount corresponding to the I and Classification Number as set forth in Table 1 of the Board's Rules and Regulations and;

(b) **PSDF Septage Treatment Cost Recovery User Fee. (Amended by Ord. No. 182,076, Eff. 4/6/12.)** A per gallon Septage Treatment Cost Recovery User fee at the rate of \$0.0528 per gallon as applied to the full-tank capacity of each vehicle discharging at the PSDF. The rate shall be annually adjusted as shown in the table below:

Effective Date	User Fees (\$/gallon)
July 1, 2012	0.0542
July 1, 2013	0.0557
July 1, 2014	0.0572
July 1, 2015	0.0587
July 1, 2016	0.0603
July 1, 2017	0.0612
July 1, 2018	0.0621
July 1, 2019	0.0631
July 1, 2020	0.0640

6. **Significant Industrial User Fee.** In addition to any fees and charges required by this Subsection, Significant Industrial Users (SIUs), as defined in Section 64.00, shall be charged additional fees in accordance with the following schedule for each applicable Industrial Wastewater Permit:

SIU Group	Group Identification	Amount of Fee
I	Categorical Industrial Users with an average discharge equal to or greater than 10,000 gallons per day	\$4,359
II	Categorical Industrial Users other than Electroplaters with an average discharge less than 10,000 gallons per day	\$4,216
III	Category 413 Industrial Users (Electroplaters) with an average discharge less than 10,000 gallons per day	\$2,308
IV	Non-Categorical Industrial Users with an average discharge of equal to or greater than 250,000 gallons per day	\$3,605
V	Non-Categorical Industrial Users with an average discharge of equal to or greater than 40,000 gallons but less than 250,000 gallons per day	\$2,617
VI	Non-Categorical Industrial Users with an average discharge of equal to or greater than 25,000 gallons but less than 40,000 gallons per day, OR; any industrial user that is designated by the Director to have a reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standards or requirement.	\$2,453

SIU Fees shall be annually adjusted as shown in the table below:

Annual Fee and Effective Date									
SIU Group	July 1, 2012	July 1, 2013	July 1, 2014	July 1, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	
Group I	\$4,533	\$4,714	\$4,997	\$5,297	\$5,641	\$6,008	\$6,399	\$6,814	
Group II	\$4,385	\$4,560	\$4,834	\$5,124	\$5,457	\$5,812	\$6,189	\$6,592	
Group III	\$2,400	\$2,496	\$2,646	\$2,805	\$2,987	\$3,181	\$3,388	\$3,608	
Group IV	\$3,749	\$3,899	\$4,133	\$4,381	\$4,665	\$4,969	\$5,292	\$5,636	
Group V	\$2,721	\$2,830	\$3,000	\$3,180	\$3,387	\$3,607	\$3,841	\$4,091	
Group VI	\$2,551	\$2,654	\$2,813	\$2,982	\$3,175	\$3,382	\$3,602	\$3,836	

7. **Temporary Facilities Usage Fee.** Subject to provisions of this subsection, all dischargers of industrial wastewater (e.g., groundwater, rainwater, construction water and seepage water-carried waste) to the POTW shall pay a Temporary Facilities Usage Fee (TFUF) for temporary access to the POTW based upon a share of the equity of the system for the disposal of industrial wastewater. The share of system equity included in the TFUF shall be proportional to the flow, BOD and SS of the industrial wastewater discharged into the POTW from the premises as compared with the total flow, BOD and SS discharged by all system dischargers. The TFUF rate shall be based on the Sewage Facilities Charge in accordance with Section 64.11.3 of the Los Angeles Municipal Code.

8. **Due Dates. (Renumbered by Ord. No. 182,076, Eff. 4/6/12.)**

(a) **Fee Due Dates for other than I & C Class I SubClass Fees.** Fees subject to the provisions of this subdivision, Inspection and Control Fees, Quality Surcharge Fees, Private Septage Disposal Facility Fees, Significant Industrial User Fees, and Temporary Facilities Usage Fee shall be due in quarterly installments payable on the first day of January, April, July and October, with each such payment applicable to the immediately preceding quarter.

(b) **Class I SubClasses Fee Due Dates.**

(1) **I & C Fees.** Class I SubClass permittees shall commence making annual payments on the first of April, July, October or January, following the first quarterly period in which their permit becomes effective. The following outlines the billing schedule for Class I SubClasses permittees:

Permit Effective Period Bill Due Date

Jul-Sept. October 1

Oct-Dec. Jan 1

Jan-March April 1

Apr-Jun. July 1

(2) **Quality Surcharge Fees.** Class I SubClass permittees subject to Quality Surcharge Fees shall be subject to the same schedule of payments set forth in the provisions of Subsections 64.30 D.4. (10)(a) above.

9. **Cost Recovery For Sewer Maintenance. (Renumbered by Ord. No. 182,076, Eff. 4/6/12.)** The Board may charge any discharger for the cost of sewer maintenance resulting from its wastewater discharge.

10. **Delinquency – Penalty Charges. (Renumbered by Ord. No. 182,076, Eff. 4/6/12.)**

(a) **Delinquency – Penalties.** If the fees are not paid on or before the last day of the quarter in which they are due, a penalty equal to 2.5% of any outstanding fees, but not less than \$10.00, shall be added to the fees. The fees, including penalty, shall become a part of the fees required by this section and be payable for that quarter. Any fees remaining unpaid after the last day of the quarter shall be added and carried over to the amount owing for the next quarter and become part of the fees owing for that quarter.

(b) **Continued Delinquency.** All principal charges, excluding accrued penalties, carried over from a prior quarter shall be assessed an additional penalty in the amount of 2.5% if not paid on or before the last day of each quarter until paid in full. All charges carried over into the next quarter shall continue being carried over and added to charges accruing for the following quarter, if any, without limitation and all outstanding principal charges shall be subject to continued penalties as provided here for each quarter in which they remain unpaid. These charges and penalties shall continue to accrue quarterly until paid regardless of whether the permit is revoked as provided here.

(c) **Delayed billing.** If the invoices for any fees due, pursuant to this section, are not mailed before the due date, these fees shall not become delinquent until 35 days following the invoice mailing date, at which time, the fees shall become delinquent and the charges and time payment factors as provided above shall apply.

(d) **Suspension and Revocation.** If the total invoiced amount is not paid by the last day of the month of any quarter in which there is an amount owing from a previous quarter, the permit shall be subject to suspension and revocation as provided in Subsection E below. Before the Board may grant any new permit, all outstanding delinquent fees and penalties must be paid.

11. **Liability for Costs of Correction Arising from Unlawful Discharge. (Renumbered by Ord. No. 182,076, Eff. 4/6/12.)** Whenever any discharger introduces or causes to be introduced wastewater in violation of this section and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, said discharger shall be liable to the City for reasonable costs necessary to correct that discharge, detriment or adverse effect, including, but not limited to labor, material, inspection, transportation, overhead, and incidental; expenses associated with the corrective action. The discharger shall additionally be liable to the City for the reasonable costs of investigation by the City arising from the unlawful discharge.

E. Enforcement

1. **Notification of Violation.** When the Director finds that a discharger has violated, or continues to violate, any provision of this section, an Industrial Wastewater Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that discharger a written Notice of Violation. Within ten days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the discharger to the Director. Submission of such a plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. **Administrative Orders.** When the Director finds that a discharger has violated, or continues to violate, any provision of this section, or order issued hereunder, or any pretreatment standard or requirement of the Industrial Wastewater Permit, the Director may issue an Administrative Order to the discharger responsible for the discharge directing that the discharger come into compliance. If the discharger does not come into compliance with the Administrative Order, the Director may suspend and revoke the Industrial Wastewater Permit and request the Board to disconnect or permanently block the discharger's connection and/or refer the discharger to the City Attorney to seek Civil Penalties or Criminal Prosecution, if such action is necessary to ensure permanent compliance.

3. Suspension of Industrial Wastewater Permit.

(a) **Permit Suspension Criteria.** The Director may suspend an Industrial Wastewater Permit when such a suspension is necessary in order to collect payment of delinquent fees or stop a discharge which presents an imminent hazard to the public health, safety or welfare, to the local environment, or which either singly or by interaction with other discharges, is an imminent hazard to the POTW or places the City in violation of its NPDES permit.

(b) **Discharger Response to Suspension Notification.** Any discharger notified of a suspension of that discharger's Industrial Wastewater Permit shall immediately cease and desist the discharge of all industrial wastewater into the POTW. Any discharger notified of a suspension of that discharger's Industrial Wastewater Permit issued for a private sewage disposal system shall immediately cease and desist the discharge of industrial wastewater into both the private sewage disposal system and the POTW.

(c) **Failure of Discharger to Comply with a Suspension Order.** In the event of a failure of a discharger to comply voluntarily with a suspension order, the Board may take such steps as are reasonably necessary to ensure compliance. These include, but are not limited to, immediate blockage or disconnection of the discharger's connection to the POTW, and a request to the Department of Water and Power that it discontinue water service of the affected property until full compliance with the Notice to Comply has been achieved.

(d) **Notice of an Intended Order of Suspension.** The Director in the event of violation of this section, may serve the discharger with a notice of an intended order of suspension, stating the reasons therefor, the opportunity for a hearing with respect thereto, and the proposed effective date of the intended order.

(e) **Order of Suspension Board Hearing.** Any discharger whose Industrial Wastewater Permit is suspended or served with a notice of an intended order of suspension may file with the Executive Officer of the Board a request for a Board hearing with respect thereto. Filing of such request shall not stay a suspension. In the event a suspension of a permit due to imminent hazard related to continued discharge, the discharger may request a hearing, and the Board or a hearing examiner designated by the Board for that purpose, shall conduct a hearing within three days of receipt of the request. In the event of hearing requests, for other than an imminent hazard suspension, the Board shall hold a hearing on the suspension within 14 days of receipt of the request. At the close of the hearing, the Board shall make its determination whether to terminate, or conditionally terminate the suspension imposed by the Director, or the Board may cause the permit to be revoked. Except in the case of a hearing within three days being required as above provided, reasonable notice of the hearing shall be given to the suspended discharger in the manner provided for in Subdivision 7. of Subsection E. of this section.

(f) **Stay of Order of Suspension.** In the event that the Board fails to meet within the time set forth above or fails to make a determination within 72 hours after the close of the hearing, the order of suspension shall be stayed until a Board determination is made with respect to the action of the Director.

(g) **Reinstatement of Industrial Wastewater Permit.** The Director shall reinstate the Industrial Wastewater Permit upon proof of compliance which ends the emergency nature of the hazard created by the discharge that had been cause for the Director to initiate the suspension, provided that the Director is satisfied that all discharge requirements of this section, the Board's Rules and Regulations, and any Board order will be implemented.

4. **Revocation of Industrial Wastewater Permit.** The Board may revoke an Industrial Wastewater Permit upon a finding that the discharger has violated any provision of this section or the Board's Rules and Regulations. No revocation shall be ordered until a notice and hearing on the question has been held by the Board as provided in Subdivisions 6. and 7. of this Subsection E. of Section 64.30.

5. **Additional Emergency Remedial Measures.** The Director shall have full power and authority to take any necessary precautions including but not limited to, decontamination, sewer closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent further damage resulting from a condition that is likely to result in a discharge which presents an imminent hazard to the public health, safety or welfare; or which either singly or by interaction with other discharges, is an imminent hazard to the POTW; or which places the City in violation of its NPDES permit. In the pursuit of such an operation, City personnel, any party contracting with the City, or duly authorized representative of another governmental agency shall have immediate access to the premises. The Director may prohibit approach to the scene of such emergency by any person vehicle, vessel or thing, and all persons not actually employed in the extinguishment of the condition or the preservation of lives and property in the vicinity thereof.

6. Board Hearing.

(a) **Appointment of Hearing Examiner.** With respect to permit revocation or suspension hearings, the Board may conduct the hearing or may appoint one or more examiners or designate one or more of its members to serve as hearing examiners and to conduct a hearing with respect to any appeal or protest filed. At such hearing the discharger may appear personally or through counsel, cross-examine witnesses and present evidence in the discharger's behalf.

(b) **Board Decision.** The hearing examiner or examiners, if other than the Board, shall submit a written report and recommendations to the Board together with a brief summary of the evidence considered and conclusions reached with respect thereto. The Board, after considering evidence presented at such a hearing, and any report submitted to it with respect to such a hearing, or after any hearing which it conducts, shall adopt findings supported by evidence, and may adopt, reject, or modify in whole or in part, make its decision, and issue its order. If the Board's order is to revoke the discharger's Industrial Wastewater Permit, the order may be effective forthwith, or at a later specified date. The discharger shall be notified in writing of the Board's action.

(c) **Compliance with Order of Revocation.** Any discharger whose Industrial Wastewater Permit has been revoked shall immediately cease and desist all discharge of any wastewater covered by the Permit. The Board may disconnect or permanently block the discharger's connection if such action is necessary to ensure compliance with the order of revocation.

(d) **Conditions for Resumption of Discharge after Permit Revocation.** After revocation of a discharger's Industrial Wastewater Permit, there shall be no further discharge of industrial wastewater by that discharger into the POTW unless there has been a new application filed, all fees and charges that would be required upon an initial application and all delinquent fees, charges, penalties and other sums owed by the discharger and/or the applicant to the City have been paid to the City, and a new Industrial Wastewater Permit has been issued. Any costs incurred by the City, including administrative costs and investigative fees, in revoking the Permit and disconnecting the connection if necessary, shall also be paid for by the discharger before issuance of a new Industrial Wastewater Permit.

7. **Notice.** Notice of the hearing shall be given to the discharger at least ten (10) days prior to the date of hearing. Unless otherwise provided herein, any notice required to be given by the Director under this section shall be in writing and served in person or by registered or certified mail addressed to the addressee's last known address with request for return receipt. Where no address is known, service may be made upon the owner of record of the property upon which the alleged violation occurred or by posting the notice conspicuously on the property.

Notice shall be deemed to have been given at the time the written notice is deposited, postage prepaid, in the United States mail at Los Angeles, California.

8. **Public Notice of Significant Noncompliant Industrial Dischargers.** The Director shall identify a discharger as meeting one or more of the Significant Noncompliance (SNC) criteria listed in 40 CFR Section 403.8(f)(2)(viii) and shall publish notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The criteria for SNC shall be as follows:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in the permit or enforcement order for starting construction, completing construction or attaining final compliance;

(f) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

9. Penalties for Violations.

(a) **Criminal Penalty.** Except as expressly provided, violation of this section or any order issued by the Board or the Director as authorized by this section is a misdemeanor punishable by a fine not to exceed \$1,000.00 per violation per day or by imprisonment in the County jail for a period of not more than six (6) months, or by both such fine and imprisonment.

(b) **Injunctive Relief.** Whenever a discharger of wastewater is in violation of this section or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Board or the Director may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, restraining order, or other order, as may be appropriate in restraining the continuance of such discharge.

(c) **Civil Liability.** Any person who violates any provision of this section or any term or condition of any permit issued pursuant to this section or plan approval which prohibits or limits the discharge of any waste imposes any pretreatment requirement shall be civilly liable to the City in a sum of not to exceed \$25,000 a day for each violation.

(d) **Administrative Complaint.** The Director may issue an administrative complaint to any person who violates any requirement of this section. The administrative complaint shall allege the act or failure to act that constitutes a violation of this section, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

F. Conflict. Provisions of this section shall prevail over any other inconsistent or conflicting provisions of this chapter.