

Ordinance No. 8-06 N.S.

An Ordinance of the City Council of the City of Richmond Amending Chapter 12.18 of Article XII of the Richmond Municipal Code relating to Discharges to the Wastewater Treatment System within the City of Richmond.

The Council of the City of Richmond does ordain as follows:

Section I. **Amendment of Chapter 12.18.** Chapter 12.18 of the Richmond Municipal Code is hereby amended to read as follows:

Chapter 12.18
Discharges to the Wastewater Treatment System

Sections:

- Sec. 12.18.010 Purposes and Objectives
- Sec. 12.18.020 Definitions
- Sec. 12.18.030 Sewage to Be Discharged to Public Sewers
- Sec. 12.18.040 Private Disposal of Sewage
- Sec. 12.18.050 Discharge of Stormwaters, etc., to Sanitary Sewers Prohibited
- Sec. 12.18.055 Unpermitted Discharges of Industrial Wastes Prohibited
- Sec. 12.18.060 General Discharge Prohibitions
- Sec. 12.18.065 Miscellaneous Requirements
- Sec. 12.18.066 Fats, Oils & Grease Program (FOG)
- Sec. 12.18.066.01 Administration of FOG Program
- Sec. 12.18.066.02 Grease interceptor Maintenance Procedures and Program
- Sec. 12.18.066.03 Best Management Practices
- Sec. 12.18.066.04 Grease Traps for treating Fats, Oils and Grease wastes
- Sec. 12.18.066.05 Grease Interceptors (Separators) for Treating Fats, Oils and Grease Wastes
- Sec. 12.18.066.06 Waivers for treating Fats, Oils and Grease wastes
- Sec. 12.18.066.07 Enforcement of Grease Program
- Sec. 12.18.070 Discharge From Home-regenerated Water Softeners
- Sec. 12.18.080 National Categorical Pretreatment Standards
- Sec. 12.18.090 Specific Pollutant Limitations
- Sec. 12.18.100 State Requirements
- Sec. 12.18.110 City's Right of Revision
- Sec. 12.18.120 Excessive Discharge
- Sec. 12.18.130 Accidental Discharge
- Sec. 12.18.140 Fees and Charges
- Sec. 12.18.150 Wastewater Discharges
- Sec. 12.18.160 Wastewater Discharge Permits
- Sec. 12.18.170 Permit Application
- Sec. 12.18.180 Permit Modifications
- Sec. 12.18.190 Permit Conditions
- Sec. 12.18.200 Permits Duration
- Sec. 12.18.210 Permit Transfer
- Sec. 12.18.220 Reporting Requirements for Permittee
- Sec. 12.18.230 Periodic Compliance Reports
- Sec. 12.18.235 Periodic Self-Monitoring Reports
- Sec. 12.18.240 Monitoring Facilities
- Sec. 12.18.250 Inspection and Sampling
- Sec. 12.18.260 Pretreatment Facilities
- Sec. 12.18.270 Confidential Information
- Sec. 12.18.280 Harmful Contributions—Suspension of Service/Permit
- Sec. 12.18.290 Revocation of Permit
- Sec. 12.18.300 Notification of Revocation Hearing
- Sec. 12.18.310 Purpose and Conduct of Hearing
- Sec. 12.18.315 Disconnections
- Sec. 12.18.320 Falsifying Information
- Sec. 12.18.330 Enforcement and Penalties

12.18.010 Purposes and objectives.

A. Purposes. The purposes of this chapter are:

1. To regulate indirect discharges into the City's wastewater collection and treatment system by establishing standards of discharge which control the quality and quantity of wastewater entering the City's wastewater collection and treatment system; and
2. To comply with all applicable state and federal laws required by the Clean Water Act of 1977 and any amendments thereto and the General Pretreatment Regulations (40 CFR, Part 403).

B. Objectives. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the wastewater system which will pass through the system, without adequate treatment, into receiving waters or the atmosphere;
3. To improve the opportunity to recycle and reclaim wastewaters, sludges, gases and other by-products from the system;
4. To provide for equitable distribution of the cost of the wastewater system;
5. To prevent sanitary sewage overflows as a result of grease obstructions that subject the City to adverse health issues, State Water Board penalties, prevents service continuance, civil suits and diminish its storm water quality;
6. To reduce the loading from excessive grease at the City's POTW and lift stations and prevent the expense of its removal, and NPDES permit violations; and
7. To comply with California Water Quality Control Board San Francisco Bay Region's regulations for establishing a Sanitary Sewer Overflow Plan of which a Fats, Oils and Grease Control Plan is a requirement.

This chapter provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing user's capacity will not be preempted, and provides for the setting of fees for equitable distribution of costs resulting from the program established in this chapter.

This chapter shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City publicly owned treatment works (POTW). Except as otherwise provided, the City Engineer of POTW shall administer, implement and enforce the provisions of the chapter.

12.18.020 Definitions

For purposes of this chapter, the following words, phrases and abbreviations shall have the meanings respectively ascribed to them in this section unless the context specifically indicates otherwise.

A. Abbreviations. As set forth in this chapter, the following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
BMP	Best Management Practice(s)
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
FOG	Fats, Oils, Grease
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SS	Suspended solids
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	United States Code

B. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

- C. “Applicant” means any person who applies for sewer service or a wastewater discharge permit.
- D. “Authorized Inspector” means an inspector so designated by the City Engineer.
- E. “Authorized representative of industrial user” means:
 1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
 2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 3. A duly authorized representative responsible for the overall operation of the facilities from which the indirect discharge originate
- F. “Best Management Practice(s)” means a cultural or engineering technique, or a management strategy, that has been determined and accepted to be an effective and practical means of preventing or reducing non-point source pollution in a local area.
- G. “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- H. “Building sewer.” (See “lateral”)
- I. “Categorical Standards” means the National Categorical Pretreatment Standards or Pretreatment Standard.
- J. “City” means the City of Richmond.
- K. “City Engineer” means the City Engineer for the City or said Engineer's designee or representative.
- L. “Commercial garbage/Food grinder” means the mechanical unit for pulverizing wastes before discharging into the public sewer system by a commercial user.
- M. “Cooling water” means the water discharges from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- N. “Council” means the City Council of the City.
- O. “Customer” means any person, firm, association, corporation or governmental agency served or entitled to be served by the City, for or without compensation.
- P. “Developer” means any person who requests that the Council extend the City's sewage collection facilities.
- Q. “Direct discharge” means the discharge of treated or untreated wastewater directly to the waters of the state.
- R. “Environmental Protection Agency,” or “EPA,” means the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- S. “FOG” (“Fats”, “Oils”, “Grease”) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time.
- T. “Food Handling Facility,” or “FHF,” includes, but is not limited to, any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafés, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, grocery stores with food preparation and packaging, meat cutting and preparation (excluding grocery stores with only food warming operations), meat packing facilities and other food handling facilities not

listed above where fats, oil and grease may be introduced into the community sewer system and cause line blockages and sewer overflows. This is also known as a process of concern.

- U. “Grab sample” means a sample which is taken from a waste stream.
- V. “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.
- W. “Grease collection service” means any qualified company that specializes in cleaning grease interceptors and or hauling the grease to an approved waste site.
- X. “Grease interceptor (sometimes called separators)” means a multi-compartment device designed to retain grease from one or more fixtures; it shall be installed outside of the food service establishment and shall be of a size and design in compliance with all current Building and Plumbing codes adopted by the City.
- Y. “Grease trap” means a device designed to retain grease from one to a maximum of four fixtures.
- Z. “Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic, tanks and vacuum pump tank trucks.
- AA. “Indirect discharge” means the discharge or the introduction of non-domestic pollutants from any source including those regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW. The term indirect discharge also includes holding tank wastes discharged into the system.
- AB. “Industrial user” means a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- AC. “Industrial wastes” means the wastes from industrial processes including Zeolite type softening regeneration plants, and/or any material or substance handled, stored, transported, maintained or produced on-site that is deleterious to fish, plant life, animal life or public health.
- AD. “Interference” means a discharge which, alone or in conjunction with other discharges, inhibits or disrupts the POTW processes and which causes a violation of any requirement of the POTW's NPDES permit. The term interference also means a discharge which, alone or in conjunction with other discharges, adversely affects the use or disposal of the POTW's sewage sludge or causes the POTW's sewage sludge to be in noncompliance with applicable federal, state, or local regulations. More specifically, the term includes prevention of sewage sludge use or disposal by the POTW in accordance with:
 - 1. Section 405 of the Act, (33 U.S.C. 1345); or
 - 2. Any criteria guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of sludge disposal or use employed by the POTW.
- AE. “Lateral” means the sewer pipeline conveying wastewater from the premises of a user to the City's sewer system. The term “lateral” includes the terms “building sewer” and “service lateral.”
- AF. “Lift station” means a sump used to allow sewage to accumulate to a level where it is pumped to sanitary sewer collection system at a higher elevation.
- AG. “National Pollution Discharge Elimination System Permit” or “NPDES Permit” means the permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- AH. “Manhole” means a hole, through which, a person may go to gain access to a sewer.

- AI. “National Categorical Pretreatment Standard” or “Pretreatment Standard” means any regulation containing pollutant limits promulgated by the EPA in accordance with 40 CFR Chapter I, Subchapter N, Parts 407-471, and which applies to a specific category of industrial users.
- AJ. “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, Section 403.5.
- AK. “New source” means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act (33 U.S.C. 1317) which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.
- AL. “Pass through” means a discharge which exits the POTW into receiving waters in quantities which, alone or in conjunction with other discharges from another source, is a cause of a violation of any requirement of the POTW’s NPDES permit.
- AM. “Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- AN. “pH” means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ion expressed in grams per liter of solution.
- AO. “Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, commercial or agricultural waste.
- AP. “Pollution” means the manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- AQ. “POTW” means publicly owned treatment works.
- AR. “Pretreatment” or “treatment” means the reduction of the amounts of pollutants, the concentration of pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means except as prohibited by 40 CFR Section 403.6(d).
- AS. “Pretreatment requirements” means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- AT. “Publicly owned treatment works” or “POTW” means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, “POTW” also includes any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City’s POTW.
- AU. “POTW treatment plant” means that portion of the POTW designed to provide treatment to wastewater.
- AV. “Process of concern” for the purpose of the City’s Fats, Oils and Grease Control Program means any business that has fats, oils and grease on site or generally any business process that introduces material or matter into the wastewater.
- AW. “Responsible Party” means a business owner, property owner, or resident at a commercial or residential property.

- AX. "Sampling hole" means a hole through which a person may insert equipment to gather samples. A sampling hole may also be called a sampling tee.
- AY. "Sanitary sewage" means the portion of sewage exclusive of industrial wastes and stormwaters.
- AZ. "Sanitary sewer" means a sewer to which stormwaters, surface waters and groundwaters are not intentionally admitted.
- BA. "Service lateral" (See "lateral").
- BB. "Sewage" means water carrying wastes from residences, business buildings, institutions and industrial establishments, together with such other waters as may be present, or any combination of such wastes and water. Also see "wastewater."
- BC. "Sewage works" means all sewers and facilities operated for carrying, collecting, pumping, treating and disposing of sewage. The term "sewage works" also means the POTW.
- BD. "Sewer" means all sewers and facilities operated for carrying sewage.
- BE. "Shall" is mandatory; "may" is permissive.
- BF. "Side sewer" means a connection with a service lateral from a house or other structure. "Side sewer" also means a building sewer.
- BG. "Significant industrial user" means any industrial user of the City's wastewater disposal system who:
1. Has a discharge flow of 25,000 gallons or more per average workday, or
 2. Has a flow greater than 5 percent of the flow in the City's wastewater treatment system, or
 3. Has, in said user's wastes, toxic pollutants as defined pursuant to Section 307 of the Act, (State) statutes or rules, or
 4. Is found by the City, the Regional Water Quality Control Board or the United States Environmental Protection Agency (EPA) to have significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment system, the quality of the POTW sludge, the system's effluent quality or air emissions generated by the system,
 5. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and Chapter I, Subchapter N, Parts 405-471.
- BH. "Significant noncompliance" means:
1. Any situation where there has been at least sixty-six percent (66%) noncompliance with pollutant discharge limits during a six-month period for the daily maximum or average limit for the same pollutant parameter;
 2. Any situation where at least thirty-three percent (33%) of the measurements are:
 - (a) 1.2 times the daily maximum or average limit for the same toxic pollutant parameter, or
 - (b) 1.4 times the daily maximum or average limit for the same conventional pollutant parameter;
 3. Any discharge which results in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt the discharge;
 4. Discharges determined to cause interference with, or pass through, the POTW or which pose an imminent endangerment to human health;
 5. Ninety (90) days of noncompliance with a compliance schedule construction or compliance deadline;
 6. Thirty (30) days of noncompliance with a reporting requirement;
 7. Inaccurate reporting; or
 8. Other violations which the City Engineer determines will adversely affect the operation of the POTW.
- BI. "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

- BJ. “Standard specifications” means the document entitled “Standard Specifications for Sewer Construction.” This document includes the specifications and drawings to be used in design and construction of laterals and sewers.
- BK. “State” means the State of California.
- BL. “Storm ditch” means an open conduit which carries stormwater and surface water but excludes sewage and polluted industrial wastes.
- BM. “Storm sewers or storm drains” means a sewer which carries stormwater and surface water but excludes sewage and polluted industrial wastes.
- BN. “Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- BO. “Suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- BP. “Toxic pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317) or other Acts.
- BQ. “User” means any person who causes or permits a discharge of wastewater into the City's POTW. The term user includes commercial and industrial entities which discharge wastewater into the City's POTW.
- BR. “Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW. Also see “sewage.”
- BS. “Water softener” means a unit using the ion-exchange process requiring sodium chloride ion to regenerate the exchange bed.
- BT. “Waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

12.18.030 Sewage to be discharged to public sewers.

All sewage shall be discharged to public sewers except as provided in this chapter.

12.18.040 Private disposal of sewage.

It shall be unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except when special permit is granted by the Council.

12.18.050 Discharge of stormwaters, etc., to sanitary sewers prohibited.

- A. No person shall discharge or cause to be discharged any nonpolluted stormwaters, surface waters, groundwaters or roof runoff to any sanitary sewers.
- B. No person shall discharge or cause to be discharged to any sanitary sewer any stormwaters, surface waters, groundwaters or roof runoff containing pollutants or industrial waste unless a permit for the discharge is obtained from the City before the discharge is made.
- C. Stormwater, surface water, groundwater or roof runoff discharges containing pollutants or industrial wastes will be accepted only when the capacity of the City's

sewage system is not exceeded, full secondary treatment can be provided, and the discharge will not cause overflows of untreated sewage.

- D. No discharge will be permitted during a rain storm event and for a minimum period of 24 hours after the storm event. Dischargers shall not begin discharging or shall discontinue discharging if requested by the City.
- E. Dischargers shall have a shut-off valve or pump switch, and a 24-hour telephone number shall be made available to the City for requiring shutdowns outside normal operating hours.
- F. Dischargers shall have on-site capacity to store the quantity of stormwater containing pollutants or industrial wastes that result from the larger of either a 4.8-inch rain storm on the contributory area or a rain storm of 25-year return period and 24-hour duration on the contributory area.
- G. All flows discharged shall be measured with a flowmeter with a totalizer, calibrated annually, with maximum flow regulated by the City. The monthly discharged total flows off the totalizer shall be submitted to the City monthly.
- H. Stormwater, surface water, groundwater or roof runoff containing pollutants or industrial waste must meet City standards for pH, suspended solids, BOD, oil and grease, and specific pollutants listed in this chapter for discharge to the sanitary sewer.
- I. The City shall retain the power to terminate acceptance of stormwater, surface water, groundwater or roof runoff containing pollutants or industrial waste at its discretion, if such action should become necessary in the future.

12.18.055 Un-permitted discharges of industrial wastes prohibited.

- A. It shall be unlawful for any person to discharge any industrial wastes in any City sewer or plumbing fixture or pipe connected to a plumbing fixture or city sewer unless a permit for said discharge is obtained from the City before the discharge is made.
- B. It shall be unlawful for any person to discharge any industrial wastes on, in or under any premises.
- C. It shall be unlawful for any person to discharge any industrial wastes upon any street, sidewalk, alley, storm sewer, storm ditch, waters of the state or public place in the City.
- D. The provisions of this section shall not apply to a discharge of industrial wastes which:
 - 1. Has been authorized, in writing, by the City Engineer; or
 - 2. Is in compliance with this Chapter 12.18 of this Code.
- E. The City Engineer shall be empowered to require any person discharging industrial wastes to any unlawful place to connect discharges legally to the sanitary sewer before continuing to generate industrial wastes.

12.18.060 General discharge prohibitions.

- A. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not use dilution to achieve compliance and may not contribute the following substances to the POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;
2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
3. Specifically excluded from the sewers are waste products resulting from the handling, storage and sale of fruits and vegetables from other than retail produce establishments, or other foods not intended primarily for immediate consumption;
4. Any wastewater having:
 - (a) a pH less than 6.0;
 - (b) a pH greater than 10.0, unless a City permit is obtained;
 - (c) any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW is also prohibited;
5. Any wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in the Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307(a) of the Act;
6. Any noxious or malodorous liquids, gases or solids which either singularly or by interaction with other wastes are sufficient to prevent entry into the sewers for maintenance and repair;
7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, scums or gases, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
8. During periods of high stormwater flows in the sanitary sewer, any waters or wastes which:
 - (a) Contain more than 100 mg/l of fat, oil or grease;
 - (b) Have a BOD greater than 350 mg/l; or
 - (c) Contain more than 300 mg/l of suspended solids;
9. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards;
10. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
11. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a

temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit);

12. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference with the POTW;
 13. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed the limits established by the state or federal regulatory agency applicable to the POTW user;
 14. Any wastewater which causes a hazard to human life or creates a public nuisance;
 15. Any waters or wastes containing total dissolved solids increment greater than three hundred twenty-five (325) mg/l, nor chloride increment greater than seventy-five (75) mg/l, unless a City permit is obtained to exceed this limit;
 16. Any water or wastes with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius);
 17. Any water or wastes containing petroleum oil, nonbiogradable cutting oil, or products of mineral origin in amounts that:
 18. Exceeds a maximum daily limit of 100 ppm of total petroleum hydrocarbons;
 19. Will cause interference with the operation of the POTW or will pass through the POTW.
 20. Any water or wastes that result in toxic gases, fumes, or vapors in a quantity capable of causing worker health and safety problems;
 21. Any water or wastes which have been trucked or hauled into the City, except when the wastes are discharged at points designated by the City Engineer;
 22. Any water or wastes containing a hazardous waste as such term is defined by the Resource Conservation and Recovery Act. (Title 42, U.S.C. Sections 6901 et seq.).
- B. When the City Engineer determines that a user is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the City Engineer shall:
1. Advise the user of the impact of the contribution on the POTW; *and*
 2. Develop effluent limitation(s) for such user to correct the interference with the POTW.

12.18.065 Miscellaneous Requirements

- A. **Manholes and Sampling Holes.** When required by the City Engineer, the user of any property served by a building sewer carrying industrial wastes shall install a suitable manhole or sampling hole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole or sampling hole, when required, shall be constructed in accordance with the plans approved by the City Engineer. The manhole or sampling shall be installed by the user at the user's expense, and shall be maintained by said user so as to be accessible and to present no undue safety hazards at all times.
- B. **Tests.** All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with the techniques and procedures prescribed in 40 CFR Part 136 and any amendments thereto or with any other test procedures approved by the EPA, and shall be determined at the manhole or sampling hole provided for in subsection (b) of this section, or upon suitable samples taken at said manhole or sampling hole. In the event that no manhole or sampling hole has been required, the measurements, tests and analyses of the characteristics of waters and wastes shall be determined at the nearest downstream manhole in the sewage system from the point at which the building sewer is connected.

- C. Legal Authority. The City retains the legal authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, which are discharged to the POTW by dischargers. An industrial user must obtain prior approval from the City before making any of the foregoing changes in its discharge.

12.18.066 Fats, Oils and Grease Program (FOG)

A. Grease and Oil Interceptors & Separators:

1. Fats, Oils, and Grease separators and grease interceptors shall be provided, at the user's expense, where, in the opinion of the City Engineer, or a designated representative, they are necessary for the proper handling of wastes containing these substances in excessive amounts, or any flammable wastes or harmful ingredients. All grease interceptors shall be of a type and capacity approved by the City Engineer, and shall be located so as to be readily and easily accessible for inspection and cleaning. (NOTE: Refer to RMC 12.18.066.04 and 12.18.066.05 for which type of grease trap or grease interceptor applies to the process of concern which can impact the city's sanitary sewer collection system).
2. Fats, Oils, and Grease separators and grease interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. They shall be of substantial construction and equipped with easily removable covers.
3. Where installed, all Fats, Oils and Grease traps or grease interceptors shall be maintained and in continuous efficient operation at all times.

- B. These facilities must have a FOG Management Program Permit. The permittee shall allow City personnel right of entry at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying, or other performance of their duties (Ordinance 12.18.250).

- C. Best Management Practices shall be followed as in section 12.18.066.03.

- D. Fees, charges and penalties for violation of the ordinance are set forth in section 12.18.140.

- E. Dishwashers and food grinders are prohibited from discharging through the Grease Trap pursuant to the California Plumbing Code.

- F. A grease collection service shall be required for all facilities that generate FOG.

- G. If significant grease accumulation (e.g. a partial blockage) is found downstream or if significant grease wicking is found upstream of the process of concern, an inspection of the facility may result. The inspection will include a review of the grease management program, treatment system, waste storage area, and drains not flowing to treatment system. BMP's not in place, hauler receipts for prior 3 years not available, and/or training documents not current may incur future inspections with an assessed fee as published in the City's fee schedule (see section 12.18.140).

- H. If a business is shown to be the cause of a grease related sewer overflow, the facility will be responsible for the cost of the clean-up as set forth in section 12.18.140.

12.18.066.01 Administration of FOG Program

The City shall administer a FOG program which is intended to prevent fats, oils, grease, and other substances which are likely to block or create a hazard within the sewerage system from entering the system through use of grease interceptors or grease traps. The City may require any non-domestic user to install a grease interceptor or grease trap according to the guidelines set forth in the City's Standard Specifications or other program prior to connection to the City or at any time after connection to the City if the City discovers or determines subsequent to the connection that the building, facility, or

operation of that user produces a waste with characteristics that would require installation of a grease trap or grease interceptor pursuant to this Ordinance. The installation of a proper grease interceptor or grease trap device shall be the responsibility of the parcel owner and the entity which applies for the connection or industrial user permit, and the owner/proprietor of the business or entity whose operations cause or contribute to the necessity for a grease interceptor or grease traps. The City shall determine whether a grease trap, grease interceptor, or other interceptor is required on a case-by-case basis based on an evaluation of objective criteria including but not limited to factors such as those listed hereunder:

- A. The type of facility (a restaurant, bakery, cheese factory, yogurt shop, gas station, lube facility, etc.)
- B. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation).
- C. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used.
- D. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service).
- E. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility.
- F. The overall potential for grease-laden, flammable, or sand-laden discharges.
- G. The existence of devices, procedures, or processes which are designed to minimize the amount of grease, sand, oil, or other flammable liquids from entering the sewer system.

The design, location, and procedures for operation of a required grease interceptor or grease trap shall be approved by the City. Such approval shall be obtained prior to the user's connection of the facility to the City's sewerage system, in the event of new construction or remodeling. In instances where a user has already connected and the City determines that a grease interceptor or grease trap must be installed, the user shall promptly provide for the installation of the grease interceptor or grease trap within a reasonable time frame (as may be set by the City), including providing such design plans and operational plans as may be required. The installation of a grease interceptor or grease trap as required by this Ordinance on an existing user facility shall occur within reasonable time not to exceed one hundred (100) days after the user has been provided notice of the requirement that a grease interceptor or grease trap be installed. This one-hundred-day limit may only be extended by written agreement of the City.

12.18.066.02 Grease interceptor Maintenance Procedures and Program

Any user who is required by the City and/or this Ordinance to install and/or operate a grease interceptor or grease trap device, shall be required to adequately maintain the grease interceptor or grease trap device so that such device is in proper working order at all times. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis so as to assure that the grease interceptor will operate as designed at all times. Any users who are required to install or have in operation a grease interceptor or grease trap pursuant to this Ordinance, shall be required to have a plan of operation or program for their facility which is intended to ensure that the grease interceptor or grease traps operates as designed to prevent grease, oil, sand, or other harmful constituents from entering the sewerage system. These procedures may include adoption of kitchen practices to minimize the grease-laden garbage which ultimately enters the facility's drains and floor traps and/or other such procedures as may be required for the proper operation of the grease interceptors.

- A. Grease interceptors shall be cleaned out completely by a FOG collection service as necessary to assure that the grease interceptor will operate as designed at all times or as otherwise specified by the Administrative Authority.
- B. Decanting or discharging of removed waste back into the grease interceptor, for the purpose of reducing the volume to be hauled, is prohibited.

- C. The use of additives, directly or indirectly to the plumbing or sewer system, to emulsify grease and/or oil, is specifically prohibited.
- D. The use of biological additives as a supplement to grease interceptor maintenance, including the addition of micro-organisms, may be authorized by the City Engineer; approval shall be obtained (in writing) prior to the use of such additives.
- E. Maintenance records indicating date of service, volume pumped, name of waste hauler and waste disposal location for each pumping of the grease interceptor are to be kept for a minimum of three years. The records are to be provided to the Administrative Authority or an Authorized Inspector when requested during normal business hours.
- F. All waste removed from a grease interceptor must be disposed at a facility permitted by Contra Costa County or other applicable regulatory agencies to receive such waste. The pumped out FOG shall not be returned to the public sewer system or manhole, nor any private wastewater system, nor storm drains.
- G. Any fixture connected to a grease interceptor shall have a non-removable, secured food strainer of such integrity so as to withstand daily operational usage.

12.18.066.03 Best Management Practices

- A. Drain Screens. After March 1, 2006, drain screens shall be installed on all drainage pipes for all new food service establishments deemed by the City Engineer to generate FOG.
- B. Waste fats, oils and grease (FOG):
 - 1. All waste FOG shall be collected and stored properly in recycling barrels, drums, or bins.
 - 2. Such recycling barrels, drums, or bins, shall be maintained appropriately to ensure they do not leak and enter the city's storm water collection system by direct discharge or by commingling with rainwater.
 - 3. A licensed collection service must be used to dispose of waste FOG.
- C. Food waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks.
- D. Employee training:
 - 1. Employees of the food service establishment shall be trained within 3 months after ordinance passes, and twice each calendar year thereafter, on the following subjects:
 - (a) How to "dry wipe" pots, pans, dishware, and work areas before washing to remove FOG.
 - (b) How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - (c) The location and use of absorption products to clean under fryers, and other locations where grease may be spilled or dripped.
 - 2. Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices.
 - 3. Training records shall be available for review at any reasonable time by the Authorized Inspector.
- E. Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition.
- F. All best management practices shall be posted conspicuously in the food preparation and dishwashing areas, and process areas at all times.

12.18.066.04 Grease Separators (traps) for treating Fats, Oils and Grease wastes

- A. Facilities that have FOG, but are not required to have a grease interceptor, must have an adequate sized grease trap as determined by the City Engineer.

- B. Required connections to grease traps: all three compartment sinks, scullery (preparation) sinks, and pre-wash sinks at dishwashing stations.
- C. Prohibited connections or additives to grease traps:
 1. Final rinse discharge from automatic dishwashers/sanitizers shall not be connected to the grease trap.
 2. Chemical additives, such as chlorinated solvents, or any other additives that causes the emulsification of grease, are strictly prohibited from use in any grease trap.
- D. Maintenance of the grease trap shall be as often as required to maintain it in an efficient operating condition.
- E. For ease of inspection and maintenance, the area around the grease trap must be kept free of storage and the top of the grease trap must not be bolted down.
- F. A check-off log for the maintenance of the grease trap must be kept for a minimum of three years and must be provided at the request of the City of Richmond.

12.18.066.05 Grease Interceptors for Treating Fats, Oils and Grease Wastes

- A. Grease interceptors shall be required for new food handling facilities constructed after March 1, 2006.
- B. Grease interceptors are required for food handling facilities that generate FOG when there is remodeling, additions, alterations, or repairs valued at or greater than what is specified in the City's current fee schedule.
- C. Effective March 1, 2006, those food handling facilities operating without a grease interceptor shall, within six (6) months of written notification by the City Engineer, be required to install a grease interceptor if the City Engineer determines that the food service Establishment is not following the Food Handling Facility Requirements set forth in section 12.18.066.03, or that the food service establishment has caused or contributed to a collection system blockage resulting in maintenance requirements and/or sewage spills.
- D. All new grease interceptors shall be designed, constructed and installed in accordance with the current Building and Plumbing Codes adopted by the City and shall be subject to approval by the Building Regulations Department.
- E. All submitted drawings shall be prepared by a licensed and registered professional engineer. Any false information or misleading calculations submitted shall be the responsibility of the user.
- F. All grease interceptors shall be located so as to be readily and easily accessible for cleaning, inspection, and removal of intercepted wastes.
- G. A common grease interceptor shared by multiple businesses can be utilized if specifically authorized by the City Engineer and upon evidence of legal operating and maintenance agreements between the involved property owners.
- H. All grease interceptors shall include an effluent sample box and a sanitary tee located on the discharge side of the sample box of a type and size approved by the Administrative Authority.
- I. Inspection by the Administrative Authority, or an Authorized Inspector, of installed grease interceptors and piping prior to backfilling is required. Piping shall meet the requirements of the current Building and Plumbing Codes adopted by the City.
- J. Grease interceptors shall have a clean-out installed after the sample box on the private lateral as required by the current Building and Plumbing Codes adopted by the City.
- K. Required connections to grease interceptors: all three compartment sinks, scullery (preparation) sinks, floor drains and mop sinks along the cook line, pre-wash sinks at

dishwashing stations, and all other fixtures that contribute grease into the wastewater system.

L. No food service establishment or other identified user shall construct, remodel or convert a grease interceptor without the approval by the Administrative Authority.

M. Prohibited connections or additives to grease interceptors:

1. Final rinse discharge from automatic dishwashers/sanitizers shall not be connected to the grease interceptor.
2. The use of any additive such as surfactants or chemicals shall not be connected to any type of grease interceptor. Chemical additives, such as chlorinated solvents, or any other additives that causes the emulsification of grease, are strictly prohibited from use in any type of grease interceptor.

12.18.066.06 Waivers for treating Fats, Oils and Grease wastes

A. A food handling facility, or business with a process of concern determined to have no immediate adverse impact on the collection system because of business type may be granted a waiver from grease trap or grease interceptor installation requirements.

B. The City Engineer may, at any time, revoke a waiver and require the food handling facility to install a grease interceptor.

C. A grease trap or grease interceptor may not be required for business types listed below:

1. Facilities serving only beverages.
2. Facilities serving beverages and/or ready to eat, packaged or unpackaged items (with or without food warming).
3. Ice cream parlors without any baking or other food preparation.
4. Snack bars with no food preparation other than food warming.
5. Bakeries with no food preparation other than food warming.
6. Other facilities serving only ready-to-eat foods with or without food warming.

12.18.066.07 Enforcement of Fats, Oils, and Grease Program

Failure of any user who is required to maintain a grease interceptor or grease trap pursuant to this Ordinance and/or pursuant to lawful City direction, shall be subject to each of the enforcement provisions set forth in this Ordinance. The enforcement provisions of this Ordinance shall apply to the failure to instruct personnel, or to maintain, pump, and/or institute a proper grease or flammable substance reduction program.

12.18.070 Discharge from home-regenerated water softeners

A. This article shall not prohibit the use of water softener units which:

1. Were installed and in operation on or before January 31, 1966; *and*
2. Are regenerated by the owner at the place of use of the unit.

B. This requirement shall not apply to softener units which are commercially recharged and are not regenerated at the customer's address. The discharge of salt waste from any unit allowed continuance by the provisions of this article shall be prohibited if the existing unit is replaced or repairs are made thereto in excess of fifty percent of the original cost of the unit.

12.18.080 National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards, as set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471, are incorporated into these Municipal Code regulations. The National Categorical Pretreatment Standards for a particular industrial subcategory, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall supersede the limitations imposed under this chapter. The City Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

12.18.090 Specific pollutant limitations

No person shall discharge wastewater containing in excess of:

Substance	Parts per million (ppm) limit
Arsenic	1.0 ppm
Benzene	1.0 ppm
Cadmium	0.5 ppm
Chloroform	1.37 ppm
Chromium, Total	0.5 ppm
Copper	0.65 ppm
Cyanides	0.97 ppm
Halogenated Organics	1.0 ppm
Lead	0.3 ppm
Mercury	0.005 ppm
Nickel	1.0 ppm
Phenols	150.0 ppm
PCBs	0.01 ppm
Silver	1.0 ppm
Tetrachloroethylene	1.0 ppm
Toluene	1.0 ppm
Tributyltin	0.004 ppm
Xylene	1.0 ppm
Zinc	1.0 ppm

12.18.100 State requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those requirements and limitations listed in this chapter.

12.18.110 City's right of revision

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 12.18.010 of this chapter.

12.18.120 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 to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or state.

12.18.130 Accidental discharges

A. Each user will ensure that the POTW is protected from accidental discharge of prohibited materials or other substances regulated by this chapter. Such protection shall be provided and maintained by the user at the owner's or user's own cost and expense. Detailed plans showing facilities and/or operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by June 30, 1988. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the

incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

- B. **Written Notice.** Within five (5) days following an accidental discharge, the user shall submit to the City Engineer detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.
- C. **Notice to Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- D. All users shall notify the Environmental Protection Agency, the state, and the City by June 1, 1991 of any discharge of listed and characteristic hazardous wastes, the constituents of these wastes, and anticipated discharges of such wastes over a calendar month and over one year. This requirement is not applicable to users with discharges of less than 15 kilograms per month of hazardous wastes unless the wastes are acute hazardous wastes.

12.18.140 Fees and charges

In order to recover from the users of the City's wastewater disposal system the cost of implementing the program established by this chapter, the City Council shall adopt, by resolution, fees and charges which may include:

- A. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;
- D. Fees for permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards;
- G. Fees for discharge of stormwater, surface water, groundwater or roof runoff containing pollutants or industrial wastes, or pretreated hazardous wastewater; and/or
- H. **Fats, Oils and Grease Program fees:**
 - 1. Initial Permit Fee as published in the City's current fee schedule
 - 2. Permit Fee for the 4th year as published in the City's current fee schedule.
 - 3. Inspection Fees and re-inspection fee, as published in the City's current Fee Schedule.
- I. **When grease is found in the sewer line:** All food handling facilities or businesses, with processes of concern in the area, shall be inspected and/or videoed by the City. No fee for inspection will be assessed, unless the violations found are significant (inspector's discretion):
 - 1. Any violation found will generate a re-inspection. The Inspection will examine:
 - (a) Grease management program
 - (b) Hauler receipts
 - (c) Training documents
 - 2. Treatment System will be opened to inspect for:
 - (a) BMP violations
 - (b) Plumbing code violations

- (c) Drains not flowing to the treatment on site
 - (d) Grease in lines
 - (e) Waste Storage Area
 - (f) Grease Containers
 - (g) Garbage Containers
 - (h) Ground Contamination
- J. Cost of Inspecting and issuing Notice of Violation (NOV) will be assessed as published in the City's current fee schedule.
- K. Cost of re-inspection 1 violation will be assessed as published in the City's current fee schedule.
- L. Cost of re-inspection for any additional violations will be assessed as published in the City's current fee schedule.
- M. Fees associated with Grinders
1. Food Handling Facilities (FHF) with Grinders and no treatment system a 10% surcharge to the sewer service fee will be added.
 2. Food Handling Facilities (FHF) with Grinders connected to the grease trap is a violation.
 - (a) 5 working days shall be granted to rectify violation
 - (b) If not corrected, then Administrative citations will be issued.
 - (c) The penalties to be imposed shall be \$250 for the first violation, \$500 for the second, \$1,000 for the third and for each violation thereafter.
- N. Blockages determined to be caused by FOG and associated with a responsible party with evidence (i.e. televised recording of the source lateral), shall pay the city for the costs it incurred (equipment and personnel hours plus additional costs if lift stations are impacted with the subject FOG) to clear the line plus 10% when it is the second incident. The responsible party shall be warned subsequent to the first incident of their financial responsibility to the city. The responsible party shall also be liable for all incidental damage to all public and private property resulting from the blockage.
- O. All fees, charges and penalties are due by the property owner.
- P. Other fees as the City may deem necessary to carry out the requirements contained in this chapter.

12.18.150 Wastewater discharges.

It shall be unlawful to discharge any wastewater without a City permit to any outlet defined and governed by Chapter 12.08 of this municipal Code; or to any area under the jurisdiction of the City; or to the POTW, except as authorized by the City Engineer in accordance with the provisions of this chapter.

12.18.160 Wastewater discharge permits.

All industrial users proposing to connect to, or contribute to, the POTW shall obtain a wastewater discharge permit before connecting to, or contributing to, the POTW. All existing significant users connected to, or contributing to, the POTW shall obtain a wastewater discharge permit within 180 days after the effective date of the ordinance codified in this chapter. To businesses which have the potential to contribute industrial wastes, but not the POTW, the City may issue a stormwater discharge permit in lieu of wastewater discharge permit.

12.18.170 Permit application

Users required to obtain a wastewater discharge permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by the prescribed fee. Existing significant industrial users shall apply for a wastewater discharge permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address and location (if different from the address);

- B. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics including but not limited to those mentioned in Section 12.18.060 as determined by a reliable analytical laboratory (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);
- D. Time and duration of contribution;
- E. Documented average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all known sewers, sewer connections and appurtenances by the size, location and elevation;
- G. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- H. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- I. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 1. The schedule shall contain 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 Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.),
 2. No increment referred to in subdivision (L) of this subsection shall exceed 9 months,
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City Engineer including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the City Engineer;
- J. Each product produced by type, amount, process or processes and rate of production;
- K. Type and amount of raw materials processed (average and maximum per day);
- L. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation and pretreatment system;
- M. Any other information as may be deemed by the City to be necessary to evaluate the permit application. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided in this chapter.

12.18.180 Permit modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to

require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by Section 12.18.170, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the City Engineer within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by subsections (H) and (L) of Section 12.18.170.

12.18.190 Permit conditions

Wastewater discharge permits shall be expressly subject to all provisions of this chapter, the standard specifications, and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- B. Limits on average and maximum wastewater constituents and characteristics;
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;
- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- F. Compliance schedules;
- G. Requirements for submission of technical reports or discharge reports (see Section 12.18.230);
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- I. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- J. Requirements for notification of “slug” discharges as per Section 12.18.280;
- K. A requirement that industrial waste be discharged into the sewer system by a connection separate from that by which domestic waste from the same premises is discharged, except that a single connection discharging both industrial waste and domestic waste may be used when it has been determined by the City Engineer that:
 - 1. Industrial waste is a minor and acceptable portion of the sewage,
 - 2. Industrial waste can be kept separate in the plant and pretreated satisfactorily before combining with the domestic waste and
 - 3. Industrial waste is more than a minor portion of the sewage but pretreatment of the combined sewage can be satisfactorily effected;
- L. A requirement that each person discharging industrial waste into the sewer system construct suitable sampling and gauging stations or provide such inspection facilities as may be required by the City Engineer;
- M. A requirement that each person discharging industrial waste into the sewer system, at his own expense, provide and maintain continuously such pretreatment as may be required by the Superintendent;
- N. A provision that the City Engineer, at any time before or after granting a permit, require additional pertinent information from each person discharging industrial waste into the sewer system;
- O. A requirement that the City, its officers, employees and agents not be liable for damages, judgments, costs and expenses which may in any manner accrue against the

City in consequence of the grant of such permit;

- P. A requirement that all new laterals connecting to the main sewer and all new main sewers and extensions must be designed and constructed in accordance with the standard specifications; or
- Q. Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

12.18.200 Permits duration.

Permits shall not be issued for a specified period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in Section 12.18.190 are modified or other just cause exists. The user shall be informed of any proposed changes in the user's permit at least thirty (30) days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

12.18.210 Permit transfer.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

12.18.220 Reporting requirements for permittee.

- A. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following the commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the City Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements.
- B. The report submitted pursuant to this section shall also indicate the average and maximum daily flow for the processing units in the user's facility which are subject to the limits imposed by the Pretreatment Standards or Requirements.
- C. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis, and if not, what additional operations and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements.
- D. The report submitted pursuant to this section shall be signed by the top plant official and shall be certified by including the following statement reports concluding text:

I certify under penalty of perjury 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 gathered and evaluated the information submitted. Based on my examination of the person or persons who managed 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.

- E. For permittees required by the City to continuously monitor pH, any excursion of more than five minutes either over pH 10.0 or less than pH 6.0 shall be a violation unless otherwise stated in the wastewater permit.

12.18.230 Periodic compliance reports.

- A. Any significant industrial user shall report to the City during the months of June and December, a report indicating the nature, concentration, and flow of pollutants in the effluent which are specified by Federal Categorical Pretreatment Standards and its Wastewater Discharge Permit. The report shall follow the signatory and certification statement requirements specified in Section 12.18.220 of this Municipal Code.

In addition, the report submitted pursuant to this section shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported pursuant to Section 12.18.170 (E).

At the discretion of the City Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City Engineer may agree to alter the months during which the above reports are to be submitted.

- B. The City Engineer may impose mass limitation on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (A) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City Engineer, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards.
- C. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, the Code of California Regulations, or Standard Methods for the Examination of Waste and Wastewater.

12.18.240 Monitoring facilities.

- A. The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal draining systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Where constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

12.18.250 Inspection and sampling.

- B. The City shall have access to and shall be allowed to inspect the facilities and records of any user to ascertain whether the purpose of this chapter is being met and whether all requirements are being satisfied. Persons or occupants of premises where wastewater is created or discharged shall allow the City Engineer ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of said City Engineer' duties. The City, state and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

- C. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City and/or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

12.18.260 Pretreatment facilities.

- A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be operated and maintained at the user's expense.
- B. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- C. All preliminary studies, plans and specifications must be prepared by a registered professional engineer retained by the discharger and the plans shall be reviewed and approved by the City Engineer.
- D. The City shall annually publish in the West County Times newspaper or such other newspaper as the Council may designate, a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the preceding 12-month period. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.
- E. All records relating to compliance and Pretreatment Standards shall be made available to officials of the EPA or state upon request.
- F. All significant industrial users shall retain monitoring records for a minimum of three (3) years or for a longer period of time where necessitated by unresolved litigation or when requested to do so by the EPA or by the California Regional Water Quality Control Board.

12.18.270 Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

12.18.280 Harmful contributions--Suspension of service/permit.

- A. The City may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the City, in order to stop any discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes

interference to the POTW, or causes the City to violate any condition of its NPDES Permit.

- B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment of any individuals. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.
- C. The City shall have the authority to obtain a temporary restraining order and/or an injunction to halt or abate any of the above dangerous discharges immediately.

12.18.290 Revocation of permit.

In addition to, or in lieu of, any criminal penalties imposed by this Code, the City Engineer may seek the suspension or revocation of any permit issued pursuant to this chapter if the user:

- A. Violates any of the provisions of this chapter, or applicable state and federal regulations;
- B. Fails to factually report the wastewater constituents and characteristics of his or her discharge;
- C. Fails to report significant changes in operations, or wastewater constituents and characteristics;
- D. Refuses reasonable access to the user's premises for the purpose of inspection or monitoring;
- E. Violates the conditions of the permit;
- F. Makes a false statement in the permit application;
- G. Obtains the permit fraudulently or by making a misrepresentation.

12.18.300 Notification of revocation hearing.

Prior to the revocation or suspension of any permit, a hearing shall be held by the City Manager, or said City Manager's designee. Written notice of the hearings shall be served personally or by registered or certified mail (return receipt requested) on the user at least 10 days before the hearing. The notice shall state the nature of the violation, as well as the time and place of the hearing.

12.18.310 Purpose and conduct of hearing.

The purpose of the hearing is to provide the user with an opportunity to show cause why the permit should not be revoked or suspended. The City Manager shall hear all facts and testimony deemed pertinent and shall not be limited to the technical rules of evidence. The decision of the City Manager shall be final.

12.18.315 Disconnections.

- A. Upon the suspension or revocation of any permit issued pursuant to these regulations, the City Engineer may disconnect from the sewer system any user's premises if the user has failed to make such disconnection or comply with these provisions. Whenever a sewer has been disconnected by the City for failure to comply with these provisions, reconnection may be made only upon issuance of a permit therefore by

the City Engineer. Before such permit is issued, the applicant shall pay the City for the cost of the disconnection made and for the anticipated cost of the reconnection.

- B. Notwithstanding the procedure set forth in Sections 12.18.300, 12.18.310 and 12.18.315(A), the City Manager may require the immediate disconnection or reconnection if said City Manager determines that the public health, safety or welfare are endangered by the sewer connection or absence thereof.

12.18.320 Falsifying information.

- A. No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter.
- B. No person shall knowingly falsify, tamper with or render inaccurate any monitoring device or method required under this chapter.

12.18.330 Enforcement and penalties.

- A. Criminal Penalties. Violations of any of the provisions of this chapter shall be subject to the criminal penalties set forth in Section 1.04.100 of this Code. A violator shall be liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.
- B. Civil Liabilities and Penalties. Any person who intentionally or negligently violates any provision of this chapter or any conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment or toxicity standard, shall be subject to the civil liabilities and penalties imposed by the City for the violation. The civil liability shall be in the sum of at least \$300 but not to exceed \$25,000 for each day in which such violation occurs.
- C. Administrative Fines. Pursuant to Government Code Sections 54740.5 and 54740.6, in lieu of the civil penalties set forth in subsection (B), above, the City may impose administrative fines on any person who intentionally or negligently violates any provisions of this chapter or any conditions set forth in permits duly issued; or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment or toxicity standard. The administrative fines shall follow the formula set forth in Section 12.20.055 of this Code. Any administrative fines imposed pursuant to this section shall be subject to the following procedure:
 - 1. The City may issue an administrative complaint to any person who violates any requirement adopted or ordered by the City pursuant to this chapter. The administrative complaint shall allege the act or failure to act that constitutes the violation of the City's requirements, the Municipal Code provisions authorizing administrative fines to be imposed, and the proposed administrative fine.
 - 2. The administrative complaint shall be served by personal delivery or certified mail on the person subject to the City's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before the City Manager by the City Council. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the City shall not conduct a hearing. A person dissatisfied with the decision of the City Manager may appeal to the City Council within 30 days of notice of the City Manager's decision.
 - 3. If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the City Manager or City Council may assess an administrative fine against that person. In determining the amount of the administrative fine, the City Manager or City Council shall abide by the formula set forth in Section 12.20.055.
 - 4. Unless appealed, orders setting administrative fines shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

5. All moneys collected under this section shall be deposited in a special account of the City of Richmond and shall be made available for the monitoring, treatment, and control of discharges into the City's sanitation or sewer system or for other mitigation measures.
6. The amount of any administrative fines imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the fine. The line provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 688.220, inclusive, of the California Code of Civil Procedure.
7. The City may, at its option, elect to petition the superior court to confirm any order establishing administrative fines and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.
8. No penalties shall be recoverable under this section for any violation for which civil liability is recovered under subsection (b), above.

D. Injunction. Whenever a discharge of waste-water is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the City may petition the Superior Court for the issuance of a temporary restraining order and/or a preliminary or permanent injunction, as may be appropriate in restraining any person from the continued violation of this chapter.

Section II **Severability**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph sentence clause or phrase.

Section III **Effective Date**

This ordinance shall take effect March 1, 2006.

I certify that the foregoing ordinance was passed and adopted by the Council of the City of Richmond, California at a regular meeting held on January 31, 2006, by the following vote:

AYES:	Councilmembers Bates, Butt, Griffin, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson
NOES:	None
ABSTENTIONS:	None
ABSENT:	Councilmember Marquez

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

APPROVED:

IRMA L. ANDERSON
Mayor

APPROVED AS TO FORM:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 8-06 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting held on January 31, 2006, and published in accordance with law.