S E W E R U S E O R D I N A N C E

REGIONAL WATER QUALITY CONTROL PLANT

2501 Embarcadero Way - Palo Alto, California 94303 - 650/329-2598

Operated by the **CITY OF PALO ALTO** for the East Palo Alto Sanitary District,
Los Altos, Los Altos Hills, Mountain View, Palo Alto, and Stanford

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Chapter 16.09

SEWER USE ORDINANCE*

16.09.005 Purpose.

The overall goal of this chapter and the city's water quality control program is to prevent and control pollution and protect and foster human health and the environment. The specific purpose of this chapter is to prevent the discharge of any pollutant into the sewer system, the storm drain system, or surface waters, which would: 1) obstruct or damage the collection system; 2) interfere with, inhibit or disrupt the Palo Alto Regional Water Quality Control Plant (the "plant"), or its treatment processes, or operations, or its sludge processes, use or disposal; 3) pass through the treatment system and contribute to violations of the regulatory requirements placed upon the plant; or 4) result in or threaten harm to or deterioration of human health or the environment. It is the intent of the city to update and modify this chapter as needed to continue to provide a program for pretreatment of industrial wastes which is approved by federal and state regulatory agencies. Therefore this chapter is designed to be no less stringent than the U.S. Environmental Protection Agency "General Pretreatment Regulations for Existing and New Sources of Pollution" published at Title 40 of the Code of Federal Regulations, Part 403, as applicable, and as such regulations may be amended from time to time (hereinafter the "Pretreatment Regulations"). (Ord. 4252 § 1, 1994: Ord. 3889 § 1 (part), 1989)

16.09.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be as defined herein. Words, terms and phrases used in this chapter not otherwise defined shall be as defined or interpreted or used in the Pretreatment Regulations. Terminology for analytical testing shall be that contained in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published at Title 40 CFR, Part 136.

"Annual average concentration" means the average concentration of a substance measured over any twelve-month period of time.

"Average concentration" of a substance means the total daily discharge weight of the substance divided by the total daily wastewater volume at the point of discharge.

"Berm" means a barrier to the flow of liquid which is not rendered ineffective by the liquid and is sufficiently high to contain anticipated fluid amounts, or which causes sufficient grade to prevent migration of anticipated fluid amounts.

"Cesspool" means a lined or partially lined underground pit into which raw sanitary sewage is discharged.

"Collection system" means the pipes, junction boxes, channels and other conveyance apparatus used to move storm water or sewage.

"Cooling system blowdown" means water routinely discharged from a cooling water system to maintain efficient operation of the system.

"Cooling water" means water which is used to cool fluids or equipment in commercial or industrial processes or air conditioning systems.

"Cooling water system" means the pipes, heat exchangers and other appurtenances used to convey cooling water in cooling towers, direct contact cooling systems and similar fixed cooling systems. Multiple units of a cooling water system serving a building or piece of equipment are considered as one system if the cooling water distribution system units are physically connected.

"Contaminated ground water" means water found beneath the earth's surface which does not meet state or federal standards for drinking water supplies or other specified beneficial uses.

"Contaminated water" means water that does not meet state or federal standards for discharge to navigable waters.

"Cycles of concentration" means the flow rate of water added to a cooling tower water system divided by the flow rate of water discharged from a cooling system.

"Discharger" means any person who discharges, causes, or permits the discharge of industrial waste into a city sewer or storm drain.

"Domestic waste" means the liquid and waterborne wastes derived from the ordinary living processes, free from industrial wastes and of such character as to permit satisfactory disposal, without special treatment, into the city's sewer system.

"EPA" means the United States Environmental Protection Agency.

"Exceptional waste" means that subset of industrial waste specified in Section 16.09.020(c)(2).

"Fail-safe valve" means an electrically driven valve that is normally closed. The valve can be opened by continuously depressing a switch mechanism that automatically closes the valve when not in use or depressed.

"Food service facility" means any nonresidential establishment that uses or generates grease when preparing food. Food service facility does not include any facility that prepares food for off-site cooking and consumption, or any facility that does not use, generate or dispose of grease in cooking or preparing food.

"Grease" means, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts and certain fruits. Grease may also be of mineral origin, including kerosene, lubricating oil, and road oil. Grease in the wastewater collection system is generally present as, but need not be, a flotable solid, a liquid, a colloid, an emulsion, or in a solution.

"Grease removal device" means an interceptor, trap or other mechanical device designed, constructed and intended to remove, hold or otherwise prevent the passage of grease to the sanitary sewer.

"Hazardous material" means any material so designated by Title 17 of this code.

"Hazardous waste" means a material designated as a hazardous waste by 40 CFR Part 261 or California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 11.

"Industrial user" means any person that discharges, causes, or permits the discharge of industrial waste into a city sewer or storm drain.

"Industrial waste" means the waste and wastewater from any production, manufacturing or processing operation of whatever nature including institutional and commercial operations where wastewater is used for the removal of waste other than domestic waste. "Industrial waste" shall include contaminated water from construction operations, contaminated water from erosion of disturbed land, and contaminated water from irrigation runoff.

"Instantaneous maximum" means the highest concentration or other measure of pollutant magnitude taken at any discrete point in time.

"Instantaneous minimum" means the lowest concentration or other measure of pollutant magnitude taken at any discrete point in time.

"Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Plant, its treatment processes or operations, or its sludge processes, use or disposal.

"Loading dock" means that area of a facility intended for the loading and unloading of trucks, plus an additional radius of ten feet.

"Machine shop" means a fixed facility which cuts, grinds, polishes, deburs, or machines metal parts but does not conduct metal finishing as that term is defined by the

EPA in 40 CFR part 433.

"Metal fabrication facility" means a fixed facility that forms, welds and assembles metal pieces, but does not conduct metal finishing as that term is defined by the EPA in 40 CFR part 433.

"Oil-water separator" means a receptacle designed and constructed to intercept, separate, and prevent the passage of oils and sediments into the sewer system.

"Once-through cooling system" means a cooling system through which water passes through only once before discharge to a drain, including laboratory benchtop cooling systems.

"Organic solvent" means any solvent which contains carbon in its molecular structure.

"Pass-through" means a discharge that exits the Plant into a water of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Plant's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, firm, association, corporation, or public agency.

"Plant" means the Palo Alto Regional Water Quality Control Plant.

"Point of discharge" means the point or points designated as such in the permit. Where no designation is made it shall mean the point where the private sewer joins a public sewer.

"Pretreatment system" means a treatment system at an industrial or commercial facility that is designed to treat water prior to entering the city's sewer system.

"Sampling location" means an access box, valve, spigot or similar structure from which samples representative of an industrial wastewater discharge from a particular process or processes, piece of equipment, activity, building, or facility are collected.

"Sanitary sewage" or "sewage" means water-carried wastes from residences, business property, institutions and industrial property excluding ground water, surface water, and storm waters.

"Secondary containment" means and shall have the meaning specified by Title 17 of this code.

"Seepage pit" means a device comprised of one or more pits extending into porous strata, lined with open-jointed masonry or similar walls, capped and provided with a means of access such as a manhole cover and into which wastewater disposal system effluent is discharged.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sanitary sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer system" or "sanitary sewer system" means all sewers, treatment plants and other facilities owned or operated by the city of Palo Alto for carrying, collecting, treating, and disposing of sanitary sewage and industrial wastes.

"Significant noncompliance" means violation by an industrial discharger of one or more criteria set forth in 40 CFR 403.8(f)(viii).

"Simple payback period" means the number of years required to allow the dollar value of an investment in water pollution control to be exceeded by cost savings resulting from the investment.

"Slug" means any non-routine discharge that violates any of the specific prohibitions listed in 40 CFR 403.5(b) or Section 16.09.100 of this code.

"Storm drains" or "storm drain system" means the system of pipes and channels used to collect and convey storm water. "Superintendent" means the manager of the Palo Alto Regional Water Quality Control Plant, his or her designee or such other person as may be designated by the city manager.

"Unpolluted water" means water to which no constituent has been added, either intentionally or accidentally, that would

render such water unacceptable for disposal to storm or natural drainage or directly to surface waters.

"Wet sanding" means the use of water and sandpaper for the removal of paint. (Ord. 4760 § 2, 2002: Ord. 4287 § 1, 1995: Ord. 4252 § 2, 1994: Ord. 4070 § 1, 1992: Ord. 3988 § 1, 1990: Ord. 3889 § 1 (part), 1989)

16.09.015 Responsibility of the superintendent.

The superintendent shall be responsible for the administration and enforcement of the provisions of this chapter, for conducting an industrial waste source control program, and for promulgating such orders, rules and regulations as are necessary to accomplish the purpose of this article in accordance with the requirements that are or may be promulgated by the Environmental Protection Agency, the state of California Water Resources Control Board, the State Department of Health Services, the California Regional Water Quality Control Board for the San Francisco Bay Region or other duly authorized boards or agencies. (Ord. 3889 § 1 (part), 1989)

16.09.020 Industrial waste discharge permit.

(a) It is unlawful for any person or organization to discharge or cause to be discharged any industrial waste whatsoever directly or indirectly into the sewer system without first obtaining a permit for industrial waste discharge. Appropriate fees for such permits are specified in a utility rate schedule of the Palo Alto utilities rates and regulations. Furthermore, it shall be unlawful for any person or organization to discharge any industrial waste in excess of the quantity or quality limitations or to violate any other requirement set forth in this chapter or in a permit for industrial waste discharge.

(b) A discharger may submit an advance written request to discharge prohibited wastes not in conformance with this chapter or wastes containing concentrations of substances or characteristics in excess of those permitted by this chapter. Discharge of such wastes shall not be allowed without an exceptional waste permit duly issued.

(c) The superintendent may authorize a discharger by permit to discharge "exceptional wastes" when the permit will neither result in a violation of any of the provisions of this chapter nor cause any of the effects described in Section 16.09.100 of this code nor any violation of the pretreatment regulations. The city shall be compensated for any costs it incurs in authorizing such discharge including any expense in determining whether such discharge is compatible with the sewer system and is in compliance with the pretreatment regulations.

(1) Permission to discharge exceptional waste may either be given as an addendum to a current permit or by a separate permit. In the case of third parties requesting permission to discharge waste generated by another party, or the products of treating waste generated by another party, the waste generator or responsible party must submit a "designation of authorized representative" [DOAR] to the superintendent to authorize the third party to conduct business and sign reports on their behalf. However, certification that the waste as discharged does not constitute a hazardous waste and the permit and permit application must be signed by such waste generator or responsible party.

(2) Exceptional wastes are aqueous wastes that may include but are not limited to: (i) construction site dewatering where soil or groundwater contamination is present, (ii) groundwater contaminated with organic solvents generated as a result of pump tests in preparation for a groundwater cleanup or water generated during sampling events, (iii) aqueous wastes generated by either permanent or mobile hazardous waste treatment units used to treat hazardous waste

at the generator's site, (iv) and aqueous wastes generated as a result of site cleanup activities. A permit must be obtained prior to commencement of discharge, and requests for such permits shall be submitted no later than twenty working days prior to intended discharge. The letter of application shall include the name, address, phone number and title of the responsible party, on-site contact person's name, address, and twenty-four-hour contact phone number, analytical data on the contaminants and characteristics of the intended discharge, the intended point of discharge, the duration and volume, dates of intended discharge, and a site plan.

(3) A separate charge for processing such requests shall be established by the superintendent to recover the city's costs in processing and administering such permits.

(d) The permit for any industrial waste discharge may include, but is not limited to, requiring pretreatment of wastes before discharge; restriction of peak flow discharges, prohibition of discharge of certain wastewater components: restriction of discharge to certain hours of the day; requiring payment of additional charges to defray increased costs to the city created by the wastewater discharge; requiring sampling and monitoring before and during discharge and other conditions as may be required to effectuate the purpose of this chapter. The permit may also require specific investigations or studies to determine methods of reducing toxic constituents in the discharge.

(e) No permit for industrial waste discharge is transferable without the prior written consent of the superintendent. A change of ownership (including a transfer of the majority of shares in a corporate discharger) of the waste generating facility requires a new permit application.

(f) Any person or organization desiring to change the quantity or quality of waste discharged to the sewer system or to discharge wastes or use facilities which are not in conformance with their industrial waste permit shall apply for and obtain an amended permit prior to any such discharge or use. An application for an amended permit must be filed sixty days in advance of the proposed commencement of such discharge or use of such facilities. (Ord. 4642 § 22, 2000: Ord. 4070 § 2, 1992: Ord. 3889 § 1 (part), 1989)

16.09.030 Industrial wastes discharge permit procedure.

(a) Application for Discharge Permit and Determination of Federal Pretreatment Category. Applicants for a permit for any industrial waste discharge shall complete and submit an application form for each point of discharge. The superintendent shall establish the contents of said form and may require additional information on the characteristics of the wastewater discharge beyond that required on the application form. Interested parties shall be notified of the filing of the application via posting at city hall.

Completed application forms shall be filed by the discharger not less than sixty days in advance of commencing discharge. The discharger shall not commence discharge prior to permit approval.

(b) Determination of Pretreatment Category According to the Pretreatment Regulations. Prior to approval of a discharge permit, the superintendent shall determine whether the discharge is subject to the categorical standards provided in the pretreatment regulations. The determination will be made by the superintendent following the guidelines and procedures of that subpart.

(c) The superintendent may impose terms and conditions on the permit which the superintendent deems reasonable or necessary to carry out the purposes of this chapter. The application shall be approved if (1) the applicant has complied with all requirements of this chapter and all applicable city ordinances, state and federal regulations; (2) the applicant has furnished

all requested information; (3) the city determines that there are adequate devices, equipment, chemicals, and other facilities to sample, meter where desirable, convey, treat, and dispose of the industrial wastes; and (4) the person(s) to be responsible for treatment and control are adequately trained and capable of consistently meeting permit requirements.

(d) Interested parties shall be notified of the issuance of permits via posting at city hall. Interested parties and other members of the public may appeal the issuance of a permit within forty-five days of issuance and request a hearing on the matter. The hearing procedures contained in Section 16.09.050 shall be followed. The permit effective date shall not be postponed solely because of the filing of an appeal. (Ord. 3889 § 1 (part), 1989)

16.09.031 Requirements for facilities affected by categorical pretreatment standards.

In the event that an industrial waste discharge permit holder or applicant is determined to be affected by a newly promulgated categorical waste discharge standard or an existing discharge permit holder is reclassified as being subject to the categorical standards provided in the pretreatment regulations due to process changes, or an inspection reveals the presence of regulated processes, or new information becomes available that justifies or requires a reclassification, the discharger shall, within ninety days of the effective date of a categorical standard or reclassification, file a baseline monitoring report [BMR]. If additional pretreatment, operational, or maintenance procedures, or installation of facilities, equipment or improvements will be required to comply with the categorical standard, the discharger shall include a compliance time schedule which specifies the shortest feasible schedule by which the discharger will provide such additional pretreatment procedures or facilities, equipment or improvements to attain compliance. For purposes of pretreatment regulations, the completion date in this schedule shall not be later than the established compliance date provided by the applicable pretreatment regulations. (Ord. 4760 § 3, 2002: Ord 3889 § 1 (part), 1989)

16.09.032 Requirements for newly constructed, remodeled or converted commercial and industrial facilities.

(a) Dischargers of industrial waste from newly constructed, remodeled or converted commercial and industrial facilities shall be in full compliance with the provisions of this chapter at the time of commencement of discharge. Dischargers from newly constructed, remodeled, or converted commercial and industrial facilities, upon request of the superintendent, shall complete a waste minimization study in accordance with guidelines published by the superintendent, and shall certify that measures have been taken to minimize toxic constituents in the discharge.

(b) The owner of every newly constructed, remodeled, or converted commercial or industrial facility shall comply with the following requirements. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled or converted is related to the subject of the requirement:

(1) Interior (indoor) floor drains to the sewer system may not be placed in areas where hazardous materials, hazardous wastes, industrial wastes, industrial process water, lubricating fluids, vehicle fluids or vehicle equipment cleaning wastewater are used or stored, unless secondary containment is provided for all such materials and equipment. The superintendent may allow an exception to this requirement under the following circumstances:

(A) When the drain is connected to a

wastewater treatment unit approved by the superintendent;

(B) (For safety showers) When the drain is installed with a temporary plug which remains closed except when the shower is in use, or when the drain is protected from spills by either a covered sump or berm system. If a sump is used, the capacity shall be at least as large as the largest chemical container in the laboratory;

(C) (For industrial process equipment) If the equipment does not contain hazardous waste and if all floor drains are equipped with fail-safe valves which shall be kept closed during periods of operation.

(2) Exterior (outdoor) drains may be connected to the sewer only if the area in which the drain is located is covered or protected from rainwater run-on by berms and/or grading, and appropriate wastewater treatment approved by the superintendent is provided. Any loading dock area with a sanitary sewer drain shall be equipped with a fail-safe valve, which shall be kept closed during periods of operation.

(3) Interior floor drains shall not be connected to the storm drain.

(4) Exterior drains shall be connected to the storm drain. Such connections shall not be permitted within the following areas:

(A) Equipment or vehicle washing areas;

(B) Areas where chemicals, hazardous materials, or other uncontained materials are stored unless secondary containment is provided;

(C) Equipment or vehicle fueling areas or fluid changing areas;

(D) Loading docks where chemicals, hazardous materials, grease, oil, or waste products are handled.

(5) Fueling areas shall have impermeable floors and rain covers that extend a minimum of ten feet in each direction from each pump. Fueling areas shall be designed to prevent water runon to the covered area.

(6) Roof drains may discharge to the storm drain system, provided that all roof equipment, tanks, and pipes containing other than potable water, cooling system water, or heating system hot water have secondary containment.

(7) Boiler drain lines shall be connected to the sewer system and may not be discharged to the storm drain system.

(8) Condensate lines shall not be connected or allowed to drain to the storm drain system.

(9) Copper, copper alloys, lead and lead alloys, including brass, shall not be used in the sewer lines, connectors, or seals coming in contact with sewage, except for sink traps and associated connecting pipes.

(10) Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas. The superintendent may allow a drain for work areas (but not for hazardous storage areas) if the secondary containment area is covered and if the drain is connected to a wastewater treatment facility approved by the superintendent.

(11) Sacrificial zinc anodes are not permitted to be in contact with the water supply in a water distribution system.

(12) Aspirators connected to laboratory sink faucets are prohibited; however, aspirators designed and used for transferring acids and bases from stationary permanent laboratory sinks to treatment facilities shall be allowed.

(13) Laboratory countertops and laboratory sinks shall be separated by a lip which prevents hazardous materials spilled on the countertop from draining to the sink.

(14) Sewer traps below laboratory sinks shall be made of glass or other approved transparent materials to allow inspection and to determine frequency of cleaning. Alternatively, a removable plug for cleaning the trap may be provided, in which case a cleaning frequency shall be established by the superintendent. In establishing the

cleaning frequency, the superintendent shall consider the recommendations of the facility. The superintendent will grant an exception to this requirement for areas where mercury will not be used; provided, that in the event such an exception is granted and mercury is subsequently used in the area, the sink trap shall be retrofitted to meet this requirement prior to use of the mercury.

(15) Swimming pool discharge drains shall not be connected directly to the storm drain system or to the sewer system. When draining is necessary, a hose or other temporary system shall be directed into a sewer (not storm drain system) clean out. A sewer clean out shall be installed in a readily accessible area.

(16) Food service facilities shall have a sink or other area for cleaning floor mats, containers, and equipment, which is connected to a grease interceptor and the sanitary sewer. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. After January 1, 1996, new buildings constructed to house food service facilities shall include a covered, area for a dumpster. The area shall be designed to prevent water runon to the area and runoff from the area. Drains that are installed beneath dumpsters serving food service facilities, shall be connected to a grease removal device.

(17) If installed, parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every twelve months or more frequently if recommended by the manufacturer or the superintendent. Oil/water separators shall have a minimum capacity of 100 gallons. (Ord. 4760 § 4, 2002: Ord. 4252 § 3, 1994: Ord. 3889 § 1 (part), 1989)

16.09.033 Reporting requirements for all permitted dischargers.

All permit holders shall be required to submit periodic reports to the superintendent. Specific reporting requirements shall be specified in the permit, or in compliance directives or in notices of violation, but the minimum reports required for all permitted dischargers of nondomestic waste are as follows:

(a) Baseline monitoring reports (BMR);

(b) Compliance reports which shall be submitted within ninety days of the compliance date calculated pursuant to the applicable pretreatment standards or local standards. These reports shall state whether applicable standards or requirements are being met on a consistent basis;

(c) Periodic reports of continued compliance [PRCC] shall be submitted semiannually. These reports shall indicate whether applicable pretreatment standards and/or local discharge standards have been met during the reporting period.

(d) Permitted dischargers shall keep records of monitoring activities and results for all monitoring required by the superintendent for a minimum of three years.

Failure to submit required reports by the specified due date shall be considered a violation of the provisions of this chapter. (Ord. 4760 § 5, 2002: Ord. 3889 § 1 (part), 1989)

16.09.035 Personnel orientation.

(a) Holders of industrial waste discharge permits shall take necessary steps to inform appropriate personnel employed by such permit holders of the provisions of this chapter.

(b) Such personnel shall include workers and supervisors whose duties pertain in any manner to the production or removal of waste discharges regulated by this chapter.

(c) Steps to inform such personnel shall include:

(1) Orientation of newly employed or assigned personnel;

(2) Annual orientation of all appropriate personnel; and

(3) Posting of work stations with signs or equally effective methods of indicating approved methods for disposition of wastes and reporting requirements and instructions for accidental spills and increased loadings. (Ord. 3889 § 1 (part), 1989)

16.09.040 Modification, suspension or revocation of industrial wastes discharge permit.

(a) Any permit for industrial wastes discharge may be revoked, made subject to additional terms or conditions, modified or suspended by the superintendent in addition to other remedies provided by law, when such action is necessary in order to stop a discharge or a threatened discharge which presents a hazard or a threat of hazard to the public health, safety, welfare, natural environment, sewer system, or which violates this chapter, or which action is intended to implement programs or policies required or requested of the city by appropriate state or federal regulatory agencies.

(b) Any discharger notified of the city's intent to revoke, make subject to additional terms or conditions, modify, or suspend the discharger's permit shall immediately comply with directives of the superintendent or cease and desist the discharge of all industrial wastes or such portion of said wastes as will eliminate the wrongful discharge to the sewer system pending any hearing that the discharger may request as set forth in Section 16.09.050 of this chapter.

(c) The superintendent shall reissue or reinstate any industrial wastes permit or modified permit upon proof of satisfactory ability to comply and/or compliance with all discharge requirements, and the payment of any costs, fines, or penalties which may be assessed. The superintendent may require any permit holder to develop and implement a compliance schedule for any proposed modification to permit terms and conditions. (Ord 3889 § 1 (part), 1989)

16.09.050 Permit issuance, denial, modification, revocation, or suspension hearing.

(a) Every industrial waste discharger shall have at its request, a hearing before the city manager, or his designee, before the industrial wastes permit application is issued, denied, or the permit is revoked, made subject to additional terms or conditions, modified or suspended.

(b) The superintendent shall give the industrial waste discharger applicant or permit holder ten calendar days' written notice of intent to issue or deny the application or to revoke, make subject to additional terms or conditions, modify or suspend the discharger's permit. The superintendent shall post a copy of such notice at city hall for interested persons. The notice shall set forth specifically the grounds for the superintendent's intention to deny, revoke, or suspend and shall inform the applicant or permit holder or members of the public that they have ten days from the date of receipt of the notice to file a written request for a hearing. The application shall be issued or denied or the permit shall be revoked, modified or suspended if a hearing request is not received within the ten-day period.

(c) If the applicant or permit holder or interested party or parties file(s) a timely hearing request, the city manager, or his designee, shall within ten calendar days from the receipt of the request, set a time and place for the hearing. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues and to be represented by counsel. The decision of the city manager, or his designee, whether to issue or deny the application or revoke, make subject to additional terms and

conditions, modify or suspend the permit shall be final.
(Ord. 3889 § 1 (part), 1989)

16.09.060 Waste sampling locations.

Every establishment from which industrial wastes are discharged to the sewer system shall provide and maintain one or more sampling locations or metering devices or volume and flow measuring methodologies or other sampling and measuring points approved by the superintendent which will allow the separate measuring and sampling of industrial and domestic wastes. The superintendent may approve sampling locations and measuring devices or methodologies which will permit the combined sampling and measuring of industrial and domestic wastes only for establishments discharging prior to the effective date of the ordinance codified in this chapter. Unless otherwise approved by the superintendent, domestic and industrial wastes shall be kept completely separated upstream of such sampling locations and/or measuring points. Establishments that are billed for sewer service on the basis of sewage effluent constituents shall provide a suitable means for sampling and/or measurement of flow to determine billing constituents in accordance with the utilities rules and regulations. Sampling locations shall be so located that they are safe and accessible to city inspectors at any reasonable time during which discharge is occurring.
(Ord. 4760 § 6, 2002: Ord. 3889 § 1 (part), 1989)

16.09.061 Discharger monitoring.

(a) The superintendent, or his or her authorized representatives, may conduct all inspection, surveillance, and monitoring procedures necessary to assure compliance with applicable sections of this chapter or with federal or state regulations.

(b) Representatives of the superintendent shall be authorized to enter, without unreasonable delay, any premises of any discharger to carry out inspections, surveillance and monitoring to assure compliance with this chapter and applicable federal, state of California, and county of Santa Clara regulations. Records shall be available to city personnel for inspection and copying.

(c) In addition to any other remedy available to the city, city inspectors may issue compliance directives at the time of the inspection to require the discharger to implement actions that will correct violations of this chapter or the permit. Such directive shall be considered as an additional condition on the dischargers' permit and may be reviewed as provided in Section 16.09.050.

(d) Prior to final closure of any industrial facility, the superintendent may require inspection and/or testing of the facility's sanitary sewer lines to ensure that the integrity of the sewer lines has not been compromised and to determine the quantity and pollutant content of sediments. Inspection and/or testing to ensure the integrity of sewer lines may be required when the facility's discharge history includes pH fluctuations, or when past discharges may have compromised or call into question the integrity of the sewer lines. Inspection and/or testing to determine the quantity and pollutant content of sediments may be required when the facility's type of operations and pollutant content of discharges make the presence of contaminated sediments likely. Inspection and testing may include, but not be limited to, pressurized testing, smoke testing, video camera inspection, and/or analytical testing of sediments for pollutants regulated by the facility's discharge permit. Where contaminated sediments or compromised sewer lines are identified, responses may include, but not be limited to, requiring replacement of compromised sewer lines and requiring removal of contaminated sediments from sewer lines. In lieu of

analytical testing, facilities may elect to remove sediments from sewer lines in a manner approved by the superintendent. For the purposes of this section, "final closure" means closure of an industrial facility when an entire building is being vacated by the current operator, or when the uses of an entire building will no longer include use of hazardous materials.
(Ord. 4760 § 7, 2002: Ord. 3889 § 1 (part), 1989)

16.09.070 Trucker's discharge permit.

(a) All persons operating vacuum or "cesspool" pump trucks or other liquid waste transport trucks desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, or other liquid wastes to the sewer system shall first acquire a truckers discharge permit.

(b) Truck transported industrial wastes shall be discharged only at the locations specified by the superintendent for the specific waste. The city shall require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes in accordance with city of Palo Alto's utilities rules and regulations. Denial, suspension, or revocation of such permit shall be in accordance with Sections 16.09.040 and 16.09.050 of this chapter.

16.09.075 Limitations on point of discharge.

No person shall discharge any substances directly into a manhole or other opening in a city sewer, other than through an approved building sewer, or other location approved by the superintendent.
(Ord. 3889 § 1 (part), 1989)

16.09.080 Confidentiality.

(a) Any information submitted to superintendent pursuant to this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. Information submitted prior to the inclusion of this section in the chapter may be withdrawn and replaced by submittals stamped "confidential business information." If no such claim is made at the time of submission or within ninety days after this section becomes effective, the information may be made available to the public without further notice.

Upon receipt of a request for the release of information to the public which includes information which the discharger has notified the superintendent is claimed to be a trade secret as provided herein, the superintendent shall notify the discharger in writing of the request by certified mail, return receipt requested. The superintendent shall release the information to the public, but not earlier than thirty days after the date of mailing the notice of the request for information, unless, prior to the expiration of the thirty-day period, the discharger files an action in an appropriate court for a declaratory judgment that the information is subject to protection under the laws of the state of California or for an injunction prohibiting disclosure of the information to the public and promptly notifies the superintendent of that action. This section does not permit a discharger to refuse to disclose the information required pursuant to this chapter to the superintendent.

(b) Information and data provided to the superintendent pursuant to this section which constitutes effluent or flow data shall be available to the public without restriction.

(c) A discharger may be prohibited from discharging a substance unless its composition is made known to the superintendent.
(Ord. 3889 § 1 (part), 1989)

16.09.090 Accidental discharge prevention.

Each discharger shall provide adequate protection to prevent accidental discharge of

hazardous or prohibited materials, slugs, or other wastes regulated by this chapter. Where directed by the superintendent, or his designee, the discharger shall install retention basins, dikes, storage tanks, or other facilities in conformance with Chapter 17.12 designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or wastes which may be accidentally discharged in violation of this chapter.
(Ord. 4760 § 8, 2002: Ord. 3889 § 1 (part), 1989)

16.09.091 Storage of hazardous materials above sinks.

No person shall store hazardous materials above a sink that is connected to the sewer in a commercial or industrial facility. The superintendent may allow an exception for facilities existing as of January 1, 1995, when the hazardous materials are secondarily contained and when constrained to prevent accidental spills caused by earthquakes and other occurrences. (Ord. 4252 § 4, 1994: Ord. 4070 § 3, 1992)

16.09.095 Discharger self-monitoring.

(a) As a condition of discharge, the superintendent may require the discharger to conduct a sampling and analysis program of discharger's industrial waste of a frequency and type required by the superintendent to demonstrate compliance with the requirements of this chapter. The discharge permit shall specify the minimum frequency and type of samples, flow monitoring, measuring, and analyses to be conducted by the discharger. The permit may also specify the type of sampling equipment and flow monitoring equipment that must be installed and used. Flow monitoring equipment installed at a permitted discharger's sampling locations shall be calibrated at a frequency of at least once per year or at the frequency recommended by the manufacturer. pH monitoring equipment installed at a permitted discharger's sampling locations shall be calibrated at a frequency of at least once every six months or more frequently if recommended by the manufacturer. The required self-monitoring program will depend on factors such as flow, potential for the discharge to cause interference, pass-through, or upset of treatment processes, pollutants present, and prior compliance history (if any) of the discharger. Additional monitoring may be required by the superintendent for violation follow-up, assisting the city in evaluating effects of the discharge, or as part of a compliance directive or notice of violation.

Information to be included in reports of self-monitoring, and acceptable sampling and analytical methods are specified in 40 CFR 403.12(g) and 40 CFR 136. Discharge permits may require the discharger to conduct self-monitoring using specific analytical methods with specified detection limits to provide information on pollutant mass loading. Samples shall be analyzed at the discharger's expense, by a laboratory accredited by the State of California Department of Health for such analysis. The detection limit used by the discharger for those substances reported as nondetectable shall be no greater than one-tenth the lowest applicable effluent limit.

(b) The self-monitoring reports and notices required by the pretreatment regulations shall be submitted to the superintendent or his designee on the dates specified.

(c) The superintendent may require self-monitoring for facilities for which a permit has not been issued. In addition, the superintendent may require investigations or studies to determine methods of reducing toxic constituents in the discharge. The superintendent may also request that information be submitted within a reasonable time concerning the chemical or biological constituents of any substance or chemical product that could potentially be discharged to the sewer system or the storm drain system or which the superintendent

determines may, alone or in accumulation with other discharges, contribute to a violation by the plant of any applicable water quality standards or of any of its NPDES permits or contribute to an upset of plant processes. (Ord. 4760 § 9, 2002: Ord. 4252 § 5, 1994: Ord. 3889 § 1 (part), 1989)

16.09.100 Prohibitions.

Wastes discharged into the sewer system shall not have characteristics which by themselves or by interaction with other wastes may:

(a) Endanger the health and safety of the public or city personnel;

(b) Cause damage to the sewer system;

(c) Create nuisance such as odors or coloration;

(d) Result in extra cost of collection, treatment, or disposal;

(e) Interfere with, inhibit or disrupt any wastewater treatment process of the plant, its treatment processes, sludge processes, or operations in such manner to cause violations of the plant's NPDES permit, or any regulatory requirement, or result in the use of sludge in noncompliance with any applicable requirements. This shall include instances due to flow rate and/or pollutant concentration and applies to increases in magnitude or duration of violation by the plant;

(f) Exit the plant into waters of the United States in quantities or concentrations which contribute to a violation of any regulatory requirement applicable to the plant. This shall include increases in magnitude or duration of any violation or period of noncompliance;

(g) Cause the temperature of the influent flow to the plant to exceed 40§C (104§F);

(h) Prevent, hinder, delay, or impede compliance with effluent quality requirements established by regulatory agencies, or exceed the same;

(i) Cause wastewater quality to fall outside reclamation feasibility limits.

(Ord. 3889 § 1 (part), 1989)

16.09.101 Root control chemicals.

No person shall discharge, dispose of or add to the sanitary sewer system any substance containing greater than five percent copper by weight, to control roots or for any other purpose. No person shall discharge, dispose or add to the storm drain system any substance to control roots. (Ord. 4760 § 10, 2002: Ord. 4252 § 6, 1994: Ord. 4070 § 4, 1992)

16.09.102 Grease disposal prohibited.

No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway. (Ord. 4070 § 5, 1992)

16.09.103 Grease removal device required -- Garbage disposers prohibited.

(a) The owner of every newly constructed, remodeled, or converted commercial or industrial facility with one or more grease generating activities, including food service facilities with new or replacement kitchens, for which a building permit is issued on or after January 1, 1992, shall install or cause to be installed a grease interceptor for each grease generating activity, of a size equal to or greater than the minimum size meeting the definition of "grease interceptor," as set forth in Section 209 of the 1997 Uniform Plumbing Code or the equivalent section of a subsequently adopted edition of the California Plumbing Code.

(b) The owner of every commercial or industrial generator of grease, including food service facilities, serviced by a sewer collection line found to have a grease blockage, a history of grease blockage, or accelerated line maintenance resulting from grease disposal shall install or cause to be installed, upon notification by the superintendent, a grease removal device.

(c) The owner of every commercial or industrial generator of grease, including food service facilities, for which installation of grease removal devices is not required pursuant to subsection (a) or (b) of this section, shall install or cause to be installed a grease removal device for each grease generating activity, on or before January 1, 1997.

(d) All grease removal device(s) shall be installed on the premises where grease is used or generated and shall be sized in conformance with Chapter 10 of the 1997 Uniform Plumbing Code or the equivalent section of a subsequently adopted edition of the California Plumbing Code. The contents of all grease removal devices shall be removed periodically as necessary to prevent violations of this chapter. At a minimum, the contents shall be removed every six months. All grease removal devices shall be kept in good repair, and shall be maintained in continuous operation. A log of all grease removal activities shall be maintained at the facility showing the date of removal, the amount removed and the disposition of the removed contents. The log shall be retained for a period of three years, and shall be available for inspection by city inspectors upon request.

(e) Effective January 1, 2003, the installation of any food waste disposer (grinder) at any food service facility with one or more grease generating activities is prohibited.

(f) Effective January 1, 2007, no food service facility with one or more grease generating activities shall utilize a food waste disposer (grinder) for the purpose of food waste disposal to the sanitary sewer. (Ord. 4760 § 11, 2002: Ord. 4070 § 6, 1992)

16.09.104 Zinc-containing floor finishes.

After January 1, 2003, no person shall discharge or dispose to the sanitary sewer any zinc-containing floor finish or a stripper solution that has been used for the stripping of a zinc-containing floor finish, except when the solutions have been treated in a wastewater treatment unit approved by the superintendent for removal of zinc. For the purposes of this section, zinc-containing floor finishes shall be defined as floor finish solutions containing greater than 0.01% zinc by weight.
(Ord. 4760 § 12, 2002)

16.09.105 Unpolluted water.

(a) Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system unless a permit is issued by the city. As used in this section, unpolluted water shall include stormwater from roofs, yards, foundation or underdrainage, which meets all state and federal requirements for discharge to surface waters of the United States. The city may approve the discharge of such water to the sewer system only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into the sewer system, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the superintendent.

(b) After January 1, 2003, non-emergency discharges greater than 200 gallons per day from once-through cooling systems using potable water as a coolant shall not be discharged to the sanitary system; provided, that the superintendent may approve an exception in the following instances: (1) for once-through cooling water used for benchtop reflux or distillation or other similarly sized activity or (2) for short term use only, upon the determination that the use is for a research activity for which another source of cooling is not easily available.

(c) After January 1, 2006, non-emergency discharges of any amount from once-through cooling systems using potable water as a coolant shall not be discharged to the sanitary system; provided, that the superintendent may approve an exception in the following instances: (1) for once-through

cooling water used for benchtop reflux or distillation or other similarly sized activity or (2) for short term use only, upon the determination that the use is for a research activity for which another source of cooling is not easily available. (Ord. 4760 § 13, 2002: Ord. 4252 § 7, 1994: Ord. 3889 § 1 (part), 1989)

16.09.106 Storm drains -- Prohibited discharges.

(a) It shall be unlawful to discharge any domestic waste or industrial waste into storm drains, gutters, creeks, or San Francisco Bay. Unlawful discharges to storm drains shall include, but not be limited to, discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; vehicle cleaning; construction activities, including, but not limited to, painting, paving, concrete placement, sawcutting and grading; swimming pools; spas; and fountains, or substances added to the storm drain to control root growth, unless specifically permitted by a discharge permit or unless exempted pursuant to guidelines published by the superintendent.

(b) It shall be unlawful to cause hazardous materials, domestic waste or industrial waste to be deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters, creeks or San Francisco Bay. A "threatened discharge" is a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources. Domestic or industrial wastes that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

(c) Interior floor drains shall not be connected to storm drains.

(d) Exterior drains located in the following areas shall not be connected to storm drains:

(1) Equipment or vehicle washing areas;

(2) Areas where equipment fluids are routinely changed;

(3) Areas where hazardous materials, chemicals or other uncontained materials that are easily transported by wind or water are stored and are not secondarily contained; or

(4) Loading dock areas, except that loading dock drains to the storm drain system may be allowed if a valve or equivalent device is provided, which remains closed except when it is raining.

Secondary containment shall be provided for any rooftop equipment, tanks or pipes containing other than potable water, cooling water, heating system hot water, steam, water condensate or equivalent substances, which the superintendent determines will otherwise cause a probable discharge to the storm drain system.

(e) After January 1, 2003, new buildings, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be designed to prevent water runon to the area and runoff from the area.

(f) After January 1, 2003, new multi-family residential development projects with 25 or more units shall provide a covered area for occupants to wash their vehicles. A drain shall be installed to capture all vehicle washwaters and shall be connected to an oil/water separator prior to discharge to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every six months or more frequently if recommended by the manufacturer or the superintendent. Oil/water separators shall have a minimum capacity of 100 gallons.

(g) Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent. (Ord. 4760 §

14, 2002: Ord. 4252 § 8, 1994: Ord. 3988 § 2, 1990)

16.09.110 Standards.

The following standards shall apply to all discharges to the sewer at a designated sampling location determined by the superintendent to be consistent with the dilution prohibition contained in Section 16.09.121:

(a) The categorical standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471 shall apply to all applicable sources. The definitions and procedures for establishing individual effluent limitations shall be as specified therein. Nothing in this chapter shall be construed as allowing less stringent limitations.

(b) Local limitations, in addition to those specified in this section, shall be developed by the superintendent based upon the prohibitions contained in Section 16.09.100. These limitations will be imposed on appropriate dischargers via industrial waste discharge permits or modifications to existing permits.

(c) In addition to the requirements of (a) and (b) above, the following requirements shall apply where they are more stringent:

Parameter	Average Concentration	Instantaneous Max.	Instantaneous Min.
Oil & grease* (mg/l)	–	20	–
Oil & grease (total) (mg/l)	–	200	–
Suspended solids (mg/l)	3000	6000	–
Total dissolved solids (mg/l)	5000	10000	–
Temperature, (Degrees F)			–
< 30 gpm & < 30 minutes		150 F	
All other times		120 F	
Fluoride (mg/l)	65	65	
pH**		11.0	5.0

* Gravity separation at a temperature of 20ºC. and a pH of 4.5.

** Where the pH is monitored continuously, no individual deviation from the above range shall exceed twenty minutes in length for discharges less than ten thousand gallons per day nor ten minutes in length for dischargers greater than ten thousand gallons per day. The total time of deviations during any seven calendar day period shall not exceed a total of sixty minutes. Any pH reading less than or equal to 2.0 or greater than or equal to 12.5 is prohibited.

(d) Dyes. Wastes showing excessive coloration shall not be discharged into the sewer system. Excessive coloration shall be defined as any coloration in a waste which, for any wave length, displays less than sixty percent of the light transmissibility of distilled water under the following conditions:

(1) After filtration through a 0.45 micron membrane filter;

(2) In the pH range of 5.5 to 11.0;

(3) Through a one centimeter light path;

(4) A maximum spectrum band width of 10 nanometers;

(5) Through the wave length range from four hundred to eight hundred nanometers.

(e) Explosives. No solids, liquids, or gases which by themselves or by interaction with other substances may create fire or explosion hazards, including wastestreams with a closed cup flashpoint of less than 140° F. (60° C.) shall be discharged. Flammable substances including, but not limited to, acetone, alcohols, benzene, gasoline, xylene, hexane and naphtha, shall not be discharged into the sewer system except where present in contaminated groundwater discharges being discharged under an exceptional waste permit issued by the city. Where groundwater discharges contain such contaminants, the discharger shall monitor the sewer atmosphere for explosivity and flammability using a properly calibrated meter designed for the purpose. The frequency of such monitoring shall be defined in the permit. Whenever ten percent of the lower explosive level is exceeded, the discharger shall immediately

notify the superintendent of the potential hazard in the sewer within fifteen minutes of making the determination of threatened explosivity. The discharger shall follow verbal notification with a written explanation of the cause of the explosive hazard within five working days, with corrective actions taken to alleviate the situation and measures taken to prevent a reoccurrence. The discharger shall not recommence without prior written approval of the superintendent or his designated representative. Where flammable substances are used in processes, separate collection and disposal outside the sewer system shall be provided.

(f) Oil and Grease. Oil and/or grease shall not be discharged into the sewer system if the average concentration of flotable oil and/or grease (defined as that which is subject to gravity separation at a temperature of 20° C. and at a pH of 4.5) exceeds twenty mg/liter; nor shall the total oil and/or grease concentration exceed two hundred mg/liter. In addition, the discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through, as defined by EPA regulations, shall be prohibited.

(g) Hazardous, Noxious or Malodorous Substances. No industrial waste shall be discharged which alone or in combination with other wastes may create a public nuisance or hazard, make human entry into the sewers unsafe, or which constitutes a discharge of hazardous waste.

Permitted dischargers shall be required to certify at least every six months in their Periodic Report of Continued Compliance (PRCC) that their waste does not constitute a hazardous waste, and that during the previous six months no discharge of hazardous waste has occurred. Dischargers shall be required (as a condition to permission to discharge) to file with the Palo Alto fire department a current hazardous materials management plan (HMMP) pursuant to Title 17 of this code and to have on site copies of material safety data sheets for all hazardous materials stored, generated, or used at the discharger's site. Should any discharge of a hazardous waste occur, the discharger shall verbally notify the EPA, the Regional Water Quality Control Board and the superintendent as soon as possible, but in no event later than twenty-four hours after such discharge.

Appropriate records of hazardous waste disposal manifests, inventories of stored virgin and used hazardous materials, and other documentation required by the HMMP shall be kept and made available for inspection and/or copying at the city's request.

Mercaptans and dissolved sulfides shall not be discharged in concentrations exceeding 0.1 mg/liter.

(h) Organic Solvents. Except as permitted by other sections of this chapter, the sewer shall not be used as a means of disposal for organic solvents. Wastewater discharged to the sewer shall not contain a sum total greater than one thousand milligrams per liter of acetone, ethanol, methanol, or isopropyl alcohol, in any combination. Dischargers having organic solvents on site or using same shall provide and use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer. An approved solvent management plan to prevent entry to the sanitary sewer and accidental spill prevention plans shall be filed by the discharger as a condition of permission to discharge to the sanitary sewer. Records of appropriate disposal and handling shall be maintained by the discharger and shall be available for inspection and copying by city personnel.

Organic solvents shall include, but shall not be limited to, those used in dry cleaning establishments, and shall also include separator water generated by dry cleaning equipment. Neither the organic solvent nor

the separator water may lawfully be discharged to the sewer or storm drain system.

(i) Total Toxic Organics. The prohibition against disposal of organic solvents contained in 16.09.110(h) may be replaced by a specific limitation on total toxic organics (TTO). Any such limitation must be contained in an industrial waste permit and either based on the appropriate categorical standard of the pretreatment regulations or the following:

Total toxic organics (TTO) is the sum of all quantifiable values greater than 0.01 mg/l from the list of toxic organic pollutants contained in 40 CFR Part 433.11(e). The sum of the TTO shall be less than 1.0 mg/l as an instantaneous maximum. No individual toxic organic compound (except for phenol) shall exceed 0.75 mg/l as an instantaneous maximum. These limitations are subject to change in the future as the requirements placed on the plant become more stringent and as the process for establishing the industrial waste limitations is refined.

(j) Radioactivity. The discharge of radioactive wastes into the sewer system shall conform to the requirements of California Radiation Control Regulations, Title 17, California Code of Regulations, Chapter 5, Subchapter 4, and as subsequently amended.

(k) Solids. No material shall be discharged to the sanitary sewer that will obstruct or damage the collection system, treatment system, or appurtenances. Specific prohibitions are as follows:

(1) Inert Solids. The discharge of inert solids including, but not limited to sand, glass, metal chips, bone, plastics, etc., into the sewer is prohibited. Settling chambers or treatment works shall be installed where necessary to prevent the entry of inert solids into the sewer system.

(2) Solid Particles. Industrial wastes shall not contain particulate matter that will not pass through a one-half-inch screen; this subsection shall not apply to domestic sewage from industrial establishments.

(l) Stored Liquid Wastes. Liquid aqueous-based wastes that have been collected and held in tanks or containers shall not be discharged into the sewer system except at locations authorized by the superintendent to collect such wastes. Wastes of this category include but are not limited to:

(1) Chemical toilet wastes;

(2) Industrial wastes collected in containers or tanks;

(3) Pleasure boat wastes;

(4) Septic tank pumping;

(5) Trailer, camper, housecar, or other recreational vehicle wastes.

(m) Toxicity. The following is a nonexclusive list of toxic substances and the maximum concentration allowed for each discharge:

Toxicant	**Instantaneous Maximum Concentration Allowable**
Arsenic	0.1 mg/liter
Barium	5.0 mg/liter
Beryllium	0.75 mg/liter
Boron	1.0 mg/liter
Cadmium	0.1 mg/liter
Chromium, Hexavalent	1.0 mg/liter
Chromium total	2.0 mg/liter
Cobalt	1.0 mg/liter
Copper	2.0 mg/liter
Cyanide	1.0 mg/liter
Formaldehyde	5.0 mg/liter
Lead	0.5 mg/liter
Manganese	1.0 mg/liter
Mercury	0.01 mg/liter
Methyl Tertiary Butyl Ether (MTBE)	0.75 mg/liter
Nickel	0.5 mg/liter
Phenols	1.0 mg/liter
Selenium	1.0 mg/liter
Silver	0.25 mg/liter
Zinc	2.0 mg/liter

For discharges greater than fifty thousand gallons per day through any single sampling location, the maximum concentration will be

one-half the values listed in the table, with the exception of silver, nickel, and mercury, for which the limits shall remain 0.25 mg/liter, 0.5 mg/liter, and 0.01 mg/liter, respectively, regardless of flow.

The maximum concentration allowable for mercury set forth in this section shall not be applicable to dental facilities using mercury-containing amalgam. Dental facility requirements are set forth in Section 16.09.112.

The maximum concentration allowable for silver set forth in this section shall not be applicable to photographic materials processing. Silver limitations for photoprocessors are set forth in Section 16.09.111. The maximum concentration allowable for copper set forth in this section shall apply to all discharges except where more stringent maximum concentration limitations are specified in Section 16.09.116.

These limitations are subject to change in the future as the requirements placed on the plant become more stringent and as the process for establishing the industrial waste limitations is refined.

(n) Discharge limitations at the point of sampling shall be specified in each discharge permit, based on flow and waste stream information supplied in the discharger's permit application, applicable federal categorical limitations on process wastewaters, and other pertinent information. Discharge limitations may be expressed both in terms of total mass discharged and concentration.

(Ord. 4760 § 15, 2002: Ord. 4642 § 23, 2000: Ord. 4252 § 9, 1994: Ord. 4070 § 7, 1992: Ord. 3988 §§ 3 and 4, 1990: Ord. 3889 § 1 (part), 1989)

16.09.111 Requirements for photographic materials processing.

(a) All photoprocessors shall comply with either subdivision (2) or subdivision (3) of this subsection (a). Persons who fully comply with subdivision (3) shall not be required to obtain an industrial waste discharge permit pursuant to Section 16.09.020, unless required to do so pursuant to other sections of this chapter, but shall be required to meet an applicable wastewater discharge limits and requirements.

(1) Definitions.

(A) Photographic Materials Processing. For the purposes of this section, "photographic materials processing" means developing silver-bearing film, including x-ray film, or photographic paper.

(B) Photoprocessor. For the purpose of this section, "photoprocessor" means any person who owns a photographic materials processing system including a business that does photographic materials processing or any person who engages in photographic materials processing.

(C) Spent Solutions. For the purposes of this section "spent solutions" means spent fixer, bleach fix, stabilizer from washless systems, silver-bearing cleaning solutions and functionally similar solutions other than washwater.

(D) Regeneration. For the purposes of this section, "regeneration" means the treatment of washwater, fix, or bleach fix for re-use.

(E) Washwater. For the purposes of this section, "washwater" means water that has been used to rinse fix or bleach fix from photographic film or paper.

(2) Silver Removal System. Persons who comply with this subdivision (2) shall install and operate in their facilities a silver removal system, in a manner which shall insure consistent compliance with the following effluent standards:

(A) The maximum allowable discharge concentration of silver shall be 1.0 mg/liter for photoprocessors that submit documentation satisfactory to the superintendent evidencing utilization of one or more of the following technologies:

(i) Washless minilab equipment; or

(ii) A water recirculating system that reduces washwater consumption by a minimum of sixty percent. The reduction shall be based on manufacturers' minimum recommended washwater rates; and achievement of such reduction shall be documented by the photoprocessor to the satisfaction of the superintendent.

(B) The maximum allowable discharge concentration of silver shall be 0.5 mg/liter for all silver removal facilities not covered by subsection (a)(2)(A) of this section.

(C) All spent solutions and washwater that are not sent off site shall be treated to insure consistent compliance with the effluent standards set forth in this subsection (a)(2). Silver removal from washwater shall be conducted in a manner that does not reduce the effectiveness of the treatment of spent solutions.

(D) The photoprocessor shall sample the discharge at a frequency determined by the superintendent based upon the flow rate from the facility. However, in no event shall sampling be done less frequently than once a month. A duplicate of each sample collected shall be kept for the use of city inspectors. A sampling port shall be installed in accordance with specifications set forth in the wastewater discharge permit.

(E) Every person owning or operating a silver removal system shall cause such system to be serviced at least once per year by the manufacturer, equipment distributor, or qualified consultant who shall certify that all equipment in the system is functioning in accordance with the manufacturer's standards for such equipment. A record of system service shall be maintained at the facility where the system is located, and be available for inspection by city inspectors upon request.

(F) Every person intending to comply with the provisions of this subsection (a)(2), shall submit a compliance plan to the superintendent on or before April 1, 1991. The compliance plan shall contain a description of the silver removal system and any regeneration systems to be used to meet the discharge limits set forth in this subsection (a)(2). The compliance plan shall include, but not be limited to, equipment specifications, waste volume estimates, and proposed procedures for sampling and testing. No person shall commence operating a silver removal system after June 30, 1991, without having submitted a compliance plan to the superintendent at least forty-five days prior to commencing operation of such system.

Every person intending to comply with the provisions of this subsection (a)(2) shall submit an annual report to the superintendent on or before February 1, 1992, and annually thereafter. The annual report shall contain the following information for the preceding calendar year.

(i) Type and description of silver removal processes and any regeneration systems employed;

(ii) Amount of spent solutions generated;

(iii) Dates of equipment servicing;

(iv) Description of any major changes in equipment or operation; and

(v) All wastewater sampling data.

(3) Off-Site Disposal. Persons who comply with this subsection shall ship or cause to be shipped off site, for recovery or appropriate disposal, all spent solutions or shall regenerate all spent solutions on site.

Storage, shipment and disposal of spent solutions shall be in accordance with all state, federal and local requirements.

Every person who complies with this subsection (a)(3) shall maintain, or cause to be maintained, records that detail the purchase date and quantity of all new fixer, bleach-fix, stabilizer and functionally similar solutions kept or used by such person. Such person shall also maintain, or cause to be maintained, detailed disposal records that include the date, type and amount of waste solution disposed of; the name, address and identification number of

the shipper; and the ultimate destination of each batch of waste solution shipped off site. Such person shall also maintain, or cause to be maintained, a record of the amount of spent solutions regenerated on site.

All records required to be kept pursuant to this subsection shall be kept for a period of three years at the photoprocessing site, and shall be available for immediate inspection upon request therefor by city inspectors during normal business hours.

Beginning on or before February 1, 1992, and annually thereafter, every photoprocessor intending to comply with this subsection shall submit to the superintendent a summary of the required records maintained by such photoprocessor relating to purchase and disposition of photographic solutions. The summary shall be on a form provided by the superintendent. Along with the summary, every photoprocessor shall submit a statement certifying that it is in compliance with this subsection and that the required records are available for inspection.

Photoprocessors that comply with this subsection need not meet the silver discharge limitations set forth in subsection(a)(2)(A) or (B) of this section, nor the silver discharge limitations set forth in Section 16.09.110(n) with respect to the photographic materials processing portion of their operations; provided, however, that those photoprocessors generating a total of one hundred gallons or more per month of spent solutions shall be required to meet the silver limitations of subsection (a)(2) of this section with respect to washwater, even if all spent solutions are shipped off site.

(b) Compliance Schedule. The dates by which compliance with either subsection (a)(2) or (a)(3) of this section shall be achieved shall be as follows:

(1) All photoprocessors generating less than twenty gallons per month of spent solutions shall meet the subject requirements on or before September 31, 1991.

(2) All other photoprocessors shall meet the subject requirements on or before June 30, 1991. (Ord 3988 § 5, 1990)

16.09.112 Requirements for dental facilities that remove or place amalgam fillings.

(a) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

(1) "Amalgam separator" is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(2) "Amalgam waste" means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(3) "ISO 11143" is the International Organization for Standardization's standard for amalgam separators.

(b) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(1) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

(2) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that shall be available for

inspection by the superintendent or designee during normal business hours.

(3) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(4) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(5) The use of bulk mercury is prohibited. Only precapsulated dental amalgam is permitted.

(c) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:

(1) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before March 31, 2005; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the superintendent for approval, pursuant to 16.09.165.

(2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.

(3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours.

(d) Facilities with vacuum suction systems that meet all of the following conditions may apply to the superintendent for an exemption to the requirements of subsection (c) of this section:

(1) The systems was installed before October 1, 2003.

(2) The system is a dry vacuum pump system with an air-water separator.

(3) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.

(4) Evidence of regular pump outs (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.

(5) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (5) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply

with subsection (c) of this section before commencing further operation.

(e) The following types of dental practice are exempt from this section 16.09.112, provided that removal or placement of amalgam fillings occurs at the facility no more than 3 days per year: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

Persons who use amalgams contining silver shall install amalgam traps on all equipment that might carry amalgam waste to the sanitary sewer system. Each trap shall be cleaned or replaced according to manufacturer guidelines and in a manner that prevents any captured waste from entering the sanitary sewer system. (Ord 3988 § 6, 1990)

16.09.113 Requirements for vehicle service facilities.

(a) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

(1) "Commercial vehicle washing facility" means a commercial facility where vehicle washing is a primary business activity. Commercial vehicle washing facilities include, but are not limited to, mobile washing rigs.

(2) "Fleet washing facility" means a facility for washing vehicles, at a location where a business maintains six or more vehicles.

(3) "Ground surfaces" means and includes dirt, gravel, or other unpaved surfaces.

(4) "Vehicle" means a mode of transporting people or things. Vehicles include, but are not limited to, automobiles, trucks, recreational vehicles, tractors, airplanes and boats.

(5) "Vehicle fluid" means a liquid used in or drained from a motor vehicle. Vehicle fluids include, but are not limited to, gasoline, diesel fuel, motor oil, brake fluid, radiator fluid, hydraulic fluid, transmission fluid, and coolant.

(6) "Vehicle service facility" means a commercial or industrial facility that conducts one or more of the following operations with respect to vehicles or components of vehicles: vehicle repair, fuel dispensing, vehicle fluid replacement, engine and parts cleaning, body repair, vehicle salvage and wrecking, or vehicle washing.

(b) All vehicle service facilities shall be operated, on and after October 1, 1992, in accordance with the following standards:

(1) No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinsewater from parts cleaning operations into storm drains.

(2) All owners and operators of vehicle service facilities shall ensure that any vehicle fluid, hazardous material, or rinsewater from parts cleaning operations that comes into contact with any floor, pavement or ground surface is cleaned up immediately from such surface.

(3) No person shall dispose of vehicle fluids or rinsewater from parts cleaning operations into the sanitary sewer system except pursuant to an industrial waste discharge permit obtained in accordance with this chapter.

(4) No vehicle service facilities shall contain floor drains, excepting only such floor drains as are connected to wastewater pretreatment systems for which an industrial waste discharge permit has been obtained in accordance with this chapter.

(5) No tanks, containers or sinks used for parts cleaning or rinsing shall be connected to the storm drain system, or to the sanitary sewer system except pursuant to an industrial waste discharge permit obtained in accordance with this chapter.

(6) No person shall perform vehicle fluid removal outside a building, nor on asphalt or ground surfaces, whether inside or

outside a building, except in such a manner as to ensure that any spilled fluid will be in an area of secondary containment.

(7) Leaking vehicle fluids shall be contained or drained immediately.

(8) No person shall leave unattended drip parts or other open containers containing vehicle fluid, unless such containers are in use or in an area of secondary containment.

(9) No person shall discharge wastewater from vehicle washing operations or wash racks to the sanitary sewer system, to a storm drain, or onto the ground, except pursuant to an industrial waste discharge permit obtained in accordance with this chapter. Nothing in this subsection shall be construed to prohibit the proper reuse of wastewater.

(10) No person shall discharge into the storm drain water from vehicle washing operations, except from rinsing of vehicle exterior surfaces, with water only, to remove atmospheric dust that deposited on a vehicle when not in use. This exception does not apply to commercial vehicle washing facilities or fleet washing.

(11) Vehicle service facilities shall be cleaned using only those methods of cleaning that ensure that no materials are discharged to the storm drain or to the sanitary sewer system, except for wastewater which is discharged to the sanitary sewer system pursuant to an industrial waste discharge permit obtained in accordance with this chapter; provided, however, that a permit shall not be required for facilities that use the following three-step sequence for cleaning floors:

(A) Clean up spills with rags or other absorbent materials.

(B) Sweep floor using dry absorbent material.

(C) Mop floor. Mop water must be discharged to the sanitary sewer via a toilet or sink.

(12) All owners and operators of vehicle service facilities shall ensure that spill prevention and clean-up equipment and absorbent materials are kept in stock at all times and are readily available for use.

(13) No acid-containing batteries shall be stored except within secondary containment.

(14) All owners and operators of vehicle service facilities shall ensure that all employees of such facilities are trained, upon hiring and annually thereafter, regarding best management practices in accordance with guidelines issued and published by the superintendent.

(15) All owners and operators of vehicle service facilities shall post or cause to be posted signs on all storm drains located on the property of the facility notifying persons that the discharge of waste into the storm drain is illegal.

In the case of any conflict between the provisions of this section and other provisions of this chapter, this section will apply.

(16) No person shall discharge to the sanitary sewer solid materials from wet sanding. Vehicle service facilities using wet sanding processes shall have one or more containers to accumulate wet sanding wastewater and mop water from wet sanding areas. A minimum of 48 hours shall be provided for the settling of solid materials from the water prior to the water's discharge to the sanitary sewer system. An alternative solids removal method may be utilized provided that the method has been demonstrated to be equally effective, and approved by the superintendent. Settled solid materials shall be managed appropriately.

(c) The maximum allowable discharge concentration of zinc for vehicle service facilities shall be 4.0 mg/liter. (Ord. 4760 § 16, 2002: Ord. 4070 § 8, 1992)

16.09.114 Requirements for machine shops.

(a) All machine shops shall be operated

in accordance with the following standards:

(1) No person shall dispose of, nor permit the disposal, directly or indirectly, of machine shop fluids, hazardous materials, mop water, or rinsewater from parts cleaning or deburring/tumbling operations into storm drains.

(2) No person shall dispose of machine shop fluids or rinsewater from parts cleaning or deburring/tumbling operations into the sanitary sewer system except pursuant to an industrial waste discharge permit obtained in accordance with this chapter.

(3) No machine shop shall contain floor drains, excepting only such floor drains as are connected to wastewater pretreatment systems for which an industrial waste discharge permit has been obtained in accordance with this chapter.

(4) Machine shops shall be cleaned using only those methods of cleaning which ensure that no materials are discharged to the storm drain or to the sanitary sewer system, except for wastewater that is discharged to the sanitary sewer system pursuant to an industrial waste discharge permit obtained in accordance with this chapter; provided, however, that a permit shall not be required for facilities that use the following three-step sequence for cleaning floors, or an approved equivalent:

(A) Clean up spills with rags or other absorbent materials;

(B) Sweep floor using dry absorbent material; and

(C) Mop floor. Mop water shall be discharged to the sanitary sewer via a toilet or sink.

(5) All owners and operators or machine shops shall ensure that spill prevention, clean-up equipment and absorbent materials are kept in stock at all times and are readily available for use.

(6) All owners and operators of machine shops shall post or cause to be posted signs on all storm drain inlets located on the property of the facility with the words "No dumping Flows to Bay" or equivalent.

(7) All owners and operators of machine shops shall ensure that all employees who work directly on machine operations or clean up of such facilities are trained, upon hiring and annually thereafter, regarding best management practices for machine shops in accordance with guidelines issued and published by the superintendent. (Ord 4252 § 10, 1994)

16.09.115 Requirements for cooling systems, pools, spas and fountains.*

(a) It shall be unlawful to discharge water from cooling systems, pools and spas to the storm drain system.

(b) No person shall discharge or add to the sewer or storm drain, or add to a cooling system, pool, spa or fountain, any substance that contains any of the following:

(1) Copper in excess of 2.0 mg/liter;

(2) Any tributyl tin compound in excess of 0.1 mg/liter; or

(3) Chromium in excess of 2.0 mg/liter.

The above concentration limitations shall apply to any of the above-listed substances prior to dilution with the cooling system, pool, spa or fountain water.

(c) Cooling System Discharges.

(1) As of July 1, 1998, cooling system discharges exceeding a daily average flow of two thousand gallons shall not exceed a maximum copper concentration of 0.25 mg/l. For the purposes of this section the daily average flow shall be determined by dividing the total cooling system blowdown volume from April through October by the number of days of operation for the same period. The superintendent may impose an alternative requirement to the 0.25 mg/l limit when the cycles of concentrations routinely exceed ten. The alternative requirement may consist of an alternative

limit, a mass limit or a specified maintenance program, or a combination of these.

(2) Notwithstanding the effective date of the limits set forth in subsection (c)(1), cooling system discharge operations commencing on or after July 1, 1997 shall not be required to comply with those limits until one year after the date of such commencement.

(d) Cooling System Cleaning. Wastewater from cleaning of cooling systems, boilers, heat exchangers and associated piping where a chemical cleaner or physical scouring is used in the cleaning process shall be sampled prior to discharge to the sewer to ensure compliance with the maximum concentration limits contained in Section 16.09.110. For purposes of this section, "physical scouring" does not include the use of water at typical water supply pressure; and "associated piping" means piping associated with a heating or cooling system through which water or another heat transfer fluid passes during operation of the system. The wastewater shall be analyzed for copper and any other constituents specified by the superintendent. The results of such analysis shall be reviewed by the cooling system operator prior to discharge.

(e) Devices using electricity to dissolve copper or silver into water distribution systems, cooling systems, pools, spas or fountains are prohibited.

(Ord. 4760 § 17, 2002: Ord. 4252 § 12, 1994)

*Editor's Note: Former Section 16.09.115, Prohibition Against Dilution, previously codified herein and containing portions of Ordinance No.3889 was repealed in its entirety by Ordinance No. 4252. See Section 16.09.121 for prohibition against dilution.

16.09.116 Additional copper limitations for industrial waste.

(a) Industrial waste discharges to the sewer are subject to the copper limitations contained in this section except for industrial waste from the following facilities, including facilities that are components of larger facilities, which are subject to specific limitations set forth in other provisions of this chapter.

(1) Vehicle service facilities;
(2) Photoprocessing facilities;
(3) Machine shops; and
(4) Metal fabrication facilities.

(b) No later than July 1, 1996, industrial waste discharges to the sewer from metal finishing facilities, as defined by the EPA in 40 CFR part 413 and part 433, shall meet either subdivision (1) or (2) of this subsection. These requirements shall apply to process wastes containing copper or nickel prior to dilution by nonmetal finishing process wastes, domestic waste, and cooling water.

(1) The annual average copper concentration for any twelve month period shall not exceed 0.4 mg/l. In addition, all reasonable control measures specified in accordance with standards published by the superintendent shall be installed and implemented; or

(2) The annual average pounds/day of copper shall not exceed an amount specified by the superintendent in the industrial waste discharge permit, which is based upon a pollution prevention review conducted by the city. The limitation shall be based upon those control measures having a simple payback period of five years or less. The average annual pounds per day shall be a "rolling" measurement, calculated by multiplying the flow-weighted average copper concentration for all samples taken during any twelve month period by the total flow for that twelve month period. The average annual pounds per day limit may be increased by the superintendent in proportion to increases in production at the discharger's facility to the extent that such production increases are within the growth allocation specified in the document prepared by Montgomery Watson, and published by the City of Palo Alto, entitled

"City of Palo Alto-Local Limits Development - Proposed Local Limits - April, 1994."

(c) As of July 1, 1998, the maximum copper concentration of industrial waste discharges to the sewer other than those covered by subsections (a) or (b) shall not exceed 0.25 mg/l.

(Ord. 4760 § 18, 2002: Ord. 4252 § 13, 1994)

16.09.117 Requirements for construction Operations.

(a) A spill response plan for hazardous waste, hazardous materials and uncontained construction materials shall be prepared and available at the construction sites for all projects where the proposed construction site is equal to or greater than one acre of disturbed soil and for any other projects for which the city engineer determines that a plan is necessary to protect surface waters. Preparation of the plan shall be in accordance with guidelines published by the city engineer.

(b) A storm water pollution prevention plan shall be prepared and available at the construction sites for all projects equal to or greater than one acre of disturbed soil and for any other projects for which the city engineer determines that a storm water management plan is necessary to protect surface waters. Preparation of the plan shall be in accordance with Chapter 16.28 of this code and with guidelines published by the city engineer.

(c) Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the requirements of Section 16.09.110 are met and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

(d) No cleanup of construction debris from the streets shall result in the discharge of water to the storm drain system; nor shall any construction debris be deposited or allowed to be deposited in the storm drain system.

(Ord. 4760 § 19, 2002: Ord. 4252 § 14, 1994)

16.09.120 Standards for other industrial wastes.

The superintendent may establish standards for any industrial wastes not specifically referred to in this chapter. Said standards shall be published and shall be made available to any person requesting a copy of said standards.

(Ord. 3889 § 1 (part), 1989)

16.09.121 Prohibition against dilution.

Except where expressly authorized to do so by an applicable categorical standard provided in the pretreatment regulations, no discharger shall ever increase the use of process water, or in any other way, dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with such categorical standard or any other requirement of this chapter. (Ord. 4252 § 15, 1994)

16.09.130 Damage to facilities.

When a discharge causes an obstruction, damage, or any other impairment to city facilities, the city may assess a charge against the discharger to reimburse the city for costs incurred to clean or repair said facility. (Ord. 3889 § 1 (part), 1989)

16.09.140 Enforcement - Criminal penalties.

As provided in 1.08 of Title 1 of this code, violations of the provisions of this title shall be subject to criminal penalties. The following designated employee positions may enforce the provisions of this chapter by the issuance of citations. Persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter. The designated employee positions are: industrial waste inspector; industrial waste investigator; associate engineer; manager, environmental control programs; supervisor, industrial waste; and manager, environmental compliance division. (Ord. 4252 § 16, 1994: Ord. 4070 § 9, 1992: Ord. 3889 § 1 (part), 1989)

16.09.141 Enforcement - Judicial civil penalties.*

Any person who intentionally or negligently violates any provision of this chapter or any provision of any permit issued pursuant to this chapter shall be civilly liable to the city in a sum of not to exceed twenty-five thousand dollars per day for each day in which such violation occurs. The city may petition the Superior Court pursuant to Government Code Section 54740 to impose, assess, and recover such sums. The remedy provided in this section is cumulative and not exclusive, and shall be in addition to the penalty provisions of Chapter 1.08 of this code and all other remedies available to the city under state and federal law. (Ord. 4252 § 18, 1994)

*Editor's Note: Former Section 16.09.141, Public Notification of Violations, previously codified herein and containing portions of Ordinance No.3889 was repealed in its entirety by Ordinance No. 4252. See Section 16.09.144 for public notification of violations.

16.09.142 Enforcement - Administrative civil penalties.

(a) Complaint. The superintendent may serve an administrative complaint on any person who has violated any provision of this chapter. The complaint shall state:

(1) The act or failure that constitutes the violation;

(2) The provisions of law authorizing the civil liability to be imposed; and

(3) The proposed civil penalty.

The complaint shall be served by personal delivery or certified mail on the person subject to requirements that the superintendent alleges were violated, and shall inform the person served that a hearing on the complaint shall be conducted within sixty days after service, unless the person charged with the violation waives his or her right to a hearing.

(b) Hearing. Unless the person charged with the violation(s) waives his or her right to a hearing, the city manager or designee of the city manager shall conduct a hearing within sixty days. If the hearing officer finds that the person has caused a violation, he or she may assess administrative penalties against the person. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger. Civil penalties that may be imposed are as follows:

(1) An amount not to exceed two thousand dollars per day for failing or refusing to furnish technical or monitoring reports;

(2) An amount not to exceed three thousand dollars per day for failing or refusing to comply in a timely fashion with any compliance schedule established by the city;

(3) An amount not to exceed five thousand dollars per day of violation for discharges in violation of any waste discharge limitation, permit condition or requirement issued by the city; and

(4) An amount not to exceed ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued or adopted by the city.

(c) Appeal. Any person against whom penalties are assessed by the hearing officer may appeal the decision of the hearing officer within thirty days of notice of the decision. The city council may hear the appeal or deny review of the case. If the city council decides to hear the appeal, it shall conduct the appeal in accordance with procedures established by the council. The decision of the city council shall be in writing and shall be final. All civil penalties imposed in accordance with this section shall be payable within thirty days of the decision of the hearing officer; provided, that if the decision is appealed, all penalties shall be payable within thirty days after the city council decision on the appeal.

(d) Lien. The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the violation occurred resulting in imposition of the penalty. The superintendent shall cause the amount of uncollected penalty to be recorded with the county recorder, in accordance with Section 54740.5 of the California Government Code, as the same from time to time may be amended. (Ord. 4252 § 19, 1994)

16.09.143 Enforcement - Administrative citation.

Any person who violates any provision of this chapter or any provision of any permit issued pursuant to this chapter shall be subject to the administrative citation provisions contained in Chapter 1.12 of this code. (Ord. 4760 § 20, 2002: Ord. 4287 § 2, 1995: Ord. 4252 § 20, 1994)

16.09.144 Enforcement - Administrative Compliance Order.

Any person who violates any provision of this chapter or any provision of any permit issued pursuant to this chapter shall be subject to the administrative compliance order provisions contained in Chapter 1.16 of this code. (Ord. 4760 § 21, 2002: Ord. 4252 § 21, 1994)

16.09.145 Enforcement - Notice of non-compliance.

(a) Unless the superintendent finds that the severity of the violation warrants immediate action under Sections 16.09.140, 16.09.141 or 16.09.142 or permit revocation or suspension, he or she shall issue a notice of noncompliance which:

(1) Enumerates the violations found; and

(2) Orders compliance by a certain date .

If the violations are not abated in the time period identified further action may be taken by the superintendent, including, but not limited to, suspension, revocation or modification of the discharger's permit pursuant to Section 16.09.040.

(b) Subject to the following limitations, and in addition to the provisions of subsection (a), the superintendent may require a discharger that has violated any discharge limits contained in this chapter to install a temporary system for the capture, testing and release of wastewater:

(1) The requirement will apply to facilities that have produced multiple violations for the same parameter at the same sampling point, when the superintendent determines that appropriate corrective measures have proved difficult to identify or implement.

(2) The requirement will apply only to those specific areas of a facility from which the superintendent determines that the

discharge may be originating, rather than to the entire flow from the facility, unless there is no reasonable way to determine where the discharge may be originating.

(3) The requirement will not be applied in the case of very infrequent violations or when the superintendent determines that a capture system is impractical. If the superintendent determines that a capture system is impractical, the superintendent may require an alternative compliance measure of equivalent effectiveness.

(4) The requirement will be terminated following a demonstration of compliance. Twenty-one consecutive, violation-free calendar days of sampling by the discharger followed by four days of violation-free sampling by the superintendent shall constitute a demonstration of compliance.
(Ord. 4760 § 22, 2002)

16.09.146 Annual publication of significant Noncompliant industrial users.

At least annually, notice shall be provided in the largest local daily newspaper listing those industrial users that were found to have been in significant noncompliance during the previous twelve months.
(Ord. 4760 § 23, 2002)

16.09.150 Compliance with the pretreatment regulations.

All industrial dischargers subject to the pretreatment regulations shall be in conformance with such, including but not limited to, effluent standards, monitoring requirements, and reporting requirements. In the event of any apparent conflicts between the requirements established in this chapter and federal EPA requirements, the most restrictive limitation shall apply.
(Ord. 3889 § 1 (part), 1989)

16.09.152 City right to terminate discharge.

The city reserves the right to terminate sewer service for noncompliance with the provisions of this chapter which reasonably appear to present an imminent endangerment to the health, safety, and welfare of persons. The discharger shall immediately cease discharge of any waste presenting such a hazard, upon verbal and/or written notice of the superintendent or his designated representative. Such termination shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Section 16.09.050.
(Ord. 3889 § 1 (part), 1989)

16.09.155 Noncompliance and increased loading reporting.

(a) Noncompliance with the provisions of this chapter that are known to the discharger shall be reported verbally as soon as possible but no later than twenty-four hours of the discharger's knowledge of the noncompliance. A written report to the superintendent shall be submitted within five days explaining the nature, volume and duration of the noncompliance, mitigation measures taken to correct the noncompliance and to prevent reoccurrence.

Such notifications will not relieve any discharger of liability for any expense, including but not limited to, costs for countermeasures; loss or damage to the sewer system and/or treatment plant or treatment process; or liability to reimburse any fines imposed on the city on account thereof; or for damages incurred by any third party.

(b) The reporting requirements of subsection (a) above shall also apply to any slug discharge, short term, large or unusual increase in flow or concentration of waste constituents regardless of whether noncompliance has resulted. In addition, the cause of the incident (e.g., accidental spill) shall be reported. Notices shall be posted in process areas (or other equally effective notification procedures used) giving instruction on reporting such increases.
(Ord. 4760 § 24, 2002: Ord. 3889 § 1 (part), 1989)

16.09.160 Construction requirements.

(a) Segregated industrial waste plumbing. The owner of every new commercial and industrial building or portion thereof for which a building permit is issued on or after July 1, 1992 must cause such building to be constructed so that industrial waste is segregated, by means of separate plumbing, from domestic waste prior to converging with other wastestreams in the sanitary sewer system. For the purposes of this section only, the term "new" shall mean and apply to all of the following: newly constructed buildings; building additions that require plumbing for industrial waste; and remodeling of existing buildings to accommodate expansion of or change to a use that requires plumbing for industrial waste.

(b) Copper roofing materials. On and after January 1, 2003, copper metal roofing, copper granule containing asphalt shingles and copper gutters shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing and gutters on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

(Ord. 4760 § 25, 2002: Ord. 4070 § 10, 1992: Ord. 3889 § 1 (part), 1989)

16.09.165 Alternate materials and methods.

(a) Practical Difficulties.

The superintendent is authorized to modify any of the provisions of this chapter upon application in writing by the owner, a lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of this chapter, provided that the purpose of this chapter, as set forth in Section 16.09.005, shall be complied with, and substantial justice done. The particulars of such modification and the decision of the superintendent shall be entered upon the records of the plant and a signed copy shall be furnished to the applicant.

(b) Alternate Materials.

The superintendent, upon application in writing by the owner, a lessee or a duly authorized representative, and on notice to the chief building official, is authorized to approve alternate materials or methods, provided that the superintendent finds that the proposed design, use or operation satisfactorily complies with the intent of this chapter and that the material, method of work performed or operation is, for the purpose intended, at least equivalent to that prescribed in this chapter in quality and effectiveness in meeting the purposes of this chapter. Approvals under the authority herein contained shall be subject to the approval of the chief building official whenever the alternate material or method involves matters regulated by any code administered by the chief building official. The particulars of any approval made by the superintendent under this subsection shall be entered upon the records of the plant and a signed copy shall be furnished to the applicant.