

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING  
SECTIONS 16.08.010 AND 16.08.110 OF THE SANTA CRUZ MUNICIPAL CODE  
PERTAINING TO SEWER SYSTEM

BE IT ORDAINED By The City Of Santa Cruz As Follows:

SECTION 1. Section 16.08.010 of the Santa Cruz Municipal Code is hereby amended to read as follows:

16.08.010 DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms, as used in this section, shall have the meanings as defined in this section:

- (a) “Best management practice” (BMP) shall mean pollution control practices designed to reduce the pollutants contained in discharges.
- (b) “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA-approved laboratory procedure in five days at twenty degrees centigrade, expressed in terms of weight and concentration (milligrams per liter).
- (c) “Building drain” means that part of the lowest horizontal piping of a wastewater drainage system which receives the discharge from soil and waste pipes inside the walls of the building, and conveys it to the building sewer, beginning two feet outside the inner face of the building wall.
- (d) “Building sewer” means the extension from the building drain to the public sewer or other place of disposal.
- (e) “Categorical industry” means those industries subject to final regulations promulgated and adopted by EPA as referenced in the categorical standards (40 CFR Chapter I, Subchapter N, Parts 405 through 471).
- (f) “Cooling water” means the water discharged from any use, such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.
- (g) “Composite sample” means a 24-hour flow-proportional composite sample. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 8 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Where flow-proportional composite sampling is not feasible, the director may waive the flow-proportional requirement providing that a minimum of 8 time-proportional samples are taken.
- (h) “Director” means the director of public works of the city of Santa Cruz or his/her representative.
- (i) “Domestic wastewater” means liquid wastes including the following:

ORDINANCE NO. 2012-14

- (1) From the noncommercial preparation, cooking and handling of food, or
  - (2) Containing human excrement and similar matter including hand sink, bath or shower water from dwellings, commercial buildings, industrial facilities, and institutions, or
  - (3) Generated inside of domestic dwellings.
- (j) “Grab sample” means an individual sample collected over a period of time not exceeding 15 minutes.
- (k) “Hazardous Materials” means all of the following liquid, solid and gaseous substances:
- (1) Hazardous waste as defined by the California Code of Regulations (CCR) at 22 CCR 66261.3.
  - (2) Hazardous waste as defined in the Federal Code of Regulations at 40 CFR §261.2, and
  - (3) Any material determined to be hazardous by the City, subsequent to a review by the City Council after public notice and a public hearing, based on a finding by City Environmental Compliance program that the material, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the community.
- (l) “Industrial discharger” means any “user” who discharges “industrial wastewater” as defined in this section.
- (lm) “Industrial wastewater” means wastewater from any producing, manufacturing, or any activity of any nature, including institutional, agricultural, commercial, and industrial operations, where water is used for the removal of waste, other than domestic wastewater as defined in this chapter.
- (mn) “Interceptor” means a device designed and installed so as to separate and retain prohibited, deleterious, hazardous, or undesirable matter from wastewater and to permit the wastewater to discharge to the POTW. “Interceptor” includes but is not limited to grease interceptors, grease traps, sand interceptors and clarifiers.
- (no) “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the publicly owned treatment works (POTW), its treatment processes or operations, or its processing, use or disposal of sludge; and
  - (2) Either:
    - (A) Causes a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation), or

(B) Prevents use or disposal of sewage sludge in compliance with the following statutory provisions and regulations or permits issued thereunder or more stringent state or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Marine Protection, Research and Sanctuaries Act, or

(C) Causes blockage of the sanitary sewer or disruption of the POTW which requires actions or expense to prevent (A) or (B) above.

(op) “Lower explosive limit (LEL)” of a compound means the minimum concentration of the compound as a gas or vapor, measured as a percent in air, which will explode or burn.

(pq) “Non-storm water runoff” means any discharge to the storm drain system that is not composed entirely of storm water.

(qr) “Nuisance” means “public nuisance” as defined in this section.

(rs) “Oil and grease” is any material recovered as a substance soluble in n-hexane or other solvent used in an oil and grease procedure listed in 40 CFR, Part 136, Table 1B “List of Approved Inorganic Test Procedures,” or otherwise approved for NPDES monitoring.

(st) “Pass-through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge(s) from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

(tu) “Person” means any individual, firm, company, partnership, corporation, association, group or society, and includes the United States and its agents and the state of California, and agencies, districts, commissions, and political subdivisions created by or pursuant to state law.

(uv) “POTW” or “publicly owned treatment works” means a treatment works as defined by Section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by Section 502(4) of the Clean Water Act (the “act”). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

ORDINANCE NO. 2012-14

(vw) "Pretreatment" means application of any process to reduce the amount of pollutants in or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the POTW.

(x) "Pretreatment standards" means all applicable federal rules and regulations implementing Section 307 of the Clean Water

Act including but not limited to 40 CFR Chapter I, Parts 405 through 471, as well as any state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

(y) "Private sewer" means a sewer privately owned and not directly controlled by the public authority.

(z) "Public nuisance" means any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the city council.

(aa) "Public sewer" means a sewer which is controlled by public authority.

(bb) "Sanitary sewer" means a sewer which carries sanitary sewage and/or industrial wastewater and to which storm water, surface water and groundwater are not intentionally admitted.

(cc) "Sanitary sewage" means the water-carried wastes received from human habitation and use of premises for residential, commercial, institutional, or industrial purposes.

(dd) "Sewer" means a pipe or conduit for carrying wastewater.

(ee) "Shall" means mandatory. "May" means permissive.

(ff) "Significant industrial user" means either:

(1) A categorical industry discharger, or

(2) A non-categorical industrial discharger that has any one or more of the following characteristics:

(A) An average discharge flow of twenty five thousand gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling water, and boiler blow-down wastewater). If seasonal, the average shall be based upon the seasonal discharge.

(B) A waste stream discharge which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the wastewater treatment system.

(C) Has a reasonable potential (as determined by the director), either individually to violate wastewater limitations of this chapter or in combination with other industrial discharges, to adversely affect the wastewater treatment system (by upsetting, interfering with the system, or causing pass-through of pollutants, sludge contamination, or endangerment of city workers). Liquid waste haulers are included in this definition.

(gg) “Significant noncompliance” means any incident or incidents of noncompliance with federal, state, or local wastewater discharge regulations that meet the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed either the daily maximum limit or the product of the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, any of the following: interference, pass-through, or endangerment of POTW personnel or the general public (“interference” and “pass-through” as defined in 40 CFR Part 403 and amendments thereto);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations that the director determines will adversely affect the operation or implementation of the local pretreatment program.

- (hh) “Significant user” means a “significant industrial user” as defined in this section.
- (ii) “Slug loading” means either:
- (1) Any discharge of pollutants at a volume or concentration that causes upset of or interference with the POTW or causes the pass-through of pollutants to receiving waters, or
  - (2) Any discharge of a pollutant(s), measured by a grab sample, at a concentration exceeding five times the composite or grab sample discharge limit, or
  - (3) Any discharge of wastewater outside the pH range of five to ten for either a continuous duration of greater than or equal to fifteen minutes or for a sum total of thirty minutes within one day.
- (jj) “Storm drain” or “storm drain system” means collectively any street, gutter, conduit, natural or artificial drain, channel, and watercourse, or other facility that is owned, operated, maintained, or controlled by the city and used for the purpose of collecting, storing, transporting, or disposing of runoff.
- (kk) “Storm water” means any water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.
- (ll) “Suspended solids” means the total suspended solids that is measured by the procedure for total suspended solids listed in 40 CFR, Part 136, Table 1B, List of Approved Inorganic Test Procedures.
- (mm) “User” means any person who discharges, causes, or permits the discharge of wastewater into the city’s wastewater treatment system.
- (nn) “User classification” means a classification of user, based on the latest edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.
- (oo) “Wastewater” means any industrial or domestic wastewater.
- (pp) “Wastewater treatment system” means POTW or pretreatment facility.
- (qq) “Wastewater treatment plant” means POTW.
- (rr) “Water quality requirements” means requirements for the city’s wastewater treatment system effluent established by NPDES permit, or by state or federal regulatory agencies for the protection of receiving water quality.

(ss) Terms not otherwise defined herein shall be defined in accordance with the latest publication of 40 CFR 403 or the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation or the Uniform Plumbing Code.

SECTION 2. Section 16.08.110 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**16.08.110 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES.**

(a) General Prohibitions on Wastewater Discharges. No person shall introduce, discharge, convey, or permit or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:

- (1) Interfere with the process or efficiency of the wastewater treatment system or not be susceptible to treatment.
- (2) Constitute a slug loading.
- (3) Cause a pass through or interference to occur at the POTW, either alone or in combination with a discharge(s) from other sources.
- (4) Be at a discharge flow rate that would exceed the carrying capacity of the sanitary sewer.
- (5) Violate state or federal pretreatment standards.
- (6) Inhibit the processing, use, or disposal of sludge.
- (7) Violate any of the provisions of this chapter.

(b) Specific Prohibitions on Wastewater Discharges. No person shall discharge or cause or allow to be discharged into POTW any wastewater which contains the following:

- (1) Flammables and Explosives.
  - (A) Explosive mixtures, liquids, solids, or gases that are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to any persons, the wastewater treatment system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. When calibrating explosion hazard meters, the meter shall be calibrated using a representative standard of the combustibles expected to be present in the wastewater discharge. If a methane standard is used, the meter alarm shall be set at the lowest LEL for those combustibles expected to be present in the wastewater discharge.
  - (B) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flash point of less than 60°C or 140°F using test methods specified in 40 CFR 261.21.

- (2) Corrosive Wastes. Pollutants that cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0.
- (3) Solid or Viscous Pollutants. Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW or interfere with the proper operation of the wastewater treatment system.
- (4) Flow Rate and/or Pollutant Concentration. Any pollutant, including oxygen-demanding pollutants (BOD, TOC, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (5) Temperature. Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40°C (104°F).
- (6) Oil and Grease. Petroleum oil, cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- (7) Gases, Vapors, Fumes. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Transported Pollutants. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (9) Noxious Materials. Noxious or malodorous solids, liquids or gases, which, whether singly or by interaction with other wastes, are capable of creating an odor nuisance or hazard to life, or are sufficient to prevent entry into a sewer for its maintenance and repair.
- (10) Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Clean Water Act. Also included are any chemical elements or compounds, or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the POTW, or that will accumulate to toxic levels in marine waters, sediments or biota.
- (11) Radioactive Wastes. Except as allowed in this chapter, no user shall discharge or permit to be discharged any radioactive waste into the public sewer.
- (12) Waste Radiator Coolant. Waste radiator coolant or any radiator-flushing wastewater generated from auto, truck, or equipment maintenance.
- (13) Discolored Material. Wastes with objectionable color not removable by the wastewater treatment system, which cause discoloration of the POTW effluent such that receiving water quality requirements established by law cannot be met.
- (14) Engine and Vehicle Parts Cleaning Wastes. Wastewater or other wastes from the cleaning of engines, undercarriages or vehicle parts. Such wastes must be either recycled in a closed-loop recycling system or hauled off-site for proper disposal.

ORDINANCE NO. 2012-14

(15) Hazardous Waste. Hazardous waste as defined by the California Code of Regulations (CCR) at 22 CCR 66261.3. Any liquid, solid or gaseous substances defined as hazardous materials in 16.08.010 are subject to regulation by this chapter.

(c) Specific Limitations on Wastewater Discharges. The following are the maximum concentrations of pollutants allowable in wastewater discharges to the wastewater treatment system, unless state or federal limits are lower in which case those limits shall control. Dilution of any wastewater discharge for the purpose of satisfying these pretreatment standards or any applicable pretreatment standards shall be considered a violation of this chapter and is prohibited.

Grab samples must be used for pH, cyanide, oil and grease, sulfide, and volatile organic compounds. Composite samples for 24 hours or other time period approved by the director are required for all other parameters, using flow-proportional techniques where feasible.

Pollutant	Concentration
Arsenic	0.21 mg/l
Cadmium	1.57 mg/l
Chromium, total	35.65 mg/l
Chromium, hexavalent	5.26 mg/l
Copper	2.17 mg/l
Cyanide	0.08 mg/l
Lead	6.04 mg/l
Mercury	0.32 mg/l
Nickel	1.15 mg/l
Selenium	96.28 mg/l
Silver	0.71 mg/l
Sulfide (dissolved)	0.20 mg/l – Monthly Average;  1.0 mg/l – Maximum
Suspended solids	3,000 mg/l

ORDINANCE NO. 2012-14

Zinc	25.23 mg/l
pH	5.0 to 10.0 units
Total petroleum hydrocarbons	100 mg/l
Temperature	≤104°F (40°C)
Oil or grease of animal or vegetable origin	300 mg/l (unless exempt by Section 16.08.190)
MTBE	1.0 mg/l
TTO*	1.0 mg/l
Phenols, total**	150 mg/l
Phenols, chlorinated***	0.60 mg/l
Chlordane	1.48 x 10 <sup>-5</sup> mg/l
DDT, o, p	0.011 mg/l
dieldrin	9.40 x 10 <sup>-5</sup> mg/l
endosulfan I	0.006 mg/l
endrin	0.002 mg/l
heptachlor	0.00014 mg/l
heptachlor epoxide	1.39 x 10 <sup>-5</sup> mg/l
hexachlorobenzene	23.50 mg/l
Naphthalene	2,350 mg/l
Phenanthrene/Anthracene, C1	2,349.99 mg/l
Anthracene	2,422.68 mg/l

ORDINANCE NO. 2012-14

Fluoranthene	123.38 mg/l
8 - PCB	0.000138859 mg/l
2,3,7,8-TCDD	2.53 x 10-9 mg/l

\* TTO is defined as the sum of all individual compounds listed in the Code of Federal Regulations (CFR) at 40 CFR 433.11e with quantifiable concentrations greater than 0.01 mg/l when measured using test methods approved under 40 CFR 136 or other methods approved for NPDES monitoring, and other toxic organic compounds as determined by the director.

\*\* Phenols, total, by EPA Method 420.1.

\*\*\* Phenols, chlorinated, is defined as the sum of 2-chlorophenol, 2,4-dichlorophenol, pentachlorophenol, 2,4,6-trichlorophenol and 4-chloro-3-methylphenol (p-choloro-m-cresol).

SECTION 3. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 11th day of September, 2012, by the following vote:

AYES: Councilmembers Madrigal, Beiers, Robinson, Coonerty, Terrazas; Vice Mayor Bryant; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Don Lane  
Mayor

ATTEST: ss/Bren Lehr  
City Clerk Administrator

