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19	13.08.500	Effective Date – Annexations
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**I. PREAMBLE:**

25        13.08.100 Purpose and Policy. This Ordinance sets forth uniform requirements for all  
26 users of the Colton Wastewater collection and treatment system, which serves the city of  
27 Colton and unincorporated areas of San Bernardino County.

28        The City of Grand Terrace, which is also served by the City of Colton, is required by  
the “Joint Powers Agreement for Pretreatment Program Responsibilities and Authority in

1 the Colton Wastewater Treatment Plant Service Area”, dated November 15, 1990, to  
2 establish and maintain legal authority within its sewer service area and to amend and  
3 revise its Sewer Use Ordinance and Wastewater discharge limits whenever necessary to  
4 assure that its ordinance provisions and Wastewater are, at least, as restrictive as those  
5 specified in this Chapter.  
6

7 This Ordinance allows the City to comply with all applicable State and Federal laws  
8 required by the Clean Water Act of 1977 and amendments thereto and the General  
9 Pretreatment Regulations (40 CFR 403).

10 The objectives of this Ordinance are:

11 A. To prevent the introduction of pollutants into the Wastewater system which  
12 may interfere with the operation of the system, including but not limited to blockages  
13 caused by solids or fats, oils, and grease (FOG) or pollutants that contaminate the resulting  
14 sludge;  
15

16 B. To prevent the introduction of pollutants into the Wastewater system which  
17 may pass through the system, inadequately treated, into surface waters, groundwaters, the  
18 atmosphere, or otherwise be incompatible with the system;

19 C. To improve the opportunity to recycle and reclaim Wastewaters and sludges  
20 from the system; and

21 D. To provide for equitable distribution of the cost of the Wastewater system.

22 E. To clearly define responsibilities of the City and the User regarding operation  
23 and maintenance of the public sewer system and private sewer laterals.  
24

25 This Ordinance shall apply to all Users of the Publicly Owned Treatment Works  
26 (“POTW”). The Ordinance provides for regulation through issuance of Permits to certain  
27 non-domestic Users and enforcement of general requirements for the other Users. The  
28 Ordinance also authorizes monitoring, compliance and enforcement activities, requires

1 User reporting, establishes administrative review procedures, and provides for the setting  
2 of fees for the equitable distribution of costs for sewer service.

3 13.08.105 Definitions and Abbreviations. Unless the context specifically indicates  
4 otherwise, the following terms and phrases used in this Ordinance shall have the meanings  
5 hereinafter designated:  
6

7 1. Act or "the Act". The Federal Water Pollution Control Act, also known as  
8 the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. Pursuant to California Water  
9 Code §13370 et seq., the State is authorized to implement the provisions of the Act.

10 2. Approved Analytical Methods. The sampling referred to in 40 CFR Part 403,  
11 Appendix E, and analysis of samples so collected, shall be performed in accordance with  
12 the techniques prescribed in 40 CFR Part 136 and Amendments thereto. Where 40 CFR  
13 Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or  
14 where the EPA determines that the Part 136 sampling and analytical techniques are  
15 inappropriate for the Pollutant in question, sampling and analysis shall be performed using  
16 other sampling and analytical procedures approved by the City and the EPA.  
17

18 3. Authorized Representative of Industrial User. An authorized representative of  
19 an Industrial User may be:

- 20 a. A Responsible Corporate Officer, if the User submitting required reports is a  
21 corporation;
- 22 b. A general partner or proprietor if the User submitting the required reports is a  
23 partnership or sole proprietorship respectively;
- 24 c. The person in responsible charge, if the User is a governmental agency; or
- 25 d. An individual responsible for the overall operation of the facility from which the  
26 discharge originates.  
27

28 If authorization under this definition is no longer accurate because a different  
individual or position has responsibility for the overall operation of the facility, or overall

1 responsibility for environmental matter for the company, a new authorization satisfying the  
2 requirements of these definitions shall submitted to the City prior to or together with any  
3 reports to be signed by the new authorized representative.

4 4. Best Management Practices. The schedule of activities, prohibition of  
5 practices, maintenance procedures, and other management practices to implement the  
6 prohibitions listed in 40 CFR 403.5 (a) (1) and (b). BMPs also include treatment  
7 requirements, operating procedures, and practices to control site runoff, spillage or leaks,  
8 sludge or waste disposal, or drainage of raw materials storage.

9 5. Biochemical Oxygen Demand (BOD). The quantity of oxygen  
10 (expressed in mg/L), required to biochemically oxidize the organic material in a Wastewater  
11 sample over a five-day period at 20 degrees centigrade.

12 6. BMR. Baseline Monitoring Report.

13 7. BOD. Biochemical Oxygen Demand (five-day). See definition under  
14 “Biochemical Oxygen Demand.”

15 8. Bypass. The intentional diversion of wastestreams from any portion of a  
16 User’s pretreatment facilities.

17 9. Categorical Industrial User. An Industrial User who is subject to any  
18 promulgated Categorical Standard.

19 10. Categorical Pretreatment Standard or Categorical Standard. Any regulation  
20 containing Pollutant discharge limits promulgated by EPA in accordance with sections 307  
21 (b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of Users  
22 and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as it exists and as it  
23 may be amended.

24 11. CFR. Code of Federal Regulations.

25 12. Chemical Oxygen Demand (COD). The quantity of oxygen (expressed in  
26  
27  
28

1 mg/L) required to chemically oxidize the contents of a Wastewater sample under specific  
2 conditions of oxidizing agent, temperature, and time.

3 13. City. The City of Colton or the City Council of the City of Colton.

4 14. Class I User. A Categorical Industrial User.

5 15. Class II User. A Non-Categorical Significant Industrial User.

6 16. Class III User. A Non-Significant Industrial User, including a Non-Significant  
7 Categorical Industrial Users (NSCIU).

8 17. Class IV User. A Temporary Industrial User.

9 18. Class V User. A Wastehauler.

10 19. COD. Chemical Oxygen Demand. See definition under "Chemical Oxygen  
11 Demand."

12 20. Compliance Time Schedule (CTS). A formal timetable issued by the Director  
13 for Users to achieve compliance with the provisions of this Chapter and/or a Wastewater  
14 Discharge Permit. Each Compliance Time Schedule shall contain milestone dates as well  
15 as a final compliance date.

16 21. Composite Sample. A sample which is collected from a Wastewater  
17 discharge at selected intervals over a time period of twenty-four hours. A composite  
18 sample may be collected using automatic continuous or discrete sampling equipment, or by  
19 manually collecting a minimum of four grab samples. When specified by the Director,  
20 composite samples shall be collected in a manner which is proportional to the flow rate of  
21 the discharge.

22 22. Constituent. Any physical, chemical, or microbiological component or  
23 parameter of water or Wastewater which can be quantified using Approved Analytical  
24 Methods.

25 23. County. The County of San Bernardino or the Board of Supervisors of the

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County of San Bernardino.

24. Director. The Director of Water and Wastewater for the City of Colton or his authorized representative, agent or deputy.

25. Discharge: Shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act

26. Discharger. Any person who, directly or indirectly, causes or contributes to a discharge into the POTW.

27. Discharge to the Ground. The discharge of Wastewater to or into the soil which is not contained in an impermeable facility approved by the Director.

28. Domestic Wastewater. Water bearing wastes from residences and other premises resulting from personal use of water for ordinary living processes of humans and of such a character as to permit satisfactory disposal, without special treatment, into the POTW. The maximum strength shall be considered to be 250 mg/L each for Biochemical Oxygen Demand (BOD) and for Total Suspended Solids (TSS).

29. Effluent. The treated Wastewater flowing from the Wastewater Treatment Facilities, or the Non-domestic Wastewater discharged by an Industrial User, to the POTW.

30. Enforcement Response Plan (ERP). A plan that details the progressive responses to escalating non-compliance issues related to violation(s) of a wastewater discharge permit or any section of this Ordinance.

31. Environmental Protection Agency (EPA). The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of the agency.

32. EPA. Environmental Protection Agency. See definition under "Environmental Protection Agency."

33. Exchange-Type Water Conditioning Equipment. Water conditioning

1 equipment that is removed for regeneration from the premises at which it is normally  
2 operated to a commercial regeneration facility.

3 34. Fats, Oils, and Grease (FOG). Organic polar compounds derived from animal  
4 and/or plant sources that contain multiple carbon chain triglyceride molecules. These  
5 substances are detectable and measurable using analytical test procedures established in  
6 40 CFR 136, as may be amended.  
7

8 35. Federal Regulations. Any applicable provision of the Act as amended and any  
9 regulation promulgated by the EPA under Title 40 CFR implementing the Act.

10 36. Food Processing Facilities. Those wholesale or retail facilities which handle,  
11 process or prepare food intended for human and/or animal consumption.  
12

13 37. Grab Sample. A sample which is collected from a Wastewater discharge,  
14 without regard to the flow in the wastestream, over a period of time not exceeding fifteen  
15 minutes.

16 38. Gravity Separation Interceptor (or Grease Interceptor). A detention chamber  
17 designed to remove oil and grease, and solids from Wastewater before discharge to the  
18 POTW and which detention chamber is acceptable to the Director.  
19

20 39. Grease. See definition under "Oil and Grease."

21 40. Hazardous Substance. Any substance which is toxic, explosive, corrosive,  
22 flammable or an irritant, or which generates pressure through heat or decomposition  
23 including but not limited to, any substances determined to be a toxic or hazardous  
24 substance pursuant to Section 307 and 311(b)(2) of the Clean Water Act, 33 U.S.C.,  
25 Section 1251, et seq., or its implementing regulations at 40 CFR Parts 116 and 129; any  
26 substance classified as a hazardous substance pursuant to California Water Code Section  
27 13050(p) and; any imminently hazardous chemical substance subject to regulation under  
28 the Toxic Mixtures or Substances Control Act, 15 U.S.C., Section 2601, et seq.

41. Hazardous Waste. Any Hazardous Substance which is either the resultant

1 and/or intermediate or final by-product of any process.

2 42. Indirect Discharge. See *Discharge*

3 43. Industrial User (IU). Any Non-Residential User who discharges Non-domestic  
4 Wastewater to the POTW.

5 44. Instantaneous Maximum Allowable Discharge Limit. The maximum  
6 concentration of a Pollutant allowed to be discharged at any time, determined from the  
7 analysis of any discrete or composited sample collected independent of the industrial flow  
8 rate and duration of the sample event.

9 45. Interference. Shall mean a discharge which, alone or in conjunction with a  
10 discharge or discharges from other sources, both:

11 a. Inhibits or disrupts the POTW, its treatment processes or operations, or its  
12 sludge processes, use or disposal; and

13 b. Causes a violation of any requirement of the POTW's NPDES permit  
14 (including an increase in the magnitude or duration of a violation) or of the prevention of  
15 sewage sludge use or disposal in compliance with the following statutory provisions and  
16 regulations or permits issued thereunder (or more stringent State or local regulations):  
17 Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title  
18 II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA),  
19 and including State regulations contained in any applicable State sludge management plan  
20 prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances  
21 Control Act, and the Marine Protection, Research and Sanctuaries Act.

22 46. L. Liter

23 47. LEL. (Lower Explosive Limit). See definition under "Lower Explosive Limit."

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

26 49. Mass Emission Rate. The mass of material discharged to the POTW during a

1 given time interval. Unless otherwise specified, the mass emission rate shall be expressed  
2 in pounds per day of a particular constituent or combination of constituents.

3 50. May is permissive

4 51. MBAS. Methylene Blue Activated Substances.

5  
6 52. Medical Waste. Isolated wastes, infectious agents, human blood and blood  
7 products, pathological wastes, sharps, body parts, formites, etiologic agents, contaminated  
8 bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes,  
9 hypodermic needles, syringes, instruments, utensils or any other paper or plastic items of  
10 disposable nature used for medically related purposes. The term "Medical Waste" shall  
11 exclude de minimus amounts of wastes, human blood and paper items of a disposable  
12 nature associated with Domestic Wastewater discharges.

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14 53. Mg. Milligrams.

15 54. Milligrams per liter (mg/L). Shall mean unit of the concentration of water or  
16 Wastewater constituent. It is 1 gram of the constituent in 1,000 liters of water.

17 55. National Pollutant Discharge Elimination System (NPDES) Permit. The permit  
18 issued pursuant to Section 402 of the Act (33 U.S.C. 1342) for the City's POTW treatment  
19 plant.

20  
21 56. New Sourceis defined in 40 CFR 403.3 and shall mean any building, structure,  
22 facility or installation from which there is or may be a Discharge of pollutants, the  
23 construction of which commenced after the publication of proposed Pretreatment  
24 Standards under section 307(c) of the Act which will be applicable to such source if such  
25 Standards are thereafter promulgated in accordance with that section, provided that:

- 26  
27 a. The building, structure, facility or installation is constructed at a  
28 site at which no other source is located; or
- b. The building, structure, facility or installation totally replaces the

1 process or production equipment that causes the discharge of  
2 pollutants at an existing source; or

3 c. The production or wastewater generating processes of the  
4 building, structure, facility or installation are substantially  
5 independent of an existing source at the same site. In  
6 determining whether these are substantially independent,  
7 factors such as the extent to which the new facility is integrated  
8 with the existing plant, and the extent to which the new facility  
9 is engaged in the same general type of activity as the existing  
10 source should be considered.  
11

12 57. Non-Categorical Significant Industrial User. A Significant Industrial User who  
13 is not subject to promulgated Categorical Standards.  
14

15 58. Non-Contact Cooling or Heating Water. Water discharge from any use which  
16 has no direct contact with any raw material, intermediate or final product, and to which the  
17 only Pollutant added is heat.  
18

19 59. Non-domestic Wastewater. All Wastewater except Domestic Wastewater and  
20 Unpolluted Water as defined herein. Non-domestic Wastewater shall include, but not be  
21 limited to, Wastewater resulting from industrial, commercial, producing, manufacturing,  
22 processing, institutional, governmental, and agricultural operations, and brine Wastewater  
23 resulting from the regeneration of water conditioning devices. All liquid Wastewater hauled  
24 by truck, rail, or any other means shall also be considered as Non-domestic Wastewater,  
25 regardless of the original source of the wastes.  
26

27 60. Non-Significant Categorical Industrial User (NSCIU). A Categorical Industrial  
28 User that meets all of the following requirements: (a) never discharges more than 100  
gallons per day of a total categorical wastewater (excluding sanitary, non-contact cooling  
and boiler blowdown wastewater, unless specifically included in the applicable

1 Pretreatment Standard); (b) if an existing facility has consistently complied with all  
2 applicable categorical Pretreatment Standards and requirements; (c) annually submits the  
3 certification statement required in §403.12(q) together with any additional information  
4 necessary to support the certification statement; (d) never discharges any untreated  
5 concentrated wastewater; and (e) is found by the director to have no reasonable potential  
6 for adversely affecting the POTW's operation or for violating any Pretreatment Standard or  
7 requirement.  
8

9 61. Non-Significant Industrial User (NSIU). Any Industrial User who is not a  
10 Significant Industrial User, including without limitation any NSCIU.

11 62. NPDES. National Pollutant Discharge Elimination System.

12 63. NPDES PERMIT. National Pollutant Discharge Elimination System Permit.

13 See definition under "National Pollutant Discharge Elimination System (NPDES) Permit."  
14

15 64. Oil and Grease. Any of the following in part or in combination:

16 a. Petroleum derived products, e.g., oils, fuels, lubricants, solvents;

17 b. Vegetable derived products, e.g., oils, shortenings, soluble cutting oils;

18 c. Animal derived products, e.g., fats, greases, oils, lard.

19 65. Pass Through. A discharge which exits the POTW into waters of the United  
20 States in quantities or concentrations which, alone or in conjunction with other discharges,  
21 causes a violation of any requirement of the POTW's NPDES permit (including an increase  
22 in the magnitude or duration of a violation).  
23

24 66. Permittee. Any User or group of Users which are issued a Permit to discharge  
25 to the POTW pursuant to Sections 13.08.300 et seq. of the Colton Municipal Code. The  
26 Permit may be an individual (for a specific Industrial User) or group (general) permit as  
27 deemed appropriate by the Director to control wastewater discharges to the POTW.  
28

67. Person. Any individual, partnership, co-partnership, firm, company,  
corporation, association, joint stock company, trust, estate, governmental entity or any

1 other legal entity, or their representatives, agents, or assigns.

2 68. pH. The logarithm (base 10) of the reciprocal of the concentration of  
3 hydrogen ions, as analyzed in accordance with Approved Analytical Methods. pH  
4 represents both acidity and alkalinity on a scale ranging from 0 to 14 where 7 represents  
5 neutrality, numbers less than 7 increasing acidity and more than 7 increasing alkalinity.  
6

7 69. Plumbing Official. Plumbing Official shall mean the Director of Community  
8 Development of the City of Colton or his authorized representative or deputy.

9 70. Pollutant. Any constituent or characteristic (including but not limited to pH,  
10 temperature, TSS, turbidity, color, BOD, COD, toxicity or odor) of Wastewater on which a  
11 discharge limit may be imposed either by the City or regulatory bodies empowered to  
12 regulate the POTW; and any dredged spoil, solid waste, incinerator residue, filter  
13 backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemicals  
14 wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment,  
15 rock, sand, cellar dirt, and industrial, municipal, and agriculture wastes.  
16

17 71. Pollution. The man-made or man-induced adverse alteration of the chemical,  
18 physical, biological, or radiological integrity of water.

19 72. POTW. Publicly Owned Treatment Works. See definition under "Publicly  
20 Owned Treatment Works."  
21

22 73. POTW Treatment Plant. The portion of the POTW designed to provide  
23 treatment to Wastewater.

24 74. Pretreatment or Treatment. The reduction of the amount of Pollutants, the  
25 elimination of Pollutants, or the alteration of the nature of Pollutant properties in  
26 Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing  
27 such Pollutants into a POTW. The reduction or alteration can be obtained by physical,  
28 chemical, or biological processes, or process changes of other means, except, as  
prohibited by 40 CFR Section 403.6(d), use of dilution.

1           75.   Pretreatment Requirement. Any substantive or procedural pretreatment  
2 requirement, other than a Pretreatment Standard, imposed on an Industrial User.

3           76.   Pretreatment Standard. Any regulation containing Pollutant discharge limits or  
4 prohibitions promulgated by EPA or the City, applicable to Industrial Users, including  
5 promulgated Categorical Standards; National Prohibitive Discharge Standards developed  
6 pursuant to Section 307(b) of the Act and 40 CFR 403.5, general discharge prohibitions  
7 contained in Section 13.08.210 herein; and any specific local discharge limits established  
8 by the City.

9           77.   Pretreatment Wastes. All wastes liquid or solids, removed from a waste  
10 stream or discharge by physical, chemical or biological means.

11           78.   Public Sewer. Any sewer located in or maintained by the City of Colton. The  
12 term as used herein does not include storm drains or channels for conveyance of natural  
13 surface waters.

14           79.   Publicly Owned Treatment Works (POTW). The Colton Wastewater  
15 Treatment Plant and any other devices or systems used by the City in the storage,  
16 conveyance (including all sewers, pipes, lift stations, and other conveyances which convey  
17 Wastewater to the Wastewater treatment plant), treatment, recycling, and reclamation of  
18 municipal sewage.

19           80.   RCRA. The Resource Conservation and Recovery Act of 1976 (42 U.S.C.  
20 6901 et seq.) as amended or revised.

21           81.   Regional Board. The California Regional Water Quality Control Board, Santa  
22 Ana Region.

23           82.   Responsible Corporate Officer.

24           a.   A president, secretary, treasurer, or vice president of the corporation in charge  
25 of a principal business function, or any other person who performs similar policy or  
26 decision-making functions for the corporation.

1           b.       The Manager of one or more manufacturing, production, or operation facilities  
2 employing more than 250 persons or having gross annual sales or expenditures exceeding  
3 \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been  
4 assigned or delegated to the Manager in accordance with corporate procedures.

5           83.    Restaurants.   Restaurants shall include, but not be limited to, retail  
6 establishments selling prepared foods and drinks for consumption on or off the premises.  
7

8           84.    Sample Point.   A location approved by the Director from which Wastewater  
9 that is representative in content and consistency of the entire flow of Wastewater being  
10 sampled can be collected.

11          85.    Septic Waste.   Any sewage from holding tanks such as vessels, chemical  
12 toilets, campers, trailers, septic tanks and vacuum pump trucks.  
13

14          86.    Service Area.   The area in which discharges to the Sewerage System flow to,  
15 or are intended by the City to flow to, the POTW.

16          87.    Sewage.       Human excrement and gray water (household showers,  
17 dishwashing operations, etc.).  
18

19          88.    Sewer Collection System.   All facilities, owned and maintained by the City, that  
20 are used for collecting, conveying, pumping, treating and disposing of wastewater,  
21 excluding sewer service laterals.

22          89.    Sewer Service Lateral.   The wastewater collection pipe extending from the  
23 structure where the wastewater is generated up to and including the connection to the  
24 City's sewer collection system.

25          90.    Shall is mandatory.

26          91.    SIC.   Standard Industrial Classification.

27          92.    Significant Industrial User (SIU).   An industrial user of the POTW who (1) is  
28 subject to categorical standards, or (2) has an average daily discharge of twenty-five

1 thousand gallons or more of process wastewater (excluding sanitary waste, unpolluted  
2 water, and boiler/cooling tower blowdown discharges), or (3) has a discharge which makes  
3 up five percent or more of the average dry-weather hydraulic or organic capacity of the  
4 wastewater treatment facilities receiving the wastewater, or (4) has in its wastes toxic  
5 pollutants as defined pursuant to Section 307 of the Act, or (5) is designated by the Director  
6 to have a reasonable potential for adversely affecting the POTW's operation or violating  
7 any applicable pretreatment standard, requirement or discharge limit set forth in this  
8 chapter.

10 93. Significant Non-compliance (SNC). Violations of pretreatment standards or  
11 requirements, which include violations of effluent limits, sampling violations, analysis  
12 violations, reporting violations, compliance schedule and regulatory deadline violations,  
13 which satisfy one or more of the following criteria:

15 a. Violations of wastewater discharge limits:

16 i. Chronic Violations. Sixty-six percent or more of all the measurements taken  
17 for the same pollutant parameter during a six-month period exceed (by any magnitude) a  
18 numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined  
19 by 40 CFR 403.3(l);

20 ii. Technical Review Criteria (TRC) Violations. Thirty-three percent or more of all  
21 the measurements for the same pollutant parameter during a six-month period exceed (by  
22 any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous  
23 limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD,  
24 TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

25 iii. Any other violation of a Pretreatment Standard or Requirement as defined by  
26 40 CFR 403.3(l) (daily maximum or long-term average, instantaneous limit, or narrative  
27 standard) that the Director determines has caused, alone or in combination with other  
28

1 discharges, interference or pass through (including endangering the health of the POTW  
2 personnel or the public).

3 iv. Any discharge of a pollutant that has caused imminent endangerment to  
4 human health or welfare or to the environment or has resulted in the POTW's exercise of  
5 its emergency authority to halt or prevent such a discharge.

6 v Failure to meet, within ninety days after the schedule date, a compliance  
7 milestone contained in a local control mechanism or enforcement order for starting  
8 construction, completing construction, achieving final compliance;

9 vi. Failure to provide, within 45 days after the due date, required reports such as  
10 baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports,  
11 and reports on compliance with compliance schedules;

12 vii. Failure to accurately report noncompliance.

13 viii. Any other violation or group of violations, which may include a violation of Best  
14 Management Practices, which the Director determines will adversely affect the operation or  
15 implementation of the Pretreatment Program.

16 94. Single pass non-contact cooling or heating water. Water used solely for the  
17 purpose of cooling or heating, which has no direct contact with any raw material, or any  
18 intermediate, final or waste product, and which is used only once and then discarded.

19 95. SIU. Significant Industrial User. See definition under "Significant industrial  
20 user."

21 96. Slug discharge control plan. A plan submitted to the city by a user pursuant to  
22 Section 13.08.330 D of this chapter, which specifies to the Director's satisfaction the  
23 potential pollutants used and/or stored at the user's facility; potential pathways of entry of  
24 the potential pollutants into the POTW; and facilities and procedures for preventing or  
25 controlling the occurrence of slug loading.

26 97. Slug loading (slug discharge). The discharge of any pollutant, including  
27  
28

1 oxygen demanding pollutants (BOD, etc.), which is released at a flow rate and/or pollutant  
2 concentration which may cause pass through of or interference with the POTW.

3 98. SNC. Significant Non-compliance. See definition under "Significant  
4 noncompliance."

5  
6 99. Solvent management plan (toxic organic management plan). A plan submitted  
7 to the city by an industrial user pursuant to Section 13.08.330 C of this section, which  
8 specifies to the Director's satisfaction the solvents and other toxic organic compounds used  
9 and stored; the methods of delivery, storage, and disposal used; and procedures for  
10 assuring that solvents and other toxic organics do not routinely spill or leak into the POTW  
11 or ground.

12  
13 100. Specific compliance plan. A plan submitted to the city by an industrial user  
14 pursuant to Section 13.08.330 E of this section, which specifies to the Director's  
15 satisfaction the cause of noncompliance, the corrective actions which will be taken to  
16 prevent recurrence of the noncompliance, and, if required by the Director, a proposed  
17 compliance time schedule.

18  
19 101. Spent Solutions. Any concentrated Non-domestic wastewater (i.e., plating  
20 solutions and static rinses), which contains concentrations of pollutants, the discharge of  
21 which may cause interference, pass through or a violation of any pretreatment standard or  
22 requirement.

23  
24 102. Spill containment. A protection system to prevent the discharge of  
25 noncompliant pollutants to the sewerage system.

26  
27 103. Standard Industrial Classification (SIC). A classification pursuant to the  
28 Standard Industrial Classification Manual issued by the Executive Office of the President,  
Office of Management and Budget, 1987 or latest edition thereof.

104. Standard Methods. "Standard Methods for the Examination of Water and  
Wastewater," latest edition, prepared and published by the American Public Health

1 Association, American Water Works Association, and Water Environment Federation,  
2 which specifies accepted procedures used to assess the quality of water and wastewater.

3 105. State. State of California.

4 106. State water board. The state of California Water Resources Control Board.

5 107. Stormwater. Any flow of water resulting from natural precipitation.

6 108. Stormwater System. All stormwater conveyance and treatment facilities  
7 located within the city including, but not limited to storm drains, catch basins, storm drain  
8 manholes, and storm water pumping facilities.

9 109. SWDA. Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.

10 110. TDS. Total Dissolved Solids. See definition under "Total dissolved solids."

11 111. Temporary industrial user. Any industrial user who is granted temporary  
12 permission by the Director to discharge unpolluted water or wastewater to the POTW. Such  
13 temporary permission shall not be granted to industrial users subject to promulgated  
14 categorical standards.

15 112. TFR. Total Filterable Residue. See definition under "Total dissolved solids."

16 113. Total Dissolved Solids (TDS). The quantity of nonvolatile substances  
17 remaining after filtration through a standard filter and drying to constant weight at 180  
18 degrees C, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance  
19 with approved analytical methods. TDS is synonymous with total filterable residue (TFR).

20 114. Total Toxic Organics (TTO). The sum of the concentrations for each of the  
21 toxic organic compounds regulated by applicable categorical standards and/or adopted by  
22 the City as a local discharge limit, which are found in the user's discharge at a  
23 concentration greater than 0.010 mg/L, and analyzed in accordance with approved  
24 analytical methods. The local limit TTO constituents shall be defined in the local limit  
25 resolution.  
26  
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28

- 1           115. Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in 40  
2 CFR 401.15 or 40 CFR 403, Appendix B.
- 3           116. TRC. Technical Review Criteria.
- 4           117. TSS. Total Suspended Solids.
- 5
- 6           118. Unpolluted water. Non-contact cooling or heating water, air conditioning  
7 condensate, ice melt, condensate, rain water, or uncontaminated groundwater, surface  
8 water, stormwater or other water to which no pollutant has been added either intentionally  
9 or unintentionally.
- 10           119. U.S.C. United States Code.
- 11
- 12           120. User. Any person who contributes, causes, or permits the contribution of  
13 wastewater into the POTW.
- 14           121. Wastehauler. Any person engaging in vehicular transport of waste, as part of  
15 or incidental to any business, for the purpose of discharging the transported waste to the  
16 POTW.
- 17           122. Wastewater. The liquid and water-carried domestic wastes or non-domestic  
18 wastes from dwellings, commercial buildings, industrial facilities, and institutions, together  
19 with any groundwater, surface water, and stormwater that may be present, whether treated  
20 or untreated, which is contributed into or permitted to enter the POTW.
- 21
- 22           123. Wastewater Discharge Permit or Permit. The regulatory procedure established  
23 and enforced by the Director to control the flow and quality of wastes discharged into the  
24 POTW.
- 25
- 26           124. Wastewater Treatment Facilities. The structures, equipment, and processes  
27 maintained by the city which accept untreated sewage from the public sewer and which  
28 treat and dispose of domestic and non-domestic wastewater.
125. Water conditioning equipment. Any device or apparatus used to soften or

1 otherwise condition water, including zeolite or resinous anion or cation exchange softeners,  
2 demineralizers or any other like device.

3 126. Waters of the state. All streams, lakes, ponds, marshes, watercourses,  
4 waterways, well, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all  
5 other bodies or accumulations of water, surface or underground, natural or artificial, public  
6 or private, which are contained within, flow through, or border upon the state or any portion  
7 thereof.  
8

9 Words used in this Chapter in the singular may include the plural and the plural the  
10 singular. Use of masculine shall include feminine and the use of feminine shall include  
11 masculine.

12 **II. GENERAL PROVISIONS:**

13 13.08.200 Administration. Except as otherwise provided, the Director shall  
14 administer, implement, and enforce the provisions of this chapter. Any powers granted to or  
15 duties imposed upon the Director may be delegated by the Director to other persons acting  
16 in the beneficial interest of or in the employ of the city.  
17

18 13.08.201 Permit Required. It shall be unlawful for any person to connect any pipe on  
19 private property with any pipe that is connected with the public sewer, without first obtaining  
20 a permit to do so from the City.  
21

22 13.08.202 Design and Construction of Sewer Lateral Connections. All connections  
23 (sewer laterals) shall be designed and constructed in accordance with established City  
24 standards.

25 13.08.203 Responsibility for Installation, Maintenance and Replacement. The costs  
26 for installation, maintenance, and replacement of the sewer service lateral as defined in  
27 Section 13.08.105, shall be the responsibility of the property owner.

28 13.08.204 Responsibility for Removal of Obstructions in Sewer Service Laterals. The  
City is not responsible for maintaining the sewer service lateral as defined in Section

1 13.08.105. When necessary, to mitigate a sanitary sewer overflow caused by a sewer  
2 service lateral blockage, the property owner shall pay to the City all costs associated with  
3 the remediation of such obstruction including cleanup.

4 13.08.205 Authorization for New or Increased Pollutant Discharges or Changes in the  
5 Nature of Pollutant Discharges. It is unlawful to commence, increase, or substantially  
6 change any discharge of wastewater to the POTW except as authorized by the Director in  
7 accordance with the provisions of this chapter.

8  
9 13.08.207 Record Keeping. Each permittee shall retain records of all monitoring  
10 activities, including documentation associated with best management practices. Such  
11 records shall include for all samples:

- 12 a. the date, exact place, method, time of sampling and the name of person or persons  
13 taking the samples;
- 14 b. the dates analyses were performed;
- 15 c. who performed the analyses;
- 16 d. the analytical techniques or methods used; and
- 17 e. the results of the analyses.

18  
19 All calibration and maintenance records and all original chart recordings for  
20 continuous monitoring instrumentation, copies of all reports required by the permit, and  
21 records of all data used to complete the application for the permit, for a period of at least  
22 three years from the date of the sample, measurement, report or application. This period  
23 may be extended by request of the Director at any time.

24  
25 All records that pertain to matters that are the subject of special orders or any other  
26 enforcement or litigation activities brought by the city shall be retained and preserved by  
27 the permittee until all enforcement activities have concluded and all periods of limitation  
28 with respect to any and all appeals have expired.

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13.08.210 General Discharge Prohibitions. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass through or interference with the operation or performance of the POTW.

13.08.211 Specific Discharge Prohibitions. No person shall contribute or cause to be contributed into the POTW the following pollutants, substances or wastewater:

A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire, explosion, or in any other way be injurious to the POTW or to operation of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Centigrade, using the test methods specified in 40 CFR 261.21, or which result in conditions where two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), are more than five percent, or any single reading is over ten percent, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

B. Solid or viscous substances which may cause obstruction to sewer flow or interference with the operation of the wastewater treatment facilities including, but not limited to, grease, garbage with particles greater than one-half inch in dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, cat litter, dead animals, diatomaceous earth, feathers, ashes, cinders, earth, sand, mud, gravel, rocks, plaster, concrete, spent lime, stone or marble dust, metal, metal filings, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass, or glass grinding or polishing wastes;

1 C. Any wastewater having a pH less than 5.0 or greater than 11.0, or wastewater  
2 having any other corrosive property capable of causing damage or hazard to structures,  
3 equipment, and/or personnel of the POTW;

4 D. Any wastewater containing hazardous substances or toxic pollutants, in  
5 sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere  
6 with any wastewater treatment process including sludge disposal, constitute a hazard to  
7 human or animals, or create a hazardous effect or acute or chronic toxicity in the receiving  
8 waters of the POTW;

9 E. Any noxious or malodorous liquids, gases, or solids which either singly or by  
10 interaction with other wastes are sufficient to create a public nuisance or hazard to life or  
11 are sufficient to prevent entry into the sewers for maintenance and repair;

12 F. Any substance which may cause the POTW's effluent, or any other product of  
13 the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and  
14 reuse. In no case shall a substance discharged to the POTW cause the POTW to violate  
15 applicable sludge use or disposal regulations developed under Section 405 of the Act or  
16 any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant  
17 to the Solid Waste Disposal Act, Clean Air Act, Toxic Substances Control Act, Resource  
18 Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, or state  
19 regulations;

20 G. Any wastewater which imparts color which cannot be removed by the  
21 treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

22 H. Any wastewater having a temperature greater than sixty degrees Centigrade  
23 (one hundred forty degrees Fahrenheit), or which will inhibit biological activity in the POTW  
24 treatment plant resulting in interference, but in no case wastewater which causes the  
25

1 temperature at the introduction into the POTW treatment plant to exceed forty degrees  
2 Centigrade (one hundred four degrees Fahrenheit);

3 I. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released  
4 at a flow rate and/or pollutant concentration which will cause interference, pass through, or  
5 otherwise cause violation of the NPDES permit or receiving water quality standards;

6 J. Any wastewater containing any radioactive wastes or isotopes except in  
7 compliance with applicable state or federal regulations;

8 K. Any discharge which may, alone or in combination with other waste  
9 substances, result in the presence of toxic or poisonous solids, liquids, gases, vapors, or  
10 fumes in the POTW in such quantities that would create a hazard, public nuisance, or acute  
11 worker health and safety problems;

12 L. Any stormwater, groundwater, well water, street drainage, sub-surface  
13 drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprinklers,  
14 or any type of surface water or unpolluted water. The Director may approve, on a  
15 temporary basis, the discharge of such waters to the POTW when no reasonable  
16 alternative method of disposal is available, subject to the payment of all applicable user  
17 charges and fees by the discharger. Water from swimming pools, wading pools, and  
18 therapy pools may be discharged to the sewerage system between eight p.m. and six a.m.  
19 unless specifically prohibited by the Director;

20 M. Any wastewater, sludge or septic waste removed from a cesspool, septic tank,  
21 chemical toilet or similar waste holding device, except such wastes which are discharged to  
22 the POTW in accordance with a wastewater discharge permit issued by the city. No  
23 waste hauler discharging septic waste to the POTW shall discharge constituents in excess  
24 of the limits for waste haulers set forth by Resolution of the City of Colton and amended  
25 from time to time;

- 1 N. Any trucked or hauled pollutants or wastewater, except at such place and in  
2 such manner as authorized by a wastewater discharge permit issued by the city;
- 3 O. Any pesticides or fertilizers in amounts which may cause interference or pass  
4 through;
- 5 P. Any non-biodegradable cutting oil, petroleum oil, refined petroleum products,  
6 or products of mineral oil origin in amounts which could cause interference or pass through;
- 7 Q. Any substances containing polychlorinated biphenyls (PCBs). PCBs include,  
8 but are not limited to, the following: Aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254,  
9 1260 and 1262;
- 10 R. Any excessive quantities of dispersed biodegradable oils or fats such as lard,  
11 tallow, or vegetable oil or any other substances that may precipitate, solidify, or become  
12 viscous at temperatures between forty and one hundred degrees Fahrenheit;
- 13 S. Any pretreatment wastes. All pretreatment wastes shall be disposed of in  
14 accordance with all applicable federal, state, county, and other local laws and regulations.

15 13.08.215 Prohibition Against Discharging Solid or Fluid Material to Watercourse. No  
16 person shall discharge or cause to be discharged into any storm drain, stormwater  
17 channel, or natural watercourse, whether currently carrying water or not, or into any pipe,  
18 parking lot, street, gutter, or waterway leading to such drain, channel, or watercourse, any  
19 solid or fluid material which will impair the useful functioning of such drain, channel, or  
20 watercourse, or which will cause expense to the city, or other public agency, in maintaining  
21 the proper functioning of same, or which will cause or threaten to cause a public nuisance,  
22 public hazard, or pollution of waters of the state.

23 13.08.220 Prohibition Against Discharging Pollutants to the Ground. No person shall  
24 deposit or discharge, or cause to be deposited or discharged, into any sump which is not  
25 impermeable, or into any pit or well, or onto the ground, or into any storm drain or

1 watercourse, any material which, by seeping underground or by being leached or by  
2 reacting with the soil, can pollute usable groundwaters.

3 Section 13.08.222 Point of Discharge Limits. No person, excluding authorized city  
4 personnel involved in maintenance of POTW facilities, shall discharge any wastewater  
5 directly into the POTW other than through an approved building sewer, unless written  
6 permission for the discharge has been granted by the Director.  
7

8 13.08.223 Prohibition Against Dilution. No person shall increase the use of process  
9 water or, in any way attempt to dilute a discharge as a partial or complete substitute for  
10 adequate treatment to achieve compliance with categorical standards, the discharge limits  
11 contained in this chapter or in any wastewater discharge permit, or any other pollutant limit  
12 developed by the city.

13 13.08.225 Special Restrictions, Vehicle Servicing Facilities.

14 A. Any facility maintained for the servicing, repair, washing, or cleaning of any  
15 vehicles or roadway machinery, including car and truck washes, which discharges non-  
16 domestic wastewater, shall install and maintain a gravity separation interceptor in  
17 accordance with Section 13.08.253. Wastewater from toilets shall not be allowed to pass  
18 through the interceptor, but all wastewaters arising from the servicing, repair, washing or  
19 cleaning of vehicles shall pass through the interceptor before discharge to the POTW.  
20

21 1. If the vehicle servicing facility is only capable of serving one vehicle at a time,  
22 the interceptor shall have a fluid detention capacity of at least one hundred gallons.  
23

24 2. If the vehicle servicing facility has facilities for servicing, repair, washing, or  
25 cleaning more than one vehicle at a time, the interceptor shall be as large as necessary so  
26 that seven-day accumulation of sand and oil will not together fill more than twenty-five  
27 percent of the fluid capacity, and shall have a fluid detention capacity of at least seven  
28 hundred fifty gallons. The interceptor shall be designed so as to retain any oil and grease  
which will float and any sand which will settle.

1 B. Any interceptor legally and properly installed at a vehicle servicing facility  
2 before June 2, 1990 shall be acceptable as an alternative to the interceptor specified in  
3 subsection A of this section provided such interceptor is properly maintained, effective in  
4 removing sand and oil, and designed and installed so that it can be inspected.

5 C. The plumbing official shall not approve the plumbing of a vehicle servicing  
6 facility which is designed to accommodate the discharge of non-domestic wastewater if it  
7 does not have a gravity separation interceptor meeting the requirements of this section.  
8

9 13.08.230 Restrictions on Water-Softening Wastes.

10 A. It is unlawful to install, replace, or enlarge apparatus for softening all or any  
11 part of the water supply to any residential premises when such apparatus is an ion  
12 exchange softener or demineralizer of the type that is regenerated on the site of use,  
13 except as otherwise authorized by the provisions of California Health and Safety Code  
14 Sections 116775 through 116795, inclusive, and any amendment thereto.  
15

16 B. This section shall not apply to existing units nor to apparatus of the type which  
17 is regenerated off-site by a water conditioning company.

18 C. This section shall not apply to any type of commercial or industrial softening  
19 apparatus which will be considered individually in connection with non-domestic  
20 wastewater controls.

21 13.08.235 Special Restrictions-Food Processing Facilities. All food processing

22 facilities, including restaurants, which discharge food processing wastes to the POTW,  
23 shall direct all wastewater from floor drains and sinks in the food processing area, waste  
24 container wash racks, and dishwashers through a minimum of one hundred-gallon gravity  
25 separation interceptor in accordance with Section 13.08.253. All domestic wastewaters  
26 from restrooms, showers, mop sinks, and drinking fountains shall be kept separate until the  
27 previously specified wastes have passed through the interceptor. Sizing of interceptor shall  
28 be determined as described in the latest version of Uniform Plumbing Code, as adopted by

1 the city except that the capacity of the interceptor shall not be less than one hundred  
2 gallons, unless a conditional waiver is granted pursuant to Section 13.08.237.

3 13.08.237 Conditional Waivers. Conditional waivers modifying or waiving the gravity  
4 separation interceptor requirements may be granted by the Director for those restaurants  
5 and other food processing facilities determined not to have the potential to adversely affect  
6 the POTW. Conditional waivers may be revoked for the following reasons:  
7

- 8 A. Changes in types of food prepared or served;
- 9 B. Falsification of information submitted to the city;
- 10 C. Changes in operating hours;
- 11 D. Changes in equipment used.

12 13.08.240 Specific Local Discharge Limits.

13 A. Except as specifically allowed by the Director on a temporary basis or as  
14 provided herein, no Class I or Class II user shall discharge or cause to be discharged to the  
15 POTW any wastewater unless it conforms to all of the applicable local discharge limits as  
16 set forth by Resolution of the City of Colton and amended from time to time as needed to  
17 protect the POTW and comply with current and future state and federal regulatory  
18 requirements.  
19

20 The local discharge limits apply at the point where the wastewater is discharged to  
21 the POTW. The Director may impose average daily, monthly and/or mass limits in addition  
22 to the instantaneous concentration based limits set forth by Resolution of the City of Colton.  
23

24 B. Specific Local Pollutant Mass Emission Rate Limits. The Director may  
25 authorize the discharge of non-domestic wastewater to the POTW which contains  
26 pollutants in concentrations exceeding the specific local pollutant concentration limits  
27 contained herein, when said concentrations, in combination with the measured discharge  
28 flow rate, do not exceed specific local mass emission rate limits which are computed for the  
individual discharger on the basis of the specific local pollutant concentration limits and the

1 discharger's permitted discharge flow rate limit, and which are issued to the discharger as  
2 part of the discharger's permit.

3 13.08.242 Prohibition on Disposal of Spent Solutions and Sludges. No user shall  
4 discharge to the POTW spent solutions, sludges, or any other materials of a quantity or  
5 quality in violation of or prohibited by this chapter or any permit issued pursuant to this  
6 chapter. All waste manifests for such materials shall be retained for a minimum of three  
7 years, and made available to the city upon request.

8  
9 13.08.243 Prohibition on Discharge of Medical Waste.

10 A. No person shall discharge to the POTW medical wastes from hospitals,  
11 clinics, offices of medical doctors, convalescent homes, medical laboratories, other medical  
12 facilities or any other locations except where prior written authorization for such discharges  
13 is given by the Director following the Director's determination that the discharge will not,  
14 alone or in conjunction with other discharges, adversely affect the operation and  
15 maintenance of the POTW. If written authorization for such a discharge is given, the  
16 Director shall have the authority to require that any discharge of an infectious waste to the  
17 sewer be rendered noninfectious prior to discharge if the infectious waste is deemed to  
18 pose a threat to the public health and safety, or will result in any violation of applicable  
19 waste discharge requirements.  
20

21 13.08.245 Categorical Pretreatment Standards. Promulgated National Categorical  
22 Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, are  
23 incorporated into this chapter. Upon the promulgation of new or revised categorical  
24 pretreatment standards for a particular industrial subcategory, the new or revised  
25 categorical pretreatment standards shall immediately be deemed incorporated herein. The  
26 Director shall notify affected users of applicable reporting requirements under 40 CFR,  
27 Chapter I, subchapter N, Parts 401, et seq.  
28

1 No user subject to categorical pretreatment standards shall discharge or cause to be  
2 discharged to the POTW any wastewater which is not in conformance with the discharge  
3 limits set forth in the categorical pretreatment standards, including any revisions thereof.  
4 Notwithstanding the foregoing, a user may obtain a variance from a categorical  
5 pretreatment standard in accordance with the provisions of 40 CFR 403.13 and by  
6 establishing to the satisfaction of the Director, that the discharge will not adversely affect  
7 POTW operation and maintenance.  
8

9 In the event that a categorical pretreatment standard establishes a discharge limit  
10 which conflicts with a local discharge limit, the more stringent discharge limit shall apply.

11 13.08.247 Mass Emission Rates.

12 A. Mass emission rates for pollutants that are present or anticipated in a user's  
13 wastewater discharge may be set for each user and made an applicable part of each user's  
14 permit. These rates shall be based on specific local wastewater discharge limits as adopted  
15 by Resolution of the City of Colton and amended from time to time or categorical  
16 pretreatment standards, and the user's average daily wastewater discharge for the past  
17 three years, the most recent representative data, or other data acceptable to the Director.  
18

19 B. To verify the user's operating data, the Director may require a user to submit  
20 an inventory of all wastewater streams and/or records indicating production rates.

21 C. The Director may revise limits or mass emission rates previously established  
22 in the user's permit at any time, based on: (1) current or anticipated operating data of the  
23 discharger or the city; (2) the city's ability to meet NPDES limits; or (3) changes in the  
24 requirements of regulatory agencies.  
25

26 D. The excess use of water to establish an artificially high flow rate for mass  
27 emission rate determination is prohibited.

28 13.08.250 Pretreatment. Users shall provide necessary wastewater treatment as  
required to comply with this chapter and shall achieve compliance with all applicable,

1 promulgated categorical standards within the time limitations specified therein. Any facilities  
2 required to pretreat wastewater to meet applicable discharge limits shall be constructed,  
3 operated, and maintained in proper operating condition at the user's expense.

4       Upon request by the Director, users shall provide to the city detailed construction  
5 drawings and plumbing plans showing existing process equipment, pretreatment facilities,  
6 spill containment facilities, monitoring facilities, metering facilities, and a description of  
7 existing operating procedures. Prior to construction of new or modified facilities, users shall  
8 submit to the Director for review and acceptance, detailed construction plans and a  
9 description of proposed operating procedures for any new equipment or facilities. Users  
10 shall submit any subsequent changes in operating procedures of the equipment or facilities  
11 to the Director for review and acceptance prior to initiation of the changes. The review and  
12 acceptance of such drawings and operating procedures by the Director shall not relieve the  
13 user from the responsibility of modifying the equipment or facilities as necessary to produce  
14 an effluent in compliance with all provisions of this chapter.  
15

16       13.08.252 Prohibited Discharge of Recovered Pretreatment Wastes. No person shall  
17 discharge wastes recovered from pretreatment devices into any sewer or storm drain  
18 opening, any drains or other openings leading to any sewer or storm drain, parking lot,  
19 street, curb and gutter, or the ground. All recovered pretreatment wastes shall be disposed  
20 of in accordance with all applicable federal, state, county and local laws and regulations.  
21

22       13.08.253 Gravity Separation Interceptor. Any person so required by the Director,  
23 shall install and maintain a gravity separation interceptor. Domestic wastewater shall not be  
24 allowed to pass through this interceptor. This interceptor shall have an operational fluid  
25 capacity of not less than one hundred gallons and shall be designed so as to retain any  
26 material which will float and any material which will settle. The interceptor shall be  
27 watertight, structurally sound, and durable. Interceptors of less than seven hundred fifty  
28 gallons capacity and interceptors for restaurants and food processing facilities shall have

1 no less than two compartments. Interceptors of seven hundred fifty gallons or larger shall  
2 conform to the City's most current approved standard drawings for gravity separation  
3 interceptors.

4 A. Interceptor Requirements.

5 1. All interceptor chambers shall be immediately accessible at all times for the  
6 purpose of inspection and cleaning. At no time shall any material, debris, obstacles or  
7 obstructions be placed in such a manner so as to prevent immediate access to the  
8 interceptor.  
9

10 2. All interceptors of three hundred gallons capacity or larger shall be equipped  
11 with a sample chamber located at the downstream end of the interceptor. The sample  
12 chamber shall have a twenty-four-inch square, or twenty-four-inch diameter, clear opening  
13 for the temporary installation of the city's portable automatic sampling equipment. Any  
14 sample chamber legally and properly installed before the effective date of the ordinance  
15 codified in this chapter shall be acceptable as an alternative to the sample chamber  
16 specified herein, provided such sample chamber is so designed and installed that the city's  
17 portable automatic sampling equipment may be readily installed therein, or the owner  
18 provides a secure and protected location for installation of such sampling equipment within  
19 an eight-foot radius of the sample chamber.  
20

21 3. Any interceptor legally and properly installed before the effective date of the  
22 ordinance codified in this chapter shall be acceptable as an alternative to the interceptor  
23 specified herein, provided such interceptor is effective in removing floatable and settleable  
24 material and is so designed and installed that it can be inspected and properly maintained.  
25

26 4. If the Director finds that an interceptor is incapable of adequately retaining the  
27 floatable and settleable material in the wastewater flow or is structurally incomplete, he  
28 shall notify the owner that it does not meet the requirements of this section and shall  
require the user to install, at the user's expense, an acceptable interceptor.

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B. Interceptor Approval.

If a gravity separation interceptor is required, the plumbing official shall only approve plumbing plans which include an interceptor which meets the requirements of this section.

C. Interceptor Maintenance.

Any person who owns, operates, or maintains a gravity separation interceptor shall maintain it properly. It shall be cleaned as often as is necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor. The use of chemicals to dissolve grease is specifically prohibited. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to the sewer. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition or if the operational fluid capacity has been reduced by more than twenty-five percent by the accumulation of floating and settling solids, oils and grease. The owner of any facility required to install an interceptor, the lessee and sublessee, if there be such, and any proprietor, operator or superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. If the interceptor is not properly maintained under the conditions of use, the Director may require that the interceptor be resized and replaced.

13.08.255 Monitoring Facilities. The city may require, at the user's expense, installation and operation of monitoring facilities to allow inspection of discharges to the POTW, monitoring of wastewater quality, and collection of wastewater samples. The monitoring facilities, including sampling and monitoring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user. The city may require that the monitoring facilities include a security enclosure that can be locked with a city provided hasp lock, or similar device, during monitoring or upon termination of service.

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Monitoring facilities shall normally be situated on private property, but the city may, when such a location would be impractical, allow the facilities to be constructed in public right-of-way.

There shall be ample room in or near any monitoring facility to allow installation of portable sampling and monitoring equipment by the Director.

Construction drawings for proposed monitoring facilities shall be submitted to the Director for review prior to construction. The sampling and monitoring facilities shall be constructed in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following written acceptance by the Director.

13.08.257 Flow Metering Facilities. The Director may require any Class I or Class II user to install a flow meter capable of measuring, recording, and totalizing the discharge to the POTW on a continuous basis. The flow measuring equipment shall conform to the requirements of the Director.

13.08.260 Inspection and Sampling. The Director shall have the right to enter the premises of any user where non-domestic wastewater is created or discharged during all times that the user's facility is open, operating or at any other reasonable time to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or administrative order issued hereunder. The users or the occupants of such premises shall allow the Director ready access to all parts of the premises for purposes of inspection, sampling, examination and copying of records, and any other activities related to determining compliance with this chapter. Unreasonable delay in allowing the Director access to the user's premises shall constitute a violation of this chapter.

1           The Director shall inspect the facilities of each Class I and Class II user a minimum of  
2 once each year, and shall sample the discharge of each Class I and Class II user a  
3 minimum of once each year.

4           The Director shall have the right to set up on the user's property such devices as are  
5 necessary to conduct sampling inspection, compliance monitoring, and/or metering  
6 operations. Where a User has security measures in force, which would require proper  
7 identification and clearance before entry into their premises, the user shall make necessary  
8 arrangements with their security guards so that upon presentation of suitable identification,  
9 the Director will be permitted to enter, without delay, for purposes of performing the  
10 functions described in this section.

12           All sampling and reporting of monitoring results shall comply with 40CFR403.12(g).

13           13.08.262 Sampling and Analysis-Fee-Billing.

14           A.       Sampling and analysis shall be at the expense of the user. The actual cost for  
15 laboratory analyses and reports and an administrative fee, shall be the obligation of the  
16 occupants of the premises where the wastewater is created or discharged.

17           B.       The administrative fee shall be fixed by the city manager based on the city's  
18 current overhead cost allocation percentage.

19           C.       The expense to be paid by the user shall be billed and be payable the same  
20 as for other sewer-use charges.

21           13.08.265 Confidential Information. Information and data regarding a user, obtained  
22 from reports, questionnaires, permit applications, permits and monitoring programs, and  
23 from inspections, shall be available without restriction to the EPA, the State Water Board,  
24 and the regional board. Such information shall also be available to the public or other  
25 governmental agencies without restriction unless the user specifically requests and is able  
26 to demonstrate to the satisfaction of the Director that the release of such information would  
27 divulge information, processes, or methods of production entitled to protection as trade  
28

1 secrets of the user. Any such request shall be asserted at the time of submission of the  
2 information or data and marked "Confidential Business Information" by the user on each  
3 page containing information asserted to be trade secrets. The demonstration of the need  
4 for confidentiality made by the user must meet the burden necessary for withholding such  
5 information from the general public under applicable state and federal law. Wastewater  
6 constituents and characteristics and other effluent data as defined in 40 CFR 2.302 shall  
7 not constitute confidential information and shall be available to the public without  
8 restriction.  
9

10 Information which a user demonstrates to constitute a trade secret shall not be made  
11 available for inspection by the public without prior notification to the user, but shall be made  
12 available to the EPA, the State Water Board, and the regional board, and upon written  
13 request, to other governmental agencies for uses related to this chapter, the NPDES  
14 permit, or other state regulations. Such information shall also be available for use in judicial  
15 review or enforcement proceedings involving the user furnishing the information.  
16

17 13.08.267 Industrial User Survey. The Director shall prepare and maintain a current  
18 list of industrial users subject to the requirements of this chapter. Each industrial user listed  
19 shall be identified by class. Class I Industrial users shall be further identified by a citation of  
20 the applicable, promulgated categorical standards. At least once every two years, the  
21 Director shall conduct a survey of facilities located within the POTW service area to identify  
22 any facilities which should be added to the list of industrial users.  
23

24 13.08.270 Reporting Changes in Discharge, Slug Loading, and Potential Problems.  
25 All industrial users shall promptly notify the city in advance of any substantial change in the  
26 volume or character of pollutants in their discharge. If any routine or special sampling or  
27 monitoring by an industrial user indicates that, for any reason, pollutants are discharged at  
28 a rate or concentration which may cause pass through or interference with the POTW, a  
violation of categorical standards or permit limits, violation of Sections 13.08.211 or

1 13.08.240, or a hazard to city, POTW personnel and/or the public, the user shall verbally  
2 notify the Director and POTW staff immediately. If the discharge to the sewerage system  
3 has the potential to cause a fire or explosion hazard, the industrial user shall also  
4 immediately notify the fire department. The verbal report to the city shall be followed by a  
5 written report submitted to the Director within twenty-four hours describing the cause of the  
6 incident and corrective action taken by the user. The user shall also collect a  
7 representative repeat sample of the discharge and submit the analysis to the city within  
8 thirty days after becoming aware of the violation to determine whether compliance has  
9 been achieved.  
10

11 The notification provided pursuant to this section shall not relieve the user of any  
12 expense, loss, damage or other liability which may be incurred pursuant to this chapter or  
13 other applicable law.  
14

15 13.08.272 Notification of Bypass.

16 A. Bypass of Non-domestic wastewater to the sewerage system is prohibited.

17 The city may take enforcement action against the user unless:

18 1. Bypass was unavoidable because it was done to prevent loss of life, personal  
19 injury, or severe property damage;

20 2. There were no feasible alternatives to the bypass, such as the use of auxiliary  
21 treatment facilities, retention of untreated wastes, elective slow-down or shut-down of  
22 production units or maintenance during periods of production downtime. This condition is  
23 not satisfied if adequate backup equipment could have been feasibly installed in the  
24 exercise of reasonable engineering judgment to prevent a bypass which occurred during  
25 normal periods of equipment downtime or preventative maintenance; and  
26

27 3. The permittee submitted notices as required under subsection B of this  
28 section.

1           4.       Notwithstanding the foregoing, the user shall be liable to the city for any  
2 expenses or costs incurred by the city as a result of a bypass.

3           B.       If a permittee knows in advance of the need for a bypass, it shall submit a  
4 written request to allow the bypass to the Director, if possible, at least ten days before the  
5 date of the bypass.

6           C.       The Director may approve an anticipated bypass at his sole discretion after  
7 considering its adverse affects, and the Director determines that the conditions listed in  
8 subsection (A)(1) to (3) are met.

9           D.       A permittee shall provide telephone notification to the city of an unanticipated  
10 bypass that exceeds its permitted discharge limits within four hours from the time the  
11 permittee becomes aware of the bypass. A written report shall also be provided within five  
12 days of the time the permittee becomes aware or could reasonably have been aware of the  
13 bypass. The report shall contain a description of the bypass and its cause; the duration of  
14 the bypass, including exact dates and times, and, if the bypass has not been corrected, the  
15 anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate,  
16 and prevent recurrence of the bypass. Failure to submit oral notice or written report may be  
17 grounds for permit revocation.

18           13.08.275 Annual Public Notice of Significant Non-compliance. Each year, the  
19 Director shall publish in the largest daily newspaper published in the service area, a list of  
20 all industrial users determined to have been in significant noncompliance with applicable  
21 pretreatment standards or requirements during the previous twelve months.

22           13.08.280 Damage to City's Equipment or Facilities. Any unauthorized entering,  
23 breaking, damaging, destroying, uncovering, defacing, or tampering with any temporary or  
24 permanent structure, equipment, or appurtenance which is part of the POTW shall be a  
25 violation of this chapter.  
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1           13.08.282 Compensation for Unauthorized Discharges. Any user who discharges  
2 wastewater which impairs, interferes with or damages the POTW, its operations or  
3 monitoring equipment, detrimentally affects the wastewater treatment process, significantly  
4 increases POTW operation costs, requires non-routine inspection and/or sampling, or  
5 results in any other damages, costs or expenses, including the imposition of fines or  
6 penalties on the city, shall be liable to the city for all damages, costs and expenses  
7 occasioned thereby. An administrative fee, which shall be fixed by the city manager based  
8 on the city's current overhead cost allocation percentage, shall be added to these charges.  
9 The city's total expenses shall be payable within thirty days of invoicing by the city.

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11           13.08.284 Charges. Charges for sewer use shall be established and revised  
12 periodically by ordinance or resolution, as appropriate, of the city council.

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14           13.08.286 City's Right of Revision. The city reserves the right to amend this chapter  
15 to impose more stringent discharge limits or requirements if deemed appropriate to  
16 advance the objectives presented in Section 13.08.100 of this chapter.

17           13.08.295 Interpretation. The provisions of this chapter are to be reasonably  
18 interpreted. It is the intent herein to recognize that there are varying degrees of hazard to  
19 surface and underground waters and to apply the principal that the degree of protection  
20 should be commensurate with the degree of hazard.

21           13.08.296 Severability. If any provision, paragraph, word, section, or article of this  
22 chapter is invalidated by any court of competent jurisdiction, the remaining provisions,  
23 paragraphs, words, sections, and articles shall not be affected and shall continue in full  
24 force and effect.

25  
26           **III. PERMITS:**

27           13.08.300 Wastewater Discharge Permits. All Class I, Class II, Class IV and Class V  
28 Users and those Class III Users so notified by the Director, which propose to connect or to  
discharge to the POTW, shall obtain a wastewater discharge permit before connecting to or

1 discharging to the POTW. Obtaining a wastewater discharge permit shall not relieve a  
2 permittee of its obligation to comply with any other applicable requirements of federal, state  
3 and/or local law. Class I, Class II, Class IV and Class V Users are issued individual or site  
4 specific permits. Class III User permits may be either individual or group (general) permits  
5 as deemed appropriate by the Director. In general, when it has been established that a  
6 group of similar type businesses (i.e. restaurants, photo processing, car washes, and  
7 automotive repair, etc.) are better regulated using Best Management Practices (BMPs), a  
8 general permit will be issued with conditions and BMP requirements that have been  
9 established for a specified business group.  
10

11 13.08.305 Permit Applications. Users required to obtain a permit shall complete and  
12 file with the Director an application in a form prescribed by him and submit any required  
13 application, filing, or permit fee. Applicable permit fees shall be established by separate  
14 ordinance or resolution of the City.  
15

16 New Class I and Class II Users shall apply for a permit at least ninety days prior to  
17 connecting to or discharging to the POTW. Class III Users shall apply for a permit within  
18 thirty days after receiving notification to apply from the Director. Class IV Users shall apply  
19 for a permit at least ten days prior to the proposed discharge. Class V Users shall apply for  
20 a permit at least five days prior to the proposed discharge.  
21

22 The following information may be required with the permit application:

- 23 A. Name, address, and location of the facility (if different from the address);  
24 B. Names and addresses of the operator and owner, if different than above;  
25 C. Name and address of any and all principals, owners, major shareholders of  
26 company, articles of incorporation; business license (if applicable);  
27 D. Name and address of property owners, landlord and/or property manager of  
28 the facility site;

1 E. SIC number according to the Standard Industrial Classification Manual,  
2 Bureau of the Budget, 1987, as amended;

3 F. Wastewater constituents and characteristics of the proposed discharge, as  
4 determined by a state certified analytical laboratory using approved analytical methods and  
5 sampling procedures in accordance with 40 CFR 136 and 40 CFR 403.12(g)(3), and other  
6 EPA approved analytical methods;  
7

8 G. Time, volume and duration of proposed discharge(s);

9 H. Average daily, peak daily, and fifteen-minute peak wastewater flow rates,  
10 including daily, monthly, and seasonal variations, if any;

11 I. Site plans, floor plans, mechanical and plumbing plans, including details  
12 showing all sewers, sewer connections, treatment facilities, and appurtenances by the size,  
13 location and elevation. If required by the Director, such plans shall be certified by a civil  
14 engineer registered in the state of California;  
15

16 J. A process flow schematic diagram. If required by the Director, the diagram  
17 shall be certified by a civil engineer registered in the state of California;

18 K. Descriptions of activities, facilities, operations and planned processes on the  
19 premises including all materials which are or could be discharged;

20 L. Number and type of employees, and hours of plant operation, and proposed  
21 or actual hours of pretreatment system operation;

22 M. The categorical pretreatment standards applicable to each regulated process;

23 N. A time schedule for compliance with any categorical standards or provisions of  
24 this chapter for which immediate compliance is not possible;  
25

26 O. A list of any environmental control permits held by or for the user's facility, and  
27 a copy of the San Bernardino County "business plan" which addresses the location, type,  
28 and quantity of hazardous materials handled by the user;

P. Water supplier and water account numbers;

- 1 Q. Volume of cooling tower capacity, if applicable;
- 2 R. Waste minimization and water conservation practices;
- 3 S. Production records, if applicable;
- 4 T. Waste manifests, if applicable;
- 5 U. EPA hazardous waste generator number, if applicable;
- 6 V. Additional information may be required of Wastehaulers, including the
- 7 following:
- 8
- 9 1. A description of the industries and clients using the applicant's services;
- 10 2. Name and address of leaseholder of the vehicle or trailer, if applicable;
- 11 3. Number of trucks and trailers used and the license numbers and tank hauling
- 12 capacity of each;
- 13 4. A copy of the applicant's San Bernardino County health department permit.
- 14 W. Any other information as may be deemed by the Director to be appropriate to
- 15 evaluate the discharge to the POTW.
- 16

17 After evaluation and acceptance of the data, the Director may issue a wastewater

18 discharge permit subject to terms and conditions provided in this chapter.

19 13.08.310 Permit Modifications. Within three months of the promulgation of a

20 categorical standard, permits for users subject to the categorical standards shall be revised

21 to require compliance within the time frame prescribed by the new standard. Where an

22 affected user has not previously submitted an application for a permit as required by

23 Section 13.08.305, the user shall apply within one hundred eighty days after the

24 promulgation of the applicable categorical standard. In addition, users with existing permits

25 shall submit to the Director, within one hundred eighty days after the promulgation of an

26 applicable categorical standard, a time schedule for compliance with the categorical

27 standard.

28

1           The terms and conditions of any permit may be subject to modification by the Director  
2 during the term of the permit if discharge limits or requirements, as referenced in Sections  
3 13.08.210 and 13.08.240, are modified or other good cause exists. The user shall be  
4 informed of any proposed changes in the permit at least thirty days prior to the effective  
5 date of change. Any changes or new conditions in a permit shall include a reasonable time  
6 schedule for compliance. Good cause for permit modification includes, but is not limited to,  
7 the following reasons:  
8

9           A.     To incorporate new or revised categorical standards or to incorporate other  
10 new or revised federal, state or local standards or requirements;

11           B.     To address significant alterations or additions to the user's operation,  
12 processes, or wastewater volume or character since the time of permit issuance;

13           C.     A change in the POTW operations that requires either a temporary or  
14 permanent reduction or elimination of the authorized discharge;

15           D.     Information indicating that the permitted discharge poses a threat to the  
16 POTW, city employees, the public or the receiving waters;

17           E.     The user's actual discharge is significantly different than the proposed  
18 discharge identified in the user's permit application;

19           F.     Changes in the requirements of regulatory agencies which affect the city; or

20           G.     A determination by the Director that modification is appropriate to further the  
21 objectives of this chapter.  
22

23           The Director may at any time rescind the requirement that any NSIU obtain and  
24 maintain a Class III permit, at the Director's discretion. With respect to any User that was  
25 designated as an SIU solely as a result of the Director's designation under 13.08.105(90),  
26 clause (5), the Director may terminate said User's designation as an SIU and Class II  
27 permittee on the Director's later determination that the User no longer has a reasonable  
28

1 potential for adversely affecting the POTW's operation or violating any applicable  
2 pretreatment standard, requirement, or discharge limit set forth in this chapter.

3 13.08.315 Permit Contents. Wastewater discharge permits shall be expressly subject  
4 to all provisions of this chapter and all other applicable regulations, and such charges and  
5 fees established, as appropriate, by city resolution or ordinance.  
6

7 A. Class I and Class II permits shall contain at least the following:

8 1. Statement of permit duration;

9 2. Statement of permit nontransferability;

10 3. Discharge limits based on applicable pretreatment standards and/or local  
11 limits, including but not limited to discharge limits on the average and/or maximum  
12 wastewater constituents and characteristics;

13 4. Specifications for monitoring programs which may include: pollutants to be  
14 monitored; sampling location(s); frequency of sampling; sample type(s); number, types and  
15 standards for tests; and a reporting schedule for submitting to the city reports, data and  
16 records relating to production levels and Wastewater discharges to the POTW.  
17

18 5. Statement of applicable civil and criminal penalties for violation of  
19 pretreatment standards and requirements;

20 6. Compliance time schedule(s) where required.

21 7. Statement that all SIUs must comply with slug load control programs and  
22 reporting requirements in compliance with 40CFR403.8. SIUs will be evaluated at least  
23 once every two years for the need to develop and implement an approved slug load control  
24 plan.  
25

26 B. Permits may also contain the following:

27 1. The unit charge or schedule of user charges and fees for the wastewater  
28 discharged to the POTW;

2. Schedule of penalty fees for noncompliance;

- 1           3.       Limits on the average and/or maximum discharge, time of discharge, and/or  
2 requirements for flow regulation and equalization.
- 3           4.       Instantaneous concentration discharge limits and/or mass emission discharge  
4 limits.
- 5           5.       Requirements for installation and maintenance of inspection and sampling  
6 facilities;
- 7           6.       Requirements for the installation of pretreatment technology, pH control  
8 equipment, flow monitoring facilities, sampling facilities, development of pollution control  
9 plans and/or other special conditions including management practices appropriate to  
10 prevent accidental, unanticipated or non-routine discharges;
- 11          7.       Requirements for development and implementation of waste minimization  
12 plans to reduce the amount of pollutants discharged to the POTW.
- 13          8.       Requirements for installation and maintenance of spill containment systems;
- 14          9.       Requirements for submission of technical or discharge reports;
- 15          10.      Requirements for maintaining and retaining plant records relating to the  
16 wastewater discharge as specified by the Director;
- 17          11.      Requirements for notification of slug or accidental discharges, and/or  
18 discharges of hazardous waste;
- 19          12.      Requirements for submittal of slug discharge control plans and/or solvent  
20 management plans;
- 21          13.      Requirements to submit tax and water bills;
- 22          14.      Requirements for maintaining and submitting waste manifests and/or  
23 wastehauling records;
- 24          15.      Requirements to develop and implement Best Management Practices;
- 25          16.      Other conditions as deemed appropriate by the Director to ensure protection  
26 of the POTW and compliance with this chapter.
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1           13.08.320 Permit Duration. Permits shall be issued for a specified time period, not to  
2 exceed five years for Class I and Class II permits, and shall identify the permit expiration  
3 date. The user shall apply for a permit reissuance a minimum of ninety days prior to the  
4 expiration of the user's existing permit.

5           13.08.325 Permit Transfer. Permits are issued to a specific user for a specific  
6 operation. A permit shall not be reassigned, transferred, or sold to a new owner or user,  
7 different premises, or a new or changed operation.

8           13.08.330 Reporting Requirements. In addition to reporting potential problems (see  
9 Sections 13.08.270 and 13.08.272), industrial users, at their sole expense, may be  
10 required to submit one or more of the following types of reports to the city:

11           A.       Self-monitoring reports:

12           The Director may require a permittee to submit periodic self-monitoring reports  
13 containing a description of the (1) nature, concentration, and flow of pollutants; (2) the time,  
14 date, and place of sampling; (3) methods of analysis; and (4) other information reasonably  
15 related to ensuring compliance with this chapter. Sampling for self-monitoring reports shall  
16 be performed by the user as the Director specifies. All required analyses shall be  
17 performed by a state-certified laboratory using approved analytical methods. Class I and  
18 Class II users shall submit self-monitoring reports at least once every six months.

19           B.       Compliance reports:

20           Class I users shall submit initial baseline monitoring reports (BMRs) and periodic  
21 compliance reports, and, if applicable, compliance schedule reports and final compliance  
22 reports.

23           1.       Initial baseline monitoring reports shall be submitted to the city within 180  
24 days after the effective date of the categorical standard, which will facilitate evaluation of  
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initial compliance status and any modifications or conditions necessary to achieve full compliance with categorical standards.

Baseline monitoring reports shall include:

- a) all information listed in Section 13.08.305
- b) the results of sampling and analysis identifying the nature and concentration, where required by the applicable categorical standard or the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.
- c) a statement, reviewed by an authorized representative of the industrial user, and certified as to accuracy by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements. New sources shall submit a baseline monitoring report at least ninety days prior to commencement of discharge.

If immediate compliance with the categorical standard is not possible and additional pretreatment or operation and maintenance is necessary, the report must specify the shortest time necessary to achieve compliance. The completion date must not be later than that specified in the applicable categorical standards. New sources shall achieve compliance with all applicable pretreatment standards within ninety days of commencing discharge.

2. Compliance schedule reports shall be submitted to the city, if necessary, to demonstrate compliance with conditions of a time schedule requiring full compliance with

1 categorical standards and/or other applicable discharge limits set forth in this chapter by a  
2 specific date.

3 Compliance schedule reports shall contain dates for commencement and completion  
4 of major events leading to construction and operation of additional pretreatment equipment,  
5 including but not limited to dates for pretreatment equipment design completion, building  
6 permit submittal, construction commencement, construction milestones, progress reports,  
7 construction completion, employee training completion, and final compliance. Samples  
8 shall be collected and analyzed to demonstrate compliance. The samples shall be taken in  
9 accordance with 40 CFR 136 and 40 CFR 403.12(g)(3). Compliance schedule reports shall  
10 be submitted at the completion of all major events necessary to achieve full compliance  
11 with categorical standards or discharge requirements, but not less frequency than thirty  
12 days. Compliance schedule reports shall be submitted within fourteen days of a milestone  
13 date. Absent unusual circumstances, the duration of a compliance schedule shall not  
14 exceed nine months.  
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17 3. Final compliance reports shall be submitted to the city by any user subject to  
18 categorical pretreatment standards within ninety days following the date for final  
19 compliance with applicable, categorical pretreatment standards, or in the case of a new  
20 source, within ninety days following commencement of the introduction of wastewater into  
21 the POTW, to demonstrate that full compliance with categorical standards has been  
22 achieved. Final compliance reports shall include all information contained in a baseline  
23 monitoring report.  
24

25 4. Periodic compliance reports shall be submitted to the city to demonstrate  
26 continued compliance with categorical standards. Periodic compliance reports shall include  
27 all monitoring data specified in the applicable categorical standard, and any additional  
28 monitoring data obtained by the user during the period covered by the report.

1           Sampling for periodic compliance reports shall be performed during the period  
2 covered by the report. Analyses shall be performed by a state-certified laboratory using  
3 approved analytical methods. The Control Authority shall require that frequency of  
4 monitoring necessary to assess and assure compliance by Industrial Users with applicable  
5 Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide,  
6 total phenols, oil and grease, sulfide, and volatile organic compounds. For all other  
7 pollutants, 24-hour composite samples must be obtained through flow-proportional  
8 composite sampling techniques, unless time-proportional composite sampling or grab  
9 sampling is authorized by the Control Authority. Where time-proportional composite  
10 sampling or grab sampling is authorized by the Control Authority, the samples must be  
11 representative of the Discharge and the decision to allow the alternative sampling must be  
12 documented in the Industrial User file for that facility or facilities. Using protocols (including  
13 appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance,  
14 multiple grab samples collected during a 24-hour period may be composited prior to the  
15 analysis as follows: For cyanide, total phenols, and sulfides the samples may be  
16 composited in the laboratory or in the field; for volatile organics and oil & grease the  
17 samples may be composited in the laboratory. Composite samples for other parameters  
18 unaffected by the compositing procedures as documented in approved EPA methodologies  
19 may be authorized by the Control Authority, as appropriate.

20  
21  
22           Periodic compliance reports shall be submitted every six months in June and  
23 December of each year, unless required to be submitted more frequently by the Director.  
24 Periodic compliance reports may be combined with self-monitoring reports pursuant to  
25 subsection A of this section.  
26

27           C.     Solvent Management Plans. All industrial users subject to promulgated  
28 categorical standards which include a total toxic organic (TTO) limitation shall be required  
to file a solvent management plan. The Director may also require other users to submit

1 solvent management plans where, in his judgment, a plan is necessary to assure proper  
2 containment and disposal of solvents.

3 D. Slug Discharge Control Plans. All industrial users so required by the Director  
4 shall develop and file with the Director and implement a slug discharge control plan. The  
5 plan shall contain at least the following elements:

6 1. Description of discharge practices, including non-routine batch discharges;

7 2. Description of stored chemicals;

8 3. Procedures for prompt verbal notification to the city of slug discharges,  
9 including any discharge that would violate a specific prohibition under Sections 13.08.210  
10 or 13.08.240 of this chapter or 40 CFR 403.5(b), and procedures for follow-up written  
11 notification to the Director within twenty-four hours;

12 4. If required by the Director, the plan shall include procedures to prevent  
13 adverse impact from accidental spills, including inspection and maintenance of storage  
14 areas, handling and transfer of materials, loading and unloading operations, control of plant  
15 site run-off, worker training, building of containment structures or equipment, measures for  
16 containing toxic organic pollutants (including solvents), and/or measures and equipment for  
17 emergency response; and

18 5. If required by the Director, the plan shall include follow-up practices to limit the  
19 damage suffered by the POTW or the environment.

20 E. Specific Compliance Plans. All industrial users so required by the Director  
21 shall file a specific compliance plan. The plan shall indicate the cause of noncompliance,  
22 the corrective actions which will be taken to prevent recurrence of the noncompliance, and,  
23 if required by the Director, a proposed compliance time schedule indicating the dates those  
24 corrective actions will be completed.

25 F. Notification of Hazardous Waste Discharge. Any user shall notify the city, the  
26 EPA Regional Waste Management Division Director, and state hazardous waste authorities  
27

1 in writing of any discharge by the user into the POTW of a substance, which, if otherwise  
2 disposed of, would be classified a hazardous waste pursuant to 40 CFR Part 261, as  
3 revised. Such notification shall include the name of the hazardous waste as set forth in 40  
4 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous,  
5 batch, or other). If the user discharges more than one hundred kilograms of such waste per  
6 calendar month to the POTW, the notification shall also contain the following information to  
7 the extent such information is known and readily available to the user: an identification of  
8 the hazardous constituents contained in the wastes, an estimation of the mass and  
9 concentration of such constituents in the wastestream discharged during that calendar  
10 month, and an estimation of the mass of constituents in the wastestream expected to be  
11 discharged during the following twelve months.

12  
13 Users shall provide notification no later than one hundred eighty days after the  
14 discharge of the hazardous waste.

15  
16 Any notification under this section need be submitted only once for each hazardous  
17 waste discharge. However, notifications of changed discharges must be submitted in  
18 accordance with 40 CFR 403.12(j).

19 The hazardous waste discharge notification requirements specified herein do not  
20 apply to pollutants already reported under the self-monitoring requirements of subsections  
21 A and B of this section. Users are also exempt from the above requirements during a  
22 calendar month in which they discharge no more than fifteen kilograms of hazardous  
23 wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d)  
24 and 261.33(e).

25  
26 Discharges of more than fifteen kilograms of non-acute hazardous wastes as  
27 specified in 40 CFR 261.30(d) and 261.33(e), require a one-time notification. Additional  
28 notification is not required for subsequent months during which the user discharges  
additional quantities of the same non-acute hazardous waste.

1 In the case of new federal regulations under Section 3001 of RCRA identifying  
2 additional characteristics of hazardous waste or listing any additional substance as a  
3 hazardous waste, the user shall notify the city, the EPA Regional Waste Management  
4 Division Director, and state hazardous waste authorities of the discharge of such substance  
5 within ninety days of the effective date of such regulations.  
6

7 In the case of any notification made under these requirements, the user shall certify  
8 that it has a program in place to reduce the volume or toxicity of hazardous wastes  
9 generated to the degree it has determined to be economically practical.

10 G. Any other reports required by California State Law; including such reports as  
11 are required by Chapter 6.95 of Division 20 of the California Health and Safety Code.

12 Users shall be responsible for compliance with all milestone dates established  
13 pursuant to the reports required pursuant to this chapter.  
14

15 13.08.335 Spill Containment Facilities. All industrial users shall provide spill  
16 containment for protection against the unauthorized discharge of prohibited materials or  
17 other wastes regulated by this chapter. Such protection shall be designed to prevent such  
18 materials and wastes from entering into the sewerage system in accordance with  
19 reasonable engineering standards. Such facilities shall be provided and maintained at the  
20 industrial user's expense.

21 13.08.340 Signatory and Certification Requirements. All permit applications, reports  
22 and plans submitted to the city by industrial users pursuant to Sections 13.08.270,  
23 13.08.272, 13.08.305, 13.08.310, and 13.08.330 shall be signed and dated by an  
24 authorized representative of the user. The signature shall accompany the following  
25 certification statement:  
26

27 "I certify under penalty of perjury under the laws of the State of California that this  
28 document and all attachments were prepared under my direction or supervision in  
accordance with a system designed to assure that qualified personnel properly gather and

1 evaluate the information submitted. Based on my inquiry of the person or persons who  
2 manage the system, or those persons directly responsible for gathering the information, the  
3 information submitted is, to the best of my knowledge and belief, true, accurate, and  
4 complete. I am aware that there are significant penalties for submitting false information,  
5 including the possibility of fine and imprisonment for knowing violations.”  
6

7 Analytical reports submitted directly to the city by a certified analytical laboratory at  
8 the request of the user for samples of wastewater collected at user facilities may be signed,  
9 dated, and certified by the laboratory manager in lieu of an authorized representative of the  
10 user; however, such reports shall be accompanied by a statement, signed, dated, and  
11 certified by an authorized representative of the user, as above, which verifies that the  
12 sample identified in the analytical report was collected on the date and time indicated at the  
13 location indicated, and using the method indicated on the analytical report. This signed,  
14 dated, and certified statement may be included as part of the chain-of-custody form for the  
15 sample.  
16

17 **IV. ENFORCEMENT:**

18 13.08.400 Enforcement, General. Whenever any person violates any provision of  
19 this chapter, a wastewater discharge permit or administrative order issued hereunder, the  
20 violation constitutes a violation of this chapter and is immediately actionable. The Director  
21 may take any, all or any combination of these actions in accordance with progressive  
22 enforcement response procedures as contained in the City’s Enforcement Response Plan  
23 (ERP) against a noncompliant user. The Director may immediately proceed with any one or  
24 more of the enforcement remedies set forth in this chapter.  
25

26 13.08.401 Notification of Violation (NOV). Whenever the Director finds that any user  
27 has violated any discharge limit or requirement contained in this chapter or a wastewater  
28 discharge permit, the Director may serve upon such user a written notice stating the nature  
of the violation and the penalties for continued noncompliance. Within a prescribed period

1 specified in the notice, the user shall submit to the Director a specific compliance plan  
2 pursuant to Section 13.08.330 E.

3 13.08.402 Compliance Time Schedules (CTS). The Director may issue a compliance  
4 time schedule submitted by a user, or may issue a revised compliance time schedule if, in  
5 the judgment of the Director, the user's proposed compliance time schedule is insufficient  
6 to achieve timely compliance with this chapter. The Director will notify the user of the  
7 compliance time schedule established by the Director in a timely manner.  
8

9 13.08.403 Administrative Orders (AO). The Director may direct compliance with any  
10 prohibition, discharge limit, or requirement of this chapter or the provisions of a wastewater  
11 discharge permit by issuing one or more of the following administrative orders:

- 12 A. Compliance order;
- 13 B. Cease and desist order;
- 14 C. Termination of service order;
- 15 D. Immediate termination of service order.

16  
17 Any user served with an administrative order shall be subject to noncompliance fees  
18 which may be established by city ordinance or resolution, as appropriate. The city may also  
19 bring a court action to enforce any administrative order issued pursuant to this chapter.

20 13.08.404 Compliance Orders. When the Director finds that a user has violated or  
21 threatens to violate any prohibition, discharge limit or requirement of this chapter or the  
22 provisions of a wastewater discharge permit, the Director may issue a compliance order  
23 and direct the user to:

- 24 A. Comply immediately; or
- 25 B. Comply in accordance with a specific compliance time schedule.

26  
27 A compliance order may establish a noncompliance monitoring program, or modify an  
28 existing noncompliance monitoring program. A compliance order may also include, but is  
not limited to, modifications in the frequency and extent of monitoring, sampling and

1 analysis, submission of self-monitoring reports and directives to institute management  
2 practices designed to minimize the amount of pollutants discharged to the sewerage  
3 system.

4 13.08.405 Cease and Desist Orders. When the Director finds that a user has violated  
5 or threatens to violate any prohibition, discharge limit, provision of this chapter, wastewater  
6 discharge permit, or administrative order, the Director may issue a cease and desist order  
7 and direct the user to:

8  
9 A. Comply immediately; or

10 B. Take appropriate remedial or preventative action, including, if necessary,  
11 halting operations or terminating the discharge, in order to prevent the recurrence of a  
12 violation or a threatened violation.

13 A cease and desist order may establish a noncompliance monitoring program or  
14 modify an existing noncompliance monitoring program. A cease and desist order may also  
15 include, but is not limited to, modifications in the frequency and extent of monitoring,  
16 sampling and analysis, and submission of self-monitoring reports.

17  
18 13.08.406 Determination of Non-compliance with Discharge Limits.

19 A. Sampling procedures.

20 1. Sampling of all users shall be conducted in the time, place, manner, and  
21 frequency determined at the sole discretion of the city.

22 2. Noncompliance with mass emission rate limits, concentration limits, permit  
23 discharge conditions, or any discharge provision of this chapter may be determined by an  
24 analysis of a grab or composite sample of the effluent of a user. Noncompliance with mass  
25 emission rate limits shall be determined by an analysis of a composite sample of the user's  
26 effluent, except that a grab sample may be used to determine compliance with mass  
27 emission rate limits when the discharge is from a closed (batch) treatment system in which  
28 there is no wastewater flow into the sewerage system when the discharge is occurring, the

1 volume of wastewater contained in the batch system is known, the time interval of  
2 discharge is known, and the grab sample is homogeneous and representative of the  
3 discharge.

4 3. Any sample taken from a sample point shall be deemed to be representative  
5 of the discharge to the POTW.

6 B. Waste hauler Noncompliance with Discharge Limits. A waste hauler's  
7 noncompliance with discharge limits shall be determined by an analysis of a sample of the  
8 discharge for any constituent or conditions specified in the waste hauler's wastewater  
9 discharge permit or this chapter. If the discharge of a waste hauler is found by the analysis  
10 to be in excess of the concentration limits specified in the waste hauler's wastewater  
11 discharge permit or in this chapter, the waste hauler shall, upon receiving a demand from  
12 the city, identify in writing all sources of the discharge.

13 Even if it is established to the satisfaction of the Director that the origin of the  
14 discharge is septic waste or sanitary waste, the city may still elect not to accept waste from  
15 that particular source.

16 13.08.407 Non-compliance Monitoring Program.

17 A. Repeat Sampling:

18 If any sample analysis indicates that the user is discharging wastewater with pollutant  
19 concentrations or levels exceeding discharge limits contained in this chapter or contained  
20 in user's permit, then the user shall notify the city of the violation within 24 hours of  
21 becoming aware of the incident. The user shall also collect and analyze a follow-up sample  
22 or samples (as directed by the Director using approved analytical methods). The user shall  
23 submit the completed follow-up sample analysis to the city within thirty days of becoming  
24 aware of the violation.

25 B. Initiation of Noncompliance Monitoring Program:

1 If the follow-up sample indicates continued noncompliance, the user may be ordered  
2 by the Director to immediately initiate a noncompliance monitoring program requiring  
3 additional sampling and reporting by the user in accordance with a schedule issued by the  
4 Director. During the program, the user may be subject to noncompliance fees established  
5 by city ordinance or resolution, as appropriate.

6  
7 C. Termination of Noncompliance Monitoring Program:

8 The noncompliance monitoring program may be terminated by the city upon the  
9 user's demonstration of a return to consistent compliance. To demonstrate consistent  
10 compliance, the user must either:

- 11 1. Terminate the discharge; or
- 12 2. Provide analyses (which have been analyzed using approved analytical  
13 methods), which show discharge levels in consistent compliance over a period of not less  
14 than thirty days or as specified in the program.

15  
16 D. Non-compliance Fees:

17 The payment of non-compliance fees by users shall not bar the city from undertaking  
18 any other enforcement, civil, or criminal proceedings. The purpose of noncompliance fees  
19 is to compensate the city for costs of additional sampling, monitoring, laboratory analysis,  
20 treatment, disposal and administrative processing incurred as a result of non-compliance.  
21 Non-compliance fees are established by City Resolution and are amended from time to  
22 time to reflect the cost of providing additional oversight to remedy non-compliance with the  
23 provisions of this Ordinance or wastewater discharge permit.

24  
25 13.08.408 Permit Suspension or Revocation.

26 A. Grounds.

27 The Director may suspend or revoke any permit when it is determined that a  
28 permittee:

- 1           1.       Knowingly provides a false statement, representation, record, report, or other  
2 document to the city;
- 3           2.       Refuses to provide records, reports, plans, or other documents required by the  
4 city to determine permit terms, conditions, or limits, discharge compliance, or compliance  
5 with this chapter;
- 6           3.       Falsifies, tampers with, or knowingly renders inaccurate any monitoring device  
7 or sample collection method;
- 8           4.       Fails to report significant changes in operations or wastewater constituents  
9 and characteristics;
- 10          5.       Fails to comply with the terms and conditions of an administrative order issued  
11 pursuant to this chapter;
- 12          6.       Discharges effluent to the POTW while its permit is suspended;
- 13          7.       Refuses reasonable access to the Permittee's premises for the purpose of  
14 inspection and monitoring;
- 15          8.       Does not make timely payment of all amounts owed to the city for fees  
16 imposed pursuant to this chapter;
- 17          9.       Causes interference with the city's collection, treatment or disposal system;
- 18          10.       Fails to submit oral notice or written report of bypass occurrence;
- 19          21.       Violates any condition or limit of its discharge permit or any provision of this  
20 chapter.
- 21          22.       Violates any condition or limit of its discharge permit or any provision of this  
22 chapter.
- 23          23.       Violates any condition or limit of its discharge permit or any provision of this  
24 chapter.
- 25          B.       Notice/Hearing. When the Director has reason to believe that grounds exist  
26 for the suspension or revocation of a permit, he shall give written notice by personal  
27 service or certified mail thereof to the permittee setting forth a statement of the facts and  
28 grounds deemed to exist together with the time and place where the charges shall be  
heard by the Director's designee. The hearing date shall be not less than fifteen calendar  
days nor more than forty-five calendar days after the mailing of such notice.

1           1.       At the hearing, the permittee shall have an opportunity to respond to the  
2 allegations set forth in the notice by presenting written or oral evidence. The suspension or  
3 revocation hearing shall be conducted in accordance with the procedures established by  
4 the Director and approved by counsel for the city.

5           2.       After the conclusion of the hearing, the Director's designee shall submit a  
6 written report to the Director setting forth a brief statement of facts found to be true, a  
7 determination of the issues presented, conclusions, and a recommendation. Upon receipt  
8 of the written report, the Director shall make his determination and should he find that  
9 grounds exist for suspension or permanent revocation of the permit, he shall issue his  
10 decision and order in writing within thirty calendar days after the conclusion of the hearing  
11 by his designee. The written decision and order of the Director shall be served personally  
12 or by certified mail on the permittee or its legal counsel/representative.

13           In the event the Director determines to not revoke the permit, he may order other  
14 enforcement actions, including, but not limited to, a temporary suspension of the permit,  
15 under terms and conditions that he deems appropriate to further the purposes of this  
16 chapter.

17           C.       Effect.

18           1.       Upon an order of suspension or revocation by the Director becoming final, the  
19 permittee shall lose all rights to discharge any non-domestic wastewater directly or  
20 indirectly to the POTW in accordance with the order. All costs for physical termination shall  
21 be paid by the permittee.

22           2.       Any owner or responsible management employee of the permittee shall be  
23 bound by the order of suspension or revocation.

24           3.       Any future application for a permit at any location within the POTW's service  
25 area by any person subject to an order of revocation will be considered by the city after  
26  
27  
28

1 fully reviewing the records of the revoked permit, which records may be the basis for denial  
2 of a new permit.

3 4. An order of permit suspension or revocation issued by Director shall be final in  
4 all respects on the thirty-first day after it is served personally or by certified mail on the  
5 permittee unless a notice of appeal is filed with the city pursuant to Section 13.08.427 no  
6 later than five p.m. on the thirtieth day following such mailing.  
7

8 13.08.410 Termination of Service. When the Director finds that any user has done  
9 any of the following acts, the Director may terminate sewer service to that user upon  
10 serving appropriate notice to the user:

11 A. Violate a cease and desist order;

12 B. Fail to accurately report the wastewater constituents and characteristics of its  
13 discharge;

14 C. Fail to report significant changes in operations, or wastewater volume,  
15 constituents and characteristics prior to discharge;

16 D. Refuse to allow reasonable access to the user's premises for the purpose of  
17 inspection, monitoring or sampling;

18 E. Violate any pretreatment standard.  
19

20 The procedures set forth in Section 13.08.408B shall apply to termination of service  
21 proceedings. The user shall be liable for all costs for termination of sewer service incurred  
22 by the user and the city. This provision is in addition to other statutes, rules, or regulations  
23 authorizing termination of service for delinquency in payment, or for any other reason.  
24

25 Sewer service may be re-instituted if the Director is satisfied that the user has  
26 remedied all aspects of noncompliance with this chapter and that the user has the  
27 capability to and will remain in compliance in the future. The user shall be liable for all costs  
28 for re-institution of sewer service.

13.08.415 Emergency Suspension of Service.

1           A.     The Director may suspend sewerage service or wastehauler discharge  
2 service, after informal notice to the user, when the Director determines that such  
3 suspension is necessary in order to stop an actual or impending discharge which presents  
4 or may present an imminent or substantial endangerment to the health and welfare of  
5 persons, or to the environment, may cause pass through of or interference with the POTW,  
6 or may cause the city to violate any state or federal law or regulation. Any user notified of  
7 and subject to an emergency suspension order shall immediately cease the discharge of all  
8 non-domestic wastewater to the sewerage system. In the event that a user fails to  
9 immediately comply with an emergency suspension order, the Director shall take steps as  
10 deemed necessary, including immediate severance of the sewer connection, to prevent the  
11 continued discharge of non-domestic wastewater to the POTW. The user shall be liable for  
12 all costs incurred by the city in terminating sewer service.  
13

14           B.     As soon as reasonably practicable following the issuance of an emergency  
15 suspension order and informal notice to the user of the time and location for a hearing, but  
16 in no event more than five days following the issuance of such order, the Director shall hold  
17 a hearing to provide the user the opportunity to present information in opposition to the  
18 issuance of the emergency suspension order. Such a hearing shall not stay the effect of  
19 the emergency suspension order. The hearing shall be conducted in accordance with  
20 procedures established by the Director and approved by counsel for the city. The Director  
21 shall issue a written decision and order within two business days following the hearing,  
22 which decision shall be served personally or by certified mail on the user or the user's legal  
23 counsel. The decision of the Director following the hearing shall be final and not  
24 appealable.  
25

26           C.     Upon a demonstration by the user to the satisfaction of the Director that the  
27 period of endangerment has passed and will not recur, the Director may allow the user to  
28

1 recommence its discharge to the POTW, unless the Director proceeds with permit  
2 revocation or termination of service pursuant to Sections 13.08.408 or 13.08.410.

3 13.08.416 Public Nuisance. Discharge of wastewater in any manner in violation of  
4 this chapter or of any administrative order issued pursuant to this chapter, is declared a  
5 public nuisance and shall be corrected or abated as directed by the Director. Any person  
6 creating a public nuisance is guilty of a misdemeanor.  
7

8 13.08.417 Criminal Penalties. Any person who violates any provision of this chapter,  
9 is guilty of a misdemeanor, which is punishable by a fine of at least one thousand dollars  
10 per day for each violation, or by imprisonment for a period of not more than six months, or  
11 both. Each such person shall be deemed guilty of a separate offense for every day during  
12 any portion of which any violation of any provisions of this chapter has been committed or  
13 continued.  
14

15 13.08.419 Search or Inspection Warrants. If the Director has been refused access to  
16 a building or property, or any part thereof, or determines that a search or inspection  
17 warrant is appropriate to conduct an investigation in furtherance of the purposes of this  
18 chapter, the Director may apply to a court of competent jurisdiction for the issuance of a  
19 search or inspection warrant.

20 13.08.420 Legal Action. If any person, firm or corporation violates or has the  
21 reasonable potential to violate any provision of its wastewater discharge permit, this  
22 chapter, federal or state pretreatment standards or requirements, or any administrative  
23 order issued pursuant to this chapter, the city attorney may petition a court of competent  
24 jurisdiction for appropriate legal, equitable or injunctive relief including, but not limited to,  
25 issuance of a temporary restraining order, preliminary injunction, permanent injunction,  
26 and/or any other relief that may be appropriate to restrain the continued violation or prevent  
27 threatened violations by the user.  
28

1 In addition to the penalties provided herein, the Director may recover reasonable  
2 attorney fees, court costs, court reporter's fees, and other expenses of litigation by  
3 appropriate suit of law against the person found to have violated any of the provisions of  
4 this chapter or the orders, rules, regulations, and permits issued thereunder.

5 13.08.425 Civil Penalties.

6  
7 A. Authority. All users of the POTW are subject to enforcement actions  
8 administratively or judicially by the district, EPA, regional board, and/or the county of San  
9 Bernardino district attorney. The actions may be taken pursuant to the authority and  
10 provisions of several laws, including but not limited to: (1) Federal Water Pollution Control  
11 Act, commonly known as the Clean Water Act (33 U.S.C. Section 1251 et seq.); (2)  
12 California Porter-Cologne Water Quality Act (California Water Code Section 13000 et seq.);  
13 (3) California Hazardous Waste Control Law (California Health and Safety Code Section  
14 25100 et seq.); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section  
15 6901 et seq.); and (5) California Government Code, Sections 54739 et seq.

16  
17 B. Recovery of Fines or Penalties. In the event the city is subject to the payment  
18 of fines or penalties pursuant to the legal authority and actions of other regulatory or  
19 enforcement agencies based on a violation of law or regulation or its permits, and the  
20 violation can be established by city as caused by the discharge of any user of the POTW  
21 which is in violation of any provision of this chapter, the user's permit, or an administrative  
22 order issued pursuant to this chapter, city shall be entitled to recover from the user all costs  
23 and expenses, including, but not limited to, the full amount of said fines or penalties to  
24 which it has been subjected.

25  
26 C. Ordinance. Pursuant to the authority of California Government Code Sections  
27 54739-54740, any person who violates any provision of this chapter; any permit condition,  
28 prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a  
sum not to exceed twenty-five thousand dollars per violation for each day in which such

1 violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251  
2 et seq., any person who violates any provision of this chapter, or any permit condition,  
3 prohibition, or effluent limit shall be liable civilly for a sum not to exceed twenty-five  
4 thousand dollars per violation for each day in which such violation occurs. Counsel for the  
5 city, upon order of the Director, shall petition a court of competent jurisdiction to impose,  
6 assess, and recover such penalties, or such other penalties as the city may impose,  
7 assess, and recover pursuant to federal and/or state legislative authorization.  
8

9 D. Administrative Civil Penalties.

10 1. Pursuant to the authority of California Government Code Sections 54740.5  
11 and 54740.6, the city may issue an administrative complaint to any person who violates:

- 12 (a) any provision of this chapter;  
13 (b) any permit condition, prohibition, or effluent limit; or  
14 (c) any suspension or revocation order.  
15

16 2. The administrative complaint shall be served by personal delivery or certified  
17 mail on the person and shall inform the person that a hearing will be conducted, and shall  
18 specify a hearing date within sixty days following service. The administrative complaint  
19 shall allege the act or failure to act that constitutes the violation of the city's requirements,  
20 the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.  
21 The matter shall be heard by the Director or his designee. The person to whom an  
22 administrative complaint has been issued may waive the right to a hearing, in which case a  
23 hearing will not be conducted.  
24

25 3. At the hearing, the person shall have an opportunity to respond to the  
26 allegations set forth in the administrative complaint by presenting written or oral evidence.  
27 The hearing shall be conducted in accordance with the procedures established by the  
28 Director and approved by the counsel for the city.

1           4.     After the conclusion of the hearing, the Director's designee shall submit a  
2 written report to the Director setting forth a statement of the facts found to be true, a  
3 determination of the issues presented, conclusions, and a recommendation.

4           5.     Upon receipt of the written report, the Director shall make his determination  
5 and should he find that grounds exist for assessment of a civil penalty against the person,  
6 he shall issue his decision and order in writing within thirty calendar days after the  
7 conclusion of the hearing by his designee.  
8

9           6.     If, after the hearing or appeal, if any, it is found that the person has violated  
10 reporting or discharge requirements the Director or city council may assess a civil penalty  
11 against that person. In determining the amount of the civil penalty, the Director or city  
12 council may take into consideration all relevant circumstances, including but not limited to  
13 the extent of harm caused by the violation, the economic benefit derived through any  
14 noncompliance, the nature and persistence of the violation, the length of time over which the  
15 violation occurs, and corrective action, if any, attempted or taken by the person involved.  
16

17           7.     Civil penalties may be assessed as follows:

18           (a)    In an amount which shall not exceed two thousand dollars for each day for  
19 failing or refusing to furnish technical or monitoring reports;

20           (b)    In an amount which shall not exceed three thousand dollars for each day for  
21 failing or refusing to timely comply with any compliance schedules established by the city;

22           (c)    In an amount which shall not exceed five thousand dollars per violation for  
23 each day of discharge in violation of any waste discharge limit, permit condition, or  
24 requirement issued, reissued, or adopted by the city;

25           (d)    In any amount which does not exceed ten dollars per gallon for discharges in  
26 violation of any suspension, revocation, cease and desist order or other orders, or  
27 prohibition issued, reissued, or adopted by the city.  
28

1           8.       An order assessing administrative civil penalties issued by the city shall be  
2 final in all respects on the thirty-first day after it is served on the person unless a notice of  
3 appeal is filed with the city council pursuant to Section 13.08.427 no later than the thirtieth  
4 day following such mailing. An order assessing administrative civil penalties issued by the  
5 city council shall be final upon issuance.

6           9.       Copies of the administrative order shall be served on the party served with the  
7 administrative complaint, either by personal service or by registered mail to the person at  
8 his business or residence address, and upon other persons who appeared at the hearing  
9 and requested a copy of the order.

10          10.       Any person aggrieved by a final order issued by the city council, after granting  
11 review of the order of the Director, may obtain review of the order of the city council in the  
12 superior court, pursuant to Government Code Section 54740.6, by filing in the court a  
13 petition for writ of mandate within thirty days following the service of a copy of the decision  
14 or order issued by the city council.

15          11.       Payment of any order setting administrative civil penalties shall be made  
16 within thirty days of the date the order becomes final. The amount of any administrative civil  
17 penalties imposed which have remained delinquent for a period of sixty days shall  
18 constitute a lien against the real property of the discharger from which the discharge  
19 resulting in the imposition of the civil penalty originated. The lien shall have no effect until  
20 recorded with the county recorder. The city may record the lien for any unpaid  
21 administrative civil penalties on the ninety-first day following the date the order becomes  
22 final.

23          12.       No administrative civil penalties shall be recoverable under subsection D of  
24 this section for any violation for which the city has recovered civil penalties through a  
25 judicial proceeding filed pursuant to Government Code Section 54740.

13.08.427 Appeals to the City Council.

1           A.     General. Any user, permit applicant, or permittee adversely affected by a  
2 decision, action, or determination made by the Director may file a written notice of appeal  
3 requesting a hearing before the city council, which notice shall be accompanied by an  
4 appeal fee in the amount established by a separate resolution of the city council. The  
5 notice of appeal shall be filed within thirty days of the service on the appellant of notice of  
6 the decision, action or determination of the Director. The notice of appeal shall set forth in  
7 detail all the issues in dispute for which the appellant seeks determination and all facts  
8 supporting appellant's request.  
9

10           No later than sixty days after receipt of the request for hearing, the city council shall  
11 either set the matter for a hearing, or deny the request for a hearing in accordance with  
12 subsection B of this section.  
13

14           Upon receipt of a timely notice of appeal, a hearing shall be held by the city council  
15 within sixty-five days, unless a later date is agreed to by the appellant and the city council.  
16 If the matter is not heard within the required time, due to actions or inactions of the  
17 appellant, the Director's order shall be deemed final.

18           As the ordinance codified in this chapter constitutes a legislative enactment, except  
19 as expressly authorized under this chapter, there are no provisions for waiver or variance  
20 from the terms of said ordinance.  
21

22           B.     Granting Request for Hearing. The city council shall grant all requests for a  
23 hearing on appeals concerning an award of civil penalties, or orders of permit suspension,  
24 revocation, or denial. Whether to grant or deny the request for a hearing on appeals of  
25 other decisions of the Director shall be within the sole discretion of the city council.

26           C.     Appeal Fee Refund. The appeal fee shall be refunded if the city council denies  
27 a hearing or reverses or modifies, in favor of the appellant, the order of the Director. The  
28 fee shall not be refunded if the city council denies the appeal.

1 D. Written Determination. After the hearing, the city council shall make a  
2 determination whether to uphold, modify, or reverse the decision, action, or determination  
3 made by the Director.

4 The decision of the city council shall be set forth in writing within sixty-five days after  
5 the close of the hearing and shall contain findings of the facts found to be true, the  
6 determination of issues presented, and the conclusions. The written decision and order of  
7 the city council shall be served personally or by certified mail on the appellant or its legal  
8 counsel/ representative.  
9

10 The order of the city council shall be final upon its adoption. In the event the city  
11 council fails to reverse or modify the Director's order, it shall be deemed affirmed.

12 13.08.428 Financial Security/Amendments to Permit.

13 A. Compliance Deposit. Permittees that have been subject to enforcement  
14 and/or collection proceedings may be required to deposit with the city an amount  
15 determined by the Director as necessary to guarantee payment to city of all charges, fees,  
16 penalties, costs and expenses that may be incurred in the future, before permission is  
17 granted for further discharge to the sewer.  
18

19 B. Delinquent Accounts. The city may require an amendment to the permit of  
20 any permittee who fails to make payment in full of all fees and charges assessed by the city  
21 or otherwise incurred by permittee.  
22

23 C. Bankruptcy. Every permittee filing any legal action in any court of competent  
24 jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its  
25 financial debts or obligations or seeking court-ordered protection from its creditors, shall,  
26 within ten days of filing such action, apply for and obtain the issuance of an amendment to  
27 its permit.

28 D. Permit Amendments. The city shall review and examine permittee's account  
to determine whether previously incurred fees and charges have been paid in accordance

1 with time requirements prescribed by this chapter. The city may thereafter issue an  
2 amendment to the user's permit in accordance with the provisions of this chapter.

3 E. Security. An amendment to a waste discharge permit issued pursuant to  
4 subsections B, C and/or D of this section, may be conditioned upon the permittee  
5 depositing financial security in an amount equal to the average total fees and charges for  
6 two calendar quarters during the preceding year. The deposit shall be used to guarantee  
7 payment of all fees and charges incurred for future services and facilities furnished by city  
8 and shall not be used by the city to recover outstanding fees and charges incurred prior to  
9 the permittee filing and receiving protection from creditors in the United States Bankruptcy  
10 Court.  
11

12 F. Return of Security. In the event the permittee makes payment in full within the  
13 time prescribed by this chapter of all fees and charges incurred over a period of two years  
14 following the issuance of an amendment to the permit pursuant to subsections B, C and/or  
15 D of this section, the city shall either return the security deposit posted by the permittee or  
16 credit his account.  
17

18 13.08.430 Enforcement Response Plan. The Director shall prepare, implement, and,  
19 if necessary, periodically update an enforcement response plan in conformance with EPA  
20 guidance contained in 40 CFR 403.8(f)(5).  
21

22 13.08.440 Notice of Discharge Prohibition. The Director may serve a written notice of  
23 discharge prohibition on any person(s) engaged in any activity or activities which, while not  
24 resulting in a discharge of non-domestic wastewater to the POTW at the time, may, in the  
25 Director's judgment, result in a discharge of non-domestic wastewater at some time in the  
26 future. A notice of discharge prohibition shall include at least the following:

27 A. A list of general discharge restrictions and prohibitions;

28 B. A list or citation of any categorical standards that would be applicable upon  
commencement of non-domestic wastewater discharge;

1 C. A requirement to apply for and obtain a wastewater discharge permit prior to  
2 commencing discharge of non-domestic wastewater to the POTW;

3 D. A requirement for notification of slug or accidental discharges; and

4 E. A statement of applicable civil and criminal penalties for violation of  
5 pretreatment standards and requirements. A notice of discharge prohibition may also  
6 contain one or more of the following:  
7

8 1. A requirement to prepare and submit a slug discharge control plan;

9 2. A requirement to install and maintain one or more spill containment systems;

10 3. A requirement for maintaining and retaining plant records relating to wastes  
11 removed from the facility;

12 4. A requirement to submit an annual written statement to the Director certifying  
13 that no non-domestic wastewater has been discharged to the POTW during the previous  
14 year other than discharges of which the Director was properly notified, and that no non-  
15 domestic wastewater will be discharged during the forthcoming year without proper  
16 notification and/or obtaining a wastewater discharge permit.  
17

18 13.08.445 Industrial Waste Pass Through or Interference. Any person whose  
19 discharge results in a pass through or interference event affecting the POTW shall be liable  
20 for all costs associated with the event, including treatment costs, regulatory fines,  
21 penalties, assessments, and other indirect costs. The user shall submit to the city plans to  
22 prevent future recurrences to the satisfaction of the Director.  
23

24 13.08.450 Publication of Violation. Upon a determination in a permit suspension,  
25 permit revocation, or civil penalty proceedings that a user has discharged in violation of its  
26 permit or any provision under this chapter, the city may require that the user notify the  
27 public and/or other users of the POTW of such violation, of actions taken to correct such  
28 violation, and of any administrative or judicial orders or penalties imposed as a result of  
such violation.

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13.08.460 Recovery of Costs Incurred by City. In the event a permittee fails to comply with any of the terms and conditions of this chapter, an administrative order, compliance schedule or a permit issued hereunder, the city shall be entitled to reasonable attorney fees and costs which may be incurred in order to enforce any of the terms and conditions, with or without filing proceedings in court.

13.08.470 Judicial Review.

A. Purpose and Effect. Pursuant to Section 1094.6 of the California Code of Civil Procedure, the city enacts this section to limit to ninety days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions. As used in this section, the following terms and words shall have the following meanings:

1. Decision shall mean and include adjudicatory administrative decisions that are made after hearing, and after an award of civil penalties pursuant to Section 13.08.425D, after revoking, suspending, or denying an application for a permit or a license, or after other administrative hearings taken to enforce this chapter.

2. Complete record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the Director, and the final decision, all admitted exhibits, all rejected exhibits in the possession of the city or its officers or agents, all written evidence, and any other papers in the case.

C. Time Limit for Judicial Review. Except as set forth in subsection G of this section, judicial review of any decision of the city or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the

1 proceedings or if the date is not otherwise specified, the decision is final on the date it is  
2 made. If there is a provision for reconsideration, the decision is final upon the expiration of  
3 the period during which such reconsideration can be sought; provided that if  
4 reconsideration is sought pursuant to such provision, the decision is final for the purposes  
5 of this section on the date that reconsideration is rejected.  
6

7 D. Preparation of the Record. The complete record of the proceedings shall be  
8 prepared by the city officer or agent who made the decision and shall be delivered to the  
9 petitioner within ninety days after a written request is filed by said petitioner and received  
10 by the city. The city may recover from the petitioner its actual costs for transcribing and  
11 otherwise preparing the record.

12 E. Extension. If the petitioner files a request for the record within ten days after  
13 the date the decision becomes final, the time within which a petition, pursuant to Section  
14 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the  
15 thirtieth day following the date on which the record is either personally delivered or mailed  
16 to the petitioner or the petitioner's attorney of record, if appropriate.  
17

18 F. Notice. In making a final decision, the city shall provide notice to the  
19 person(s) subject to the administrative decision that the time within which judicial review  
20 must be sought is governed by Section 1094.6 of the Code of Civil Procedure.  
21

22 G. Administrative Civil Penalties. Notwithstanding the foregoing in Section  
23 13.08.470, and pursuant to Government Code Section 54740.6, judicial review of an order  
24 of the city council imposing administrative civil penalties pursuant to Section 13.08.425D  
25 may be made only if the petition for writ of mandate is filed not later than the thirtieth day  
26 following the day on which the order of the city council becomes final.

27 **V. ADOPTION:**

28 13.08.500 Effective Date - Annexations. Wherever in this chapter time limits are  
established or periods of compliance or extensions thereof are specified, the

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commencement date for computing such periods of time limits for areas annexed to the city subsequent to enactment of the ordinance codified in this chapter shall be the official annexation date. This section shall have no application to firms or industries established in annexed areas subsequent to the annexation date.

13.08.505 Effective Date - City of Colton and Unincorporated Portions of San Bernardino County Served by the Colton POTW. The mayor will sign the ordinance codified in this chapter and the city clerk shall attest thereto, and said ordinance shall become effective in the city of Colton and portions of San Bernardino County served by the Colton POTW thirty days after adoption.

13.08.510 Conflicts. All ordinances or portions of ordinances in conflict herewith, and specifically Ordinance No. O-06-09 are hereby repealed.

**PASSED, APPROVED and ADOPTED** this 17th of February, 2015.

  
RICHARD DE LA ROSA  
Mayor

ATTEST:

  
CAROLINA R. PADILLA  
City Clerk

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF COLTON )

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby  
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of  
7 **ORDINANCE NO. O-02-15**, and was duly passed, approved, and adopted by the City  
8 Council of the City of Colton at its Regular Meeting held on the **17<sup>th</sup> day of February,**  
9 **2015**, by the following vote to wit:

10  
11 AYES: COUNCILMEMBER Toro, Jorrin, Navarro, González,  
12 Bennett, Suchil and Mayor  
DeLaRosa

13 NOES: COUNCILMEMBER None

14 ABSTAIN: COUNCILMEMBER None

15 ABSENT: COUNCILMEMBER None  
16

17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
18 seal of the City of Colton, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

19  
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22 \_\_\_\_\_  
CAROLINA R. PADILLA  
23 City Clerk  
City of Colton, California

24  
25 (SEAL)  
26  
27  
28