

ORDINANCE NO. _____

An ordinance amending Sections 64.00 and 64.30 of the Los Angeles Municipal Code to modify the City's wastewater treatment program to maintain consistency with the National Pretreatment Program established pursuant to the federal clean water act.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Paragraph (b) of Subdivision 3 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is amended to read as follows:

(b) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to (1) make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; (2) ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and (3) sign documents in accordance with corporate procedures;

Sec. 2. The last sentence of Paragraph (e) of Subdivision 3 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is amended by deleting the phrase "such person" and replacing it with the phrase "an authorized representative."

Sec. 3. Subdivisions 4 and 5 of Subsection A of Section 64.00 of the Los Angeles Municipal Code are amended to read as follows:

4. **Average Daily Flow** shall mean the number of gallons of wastewater discharged into the POTW during a 24-hour period.

5. **Best Management Practices (BMP)** shall mean activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants in discharges. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Sec. 4. The following definitions are added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows, and Subdivisions 7 through 9 are re-designated correspondingly as Subdivisions 9 through 11:

7. **Blood** shall mean human or animal blood, human or animal blood components, and products made from human or animal blood.

8. **Bloodborne Pathogens** shall mean pathogenic microorganisms that are present in human or animal blood and can cause disease in humans.

Sec. 5. The following definition is added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows, and Subdivisions 10 through 17 are re-designated correspondingly as Subdivisions 13 through 20:

12. **Bypass** shall mean the intentional diversion of wastestreams from any portion of a discharger's treatment facility.

Sec. 6. Subdivision 18 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is deleted, and Subdivisions 19 through 24 are re-designated correspondingly as Subdivisions 21 through 26.

Sec. 7. Re-designated Subdivisions 22 and 23 of Subsection A of Section 64.00 of the Los Angeles Municipal Code are amended to read as follows:

22. **Discharge** shall mean the introduction of pollutants into the POTW.

23. **Discharger** shall mean a nondomestic source of discharge.

Sec. 8. Subdivisions 25 and 26 of Subsection A of Section 64.00 of the Los Angeles Municipal Code are deleted.

Sec. 9. Subdivision 27 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is amended to read as follows:

27. **Food Service Establishment** shall mean a facility engaged in preparing food for consumption by the public such as, but not limited to, a restaurant, bakery, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility or care institution.

Sec. 10. The following definitions are added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows; the definitions "Grease Interceptor" and "Grease Trap" are hereby deleted from Subsection A of Section 64.00; and Subdivisions 31 and 32 are re-designated correspondingly as Subdivisions 32 and 33:

29. **Gravity Grease Interceptor (GGI)** shall mean an approved device with a minimum total volume of 300 gallons that is specifically designed to separate, trap and hold nonpetroleum fats, oil and grease (FOG) from an industrial wastewater discharge, and which shall be remotely located from where

food is handled, and is identified by the following: volume, a minimum retention time of 30 minutes, baffle(s), a minimum of two compartments and gravity separation.

30. **Grease Interceptor** – See Gravity Grease Interceptor.

31. **Grease Trap** – See Hydromechanical Grease Interceptor.

Sec. 11. The following definition is added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows, the definition “Indirect Discharge” is hereby deleted from Subsection A of Section 64.00, and Subdivision 34 is re-designated correspondingly as Subdivisions 35:

34. **Hydromechanical Grease Interceptor (HGI)** shall mean an approved device that is installed in an industrial wastewater drainage system to separate, trap, and hold nonpetroleum fats, oil and grease (FOG) from a wastewater discharge and is identified by flow rate, retention time, and separation efficiency. HGI design incorporates, in combination or separately, air entrainment, hydromechanical separation, interior baffling and internal barriers.

Sec. 12. The definition “Industrial Wastewater Storm Drain Connection” is hereby deleted from Subsection A of Section 64.00 of the Los Angeles Municipal Code.

Sec. 13. Subdivision 36 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is amended to read as follows:

36. **Industrial Wastewater** shall mean liquid and water-carried waste other than domestic sewage. Wastewater generated from household type operations, including, but not limited to, dishwashing, laundry and car washing, performed at commercial establishments for or to support commercial purposes is considered industrial wastewater.

Sec. 14. The definition “Infectious Waste” is hereby deleted from Subsection A of Section 64.00 of the Los Angeles Municipal Code, and Subdivisions 37 through 42 are re-designated correspondingly as Subdivisions 38 through 41.

Sec. 15. The following definitions are added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows; Subdivisions 43 through 49 are redesignated correspondingly as Subdivisions 44 through 50; and the parenthetical “(National Standard)” following the term “National Categorical Pretreatment Standard” in Subdivision 43 shall be replaced with “(NCPS)”:

42. **May** is permissive.

43. **Medical Waste** shall mean waste as defined in the California Health and Safety Code.

Sec. 16. The following definition is added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows, and Subdivisions 50 through 66 are re-designated correspondingly as Subdivisions 52 through 68:

51. **Pharmaceutical Waste** shall mean a discarded prescription or over-the-counter human or veterinary drug.

Sec. 17. Subdivision 54 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is renumbered Subdivision 56 and amended to read as follows:

56. **Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less polluted state prior to, or in lieu of, discharging such pollutants into the POTW. Pretreatment can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 Code of Federal Regulation (CFR) at Section 403.6(d).

Sec. 18. Subdivision 65 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is renumbered Subdivision 67, and the phrase "**May** is permissive" is hereby deleted.

Sec. 19. The following definition is added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows:

69. **Significant Change** shall mean alterations or additions to the discharger's operation, processes, pretreatment systems, production, or alterations to the nature, quality or volume of the discharger's wastewater that affect pretreatment standards or requirements since the issuance of the effective Industrial Wastewater Permit.

Sec. 20. Subdivision 67 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is renumbered Subdivision 70 and amended to read as follows:

70. **Significant Industrial User (SIU)**, subject to the provisions established in 40 CFR 403.3(v), shall mean the following:

(a) any discharger of industrial wastewater that is subject to National Categorical Pretreatment Standards;

(b) any other discharger that discharges an average of 25,000 gallons or more per day of process wastewater ("**process wastewater**" excludes sanitary, non-contact cooling water and boiler blowdown wastewaters) or contributes process wastewater which makes up 5% or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant;

(c) any discharger that is designated by the Director to have a reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

Sec. 21. The following definition is added in alphabetical order to Subsection A of Section 64.00 of the Los Angeles Municipal Code to read as follows, and Subdivisions 68 through 80 are re-designated correspondingly as Subdivisions 72 through 84:

71. **Slug Discharge** shall mean any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Sec. 22. Subdivision 79 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is renumbered Subdivision 83 and amended to read as follows:

83. **Wastewater** shall mean liquid and water-carried industrial and/or domestic wastes and sewage from facilities, including, but not limited to, dwellings, commercial buildings, industrial facilities, agricultural activities, hospitals, medical facilities and other institutions, together with other wastes which may be present, whether treated or untreated, which enter the POTW.

Sec. 23. The first sentence of Subdivision 2 of Subsection A of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

2. **Objectives.** This section sets forth uniform requirements for dischargers to the POTW.

Sec. 24. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 25. Subparagraph (2) of Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

(2) Any liquids, solids or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive or radioactive, or by interaction with other materials could result in fire, explosion or injury. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastewater with a

closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40CFR261.

Sec. 26. Subparagraphs (17), (18), (19), (20) and (21) are added to Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code to read as follows:

(17) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(18) Any human or animal blood suspected or known to contain bloodborne pathogen(s).

(19) Any Pharmaceutical wastes.

(20) Any Medical wastes.

(21) Any Sharps.

Sec. 27. Paragraph (b) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 28. Paragraph (a) of Subdivision 2 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Arsenic	3 mg/L
Cadmium	15 mg/L
Copper	15 mg/L
Cyanide (Total)	10 mg/L
Cyanide (Free)	2 mg/L
Dissolved Sulfides	0.1 mg/L
Lead	5 mg/L
Nickel	12 mg/L
pH Range	5.5-11
Silver	5 mg/L
Total chromium	10 mg/L
Zinc	25 mg/L
Dispersed oil and grease (Total)	600 mg/L
Floatable oil and grease	None Visible

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

Sec. 29. Paragraphs (c), (d) and (f) of Subdivision 2 of Subsection B of Section 64.30 of the Los Angeles Municipal Code are deleted, and Paragraph (e) shall be re-designated Paragraph (c).

Sec. 30. Subdivision 5 of Subsection B of Section 64.30 of the Los Angeles Municipal Code shall be retitled "Slug Discharges."

Sec. 31. Paragraphs (a), (b), (c) and (d) of Subdivision 5 of Subsection B of Section 64.30 of the Los Angeles Municipal Code are amended to read as follows:

(a) **Containment of Slug Discharges.** Upon written notification by the Director, dischargers shall provide spill containment to prevent slug discharges of prohibited material or other substances regulated by this section. Facilities to contain spills shall be provided and maintained at the discharger's own cost and expense. Dischargers so notified shall provide detailed spill containment plans, including facilities and operating procedures, to the Director for review. Such plans shall be approved by

the Director before commencement of construction of the facility. Construction shall be completed within the time period designated by the Director. Review and approval of spill containment plans and operating procedures shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this section.

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

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

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

(1) Time, location, type, concentration and volume of discharge.

(2) Corrective action taken. Employers shall insure that all employees in a position to cause or allow a slug discharge to occur are advised of this notification procedure.

Sec. 32. Paragraphs (e) and (f) are added to Subdivision 5 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

(f) **Slug Discharge Control Plan(s).** The Director shall evaluate whether each discharger needs a slug discharge control plan or

other action to control slug discharges. The Director may require any discharger to develop, submit for approval and implement such a plan, or take such other action that may be necessary to control slug discharges. Alternatively, the Director may develop such a plan for any discharger. A slug discharge control plan shall address, at a minimum, the following:

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

Sec. 33. Subdivision 6 is added to Subsection B of Section 64.30 of the Los Angeles Municipal Code to read as follows:

6. **Bypass.**

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

(b) **Notice.**

(1) If a discharger knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible, at least ten days before the date of the bypass.

(2) A discharger shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within 24 hours from the time the discharger becomes aware of the bypass. A written submission shall also be provided within five days of the time the discharger becomes aware of the bypass. The written submission shall

contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(c) **Prohibition of Bypass.**

(1) Bypass is prohibited, and the Director may take enforcement action against a discharger for a bypass, unless;

(i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The discharger submitted notices as required under Paragraph (b) of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that the bypass will meet the three conditions previously listed in Paragraph (c)(1).

Sec. 34. The first sentence of Paragraph (c) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 35. Subparagraph (4) of Paragraph (c) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

(4) Discharges from establishments wherein the industrial wastewater discharge is less than 200 gallons per day (gpd) and

pretreatment is not required. This exemption does not apply to PSDF.

Sec. 36. Subparagraph (4) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

(4) Requirements for installation and maintenance of inspection and sampling facilities and slug discharge containment facilities;

Sec. 37. Subparagraph (9) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

(9) Requirements for notification of the City of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents;

Sec. 38. Subparagraph (11) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

(11) The Director may require all industrial users to install pretreatment systems, upgrade existing pretreatment systems and/or install additional pretreatment systems, implement Best Management Practices (BMP), maintain and make available records of BMP compliance and any other conditions deemed appropriate to achieve the objectives of this ordinance as defined in Subsection A Subdivision 2 of LAMC 64.30;

Sec. 39. Subparagraph (12) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is renumbered Subparagraph (15), and new Subparagraphs (12), (13) and (14) are added to read as follows:

(12) Limits, including Best Management Practices, based on applicable pretreatment standards, state and local law;

(13) Requirements to control slug discharges;

(14) A description of the process for seeking a waiver for a pollutant neither present nor expected to be present or a specific waived pollutant; and

Sec. 40. Paragraph (f) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

(f) **Delayed Commencement of Discharge.** All permitted dischargers, except dischargers undergoing construction, must commence

the discharge within 180 days from the effective date of the Industrial Wastewater Permit or the permit is deemed void.

Sec. 41. The first paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Subparagraph (1).

Sec. 42. The second paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Subparagraph (2) and amended to read as follows:

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

Sec. 43. The third paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Subparagraph (3) and amended to read as follows:

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

Sec. 44. The fourth paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Subparagraph (4).

Sec. 45. The fifth paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Clause (i) and amended to read as follows:

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

Sec. 46. The sixth paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Clause (ii) and amended to read as follows:

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

Sec. 47. The seventh paragraph of Paragraph (I) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code shall be designated Clause (iii) and amended to read as follows:

(iii) **Variance to Allow Alternative Grease Removal Devices (GRD).**

Sec. 48. Paragraph (b) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 49. Subparagraph (1) of Paragraph (d) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 50. Paragraph (e) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

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

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

Sec. 51. Paragraphs (i), (j) and (k) are added to Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code to read as follows:

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

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

(k) **Signatory/Certification Statement for Monitoring Waiver for Pollutants Neither Present Nor Expected.** Upon approval of the monitoring waiver and revision of a discharger's control mechanism by the

Director, the discharger must certify on each periodic compliance report submittal with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the discharger: Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic compliance report.

Sec. 52. Paragraphs (b) and (c) of Subdivision 4 of Subsection C of Section 64.30 of the Los Angeles Municipal Code are amended to read as follows:

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

(1) The Director performs sampling at the discharger's facility at a frequency of at least once per month, or

(2) The Director performs sampling at the discharger's facility between the time when the initial sampling was conducted and the time the discharger or the Director receives the results of this sampling.

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

Sec. 53. Paragraphs (e) and (f) are added to Subdivision 4 of Subsection C of Section 64.30 of the Los Angeles Municipal Code to read as follows:

(e) **Sampling Requirement.** Where the discharger is a SIU, the discharger is to follow all sampling requirements as set forth in 40CFR403.12(g), unless the Director specifies otherwise.

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

Sec. 54. Subdivision 10 is added to Subsection C of Section 64.30 of the Los Angeles Municipal Code to read as follows:

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

Sec. 55. Subdivision 1 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 56. The first sentence of Paragraph (a) of Subdivision 3 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is amended by deleting the phrase "permitted facilities" and replacing it with the term "permittees."

Sec. 57. Paragraph (d) of Subdivision 4 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is deleted.

Sec. 58. Subdivision 6 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is deleted, and Subdivision 7 is renumbered as Subdivision 6.

Sec. 59. The following is added as Subdivision 7 to Subsection D of Section 64.30 of the Los Angeles Municipal Code:

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

Sec. 60. Paragraph (a) of Subdivision 8 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 61. Paragraph (d) of Subdivision 10 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 62. The following are added as Subdivisions 1 and 2 of Subsection E of Section 64.30 of the Los Angeles Municipal Code to read as follows, and Subdivisions 1 through 6 are renumbered correspondingly as Subdivisions 3 through 8:

1. **Notification of Violation.** When the Director finds that a discharger has violated, or continues to violate, any provision of this section, an Industrial Wastewater Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that discharger a written Notice of Violation. Within ten days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction

and prevention thereof, to include specific required actions, shall be submitted by the discharger to the Director. Submission of such a plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

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

Sec. 63. Paragraph (a) of renumbered Subdivision 3 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 64. Paragraph (e) of renumbered Subdivision 3 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Board may cause the permit to be revoked. Except in the case of a hearing within three days being required as above provided, reasonable notice of the hearing shall be given to the suspended discharger in the manner provided for in Subdivision 7 of Subsection E of this section.

Sec. 65. Renumbered Subdivision 4 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 66. Renumbered Subdivision 8 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

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

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

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

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

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

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

(g) Failure to accurately report noncompliance; or

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

Sec. 67. Subdivision 6 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is deleted, and Subdivision 7 is renumbered Subdivision 9.

Sec. 68. Paragraph (c) of renumbered Subdivision 9 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 69. Paragraph (d) is added to renumbered Subdivision 9 of Subsection E of Section 64.30 of the Los Angeles Municipal Code to read as follows:

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

Sec. 70. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
JOHN A. CARVALHO
Deputy City Attorney

Date 3/9/15 _____

File No. CF 14-0296 _____