

TRANSMITTAL

ORDINANCE NO. _____

An ordinance of the City of Los Angeles amending Section 64.30, the Industrial Waste Control Ordinance and Section 64.00, Definitions and Abbreviations of the Los Angeles Municipal Code.

WHEREAS, Federal Environmental Protection Agency (EPA) regulations, as detailed in Title 40 Part 403 of the Code of Federal Regulations specify requirements of a pretreatment program; and

WHEREAS, Title 40 Part 403.8 of the Code of Federal Regulations further requires that such pretreatment programs be based upon legal authority established by local ordinance or other equivalent means, and that such legal authority reflect federal regulations specified in Title 40, Part 403; and

WHEREAS, legal authority providing the basis for the City's pretreatment program is established in Section 64.30 of the Los Angeles Municipal Code, hereinafter referred to as the "Industrial Waste Control Ordinance"; and

WHEREAS, the Industrial Waste Control Ordinance must be amended to include revisions to Title 40 Part 403 of the Code of Federal Regulations, and

WHEREAS, the Los Angeles Plumbing code was revised in 2011; and

WHEREAS, the Industrial Waste Control Ordinance must be amended to include revisions to the Los Angeles Plumbing Code; and

WHEREAS, the Industrial Waste Control Ordinance provides for the recovery of City costs associated with a discharge, such as, but not limited to groundwater, to the sewer system; and

WHEREAS, the Industrial Waste Control Ordinance must be amended to provide for the recovery of City costs associated with the discharge such as, but not limited to groundwater, to the sewer system; and

WHEREAS, Section 64.00, Definitions and Abbreviations of the Los Angeles Municipal Code must also be amended to include terms relevant to the above provisions.

NOW THEREFORE,
THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS

Section 1. Subdivision 3 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

3. **Authorized Representative** shall mean the following:
- (a) a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions, if the discharger is a corporation;
 - (b) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to 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; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (c) a general partner or proprietor if the discharger is a partnership or proprietorship, respectively;
 - (d) a principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official if the discharger is a governmental entity, charitable organization or other such unincorporated entity; or
 - (e) a representative authorized in writing by any individual designated above, if the authorization is submitted to the Director and specifies an individual or a position having responsibility for the overall operation of the facility. This includes the position of plant manager, a position of equivalent responsibility, or an individual having overall responsibility for environmental matters for the company. If an authorization under Paragraph (e) is no longer accurate because a different individual or position has the responsibility for the overall operation of the facility, or overall responsibility for environmental matters of the company, a new authorization satisfying the requirements of Paragraph (e) of this section must be submitted to the Director prior to, or together with, any reports to be signed by an authorized representative.

Section 2. Subdivision 4 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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

Section 3. Subdivision 5 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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.

Section 4. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

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

Section 5. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

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

Section 6. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

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

Section 7. Subdivision 12 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

12. **Commercial Establishment** shall mean a private establishment such as a restaurant, hotel, laundry, store, filling station, recreational facility or a nonprofit private or government entity such as a church, school, hospital, military facility, correctional institution, recreational facility or a facility owned or operated by a charitable organization.

Section 8. Subdivision 18 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to delete the following definition:

18. **Direct Discharge**

Section 9. Subdivision 20 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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

Section 10. Subdivision 21 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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

Section 11. Subdivision 25 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to delete the following definition:

25. **Etiologic Agent**

Section 12. Subdivision 26 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to delete the following definition:

26. **Fomites**

Section 13. Subdivision 27 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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.

Section 14. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

28.1 **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.

Section 15. Subdivision 29 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

29. **Grease Interceptor** – See Gravity Grease Interceptor.

Section 16. Subdivision 30 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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

Section 17. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

32.1 **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.

Section 18. Subdivision 33 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to delete the following definition:

33. **Indirect Discharge**

Section 19. Subdivision 35 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to delete the following definition:

35. **Industrial Wastewater Storm Drain Connection**

Section 20. Subdivision 36 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

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.

Section 21. Subdivision 38 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to delete the following definition:

38. **Infectious Waste**

Section 22. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

42.1 **May** is permissive.

Section 23. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

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

Section 24. Subdivision 43 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

43. **National Categorical Pretreatment Standard (NCPS)** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act.

Section 25. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

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

Section 26. Subdivision 54 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

54. **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).

Section 27. Subdivision 65 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

65. **Shall** is mandatory.

Section 28. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

66.1 **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.

Section 29. Subdivision 67 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

67. **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 who 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 five percent (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.

Section 30. Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to add the following definition:

67.1 **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.

Section 31. Subdivision 79 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

79. **Wastewater** shall mean the liquid and water carried industrial and/or domestic 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.

Section 32. Subdivisions 1 through 80 of Subsection A of Section 64.00 of the Los Angeles Municipal Code are hereby renumbered as 1 through 84.

Section 33. Subdivision 2 of Subsection A of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

2. **Objectives.** This section sets forth uniform requirements for dischargers to the POTW. Through a permit and inspection program

administered under the jurisdiction of the Board, the City seeks to comply with all applicable State and Federal laws.

As a part of the permit and inspection program provided herein, the Board and the Director shall have the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all laws and lawful standards and orders, or special orders, to assure the implementation of the following objectives:

- (a) Prevent any discharge into the POTW which may interfere with the operations thereof;
- (b) Prevent any discharge into the POTW which will pass through the POTW, inadequately treated, into receiving waters, land or the atmosphere or otherwise be incompatible with the POTW;
- (c) Protect the POTW, from damage by any pollutants;
- (d) Provide the opportunity to recycle and reclaim sludges and wastewater from the POTW;
- (e) Provide for recovery of costs, including administration, implementation and enforcement of the program established herein, associated with the discharge of wastewater to the POTW;
- (f) Protect the life, health, and safety of operating and maintenance personnel;
- (g) Preserve hydraulic capacity in the POTW;
- (h) Insure the health, safety and welfare of the public.

Section 34. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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:

Section 35. Subparagraph (2) of Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 36. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (10.1) to read:

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

Section 37. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (16.1) to read:

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

Section 38. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (16.2) to read:

(16.2) Any Pharmaceutical wastes.

Section 39. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (16.3) to read:

(16.3) Any Medical wastes.

Section 40. Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (16.4) to read:

(16.4) Any Sharps.

Section 41. Subparagraphs (1) through (16) of Paragraph (a) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code are hereby renumbered as (1) through (21).

Section 42. Paragraph (b) of Subdivision 1 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 43. Paragraph (a) of Subdivision 2 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 44. Subdivision 2 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended to delete paragraphs (c), (d), and (f).

Section 45. Paragraph (e) of Subdivision 2 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby renumbered as Paragraph (c).

Section 46. Subdivision 5 of Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

5. **Slug Discharges.**

- (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) **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.
- (d) **Written Report Describing Slug Discharges.** Within five (5) 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.
- (e) **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 a substantial number of 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.

- (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 immediately notifying the Director of any slug discharge; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, 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.

Section 47. Subsection B of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subdivision 6 to read:

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 (10) 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 (5) 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).

Section 48. Subparagraph (14) of Paragraph (b) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

(14) After permit issuance, progress reports shall be submitted subject to the same limitations set forth in Subparagraph (7) of Paragraph (k) of Subdivision 2 of this Subsection C, except that time limits specified pursuant to this section for reporting, commencement and completion of major events leading to the construction and operation of additional

pretreatment required for the discharger to meet the applicable regulations may be extended by mutual consent of the discharger and the Director, and provided however, that in no event shall any such date be extended beyond the compliance date established by the applicable regulation.

Section 49. Paragraph (c) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (c) **Exemptions.** An Industrial Wastewater Permit is not required for the following dischargers or discharges to the POTW not subject to NCPS:
- (1) **(Amended by Ord. No. 177,614, Eff. 7/19/06.)** An FSE that does not potentially generate waste FOG during food preparation processes, and does not significantly affect the POTW, as determined by the Director, provided that the FSE has implemented and demonstrates compliance with BMP requirements as specified in the Rules and Regulations;
 - (2) Bleed-off or blowdown from cooling towers, evaporation condensers or other recirculating water devices with rated capacity of 25 tons or less,
 - (3) Self-service laundries with washing machines of 20 pounds maximum capacity, with further allowance that the facility may also have a maximum of two machines with maximum 50-pound capacity of each,
 - (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.

Section 50. Subparagraph (4) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

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

Section 51. Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (10.1) to read:

(10.1) Requirements to control slug discharges;

Section 52. Subparagraph (11) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (11) **(New Subpara. 11 Added by Ord. No. 174,047, Eff. 8/5/01.)** 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;

Section 53. Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (11.1) to read:

- (11.1) 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

Section 54. Subparagraphs (1) through (12) of Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code are hereby renumbered as (2) through (15).

Section 55. Paragraph (d) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subparagraph (1) to read:

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

Section 56. Paragraph (f) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 57. Paragraph (l) of Subdivision 1 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

(l) **Food Service Establishment (FSE) Requirements. (Amended by Ord. No. 177,614, Eff. 7/19/06.)**

- (1) All FSEs must implement and demonstrate compliance with Best Management Practices (BMP) requirements as specified in the Board's Rules and Regulations.
 - (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.
 - (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).
 - (4) Additional regulations regarding FSEs are specified in the Board's Rules and Regulations. All food service establishments are required to comply with these Rules and Regulations.
- (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.
 - (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.
 - (iii) **Variance to Allow Alternative Grease Removal Devices (GRD).** If an FSE can demonstrate that installation of a gravity grease interceptor is not feasible due to space constraints or other considerations, the Director may issue a variance from gravity grease interceptor requirements and authorize the installation of alternative grease removal devices. Alternative grease removal devices include, but are

not limited to, hydromechanical grease interceptors or other devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the POTW. All alternative grease removal devices must be approved by the Director, on a case-by-case basis. The FSE must also demonstrate that BMPs have been implemented.

Section 58. Paragraph (b) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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).

Section 59. Paragraphs (d), (e), (f), (g), and (h) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby renumbered as (f), (g), (h), (i), and (k) respectively.

Section 60. Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Paragraph (d) to read:

- (d) **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.

Section 61. Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Paragraph (e) to read:

- (e) **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.

Section 62. Subparagraph (1) of Paragraph (f) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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 (g) of this Subdivision after the discharger has a reasonable basis to know that the production level will significantly change within the next calendar month.

Section 63. Subparagraph (1) of Paragraph (g) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (g) **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.

Section 64. Subparagraph (2) of Paragraph (g) of Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

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

- (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.

Section 65. Subdivision 2 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Paragraph (j) to read:

(j) **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.

Section 66. Paragraph (b) of Subdivision 4 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 67. Paragraph (c) of Subdivision 4 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (c) **Representative Samples.** Samples must be taken during the period covered by the required monitoring period which data from the analysis of samples are representative of the conditions occurring during the monitoring period. 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.

Section 68. Subdivision 4 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Paragraph (e) to read:

- (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.

Section 69. Subdivision 4 of Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Paragraph (f) to read:

- (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.

Section 70. Subsection C of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subdivision 10 to read:

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 3 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.

Section 71. Subdivision 1 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

D. **Fees and Charges.**

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.

Section 72. Paragraph (a) of Subdivision 3 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (a) **Purpose of Inspection and Control Fees.** All permittees must pay an annual Inspection and Control (I & C) Fee as a function of their assigned Inspection Classification Number. Inspection and Control Fees are part of the City's approved wastewater revenue program and pay for the basic level of services which include the following:
- Permitting,
 - Inspection,
 - Sampling,
 - Providing laboratory analytical services,
 - Monitoring facilities' self monitoring program,
 - Inventory control and development,
 - Systems development and data management,
 - Reporting to local, State and Federal authorities.

Section 73. Paragraph (a) of Subdivision 4 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (a) **Quality Surcharge Fee Requirement.** The Sewer Service Charge (SSC), as established under Sections 64.41 of the Code, recovers the cost of treatment of domestic strength wastes discharged to the POTW for treatment. The SSC is paid by all of the permittees of the POTW. However, industrial wastewater discharged by a permittee can vary significantly in strength from that of domestic sewage. Industrial wastewater strength can be higher or lower than that of the domestic sewage. A permittee whose discharge is determined to contain BOD or SS, as defined in Subsection A of Section 64.00 of this Code, with concentrations in excess of the designated BOD and SS values in the Board Rules and Regulations shall pay a quality surcharge fee.

Section 74. Subdivision 4 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to delete paragraph (d).

Section 75. Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to delete Subdivision 6.

Section 76. Subdivision 7 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby renumbered to read 6.

Section 77. Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subdivision 7 to read:

7. **Sewer Service Charge and 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 to the City the following:
- (a) **Sewer Service Charge.** There is imposed a Sewer Service Charge (SSC) for the receiving, transportation, pumping, treatment and/or disposal of industrial wastewater to the POTW. The SSC is a charge to all dischargers on the volume of industrial wastewater discharged to the POTW from a premise. For dischargers whose premises discharges industrial wastewater to the Public Sewer, and this industrial wastewater is treated in the City's facilities, the rate shall be in accordance with Section 64.41.03 of the Los Angeles Municipal Code.
- (b) **Temporary Facilities Usage Fee.** There is imposed 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.

Section 78. Paragraph (a) of Subdivision 8 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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, Sewer Service Charge, 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.

Section 79. Paragraph (d) of Subdivision 10 of Subsection D of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 80. Paragraph (a) of Subdivision 1 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 81. Paragraph (e) of Subdivision 1 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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.

Section 82. Subdivision 2 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

2. **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.

Section 83. Subdivision 6 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

6. **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)(iii) 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 sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) 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 thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) 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 ninety (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 thirty (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.

Section 84. Paragraph (c) of Subdivision 7 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended to read:

- (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 twenty-five thousand dollars (\$25,000) a day for each violation.

Section 85. Subdivision 7 of Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Paragraph (d) to read:

- (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.

Section 86. Subdivisions 1. through 7. of Subsection E of Section 64.30 of the Los Angeles Municipal Code are hereby renumbered to read 3. through 9.

Section 87. Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding to a new Subdivision 1 to read:

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 (10) 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.

Section 88. Subsection E of Section 64.30 of the Los Angeles Municipal Code is hereby amended by adding a new Subdivision 2 to read:

2. **Administrative Orders.** When the Director finds that a discharger has violated, or continues to violate, any provision of this Ordinance, 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.