

WASTEWATER DISCHARGE PERMIT STANDARD CONDITIONS

SECTION A. GENERAL CONDITIONS AND DEFINITIONS

1. Duty to Comply

The Permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action or enforcement proceedings including civil or criminal penalties, administrative penalties, injunctive relief, and/or termination of this permit.

2. General Discharge Prohibitions

The Permittee shall not introduce or cause to be introduced into the City of Santa Barbara Community Sewer or El Estero Wastewater Treatment Plant (Plant) any waste or wastewater which causes pass through or interference. The Permittee shall comply with all the generally applicable discharge standards, under which the Permittee is prohibited from introducing into the Community Sewer or Plant any of the following:

- a. Discharges, which cause or threaten to cause a fire or explosion hazard in the Community Sewer or Plant including but not limited to wastestreams with a closed cup flashpoint of less than 140°F (60°C) (using the test methods specified in 40 CFR Part 261.21). Closed-cup flashpoint values may be found in the National Institute of Occupational Safety and Health (NIOSH) *Pocket Guide to Chemical Hazards*.
- b. Discharges with a pH lower than 6.0 standard units or higher than 10.0 standard units, or any discharge, which causes corrosive structural damage to the Community Sewer or Plant or equipment.
- c. Discharges that contain solids or viscous substances in amounts that will cause obstruction of flow in the Community Sewer or Plant resulting in interference or damage.
- d. Discharges that include oxygen-demanding substances (BOD, etc.) which are released at a flow rate and/or pollutant concentration, which either singly or by interaction with other pollutants, will cause interference with the Plant.
- e. Discharges that cause the temperature at the Plant to be greater than 104°F (40°C), impairment or inhibition of biological treatment processes, or temperatures greater than 140°F (40°C) at the point of discharge.
- f. Discharges that include petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interferences or pass through.

- g. Discharges, which result in the release of toxic vapors or fumes in a quantity, which, alone or in conjunction with other discharges, may cause worker health and safety problems or create a public nuisance.
- h. Discharges from any trucked or hauled pollutants, except at discharge points designated by the City.
- i. Discharges that are noxious or malodorous liquids, gases, solids, or other wastewater, which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Community Sewer for maintenance and repair.
- j. Discharges, which cause Plant effluent residues, sludges, or scums to be unsuitable for reclamation and reuse, or which interfere with the reclamation process, or which increase the costs of disposal of Plant effluent or sludges.
- k. Discharges that have a detrimental environmental impact, constitute a public nuisance in waters of the State, or create a condition unacceptable to any public agency having regulatory jurisdiction over the Community Sewer and/or Plant.
- l. Discharges, which create conditions at or near the Plant, which violate any statute, rule, regulation, or ordinance of any public agency or State or Federal regulatory body, or which cause the City to violate its National Pollutant Discharge Elimination System (NPDES) Permit.
- m. Discharges at high quantities or rates of flow, which overload the City's collection or treatment facilities, cause excessive collection or treatment costs, or use a disproportionate share of the Community Sewer or Plant facilities.
- n. Discharges that cause a lower explosive limit (LEL) reading of greater than ten percent (10%) as hexane at any point within the Community Sewer or Plant. LEL values may be found in the NIOSH *Pocket Guide to Chemical Hazards*.
- o. Discharges that cause obstruction or increased treatment costs due to the presence of any sand, grit, straw, metal, glass, rags, feathers, tar, plastic, wood, manure, dead animals, or offal that may in any way interfere with proper operation of the Community Sewer or Plant.
- p. Discharges that cause toxicity at the treatment plant or in the Community Sewer or Plant due to the presence of toxic or poisonous substances in sufficient quantities to constitute a hazard to humans or animals or to create a hazard at the treatment plant or injure or interfere with any sewage treatment processes.
- q. Any other discharges prohibited or restricted by the Title 16 of the City of Santa Barbara Municipal Code.

3. **Point of Effluent Limitation Application**

Wastewater shall not exceed any local limitations for pollutants discharged to the Community Sewer or Plant. If the Permittee fails to provide a monitoring location, which characterizes the entire wastestream being discharged to the Community Sewer or Plant, local limitations shall apply at the monitoring point specified in the permit.

Federal Categorical Limits shall apply at the end of regulated processes, prior to dilution of the regulated wastestream by any non-regulated wastestream. If there is no available location to sample the regulated wastestream, the Combined Wastestream Formula (40 CFR Part 403.6(e)) shall be applied.

4. **Dilution**

The Permittee shall not increase the use of process waste, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City may impose mass limitations on Permittees who use dilution to meet applicable Pretreatment Standards or Requirements, or in cases when mass limitations are appropriate.

5. **Permit Modification**

The terms and conditions of this permit may be subject to modification and change by the Public Works Director prior to the expiration of this permit. The Permittee must be notified of any modification to this permit at least thirty (30) days prior to the effective date. Any modifications or new conditions in this permit must be issued in writing and include a reasonable time schedule for compliance.

This permit may be modified for good causes including, but not limited to the following:

- a. To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
- b. To address significant alterations or additions to the Permittee's operations, processes, or wastewater volume or character since the time of permit issuance;
- c. A change in the Community Sewer or Plant that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the Community Sewer, Plant, City personnel, or receiving water;
- e. Violation of any terms or conditions of this permit;
- f. Misrepresentation or failure to disclose fully all relevant facts in the Wastewater Discharge Permit Application or in any required reporting;

- g. Revision of, or a grant of variance from, any Categorical Pretreatment Standard; or
- h. To correct typographical or other errors in the permit.

The filing of a request by the Permittee for a permit modification, revocation, reissuance, or termination shall not justify or excuse any failure to observe all permit conditions. Notifications of planned changes or anticipated noncompliance shall not justify or excuse any failure to observe all permit conditions.

6. **Permit Termination**

This permit may be terminated upon written notice from the Public Works Director for any one or combination of the following reasons:

- a. Failure to notify the Public Works Director of significant changes to the wastewater prior to the changed discharge pursuant of Title 16 of the City of Santa Barbara Municipal Code;
- b. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit Application;
- c. Falsifying self-monitoring reports and certification statements;
- d. Tampering with monitoring equipment;
- e. Refusing to allow the Public Works Director timely access to the facility premises and/or records;
- f. Failure to meet effluent limitations;
- g. Failure to pay fines;
- h. Failure to pay sewer charges;
- i. Failure to meet compliance schedules;
- j. Failure to complete a wastewater survey or the Wastewater Discharge Permit Application;
- k. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or Title 16 of the City of Santa Barbara Municipal Code; or
- l. Cessation of operations or transfer of business ownership.

7. **Permit Appeals**

Anyone affected by the issuance of this permit may appeal the terms and provisions of the permit within fifteen (15) days of issuance by filing a written petition for appeal with the Public Works Director. Such written petition for appeal shall indicate the specific permit conditions or provisions objected to, the particular reasons for objections, and the alternative condition or provision, if any, that is offered, instead of that objected to. Failure to submit a petition for appeal shall be

a waiver of the right to appeal. Failure to provide timely objection to a provision or condition of a permit shall thereafter waive objection or challenge to such provision or condition.

The permit and conditions approved by the Public Works Director shall remain effective pending any action on appeal. The Public Works Director may suspend the application of any provision or condition pending reissuance. The Public Works Director may approve any provision(s) or condition(s) appealed and reissue the permit.

A decision, action, or determination of the Public Works Director, after reconsideration is determined or denied, may be appealed to the City Council under provisions of Chapter 1.30 of the City of Santa Barbara Municipal Code.

8. **Limitation on Permit Transfer**

Wastewater Discharge Permits are issued to a specific Permittee for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new or different owner, Permittee, or premises or to a new or changed operation at or on any permitted or previously permitted premises.

9. **Duty to Reapply**

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must submit an application for a new permit at least forty-five (45) days before the expiration date of this permit.

10. **Continuation of Expired Permits**

An expired permit will continue to be effective and enforceable until a new permit is reissued, if:

- a. The Permittee has submitted a complete Wastewater Discharge Permit Application at least forty-five (45) days prior to the expiration date of the Permittee's existing permit; and
- b. The failure to reissue the permit, prior to the expiration of the existing permit, is not due to any act or failure on the part of the Permittee.

11. **Property Rights**

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

12. **Severability**

The provisions of this permit are severable, and if any provision(s) of the permit, or the application of any provision of this permit circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

SECTION B. OPERATION AND MAINTENANCE OF PRETREATMENT CONTROLS

1. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory process controls, including appropriate quality assurance procedures. This provision requires that there are back-up or auxiliary facilities of similar systems that are operable only when necessary to achieve compliance with the conditions of the permit.

2. Duty of Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss of all or part of the treatment facility, the Permittee shall, to the extent necessary to maintain compliance with its permit, control its discharges until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize and/or correct any adverse impact to the public, Community Sewer or Plant, or the environment resulting from noncompliance with this permit, including accelerated or additional monitoring as necessary to determine the nature and impact of a non-complying discharge.

4. Bypass of Treatment Facilities

Bypass is prohibited, and the Public Works Director may take an enforcement action against the permittee for a bypass unless:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; or

- b. 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.

5. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405(c) and (d) of the Clean Water Act, the Resource Conservation and Recovery Act, and Title 22 of the California Code of Regulations.

6. **Slug Discharges**

The Permittee shall not discharge or caused to be discharged any slug load of materials, chemicals, products, or wastes into the Community Sewer and/or Plant. The City may require a Permittee to develop a plan to control slug discharges if it is determined by the City that such a plan is necessary. Any Permittee discharging a slug load of materials, chemicals, products, or wastes into the Community Sewer and/or Plant to avoid sewer service charges for the treatment violates Title 16 of the City of Santa Barbara Municipal Code, and may be subjected to enforcement actions. Any slug load that damages the Community Sewer and/or Plant is a major violation. Slug loads that do not damage the Community Sewer and/or Plant may be a minor violation.

SECTION C. MONITORING REQUIREMENTS

1. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained, according to the manufacturer's specifications, to ensure their accuracy. Monitoring points shall not be changed without notification to and prior approval of the Public Works Director.

2. **Analytical Methods to Demonstrate Continued Compliance**

All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by USEPA, or as specified in this permit. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the USEPA Administrator, or their designee, determines that

the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analysis procedures approved by the USEPA Administrator, or their designee, including procedures suggested by the City or other parties.

3. **Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures describe in Section C.2, the results of this monitoring shall be included in the Permittee's self-monitoring reports.

SECTION D. REPORTING REQUIREMENTS

1. **Duty to Notify**

- a. The Public Works Director must be notified three (3) to five (5) days prior to commencement of discharge to the Community Sewer or Plant.
- b. The Permittee shall give advance notice to the Public Works Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- c. The Permittee shall promptly notify the Public Works Director of any substantial change in the volume or character of pollutants in their discharge that may affect the potential for a slug discharge.
- d. The Permittee is required to notify the Public Works Director immediately of any spills, slug loads, or any other discharge which may cause a potential problem to the Community Sewer or the Plant.
- e. Any Permittee that experiences an upset in operations that places the Permittee in a temporary state of noncompliance with the provisions of either this permit or with Title 16 of the City of Santa Barbara Municipal Code shall notify the Public Works Director.
- f. The Permittee shall notify the Public Works Director if it violates any discharge limits.
- g. The nature and quantity of any waste identified as hazardous waste under Title 22 of the California Code of Regulations, which is discharged into the Community Sewer, must be reported to the Public Works Director, and a permit received for such discharge. If such discharge is otherwise exempt or the definition altered by reason of discharge into the Community Sewer, the Pretreatment staff shall be notified as well.
- h. In any of the cases noted above in paragraphs (b)-(g), the Permittee shall notify the Public Works Director or City staff within twenty-four (24) hours of becoming aware of a violation, upset, or other issues that may be a potential problem to the Community Sewer or Plant. Oral notification shall be

followed, within five (5) days, by a written report detailing the nature and circumstances of the violations. The report shall specify:

- (i) Description of the violation, upset, or other issue that may be a potential problem to the Community Sewer or Plant, the cause(s) thereof, and the impact on the Permittee's compliance status;
- (ii) Duration of noncompliance, including exact dates and times of the noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- (iii) All steps taken or to be taken to reduce, eliminate, or prevent recurrence of such a violation.

The report must also demonstrate that the treatment facility was being operated in a prudent and workman-like manner.

2. **Notification of Bypass**

- a. **Anticipated bypass.** If the Permittee knows in advance of the need for a bypass, it shall submit prior written notice to the Public Works Director, at least ten (10) days before the date of the bypass, if possible.
- b. **Unanticipated bypass.** The Permittee shall immediately notify the Public Works Director within twenty-four (24) hours from the time it becomes aware of the bypass. A written notice shall be provided within five (5) days of the time the Permittee becomes aware of the bypass. This report shall specify:
 - (i) A description of the bypass, and its cause, including its duration, exact dates and times;
 - (ii) Whether the bypass has been corrected;
 - (iii) If the bypass has not been corrected, the anticipated time it is expected to continue; and
 - (iv) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

3. **Signatory Requirements**

All applications, reports or information submitted to the Public Works Director must contain the following certification statement to be signed by an authorized or duly authorized representative of the Permittee as required in Sections (a), (b), (c), or (d) below:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons

directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- a. If the Permittee is a corporation:
 - (i) The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or;
 - (ii) 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 Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. If the Permittee is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c. If the Permittee is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- d. The individuals described in subdivisions (a) through (c) above, may designate a duly authorized representative, if the authorization is in writing. The authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the facility. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the City prior to or together with any document being submitted.

4. **Falsifying Information**

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

5. **Retention of Records**

- a. The Permittee shall at all times keep and maintain accurate, current and legible records, which show the following:
 - (i) Time, place, quantity, and constituents and characteristics of all discharges on or from any premises under the control of Permittee.
 - (ii) For any sampling required to be taken pursuant of this permit:
 - (a) Date and exact place, method, preservation techniques, and time of sampling;
 - (b) Name(s) of the person(s) taking the samples;
 - (c) Date(s) that all analyses of the samples were performed;
 - (d) Who performed the analyses;
 - (e) Results of the analyses; and
 - (f) Analytical techniques or methods used.
- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, or application.

This period may be extended by request of the Public Works Director at any time.
- c. All records that pertain to matters that the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.

SECTION E. INSPECTIONS AND ENFORCEMENT

1. Duty to Provide Information

The Permittee shall furnish to the Public Works Director, within fifteen (15) days any information which the Public Works Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also, upon request, furnish to the Public Works Director copies of any records required to be kept by this permit.

2. Inspection and Entry

The Public Works Director or his designee shall have the right to enter and inspect the Permittee's premises for the purpose of determining whether the Permittee is complying with all applicable regulations and the conditions of this permit and for

the purpose of performing any duties provided in Title 16 of the City of Santa Barbara Municipal Code.

Failure to allow access to the Public Works Director, at any time, to any building, structure, or property, or any part thereof, is a violation of this Wastewater Discharge Permit, and may result in issuance and execution of a search warrant and/or revocation of this Wastewater Discharge Permit.

3. **Civil and Criminal Penalties for Violations of Permit Conditions**

The Permittee is subject to appropriate enforcement action, in accordance with Title 16 of the City of Santa Barbara Municipal Code, including civil and criminal penalties if it violates any condition of this Wastewater Discharge Permit, Title 16 of the City of Santa Barbara Municipal Code, or any other applicable local, State, or Federal regulation, law, statute, rule, and/or code.

Section 16.14.050 of the City of Santa Barbara Municipal Code provides that any Permittee who violates a permit condition is subject to a civil penalty of up to \$5,000 per day of such violation. Section 16.14.060 of the City of Santa Barbara Municipal Code provides that any person who intentionally or negligently violates permit conditions is subject to criminal penalties of a fine of up to \$25,000 per day of violation, or by imprisonment or both. Additionally, the Permittee may also be subject to sanctions under State and/or Federal law.

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties due to noncompliance under Chapter 16.14 of the City of Santa Barbara Municipal Code or State or Federal laws or regulations.

4. **Annual Publication**

The City, in the largest daily newspaper within its service area, annually publishes a list of all users, which were in significant noncompliance during the twelve- (12-) previous months. Accordingly, the Permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with Section 16.14.032 of the City of Santa Barbara Municipal Code.

5. **Recovery of Costs Incurred**

In addition to civil and criminal liability, a Permittee violating any of the provisions of this permit or Title 16 of the City of Santa Barbara Municipal Code or causing damage to or otherwise inhibiting the Community Sewer or Plant shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The Public Works Director shall bill the Permittee for the costs incurred by the City for any cleaning repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of Title 16 of the City of Santa Barbara Municipal Code.