



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 18, 2014

TO: Mayor and Councilmembers

FROM: Water Resources, Public Works Department

SUBJECT: Introduction Of Ordinance To Amend Municipal Code Title 16, Liquid And Industrial Waste Disposal

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Repealing Title 16 in its Entirety and Adding Title 16 Pertaining to Liquid and Industrial Waste Disposal; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Updated Pretreatment Program Enforcement Response Plan.

DISCUSSION:

The City's wastewater system operates under a National Pollution Discharge Elimination System (NPDES) Permit, issued by the California Regional Water Quality Control Board (RWQCB). The NPDES Permit contains federal requirements under the Clean Water Act requirements and Title 40 of the Code of Federal Regulations (40 CFR), Part 403, administered by the United States Environmental Protection Agency (EPA). One requirement of the Clean Water Act, 40 CFR, Part 403, and the NPDES Permit is that the City implement an Industrial Liquid Waste Pretreatment Program, governing the quality and quantity of wastewater discharged to the City's wastewater collection system.

The purpose of the Pretreatment Program is to prevent the discharge of wastes that could interfere with the wastewater treatment process at the El Estero Wastewater Treatment Plant (El Estero). The program ensures that the City complies with its NPDES Permit requirements at El Estero, which includes the following parameters:

- Specific effluent limitations;
- Water quality-based toxic pollutant limitations;
- Criteria for sludge use or disposal;

- Removal efficiency requirements; and
- Overall requirements regarding facility operations and maintenance.

Santa Barbara Municipal Code Title 16 provides the standards and the legal authority to enforce the Pretreatment Program and thus ensure that El Estero's operation is successful.

Since the last revision to Title 16, the EPA has made changes to the requirements for the Pretreatment Program which must be incorporated into the City's Municipal Code. EPA/RWQCB inspections of local municipalities are conducted periodically in accordance with EPA protocols to ensure that Pretreatment Programs are administered according to federal requirements. Inspections of the City's Pretreatment Program have been conducted several times in recent years. This has resulted in a list of requirements and changes needed for the City's Pretreatment Program to comply with current federal regulations.

Since 2010, the City has contracted with Larry Walker Associates (LWA) to assist in revising Title 16 as required by the EPA. Title 16 has been redrafted in its entirety to comport with the updated EPA regulatory requirements. Changes have been made throughout the document to reflect current federal regulations, to add strength and clarity to the City's legal authority, and to update the Pretreatment Program's administrative structure to allow for a more streamlined implementation of City activities involved with its regulated industrial community. Some of the noted changes include:

- Adopting the general structure of the EPA's 2006 Model Sewer Use Ordinance
- Implementing Pretreatment Streamlining Rule requirements
- Implementing requirements from EPA/RWQCB Pretreatment Compliance Inspections and Audits
- Updating and adding definitions
- Defining three tiers of wastewater discharge permits and types of discharges
- Strengthening enforcement authority and tying enforcement procedures to the Enforcement Response Plan and formally incorporating this Plan into the new Title 16 by reference.

The Enforcement Response Plan, attached as Exhibit A to the Resolution, outlines procedures followed by City Pretreatment Program staff to identify, document, and respond to pretreatment violations. Incorporated in this Plan are specific criteria by which staff can determine the enforcement action most appropriate to the nature of an Industrial Waste violation. This Plan also describes the duties of Pretreatment Program staff, methods used to determine compliance with applicable regulations, and procedures to review compliance data. The Plan includes written guidelines for routine types of noncompliance and the range of enforcement actions typically taken for these violations. These routine enforcement actions include Verbal Warnings, Warning Notices, Notices of Violation, Administrative Citations, and Compliance Meetings. Any

proposed enforcement action is reviewed and approved by the Public Works Director prior to being given to the Industrial User.

The proposed Title 16 Ordinance implements non-substantive changes (40 CFR Part 403.18), which requires notification to the RWQCB at least forty-five (45) days prior to implementation. The Board of Water Commissioners was informed of this Title 16 Ordinance revision at its meeting held on November 10, 2014. The Ordinance Committee recommended approval of this matter at its meeting held November 11, 2014.

BUDGET/FINANCIAL INFORMATION:

There is no budgetary impact to the Wastewater Fund required by this Title 16 Ordinance update process.

ENVIRONMENTAL INFORMATION:

These Title 16 modifications are exempt under the California Environmental Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), as the changes proposed make the project consistent with federal and state regulations designed to protect the environment.

PREPARED BY: Christopher Toth, Wastewater System Manager/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office