

STANDARD CONDITIONS

A. **Duty to Comply with Municipal Code**

The industrial user shall comply with applicable provisions of the Municipal Code pertaining to the sewer department and to the discharge of industrial wastes to the sewerage system.

B. **Duty to Provide Access**

The industrial user shall, upon the presentation of a valid City of San Diego Public Utilities Department ID, allow IWCP personnel to enter the premises for inspection or sampling related to conditions of this permit.

C. **Duty to Comply**

The permittee must comply with all discharge limits, requirements, and conditions of this permit. Failure to comply may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

D. **Slug Discharge Report (40 CFR 403.12(f))**

The industrial user shall notify the IWCP immediately in the event of any accidental spill, non-customary batch discharge, or other slug discharge to the public sewerage system in violation of discharge prohibitions or standards. Immediate notification shall be made by contacting the IWCP Enforcement Supervisor, Permit Supervisor, or Program Manager at (858) 654-4100 from 8 am to 5 pm Monday through Friday, or (619) 527- 7500 / (619) 527-7660 at all other times, and submitting a written report within five calendar days to:

Industrial Wastewater Control Program
9192 Topaz Way
San Diego, CA 92123-1119

This report must detail the nature, volume, time, and duration of the discharge, the steps taken to control/mitigate its effects on the sewer system, and the measures which have been and/or will be implemented to prevent similar discharges in the future. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.

E. **Changes at Facility Affecting Potential for Slug Discharge (40 CFR 403.8(f)(2)(vi))**

Notify the IWCP immediately of any changes at the facility affecting the potential for a Slug Discharge including, but not limited to, the installation of an automatic feed treatment system using chemicals stored in volumes greater than 55 gallons.

F. **Bypass Provisions (see 40 CFR 403.17 for complete provisions)**

(1) The industrial user may allow any bypass (See Appendix A: Definitions) to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the reporting requirements and prohibitions set forth in F(2) and F(3) below.

(2) If the industrial user knows in advance of the need for a bypass of a wastewater treatment system that will result in noncompliance with Pretreatment Standards or Requirements, it shall submit prior notice to the IWCP, if possible at least ten calendar days before the date of the bypass, at the address in D, above.

The industrial user shall notify the IWCP of an unanticipated bypass that exceeds applicable Pretreatment Standards within 24 hours from the time the industrial user becomes aware of the bypass, and a written submission shall also be provided within five calendar days. The written submission shall be sent to the address in D, above, and must 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.

(3) Bypass is prohibited, and may result in enforcement actions unless the following three conditions are true:

(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 Industrial User submitted notices as required under Section F(2).

G. **Upset Reporting Requirement (see 40 CFR 403.16 for complete Upset Provisions)**

The industrial user shall notify the IWCP within 24 hours of becoming aware of an upset (see Appendix A: Definitions) that results in noncompliance with categorical Pretreatment Standards, and a written submission must be provided within five calendar days. The written submission shall be sent to the address listed in D, above, and must contain a description of the discharge and cause of noncompliance, the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

H. **40 CFR Part 261 Waste Reporting Requirement (40 CFR 403.12 (p)(1))**

The industrial user shall notify the IWCP, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The report must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). See the full CFR text for additional reporting requirements for discharges of more than 100 kilograms of such waste per calendar month to the POTW. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

I. **Signatory Requirements (40 CFR 403.12(l))**

All applications and reports submitted to the IWCP must contain the following certification statement and be signed 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) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a 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 which 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.
- b) By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively.
- c) The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or Local governmental entity, or their agents.
- d) By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this section if:
 - (i) the authorization is made in writing by the individual described in paragraph (a), (b), or (c);
 - (ii) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) the written authorization is submitted to the City.

J. Planned Changes (40 CFR 403.12 (j))

The permittee shall give written notice to the IWCP 90 days prior to any facility expansion, production increase, or process modification which results in new discharges or a change in the volume or character of pollutants in the discharge or an increase or decrease of more than fifteen percent (15%) in the average daily process wastewater discharge volume. The permittee shall also give written notice to the IWCP 30 days prior to any modification to the pretreatment system documented in the current Attachment F Fact Sheet.

K. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a) The permittee has submitted a complete permit application at least 45 days prior to the expiration date of the user's existing permit.
- b) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

L. Retention of Records (40 CFR 403.12 (o)(2))

- a) 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 years from the date of the sample, measurement, report or application. This period may be extended by request of the IWCP at any time.
- b) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the IWCP shall be retained and

preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

M. **Permit Modification**

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) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
- c) A change in any condition in either the industrial user or the Publicly Owned Treatment Works (POTW) 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 Control Authority's collection and treatment systems, POTW personnel or the receiving waters;
- e) Violation of any terms or conditions of the permit;
- f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- g) To correct typographical or other errors in the permit;
- h) To reflect transfer of the facility ownership and/or operation to a new owner/operator;
- i) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

N. **Civil and Criminal Penalties**

Any person who violates any permit condition, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation or national pretreatment standard shall be liable civilly for a penalty not to exceed \$2,500 per day per violation. Additionally, any person intentionally causing such violations shall be liable, upon conviction, for a sum not to exceed \$25,000 per day per violation, or for imprisonment for not more than one year, or both.

O. **Compliance with Applicable Pretreatment Standards and Requirements**

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable Local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

P. **Severability**

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

Q. **Non-transferability**

Industrial Discharge Permits are issued only for specific use for a specific operation. Any sale, lease, transfer, or assignment of the premises or operation for which the permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued.

R. **Sewer Capacity**

The flow authorized in this permit does not convey sewer capacity rights, or in any way, relieve the discharger of the requirement to purchase additional sewer capacity for any increase in flow beyond the vested sewer capacity rights for this location.