

ORDINANCE NO. 1621

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN CLEMENTE, CA, ADDING SECTION 13.28.702 TO
THE MUNICIPAL CODE RELATING TO WASTE
DISCHARGE PRETREATMENT AND SOURCE CONTROL
PROGRAM.**

Whereas, the City of San Clemente collects and treats industrial and commercial wastewater, and utilizes it for recycled water purposes or conveys it to the South Orange County Wastewater Authority ("SOCWA") for disposal in the Ocean Outfall; and

Whereas, industrial and commercial wastewater discharges are subject to the City's wastewater pretreatment program, which was developed to prevent the introduction of pollutants that interfere with wastewater treatment processes and to encourage water reclamation; and

Whereas, the Regional Water Quality Control Board conducted an audit of SOCWA's pretreatment program and requires modifications to the City's pretreatment ordinance that industrial users notify the City of any substantial change in the volume or character of the pollutants in their discharge.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are each incorporated by reference and adopted as findings of the City Council.

Section 2. Section 13.28.702 is hereby added to the San Clemente Municipal Code to read as follows:

13.28.702 Notification of the Discharge of Hazardous Waste (40 CFR 403.12(p)(1))

- A. The industrial user shall notify the CSC, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into sewerage facilities of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification 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). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to sewerage facilities, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the

following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after a discharge to sewerage facilities commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 13.28.700 of this ordinance and as listed in 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 13.28.620, 13.28.640 and 13.28.650 of this ordinance and as listed in 40 CFR 403.12(b), (d), and (e).

- B. Dischargers are exempt from the requirements of Section 13.28.702 A., above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the CSC, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This section does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Section 3. All prior actions of the City Council that are inconsistent with this Ordinance are hereby rescinded.

Section 4. This Ordinance is not subject to the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 15060(c)(2), because the action will not result in a direct or reasonably foreseeable indirect physical change in the environment, nor is it subject to CEQA because it is not a project as defined in CEQA Guidelines section 15378.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity has no effect on other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

Section 6. The City Clerk shall certify the adoption of this ordinance and cause it, or a summary of it, to be published as required by law.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Clemente this _____ day of _____, 2016.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the ____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this ____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY