

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 15.14.270, 15.14.405, 15.14.465, 15.14.545, 15.14.575, 15.14.590, 15.14.695 and 15.14.745 OF CHAPTER 15.14 OF TITLE 15 OF THE SAN JOSE MUNICIPAL CODE TO UPDATE DEFINITIONS, ALLOW ISSUANCE OF PERMITS TO DISCHARGE STORMWATER TO THE SANITARY SEWER SYSTEM, AND CLARIFY REQUIREMENTS FOR REPORTS SUBMITTED TO THE CITY FROM REGULATED FACILITIES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 15.14.270 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

**15.14.270 Diluting Waters**

“Diluting waters” means non-contact cooling water, boiler blowdown, domestic sewage, groundwater, storm water, surface drainage, reverse osmosis reject, water softener regeneration, or potable waters, or any waters which are not part of an industrial process and which do not contain priority pollutants but are combined with industrial wastewater prior to the monitoring point for industrial wastewater discharge. Diluting waters also includes excess water used in rinse tanks when not in production processes, such as rinse tanks or rinse water running when in production in excess of operational or quality requirements.

SECTION 2. Section 15.14.405 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

#### **15.14.405 Significant Change**

“Significant change” means any change in an industrial user's operation that results in any of the following:

- A. A flow that exceeds the expected peak flow as shown in the sewage treatment plant connection allocation for the property on which the industrial user is located.
- B. An increase or decrease in annual average process flow of twenty-five (25) percent over the ~~industrial user's Standard Discharger's~~ average process flow for the dischargers' most immediate preceding ~~compliance period~~ twelve (12) months.
- C. An increase or decrease in annual average process flow that results in a change from Low Flow Discharger to Standard Discharger or from Standard Discharger to Low Flow Discharger.
- D. An increase or decrease in annual average process flow that results in a change from non-Significant Industrial User to Significant Industrial User or from Significant Industrial User to non-Significant Industrial User.
- E. An increase or decrease in annual production rate of twenty-five (25) percent for any industrial user subject to production-based limits over the industrial user's production rate for the most immediate preceding twelve (12) months.
- CE. Adding or deleting process discharge or sample points.

SECTION 3. Part 2 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

**15.14.465 Zero Discharge Categorical User or ZDC**

“Zero discharge categorical user” or “ZDC” means an industrial facility that performs any categorical process subject to Federal pretreatment standards, as described in 40 CFR 405-471, that has any connection to the sanitary sewer system, but does not discharge wastewater from the categorical process to the sanitary sewer.

SECTION 4. Section 15.14.545 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

**15.14.545 Storm and Other Waters**

- A. No person shall discharge, cause, allow or permit any stormwater, surface water, groundwater, subsurface drainage or roof ~~runoff~~ water to be discharged into the sanitary sewer system or any part thereof without a wastewater discharge permit.
- ~~B. No person shall discharge, cause, allow or permit any groundwater or subsurface drainage to be discharged into the sanitary sewer system or any part thereof, without a wastewater discharge permit issued by the director specifically for such discharge.~~
- CB.** A wastewater discharge permit for the discharge of groundwater, ~~or~~ subsurface drainage, surface water, roof water, or stormwater shall only be issued if there is no reasonable alternative method for disposal of such water.

~~DC.~~ If permitted, discharge of groundwater, ~~or~~ subsurface drainage, surface water, roof water, or stormwater shall be subject to all applicable requirements of this Chapter 15.14, including but not limited to the payment of applicable permit fees and such terms and conditions as the Director may impose on the wastewater discharge permit.

SECTION 5. Section 15.14.575 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

**15.14.575 Corrosive Matter**

No person shall discharge, cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing having a pH lower than six (6) or ~~more than equal to or greater than~~ twelve and one-half (12-1/2) or having any other corrosive property capable of causing damage or hazard to the sanitary sewer system or any part thereof, or to any personnel operating, maintaining, repairing, or constructing said sanitary sewer system or any part thereof, or working in or about the sanitary sewer system.

SECTION 6. Section 15.14.590 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

**15.14.590 Prohibition on Use of Diluting Waters**

~~The use of diluting waters as a partial or complete substitute for adequate treatment, to achieve compliance, or to meet local limitations for wastewater as set forth in Section, or to avoid or minimize any requirements imposed in a wastewater discharge permit is prohibited. No Industrial User shall ever increase the use of process water, or in any~~

way use diluting waters as a partial or complete substitute for adequate treatment, or to meet local limits or achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.

SECTION 7. Section 15.14.695 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

**15.14.695 Discharge Reports**

- A. Dischargers are subject to the reporting requirements as contained in Title 40 of the Code of Federal Regulations. The director may require that any person connected to or discharging wastewater into the sanitary sewer system file additional periodic discharge reports or a zero discharge report.
- B. The periodic discharge report may be required to include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, hauling records, potential for slug discharge or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the discharger to meet applicable discharge limits.
- C. The zero discharge report shall certify that the zero discharge user does not discharge any process water to sanitary sewer, or for a zero discharge categorical user discharger does not discharge any categorical process water or ancillary process water to the designated zero discharge categorical sample point-industrial waste or into the sanitary sewer system. This report may be required to include, but need not be limited to, nature of process, hours of

operation, number of employees, hauling records, or other information that relates to the generation of wastes.

- D. The director may also require such periodic discharge reports and zero discharge reports to include information concerning the chemical constituents and quantity of chemicals stored on-site, including waste hauling records or other information, which relates to the generation of wastes even though they may not normally be discharged.
- E. In addition to discharge reports, the director may require dischargers to submit such additional reports as may be necessary to allow the city to evaluate the discharger's ability to comply with this chapter, including but not limited to best management practice or self-monitoring reports.
- F. It shall be unlawful for any person who has discharged wastewater to the sanitary sewer system to refuse to file any report requested by the director.
- G. Sampling and analysis shall be performed in accordance with 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical methods for the pollutant in question, or where the director determines that 40 CFR 136 are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods validated by the director.

**SECTION 8.** Section 15.14.745 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

#### **15.14.745 Signature Requirements**

- A. Permit applications, discharge reports and any other reports required by the director to be signed, shall be signed by an executive officer of the business filing the application.
- B. Such executive officer shall be at least of the level of vice president, general partner, president, or an individual responsible for the overall operation of the facility applying for said permit, or meet federal requirements for NPDES applications as contained in Title 40 of the Code of Federal Regulations.
- C. Reports subject to the requirements of Title 40 of the Code of Federal Regulations shall include the certification statement as contained in Title 40 of the Code of Federal Regulations.

RD:MD1:ERD  
11/9/2011

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk