

**CITY OF SAN MATEO
ORDINANCE NO. 2013-12**

AMENDING SECTION 7.38.340, “RECORD KEEPING REQUIREMENTS,” AND SECTION 7.38.360, “SELF-MONITORING REQUIREMENTS,” OF CHAPTER 7.38, “SANITARY SEWER USE,” OF THE SAN MATEO MUNICIPAL CODE TO ADD RECORD KEEPING REQUIREMENTS AND AN INDUSTRIAL USER WAIVER PROCESS FOR INDUSTRIAL USERS OF THE CITY SEWER SYSTEM

WHEREAS, a Pretreatment Compliance Audit (PCA) of the City’s Industrial Water Pretreatment Program was conducted; and

WHEREAS, as a result of the audit, two sections of Chapter 7.38 were determined to require amendments in order to comply with Federal Pretreatment Regulations stated in Title 40 of the *Code of Federal Regulations* (CFR), section 40;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY ORDAINS that:

Section 1. Subsection (a) of Section 7.38.340, “Record Keeping Requirements,” of Chapter 7.38, “Sanitary Sewer Use,” of the San Mateo Municipal Code is amended to read:

“(a) Users subject to the reporting or record keeping requirements specified in waste discharge permits or other formal directive shall make available for inspection and copying all monitoring data, pretreatment system operation and maintenance records, documentation associated with Best Management Practices, and any other information required by the Director to be kept by the user.”

Section 2. Section 7.38.360, “Self-Monitoring Requirements,” of Chapter 7.38, “Sanitary Sewer Use,” of the San Mateo Municipal Code is amended to add a new subsection (g) to read:

“(g) The Director may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User in accordance with 40 CFR 403.12(e)(2). This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility’s process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with 7.38.030, and include the certification statement in 7.38.230 and 40 CFR 403.6(a)(2)(ii).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for three years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User:

Certification of Pollutants not Present

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 7.38.360 (a) - (f), or other more frequent monitoring requirements imposed by the Director, and notify the Director.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard. ”

Section 3. ENVIRONMENTAL DETERMINATION. In accordance with Public Resources Code section 21065, introduction of this ordinance is not a project subject to CEQA, because the ordinance will not cause a physical change in the environment.

Section 4. SEVERABILITY. In the event any section, clause or provision of this Chapter shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 5. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

The foregoing ordinance was introduced on September 3, 2013, and adopted by the City Council of the City of San Mateo, State of California on the 16th day of September, 2013, by the following vote:

AYES: COUNCIL MEMBERS LIM, ROSS, FRESCHET, GROTTTE, AND MATTHEWS

NOES: NONE

ABSENT: NONE

ATTEST:

(SEAL) /s/ PATRICE M. OLDS
Patrice M. Olds, City Clerk

/s/ DAVID LIM
David Lim, Mayor