



Public Utilities

879 Morro Street, San Luis Obispo, CA 93401-2710
805.781.7215
slocity.org

SIGNIFICANT INDUSTRIAL USER PERMIT

Permit Number: 259-S

Industrial User: California Polytechnic State University, San Luis Obispo

Mailing Address: Cal Poly – Env. Safety, 1 Grand Ave, Bldg. 80, San Luis Obispo, CA 93407

Discharge Location: California Polytechnic State University, San Luis Obispo, CA 93407

The above industrial user is hereby authorized to discharge industrial wastewater from the above-identified facility and through the outfalls identified herein into the City of San Luis Obispo sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, state, and federal laws, including any such regulations, standards, or requirements, or laws that might become effective during the term of this permit.

This permit is granted in accordance with the permit application on file and in accordance with plans, specifications, and other data submitted to the City of San Luis Obispo in support of the above application.

Noncompliance with any term or condition of this permit will constitute a violation of the City of San Luis Obispo sewer use ordinance.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of §13.08.150, within 30 days of receiving a notice to apply.

Issued: 05/31/2024

Effective: 05/31/2024

Expires: 12/31/2027

Christina Claxton

A handwritten signature in blue ink that reads "Christina Claxton".

Environmental Programs Manager
E cclaxton@slocity.org
T 805.781.7425

PART 1 – EFFLUENT LIMITATIONS

- A. The permittee is authorized to discharge process, non-process, and sanitary wastewater to the City of San Luis Obispo sewer system from the outfalls listed below.

Description of outfalls:

<u>Outfall</u>	<u>Description</u>
Cal Poly Effluent	Outfall <i>Cal Poly Effluent</i> is a sampling point manhole located within Mustang Village Apartment complex. See Fact Sheet for exact sampling location. All wastewater flows through a Parshall flume which is monitored with a flow meter. The flow from the campus is recorded 24 hours/day, 7 days/week. The flume is designed for up to 1.5 MGD.

- B. The discharge from outfall *Cal Poly Effluent* must not exceed the following effluent limitations. Effluent from this outfall consists of waste from a variety of scientific laboratories and technical shops located on campus. The university also has housing for more than 8,000 students. The campus also has numerous restaurants with grease traps/interceptors/clarifiers. The University operates the following maintenance facilities for the campus: electric, plumbing, welding, carpentry, paint, and transportation. The University is considered a significant industrial user (SIU) because they discharge more than 10,000 gpd of process wastewater as defined by SLOMC § 13.08.020(UU)(1)
- C. The director is authorized to establish local limits pursuant to **40 CFR 403.5(c)**. The effluent from outfall *Cal Poly Effluent* must comply with the local limits listed below (SLOMC §13.08.040).

LOCAL EFFLUENT LIMITATIONS

Constituent	Limit (mg/L) Daily Average
Ammonia	50
Biochemical Oxygen Demand (BOD)	400
Chloride	1523
Sodium	1200
Total Dissolved Solids (TDS)	2215
Total Suspended Solids (TSS)	2346
Copper, Total	0.20
Zinc, Total	0.50

Notes:

The University must comply with the Uniform Limits for chloride, sodium, TDS, and TSS. The permittee is allowed to comply with the Contributory Limit A for ammonia, BOD, and copper. The permittee is allowed to comply with the Contributory Limit B for zinc. *SLOMC §13.08.040*

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations above.

D. Prohibited Discharges

The permittee must comply with all the general prohibitive discharge standards in SLOMC § 13.08.040.

1. *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
2. *Specific Prohibitions.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sewers:
 - a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-six degrees Celsius), or which will inhibit biological activity in the treatment plant, resulting in interference, but in no case higher than one hundred four degrees Fahrenheit (forty degrees Celsius) at introduction into the wastewater treatment plant.
 - b) Any waters or wastes containing oil and grease such that the discharge results in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to or increased maintenance of sewers or sewerage facilities. No person shall discharge oil and grease which results in pass-through and/or interference.
 - c) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW and/or cause acute worker health and safety problems to its personnel or to the operation of the system.
 - d) Any waters or wastes that have a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius), using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene or xylene.
 - e) Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewers or other interference with the proper operation of the POTW.

- f) Any waters or wastes having pH lower than 5.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.
 - g) Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit.
 - h) Any waters or wastes including oxygen demanding pollutants (BOD, etc.) at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference or pass-through.
 - i) Any average daily flow greater than two percent of the WWTP average daily sewage flow.
 - j) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
 - k) Any trucked or hauled pollutants, except at discharge points designated by the director.
 - l) Any waters or wastes containing any radioactive materials or wastes of such half-life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the California Code of Regulations).
 - m) Any infectious wastes.
 - n) Any medical wastes, except as specifically authorized by the director in an individual wastewater discharge permit or a general permit.
 - o) Any waters or wastes containing color which is not removed in the ordinary WWTP treatment process.
 - p) Any noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
 - q) Any stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director.
3. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
5. Limitations on wastewater strength in this section may be supplemented with more stringent limitations if:

- a) The director determines that the limitations listed in this chapter may not be sufficient to protect the operation of the city's treatment works; or
 - b) The director determines that the limitations listed in this chapter may not be sufficient to enable the city's treatment works to comply with water quality standards or effluent limitations specified in the city's NPDES permit.
- E. When the director determines that a user is contributing any of the substances mentioned in the sub section *1. General Prohibitions* in such amounts as to interfere with the operation of the POTW, the director may:
- 1. Advise the user of the impact of the contribution on the POTW;
 - 2. Develop effluent limitations for the user to correct;
 - 3. Place limits on rate and time of discharge or requirements for flow regulations and equalization;
 - 4. Require pretreatment of discharge prior to discharge to POTW; or
 - 5. Take any other action necessary to eliminate the interference.
- F. Where an Industrial User utilizes all or a portion of their domestic water supply from a source other than City of San Luis Obispo potable water, the City may require additional laboratory testing of any potential constituents of concern which may be discharged to the POTW. This testing will be performed by a State of California certified laboratory, at a frequency and length of time determined by the city, at solely the Industrial User's expense.
- G. The director may develop best management practices (BMP's), in individual wastewater discharge permits, to implement local limits and the requirements of this chapter.
- H. Proper Disposal of Pretreatment Sludges, Spent Chemicals or Other Hazardous Wastes

The disposal of spent chemicals, sludges and hazardous wastes generated shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and recovery Act and Title 22 of the California Code of Regulations. Receipts or manifests for proper disposal shall be retained by the User and shall be available for review at the time of inspection.

I. 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 might become effective during the term of this permit.

PART 2 – MONITORING REQUIREMENTS

- A. All samples must be collected, preserved, and analyzed in accordance with the procedures established in 40 CFR Part 136, and amendments.
- B. Cal Poly shall obtain representative samples of the wastewater discharge. The sampling shall be performed according to the frequency and the methods outlined below and according to requirements found in SLOMC §13.08.230.

The Self-Monitoring Report shall:

1. Meet signatory requirements.
 2. Include the laboratory results.
 3. Include the Chain-of-Custody documentation.
 4. List any change in operations at the time of sampling.
 5. Document the inspection of wastewater pretreatment devices.
- C. The sampling point shall be from *Cal Poly Effluent* manhole as described in the Facility Fact Sheet.
- D. Sample the discharge from *Cal Poly Effluent* on a representative operating day **EVERY MONTH**. The self-monitoring report is due within 30 days of sample collection.

From the period beginning on the effective date of the permit until December 31, 2023, the permittee must monitor outfall *Cal Poly Effluent* for the following parameters:

PARAMETER	SAMPLE TYPE ^a	TEST METHOD ^b
Ammonia	composite	SM 4500-NH ₃ G
Biochemical Oxygen Demand	composite	SM 5210B
Chloride	composite	EPA 300.0
Copper, Total	composite	EPA 200.7
Sodium	composite	EPA 200.7
Total Dissolved Solids (TDS)	composite	SM 2540C
Total Suspended Solids (TSS)	composite	SM 2540D
Zinc, Total	composite	EPA 200.7

Notes:

^a A grab sample is an individual sample collected over a period of time not exceeding 15 minutes. A composite sample is flow-based and collected for 24 hours. All samples must be obtained using containers, collection methods, preservation techniques, holding times, and analytical methods set forth in 40 CFR Part 136 or references cited in that regulation.

^b EPA – EPA Method

SM – Standard Methods for the Examination of Water and Wastewater (22nd Edition)

^c Annual average daily flow is 360,000 gpd when school is in session and 100,000 gpd when school is not in session. This was calculated using daily data from the flow meter setup in the Parshall flume at the *Cal Poly Effluent* sampling location.

PART 3 – REPORTING REQUIREMENTS**A. Monitoring Reports (SLOMC §13.08.200)**

Monitoring results obtained must be summarized and reported on a Self-Monitoring Report Form.

The original copy of the report with a wet ink signature must be submitted within 30 days of sampling.

All monitoring reports must indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the reporting period preceding the submission of each report.

All reports required by this permit must be submitted to the director at the following address:

City of San Luis Obispo
Attn: Environmental Programs
879 Morro Street
San Luis Obispo, CA 93401

B. Certification Statements (SLOMC §13.08.300)

The permittee is required to sign and submit the following certification statement with all monitoring reports:

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 ensure 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.

- C. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by the U.S. Environmental Protection Agency (EPA) or as specified in this permit, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge, and results must be reported in the monthly report submitted to the director. Such an increased monitoring frequency must also be indicated in the monthly report.

D. Automatic Resampling (SLOMC §13.08.230)

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must do the following:

1. Inform the director of the violation within 24 hours, and
2. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of becoming aware of the first violation.

E. Accidental Discharge Report (SLOMC §13.08.460)

The permittee is required to comply and implement its existing slug discharge control plan.

The permittee is required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

The permittee must notify the director immediately upon the occurrence of spills, including accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, slug loads or slug discharges that might cause potential problems for the POTW or spills that might enter the public sewer. During normal business hours the director should be notified by telephone at (805) 781-7425. At all other times, the director should be notified by telephone at (805) 458-3879. The notification must include location of discharge; date and time of discharge; type of waste, including concentration and volume; and corrective actions taken. 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.

Within 15 days following an accidental discharge, the permittee shall submit to the director a detailed written report. The report must specify the following:

1. Description and cause of the upset, slug load, or accidental discharge; the cause thereof; and the impact on the permittee's compliance status. The description should also include location of discharge and type, concentration, and volume of waste.
2. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, an/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

F. Notification of the Discharge of Hazardous Waste (SLOMC §13.08.160)

1. Any permittee who begins discharging hazardous waste must notify, in writing, the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance that, 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 permittee discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also must contain the following information to the extent such information is known and readily available to the permittee: 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 12 months. All notifications must take place no later than 180 days after the discharge begins. Any notification under this paragraph must be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.08.160(E). The notification requirement in this section does not apply to pollutants already reported by permittee subject to categorical pretreatment standards.

2. Dischargers are exempt from the requirements of paragraph 1 above, during a calendar month in which they discharge no more than 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 15 kilograms of nonacute 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 permittee discharges more than such quantities of any hazardous waste do not require additional notification.
 3. If any new regulations are made under section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the permittee must notify the director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
 4. If any notification is made under this section, the permittee must 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.
 5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by the City's Municipal Code §13.08, a permit issued under §13.08, or any applicable federal or state law.
- G. All reports required by this permit must be submitted to the director at the following address:

City of San Luis Obispo
Attn: Environmental Programs
879 Morro Street
San Luis Obispo, CA 93401

PART 4 – SPECIAL CONDITIONS**Food service establishment requirements.**A. Permit required

All new FSEs and all existing FSEs shall have a current Class II industrial user permit issued by the director and at least one Grease Control Device (GCD).

B. Permit fees

Section 13.08.140 of the SLOMC specifies that the city shall have the authority to assess and collect fees from users of the sanitary sewer system to recover costs incurred by the city when regulating discharges into the system. The fees specified therein are applicable to all FSEs. For a current cost of the annual permit fee, refer to the current city fee schedule.

C. Re-inspection fee

If an inspection by city staff determines that a permittee is in violation of one or more requirements of this chapter, the permittee shall be charged a re-inspection fee to reimburse the city for the cost of a re-inspection to determine that the violation has been corrected. Additional fees may be assessed if an Administrative Citation is issued to the permittee, as discussed in the SLOMC Chapter 1.24.

G. Used cooking oil container

All FSEs shall have a container or drum for collecting waste kitchen grease and used cooking oil unless deemed unnecessary by the director. FOG removed from GCDs shall not be placed in this container, as it is more difficult to recycle. The container shall be used and maintained appropriately so as to prevent spills or leaking. The container shall be serviced (emptied or exchanged) and recycled by a waste hauler at an appropriate frequency as defined by Section 13.08.093 (Maintenance and Operation of Grease Control Devices). Receipts or other documentation of such service shall be retained at the FSE and presented to the city on request. The FSE shall maintain adequate employee training and/or signage to assure that the container is used and maintained in an appropriate manner, as discussed below in §§13.08.091(G) (Kitchen Best Management Practices.) Any oil on or around collection container or drum shall be cleaned up immediately. Failure to maintain this area may constitute a violation of SLOMC Section 13.08.096.

D. Storm water pollution

All FSEs shall operate in a manner which prevents any discharge of FOG or other wastes to the storm water drain system. Any outdoor spills or washing activities may constitute a violation of SLOMC Chapter 12.08.

E. Inspections

1. To the extent permitted by law, city representatives may enter upon a facility's premises to determine compliance with this chapter. The city shall attempt to perform inspections in a manner so as to minimize the impact on the operation of the food service establishment. However, the FSE shall provide the city, at all times that the FSE is open to the public and/or in operation, with access to the premises, specifically the GCDs, used cooking oil containers and maintenance records. If the GCD or used cooking oil container is inaccessible to city representatives due to placement of vehicles, mats, utensils, etc., FSE staff shall immediately remove such obstacles upon city entry for inspection.
2. Inspections may occur during normal operating hours without warning to verify appropriate Grease Control Device maintenance and operation as well as during an emergency response or blockage investigation. Inspections will include all parts of the FSE that discharge or have the potential to discharge to the sanitary sewer system. City representatives will comply with all reasonable facility safety requirements as provided by the FSE operator at the time of entry.
3. Below is an outline of the city's routine inspection and enforcement procedures.
 - a. Inspect the GCD by assessing the amount of grease and solids as a percentage of the total volume.
 - b. Inspect the structural integrity of the GCD;
 - c. Assess whether the GCD maintenance frequency is sufficient as defined by Section 13.08.093 (Maintenance and Operation of Grease Control Devices);
 - d. Inspect that all floor drains have strainer baskets not to exceed 3/16-inches in hole diameter;
 - e. Ensure that all kitchen best management practices are being implemented as set fourth in §§13.08.091(G) to minimize FOG from entering the sewer; and
 - f. Inspect recycled oil storage and trash areas for cleanliness and compliance with applicable stormwater codes (SLOMC 12.08)

F. Kitchen best management practices.

The following Best Management Practices (BMPs) must be followed by all FSEs:

- a. Always dry wipe all pots, pans, and cooking equipment to remove leftover fat, oil, grease, and food waste prior to pre-rinsing or washing.
- b. Install and maintain screens in all floor and sink drains. The floor drain screens must be a basket style and have a hole diameter of 3/16-inches or smaller. Dome style strainers are prohibited. The sink drains must be a fine mesh style, where applicable, or a similar type approved by the director.
- c. Maintain Grease Control Device(s) (GCD) to comply with the following:
 - i. In accordance with the manufacturer's instructions when the grease storage capacity of the GCD can be validated to exceed 25 percent of the total liquid volume by third-party performance testing; or

- ii. If the grease storage capacity of the GCD cannot be validated by third party performance testing, the total depth of the floating FOG layer, plus the settled sludge layer cannot exceed 25% or more of the total liquid depth of the GCD.
- d. Regularly maintain vent hood and filters and dispose of the waste to a drainage fixture connected to a GCD.
- e. Wash all floor mats, grills, and greasy kitchen equipment in a drainage fixture connected to a GCD. Never wash equipment outside.
- f. Place source-separated food and green waste in the organic material container pursuant to SLOMC 08.04.213.
- g. Display the F.O.G. poster for all employees to see, ideally in the kitchen or dishwashing area.
- h. Place “No Grease” stickers in dishwashing areas. Stickers are provided by the city at no charge and are available in English and Spanish.

H. Staff training requirements.

1. An annual training on kitchen BMPs as stated in Subsection 13.08.091(G) must be completed and documented for all staff. Records of this training must be kept on site for a minimum of three years and must be made available to city staff upon request during an inspection.
2. The training record must include the following:
 - a) What was covered during the training.
 - b) A list of names and signatures of all who attended the training.

H. Any FSE undergoing a kitchen remodel, as defined in Section 13.08.020, shall be required to submit GCD plans to the city for review.

J. Any FSE or other facilities identified under subsection 13.08.090(C) must notify the city within 30 days, and may be required to install a Grease Control Device, when any of the following changes occur or are planned:

1. Facility or operational modifications;
2. Changes to the type of food service;
3. Change of operator of the facility; or
4. Installation of a new GCD or transfer of responsibility for a GCD.

Grease control device requirements.

A. GCDs must be sized according to both of the following steps:

1. Calculate Flow Rate The minimum flow rate for a GCD may be calculated by either fixture volume or pipe diameter, as stated in the CPC, using either a one-minute or two-minute drainage period. Use a one-minute drainage period when the GCD will be installed within 20 feet of directly connected fixtures and/or has indirectly connected fixtures. When the interceptor will be installed beyond 20 feet of the connected fixtures, use a two-minute drainage period.

Note, per §§13.08.092(I) , each GCD shall receive the drainage from all plumbing fixtures, equipment, and drain lines located in the food preparation, food service, alcohol service, and clean-up areas of FSE’s, including but not limited to multi-compartment

sinks, utensil sinks, food preparation sinks, pre-rinse sinks, dishwashers, hand washing sinks, floor sinks, floor drains, trench drains, and mop sinks.

2. Calculate Grease Capacity Once the minimum flow rate has been established in step one, calculate the minimum grease storage capacity for the GCD required for the desired cleaning frequency, noting that required cleaning cannot be more frequent than 90 days. Use the following formula to correctly calculate the grease capacity required.

$$\begin{array}{l} \text{Grease} \\ \text{factor from} \\ \text{Table X} \end{array} \quad \times \quad \begin{array}{l} \text{Meals or} \\ \text{customers per} \\ \text{day} \end{array} \quad \times \quad \begin{array}{l} \text{Days} \\ \text{between} \\ \text{cleaning} \end{array} \quad = \quad \begin{array}{l} \text{Grease} \\ \text{capacity} \\ \text{required (lbs)} \end{array}$$

To determine the appropriate grease factor, using the table on the following page, select the menu type (1 through 33), then the correct column (A through D) for whether there is a fryer, and whether the establishment uses disposable or washable plates, glasses, knives, forks, and spoons (flatware). The table was produced from guidance in the American Society of Plumbing Engineers (ASPE) Plumbing Engineering Design Handbook 4, Plumbing Components and Equipment, Chapter 8, Grease Interceptors.

Type	Menu	Grease Factor ->	without Fryer	without fryer	with fryer	with fryer
			w/o flatware	with flatware	w/o flatware	with flatware
			A	B	C	D
1	Bakery		0.0250	0.0325	0.0350	0.0455
2	Bar - Drinks Only		0.0050	0.0065	0.0250	0.0325
3	Bar and Grille		0.0250	0.0325	0.0350	0.0455
4	BBQ		0.0250	0.0325	0.0350	0.0455
5	Buffet		0.0250	0.0325	0.0350	0.0455
6	Cafeteria - Full Serve		0.0250	0.0325	0.0350	0.0455
7	Cafeteria - Heat & Serve		0.0050	0.0065	0.0250	0.0325
8	Chinese		0.0350	0.0455	0.0580	0.0750
9	Coffee Shop		0.0050	0.0065	0.0250	0.0325
10	Continental breakfast		0.0050	0.0065	0.0250	0.0325
11	Convenience Store		0.0050	0.0065	0.0250	0.0325
12	Deli		0.0050	0.0065	0.0250	0.0325
13	Donut Shop		0.0250	0.0325	0.0350	0.0455
14	Don't know yet		0.0250	0.0325	0.0350	0.0455
15	Family Restaurant		0.0250	0.0325	0.0350	0.0455
16	Fast Food - Pre-Cook		0.0050	0.0065	0.0250	0.0325
17	Fast Food - Full Prep		0.0250	0.0325	0.0350	0.0455
18	Fried Chicken		0.0250	0.0325	0.0350	0.0455
19	Greek		0.0250	0.0325	0.0350	0.0455
20	Grocery Store		0.0250	0.0325	0.0350	0.0455
21	Ice Cream/Yogurt/Smoothies		0.0050	0.0065	0.0250	0.0325
22	Indian		0.0250	0.0325	0.0350	0.0455
23	Italian		0.0250	0.0325	0.0350	0.0455
24	Mexican		0.0350	0.0455	0.0580	0.0750
25	Pizza Restaurant		0.0250	0.0325	0.0350	0.0455
26	Pizza Carryout		0.0050	0.0065	0.0250	0.0325
27	Multi-unit dwelling		0.0050	0.0065	0.0250	0.0325
28	Salads / Healthy Bowls		0.0050	0.0065	0.0250	0.0325
29	Sandwich Shop		0.0050	0.0065	0.0250	0.0325
30	Seafood		0.0250	0.0325	0.0350	0.0455
31	Snack Bar		0.0050	0.0065	0.0250	0.0325
32	Steak House		0.0250	0.0325	0.0350	0.0455
33	Sushi		0.0050	0.0065	0.0250	0.0325

A. The approved GCD will meet the minimum flow rate from step one and the minimum grease capacity from step two above. In order to meet the minimum grease capacity in step two, a GCD with a higher flow rate may be required than is determined in step one.

C. Prior to installing or replacing a GCD as may be required by this chapter, FSEs must complete the city's GCD Sizing and Selection Worksheet with all required information and submit to the Community Development Department for review and approval. Incomplete worksheets submitted will not be accepted and could delay project approval.

D. All FSEs installing or replacing a GCD pursuant to this chapter must submit a building permit application and the following documents to the Community Development Department:

1. Map/drawing of all plumbing fixtures that will discharge to the proposed GCD.
2. Calculations for sizing of proposed GCD on the city's GCD Sizing and Selection Worksheet
3. Manufacturer's specification sheet of proposed GCD. (see below for prohibited materials and conditions of approval)

E. The following CGDs are prohibited unless otherwise approved by the director:

1. Gravity grease interceptors.
2. Grease removal devices built from concrete.
3. GCDs built from metal, including metal GCDs with Acid Resistant Enamel or Epoxy Coatings.

F. Any facility identified as needing to install or replace a GCD must do so in accordance with this chapter within 180 days of notification from the city, unless approved otherwise by the director. Hydromechanical Grease Interceptors (HGIs) shall meet the following minimum requirements:

1. Be constructed of a corrosion resistant polymer
2. No injection ports for chemicals or bacteria.
3. Installed per manufacturer's specifications.
4. Appropriate flow restrictors, whether integral or external to the device, must be installed.
5. Shall meet the specifications and be constructed in accordance with the applicable provisions of the California Plumbing Code.
6. Shall be third party tested and rated for efficiency and capacity in accordance with ASME A112.14.3, CSA B481, or PDI G101.

G. Each GCD shall be installed and connected at an exterior location such that it is at all times easily accessible for visual inspection, sampling, cleaning and removal of grease and other matter from all surfaces. The location of the GCD must be approved by the County, and shall not be located in a food or utensil handling area unless specifically approved by the County. The GCD must be installed prior to final city permit inspections.

H. A GCD shall be situated outdoors on the FSE's premises, except when such a location would be impractical or cause undue hardship on the FSE. The city may issue an encroachment permit to allow the GCD to be installed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. If the GCD cannot be located outdoors pursuant to the terms of this provision, and the city does not issue an encroachment permit, then the FSE may install a GCD at an approved interior location that meets the requirements of applicable plumbing codes and this chapter at the discretion of the director.

I. Each GCD shall receive the drainage from all plumbing fixtures, equipment, and drain lines located in the food preparation, food service, alcohol service, and clean up areas of FSE's, including but not limited to multi-compartment sinks, utensil sinks, food preparation sinks, pre-rinse sinks, dishwashers, hand washing sinks, floor sinks, floor drains, trench drains, and mop sinks.

J. All FSEs shall ensure that wastes collected by GCDs are disposed of at a facility permitted to receive such wastes. FOG wastes must not be allowed to discharge to any private or public portion of the sanitary or stormwater collection systems.

K. The use of additives, emulsifiers, enzymes, or biological agents to break down or digest FOG for discharge to the sewer system is prohibited, unless authorized by the director.

L. Food Waste Disposers are prohibited.

M. Any waste material from routine cleaning of exhaust hoods, ducts, floor mats, and mop water shall be plumbed to the GCD prior to discharge to the sanitary sewer.

N. No drains from toilets, showers, or other domestic discharges shall be connected to the GCD.

Maintenance and operation of grease control devices.

A. GCDs shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No accumulated grease shall be introduced into any drainage piping or public or private sewer. The total depth of FOG layer shall not exceed the maximum rated capacity as established by the manufacturer of the GCD. If this information is not available, then the FOG layer plus the settled sludge layer cannot exceed 25% or more of the total liquid depth of the GCD.

B. GCDs shall be cleaned on a sufficient frequency to prevent objectionable odors, surcharge of the GCD, or interference with the operation of the sanitary sewer system. The required minimum frequency for maintaining the GCDs shall be determined during a routine inspection. A re-inspection may be requested to re-evaluate the required cleaning frequency. In the absence of a frequency determined and set by the city, the following is the required minimum frequency of cleaning for each type of GCD, unless otherwise approved by the director:

1. HGIs shall be cleaned at least once every thirty days.
2. Non-conforming existing GGIs shall be cleaned at least once every ninety days.

C. If a GCD is properly sized and installed, yet requires cleaning and maintenance at a greater frequency than the frequency determined in accordance with this section, then the director can require a GCD with a higher flow rate and grease capacity to be installed.

D. GCDs shall be cleaned by being pumped dry and all accumulated sludge on all surfaces shall be removed by washing down the sides, baffles, tees, and any other interior components. No water removed from the device during cleaning shall be returned to the GCD.

E. The director may grant an exception to the requirements of subsections 13.08.093(B)(1) and (2) where the director finds, based on evidence presented by the FSE, that a less frequent cleaning schedule will be sufficient to assure that the GCD will continue to operate efficiently and will not bypass FOG to the sanitary sewer system. The director may require more frequent cleaning if inspections indicate that cleaning at the current frequency is not adequate. Documentation provided by the FSE shall be based on a minimum of one year of cleaning and shall be verified by city inspections. Waste hauler requirements - All GCD cleaning shall be performed by waste haulers who are certified by the California Department of Food and Agriculture (DFA) as an “inedible kitchen grease commercial transporter.” The pumper shall transport the pumped waste to an “authorized receiving facility,” as defined by the DFA.

F. Persons cleaning a GCD shall ensure that all grease and sediment is removed and appropriately disposed. They shall also ensure that all baffles, flow control devices, and other equipment are properly installed subsequent to the cleaning. All wastes removed from the GCD during cleaning shall be placed in a dedicated container and be removed by a “inedible kitchen grease commercial transporter,” as described above. The waste may not be placed in the used cooking oil container, unless the grease hauler provides written certification that this is acceptable, and the hauler complies with all DFA regulations for “inedible kitchen grease.”

G. FSEs may not clean GCDs themselves, unless specific approval is granted by the director.

H. All FSEs shall implement best management practices (BMPs) in their operations to minimize the discharge of grease to the sanitary sewer system. See subsection 13.08.091(G).

I. Abandoned GCDs shall be pumped empty, thoroughly cleaned, and filled as required by the California Plumbing Code.

Maintenance reporting requirements for grease control devices.

A. Within one week of each cleaning, the FSE shall submit proof of cleaning by utilizing the city’s online portal.

B. The following are required when reporting the cleaning of a GCD:

1. Date of cleaning
2. Name of waste hauler that performed the cleaning
3. Copy of invoice or manifest provided by the hauler

C. If the city’s online portal is unavailable, one of the following alternative methods is acceptable:

1. Email; (enviroprograms@slocity.org) or
2. Mail or hand delivery to:
City of San Luis Obispo
Attn: Environmental Programs
879 Morro Street
San Luis Obispo, CA 93401
3. Facility operators will bear the ultimate responsibility for providing maintenance records even if using a waste hauler to conduct maintenance of GCDs.

Fats, oils, and grease discharge control retrofit requirements.

A. Gravity Grease Interceptors (GGIs) have been demonstrated to pose numerous issues including, but not limited to: short-circuiting, production of hydrogen sulfide gas, production of sulfuric acid, and corrosion of the concrete interceptor. Hydromechanical grease interceptors (HGI) are performance tested and rated by an independent third-party. As such, they are given a grease capacity rating that has been verified. All food service establishments, new construction, tenant improvement, or kitchen remodels, as defined in Section 13.08.020, established, approved, or completed after July 1, 2024 shall be required to install a HGI in accordance with this section.

B. Facilities may be required to plumb all fixtures to and/or install a new GCD per Section 13.08.092 in any of the following situations:

1. FSE has caused or contributed to a FOG-related blockage, build-up, or the need for increased maintenance of a city sewer; or
2. FSE has improperly installed or sized the GCD per Section 13.08.092;
3. Current sizing requires servicing more frequently than 30 days for HGIs or 90 days for GGIs; or
4. As determined by the director.

Fats, oils and grease control discharge program violations.

Violations of this chapter include, but are not limited to, the following and may be enforced administratively pursuant to SLOMC Chapter 1.24, civilly or criminally:

- A. Failure to install required GCD;
- B. Failure to maintain GCD in accordance with this Chapter;
- C. Failure to notify the city
- D. of a change of ownership, operation or other use as required by subsection 13.08.091(J);
- E. Failure to provide sampling access or entry to the facility for compliance inspections;
- F. Use of emulsifiers, additives, enzymes and biological agents designed to breakdown/digest FOG for discharge to the sewer system;
- G. Failure to submit maintenance-reporting documents as required by Section 13.08.094;
- H. Failure to connect all FOG-producing fixtures to the required interceptor or FOG-removal equipment per city standards;
- I. Failure to clean a grease interceptor at the frequency required under Section 13.08.093; or
- J. Failure to dispose of FOG waste at an approved facility.

PART 5 – STANDARD CONDITIONS**A. GENERAL CONDITIONS**

1. Severability (SLOMC §13.08.570)

The provision 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 circumstance, and the remainder of this permit, will not be affected thereby and will continue in full force and effect.

2. Duty to Comply

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

3. Duty to Mitigate

The permittee must take all reasonable steps to maintain or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Permit Modification (SLOMC §13.08.150)

The director may modify the permit for good cause, including but not limited to, the following reasons:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the permittee's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- c. A change in any process or discharge condition in either the Industrial User or the POTW that requires wither 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. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the permit;

- i. To reflect transfer of the facility ownership and/or operation to a new owner or operator; or
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Permit Termination (SLOMC §13.08.150)

This permit may be terminated for the following reasons:

- a. Failure to notify the director of significant changes to the wastewater before the changed discharge;
- b. Failure to provide notification to the director of changed conditions;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports or certification statements;
- e. Tampering with monitoring equipment;
- f. Refusing to allow timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any Pretreatment Standard or Requirement including required best management practices, or any terms of the wastewater discharge permit or the sewer use ordinance.

6. Permit Appeals

- a) Within five days of issuance of a notice to correct/notice of violation of this chapter, a person receiving such notice(s) and citation may request in writing that the director review a contested notice to correct and/or notice of violation. Director review will proceed under the terms of Section 1.24.090. There is no separate right to appeal from the director's review or determination on a notice of correction or violation, but any assertions of error or challenges to the director's review or determination may be raised as part of any appeal from an administrative citation pursuant to Section 1.24.100.
- b) Any user, permit applicant, or permit holder affected by any decision, action or determination, made by the director in issuing an administrative citation, may file with the city clerk a written appeal within ten days of such decision, action, or determination, setting forth in detail the facts supporting the appeal, in accordance with Section 1.24.100. The appeal shall include a statement whether the appellant elects either to proceed with a hearing officer (if no writ will be sought) or to the administrative review board (if the appellant intends to challenge city action by writ), pursuant to Section 1.24.100(B)(2). The request for appeal shall be deemed filed on the date received by the city clerk. If no appeal is filed within ten days of the effective date of the administrative citation, the administrative citation shall be deemed final.
- c) The appeal will be heard either by a hearing officer or the administrative review board, by appellant's election, by the procedure set forth in Sections 1.24.110-1.24.130.
- d) The notice of the decision by either the hearing officer or administrative review board or construction board of appeals is final and is not subject to appeal to the city council. The appellant may seek judicial review pursuant to Section 1.24.140.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.

8. Limitation on Permit Transfer (SLOMC §13.08.150)

Wastewater discharge permits are issued to a specific user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation; provided, that if in the opinion of the director, the sale or transfer of an operation does not result in a change in use, the permit may be reassigned.

Permits may be reassigned to a new owner or operator with prior approval of the director and the following items occur:

- a. The permittee must give at least 45 days advance notice to the director.
- b. The notice to the director must include a written certification by the new owner or operator that does the following:
 - (i) States that the new owner or operator has no immediate intent to change the facility's operations and processes;
 - (ii) Identifies the specific date on which the transfer is to occur; and
 - (iii) Acknowledges full responsibility for complying with the existing permit.
- c. The director approves the permit transfer.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to an IU are void upon the issuance of a new industrial wastewater discharge permit to that IU.

9. Duty to Reapply (SLOMC §13.08.150)

The permittee must apply for permit reissuance by submitting a complete permit application a minimum of 90 days before the expiration of the existing permit.

10. 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 within 30 days of receiving a notice to apply.
- 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.

11. Dilution (SLOMC §13.08.070)

A permittee must not ever increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The director may impose mass limitations on permittees who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee

to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the following: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. Such a requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit.

3. Bypass of Treatment Facilities (SLOMC §13.08.560)

Bypass shall be reported in accordance with 40 CFR 403.17.

a) *Definitions.*

(1) *Bypass* means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

(2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b) *Bypass not violating applicable Pretreatment Standards or Requirements.* An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

Bypass is prohibited

a) Unless the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage.

b) Unless there were no feasible alternatives, 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 that occurred during normal periods of equipment downtime or preventive maintenance.

c) The permittee may allow bypass to occur if it does not cause effluent limitations to be exceeded but only if it is also for essential maintenance to assure efficient operation.

d) Notification of bypass

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, at least 10 days before the date of the bypass, to the director.

(2) Unanticipated bypass. The permittee must notify the director within 24 hours from the time it becomes aware of an unanticipated bypass and submit a written notice to the POTW within 5 days. This report must specify:

(i) A description of the bypass, and its cause, including its duration with exact dates and times;

(ii) Whether the bypass has been corrected and if the bypass has not been corrected, the anticipated time it is expected to continue; and

(iii) The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

C. MONITORING AND RECORDS

1. Representative Sampling (SLOMC §13.08.270)

Samples and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points must not be changed without notification to and the approval of the director.

2. Flow Measurements

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices must be selected and used to ensure the accuracy and reliability of measurement of the volume of monitored discharges. The devices

must be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. The devices selected must be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. Analytical Methods to Demonstrate Continued Compliance (SLOMC §13.08.250)

All sampling and analysis required by this permit must be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit.

4. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures identified in Section C.3, the results of this monitoring must be included in the permittee's self-monitoring reports.

5. Inspection and Entry (SLOMC §13.08.140)

The permittee must allow the director, or an authorized representative or federal and state personnel, upon the presentation of proper identification, to do the following:

- a) Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
 - d) Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
 - e) Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.
6. Retention of Records (SLOMC §13.08.290)
- a) The permittee must 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 3 years from the date of the sample, measurement, report, or application.

This period may be extended by request of the director at any time.

- b) The permittee must retain and preserve all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the director until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

7. Record Contents

Records of sampling and analyses must include the following:

- a) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b) Who performed the sampling or measurement;
- c) The date(s) analyses were performed;
- d) Who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

8. Falsifying Information (SLOMC §13.08.520)

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanction or civil penalties or both.

D. ADDITIONAL REPORTING REQUIREMENTS

1. Planned Changes (SLOMC §13.08.210)

The permittee must promptly notify the director before any facility expansion, production increase, or process modifications that results in new or substantially increased discharges or a change in the nature of the discharge.

2. Anticipated Noncompliance

The permittee must give advance notice to the director of any planned changes in the permitted facility or activity that could result in noncompliance with permit requirements.

3. Duty to Provide Information (SLOMC §13.08.130)

The permittee must furnish to the director, within 30 days any information that the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee must also,

upon request, furnish to the director within 30 days copies of any records required to be kept by this permit.

4. Signatory Requirements (SLOMC §13.08.300)

All applications, reports, or information submitted to the Control Authority 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 either of the following:

(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 that 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 permit 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 of environmental matters for the company; and

(iii) the written authorization is submitted to the director.

e) If an authorization under paragraph (d) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the director before or together with any reports to be signed by an authorized representative.

5. Operating Upsets (SLOMC §13.08.540)

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with SLOMC §13.08.040 must inform the director within 24 hours of becoming aware of the upset at (805) 781-7425 or (805) 458-3879 after 5 p.m. Monday–Friday or weekends and holidays.

A written follow-up report of the upset must be filed by the permittee with the director within 5 days. The report must specify the following:

a) Description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status;

b) Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and

c) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset. The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner. A documented and verified operating upset must be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

6. Public Disclosure and Confidentiality (SLOMC §13.08.310)

Process and product information collected during inspection of premises may be kept confidential at the request of the business owner or his or her representative, insofar as such confidentiality is allowed pursuant to applicable law. All records compiled pursuant to the pretreatment program shall be accessible at time of inspection. Information and data on a user

obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at **40 CFR 2.302**, shall not be recognized as confidential information and shall be available to the public without restriction.

7. Annual Publication (SLOMC §13.08.320)

A list of all industrial users that were in significant noncompliance during the 12 previous months must be annually published by the Control Authority in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by City of San Luis Obispo. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

8. Civil and Criminal Liability

Nothing in this permit may be construed to relieve the permittee from civil and/or criminal penalties for noncompliance.

A permittee who has violated, or continues to violate, any provision of the City of San Luis Obispo's sewer use ordinance, a permit or order, or any other Pretreatment Standard or Requirement will be liable to City of San Luis Obispo for a maximum civil penalty of \$1,000 per violation, per day. If a monthly or other long-term average discharge limit is in effect, penalties will accrue for each day during the period of the violation.

The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by City of San Luis Obispo.

In determining the amount of civil liability, the Court will take into account all relevant circumstances, including the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the permittee's violation, corrective actions by the permittee, the compliance history of the permittee, and any other factor as justice requires.

Filing a suit for civil penalties will not be a bar against, or a prerequisite for, taking any other action against the permittee.

A permittee that willfully or negligently violates any provision of the City of San Luis Obispo's ordinance, permit, or any other Pretreatment Standard or Requirement will, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 1 year, or both.

A permittee that willfully or negligently introduces any substance into the POTW that causes personal injury or property damage will, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000, or be subject to imprisonment for not more than 1 year, or both. This penalty will be in addition to any other cause of action for personal injury or property damage available under state law.

A permittee that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to City of San Luis Obispo's ordinance, permit, order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the permit will, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 1 year, or both.

If a second conviction occurs, a permittee will be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 1 year, or both.

9. Penalties for Violations of Permit Conditions

Any User who violates of any provision of this permit or Chapter 13 of the Municipal Code or who discharges wastewater which causes pollution or violates any effluent limitation, national standard of performance, pretreatment or toxicity standard shall fall under the following Municipal Codes:

§1.24.050 – Abatement of unlawful conditions – Notice

A. *Inspections.* Whenever city staff has inspected a property and finds that conditions constituting a violation of the municipal code exist thereon, the director may use the procedures set forth in this chapter to abate such nuisance as authorized by law.

B. *Notice of Violation and Administrative Citation Issuance.* The director may issue a notice of violation, notice to correct and/or administrative citation for a violation to any person or persons if the director has determined, through investigation, a violation exists. A person to whom an administrative citation is issued shall be liable for and shall pay to the city the administrative fine or fines described in the citation when due pursuant to the provisions of this chapter.

C. *Development Review Conditions.* Every person who applies for and receives a permit, license, or any type of land use approval (such as, but not limited to, a development review approval, a subdivision map approval, a conditional or special use permit, a zoning requirement modification, a variance, or other discretionary approval) shall comply with

all mandatory approval conditions imposed upon the issuance of the permit, license, or other such approval. If a person violates any condition of such permit, license, or similar land use approval, that person may be issued a notice of violation, notice to correct, and/or administrative citation and may be held responsible for administrative fines under the provisions of this chapter.

D. *Continuing Violations.* Except as provided elsewhere in the municipal code, each day a violation of this code exists shall be a separate and distinct violation and may be subject to a separate administrative fine. Certain provisions of this code, including but not limited to those relating to noise and unruly gatherings, provide that each hour that a violation exists shall be a separate and distinct violation. An administrative citation may charge a violation for one or more days or hours, as applicable, on which a violation exists and for violation of one or more applicable code sections.

E. *Prior and Repeat Violations.* The city may take into consideration the fact that a person has been previously issued an uncorrected notice of violation and/or a sustained administrative citation when the city is determining whether to accept an application or to grant any permit, license or any similar type of land use approval for that person and such notice of violation and/or administrative citation may be used as evidence that the person has committed acts that are not compatible with the health, safety, and general welfare of other persons and businesses within the city. Repeated violations by the same person or the same property of the same code provision within any twelve-month period may result in the issuance of an administrative citation(s) imposing additional administrative fines without a notice of violation and/or notice to correct preceding the citation.

F. *Contents of Notice of Violation, Notice to Correct and/or Administrative Citation.* The director shall generally issue a notice of violation, notice to correct and/or administrative citation to person(s) responsible for a code violation as set forth in San Luis Obispo Municipal Code §1.24.030(L). The administrative citation guidelines as approved by the city council pursuant to Section 1.24.010 shall, among other things, identify those items of information which must be contained in the notice of violation and/or administrative citation issued to persons and alleging a violation of the municipal code, but must, at a minimum, inform the responsible person of the nature of the violation charged, any right to correct the violation, and/or the right to appeal any citation, as well as the process by which to verify to the city the correction of violation(s) and/or the process to appeal citations.

G. *Service.* The notice of violation, notice to correct and/or administrative citation and any amended notice of violation and/or administrative citation shall be served by mail or personal service or posted on the property where the code violation is occurring in the manner provided for in the approved administrative citation guidelines.

H. *Proof of Service.* Proof of personal service of the notice of violation and/or administrative citation shall be documented as provided for in the approved administrative citation guidelines.

§1.24.070 – Amount of civil fines

A. *Fine Schedule.* The amount of fines for violating particular provisions of the code shall be set in a schedule of fines adopted by resolution by the city council. The schedule may include escalating fine amounts for repeat code violations occurring within specified periods of time.

B. *Due Date for Fines.* Fines are due as specified in the administrative citation or, in the event of an unsuccessful appeal, as determined by the hearing officer, administrative review board, or construction board of appeals.

C. *Late Payment Charges.* Any person who fails to pay to the city any fine imposed pursuant to this chapter on or before the date that fine is due also shall be liable for interest accrued at a rate of eight percent per month until paid.

10. Recovery of Costs Incurred (SLOMC §13.08.510)

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or SLOMC § 13.08.040 or causing damage to or otherwise inhibiting the City of San Luis Obispo's wastewater disposal system will be liable to the City of San Luis Obispo for any expense, loss, or damage caused by such violation or discharge. The City of San Luis Obispo may also recover the costs for any cleaning, repair, or replacement work caused by the violation or discharge.