



iii. Legal Authority

Legal Authority: Each enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- (a) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);**
- (b) Require that sewers and connections be properly designed and constructed;**
- (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;**
- (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages; and**
- (e) Enforce any violation of its sewer ordinances.**

(a) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.)

- **Industrial Waste Pretreatment**

The California State Constitution provides in Article 11, Section 7, that “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” The City of Los Angeles Charter, Section 101 specifies the Powers of the City. It states that “The City of Los Angeles shall have all powers possible for a Charter City to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in the Charter, subject only to the limitations contained in the Charter.”

The Los Angeles Charter and Administrative Code, Article V, Sec. 580 (a) gives the Department of Public Works the powers and duties to design, construct, excavate and maintain streets and public works improvements including but not limited to bridges, public parkways and rights-of-way, sanitary sewers and storm drains, water and sewer treatment facilities, landfills and public rights-of-way lighting facilities owned by the City.

The City of Los Angeles implements the requirements set forth in 40 CFR Section 403.8 in the manner specified in the Los Angeles Municipal Code, Section 64.30, as more specifically described herein. The control mechanism by which the pretreatment standards are applied to individual industrial users is by the Industrial Wastewater Permit.

The City of Los Angeles ensures industrial user compliance with pretreatment standards, requirements, and conditions of the permit by taking administrative enforcement actions consistent with the City's Enforcement Response Plan (ERP) in the event of noncompliance. The City's first ERP documented existing enforcement procedures in October 1990 and was submitted to the EPA on October 30, 1991. The enforcement procedures described in the ERP have established criteria and other considerations for responding to violations of pretreatment regulations and discharge standards in a consistent and timely manner. The procedures provide a range of enforcement responses with the objectives of regulating industrial users to achieve and maintain consistent compliance and subjecting repeat offenders to escalated enforcement actions in a timely manner. The types of escalated enforcement actions from the ERP can range from notices of violation, and administrative orders, to suspension of discharge privileges, permit revocation, water or utility service termination, and/or City Attorney referral for filing of civil/criminal charges. The City reviews and updates its ERP periodically to ensure that it accurately reflects modifications to its authority and describes current operating practices.

The Los Angeles Municipal Code, Section 64.30 provides the legal authority under Part 40 CFR Section 403.8(f)(1), which provides the basis for each procedure under 40 CFR Section 403.8(f)(2), as follows:

General Provisions - The City, pursuant to Section 64.30 of the Los Angeles Municipal Code (LAMC), commonly referred to as the Industrial Waste Control Ordinance (Ordinance) regulates industrial wastewater discharges into the publicly owned treatment works (POTW). Section 64.30 (A)(2) sets forth the objectives of the Ordinance. The objectives are met through a permit and inspection program administered under the jurisdiction of the Board of Public Works (Board) to ensure City compliance with all applicable State and Federal laws. The Director of the Bureau of Sanitation (Director) under the jurisdiction of the Board is given the authority to administer, implement and enforce the provisions of the Ordinance. The Ordinance gives the Board and the Director the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all applicable State and Federal laws. Section 64.30(A)(3) of the Ordinance states "This section shall apply to all dischargers within the City of Los Angeles and to all persons outside the City of Los Angeles who discharge to the City's POTW except as otherwise provided herein, the Director of the Bureau of Sanitation under the jurisdiction of the Board of Public Works shall administer, implement and enforce the provisions of this section."

There are twenty-nine contributing jurisdictions (8 cities and 21 agencies) that discharge wastewater into the City of Los Angeles' POTW. The City of Los Angeles has sewage disposal contracts with all contributing jurisdictions including the Cities of Beverly Hills, Burbank, Culver City, El Segundo, Glendale, La Canada Flintridge, San Fernando, and Santa Monica. Section VI.A.2 of the sewage disposal contract requires the contract cities to ensure compliance with federal, state and local regulations, including pretreatment regulations. Section VI.B.1 makes regulatory liability a cost of the Amalgamated System and therefore proportionally chargeable to the City of Los Angeles and the contract cities and agencies, if this liability results from the construction or operation of the Amalgamated System (treatment plants and large trunk sewers). This liability may be related to industrial waste enforcement

inside the contract cities and agencies. Section VI.C.2 allows the City of Los Angeles to enter an agency's or contract city's jurisdiction if: (1) the federal or state government require the City of Los Angeles to establish a program, prepare a study, or undertake some other action, and (2) the action would require Los Angeles to enter the agency's or contract city's jurisdiction, and (3) the agency or contract city fails to take action that results in liability that is payable from the Amalgamated System (which means that the liability must also result from the City's operation of the Amalgamated System).

Section VI.C.2.c provides that the contract cities and agencies will pay any fines resulting from their failure to comply with state or federal requirements. Section VII.I provides that the term of an agency's or city's agreement will revert to a month-to-month relationship eventually leading to removing its wastewater from the City of Los Angeles' system if the agency is in default for more than 90 days. Section VIII.B.1 allows the City of Los Angeles to sue for specific performance if an agency defaults or breaches the agreement.

Section 64.30(A)(3) of the City's Ordinance provides for the regulation of dischargers to the Publicly Owned Treatment Works (POTW) through the issuance of Industrial Wastewater Permits containing specific discharge requirements and through enforcement of general discharge prohibitions; authorizes monitoring and enforcement activities; imposes reporting requirements on specific permittees; and sets fees for the recovery of program costs. The City's Industrial Wastewater Permit is the control mechanism employed in applying pretreatment standards to industrial users.

The Los Angeles Municipal Code Section (C)(1)(a) states "No person shall discharge industrial wastewater to the POTW without permission as provided in an Industrial Wastewater Permit. The permit shall not be issued until determination has been made by the Board that the wastewater to be discharged shall not violate any provisions of this Code, the Board's Rules and Regulations, the water quality objectives for receiving waters established by the California Water Quality Control Board, Los Angeles Region, or any applicable federal or state statutes, rules or regulations. Such determination shall be made from the information set forth in the application for permit." Sect 64.30(B) specifies the conditions and prohibitions placed on Industrial Wastewater Permits. Industrial Wastewater Permits may deny or condition new or increased contribution of pollutants, or changes in the nature of pollutants to the POTW by industrial users where such conditions do not meet applicable pretreatment standards and requirements or where such conditions would cause the POTW to violate its NPDES Permit.

Section 64.30(B)(3) of the City's Ordinance specifies conditions on the Industrial Wastewater Permits that require compliance with applicable pretreatment standards and requirements by industrial users. Industrial Wastewater Permits incorporate pretreatment standard limitations based on such standards and requirements. It provides that upon the promulgation of mandatory National Categorical Pretreatment Standards (NCPS) for any industrial category, the NCPS, if more restrictive than limitations otherwise imposed under the Ordinance, shall apply, and that a discharger shall comply with applicable NCPS as set forth in 40 CFR Part 401 et seq. Section 64.30(C)(1) includes a statement which states that the granting of the permit shall not relieve the discharger from the responsibility for compliance with all provisions of the Ordinance. All other general pretreatment standards and prohibitions and local limits developed to implement the general and specific standards are included as permit conditions.

- **Illicit Discharges and Inflow/Infiltration Prevention**

The City's Municipal Code is very clear in regard to use of its wastewater system and control of infiltration and inflow. It has always been the policy of the City, through the foresight of its early leaders, to have a separation of the storm and sanitary sewer systems. The code prohibits connections of storm drains, downspouts, area drains, storm sewer connections and other sources that could contribute infiltration and/or inflow to the system. The ordinances provide for the inspection of new and rehabilitated private sewer laterals and mainline sewers to ensure that installation meets the City's performance standards. The ordinances also provide for enforcement actions for noncompliance.

Plumbing on private properties is under the jurisdiction of the Department of Building and Safety. The L.A. Municipal Code and the Section 1101.2 of the Los Angeles City Plumbing Code prohibit the connection of storm water or surface water drains into the sanitary sewers stating "... rainwater piping shall discharge to an approved point of disposal, not to a public sewer."

The City has implemented measures to detect and eliminate sources of infiltration and inflow through Sewer Infiltration and Inflow Prevention (SIIP) practices. These are designed to reduce the impacts from unauthorized discharges from roof drains, area drains, parking lot drains, and downspouts. Data have been collected on storm water inflow sources. These are displayed on GIS maps to show locations. On June 12, 2001, the City Council approved a motion, Council File 01-1055, authorizing the Department of Building and Safety and the Bureau of Sanitation to bring properties into compliance with the City Code. This program has been implemented and proved highly successful. In addition to fixing sources of inflow from private connections, the City has implemented cost-effective programs to seal maintenance hole covers of public sewers.

Currently in the Hyperion Sanitary Sewer System, however, dry weather urban runoff is diverted from storm drains into City sewers and conveyed to the Hyperion Treatment Plant for treatment from April 1 to October 31. This is to protect groundwater, inland surface water, bays, estuaries, and the ocean from pollutants present in urban runoff that could reach these waters. The Hyperion Treatment Plant's current National Pollutants Discharge Elimination System (NPDES) Permit dated April 5, 2005, provides for this diversion. The City plans to extend this diversion operation from the dry summer months to year-round in order to conform to a six-year compliance schedule for bacteria concentration during winter dry weather, contained in the Santa Monica Bay Beach Dry-weather Bacteria Total Maximum Daily Load (TMDL) regulation (Resolution No. 02-004 and Resolution No. 2002-022) adopted by the Los Angeles Regional Water Quality Control Board.

(b) Require that sewers and connections be properly designed and constructed.

The Los Angeles Municipal Code (LAMC) (1) Chapter VI, Article 4 – Sewers, Watercourses, and Drains codify the City's policy for the design and construction of sewers and connections. The LAMC requires that all sewers constructed in the City comply with Bureau of Engineering's standard plans, specifications, policies and practices. This applies to private developer designed and constructed projects. The Code gives the authority and responsibility to the City Engineer to develop and enforce standards. These standards are continuously updated to incorporate new materials and construction methods to ensure that the completed installations meet the high performance standards of the City. Construction plans and technical specifications are prepared for each new or rehabilitation projects that document the standard of performance for the

construction and the standards for acceptance. These are enforced by the Bureau of Contract Administration as described in Sub-part C below.

Service connections must be designed and constructed to meet the Los Angeles City Plumbing Code.

(c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency.

The City does not maintain private lateral sewer lines. Property owners are responsible for proper installation, operation and maintenance of both upper and lower laterals, including laterals on the City-owned easement. Property owners are required to obtain permits from the Department of Building & Safety for work on private properties and the Department of Public Works for work in the public right-of-way.

(d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and

LAMC Section 64.30.B.1.(a) states “Except as expressly allowed in an Industrial Wastewater Permit, no person shall discharge, permit the discharge, cause the discharge or contribute to the discharge of the following to the publicly owned treatment works (POTW): Any solid or viscous materials which could cause obstruction to the flow or operation of the POTW, and any material which will cause the POTW to violate its NPDES Permit, applicable Federal and State statutes, rules or regulations.” The Ordinance requires the installation of a grease interceptor at all food Service Establishments that are to be newly constructed that have the potential to generate waste FOG and any remodels of existing FSEs valued at \$100,000 or more. A grease interceptor is a plumbing device, with a minimum size of 750 gallons that is installed in a wastewater drainage system to intercept and prohibit fats, oil and grease from entering the sanitary sewer system.

The Industrial Wastewater Permit controls the contribution to the POTW by each industrial user to ensure compliance with applicable standards and requirements. Section 64.30(C)(1)(g) specifies the duration of Industrial Wastewater Permits. Section 64.30(C)(1)(e) controls the transfer of permits. The Ordinance specifies that any discharger may be required by the Director, by permit or otherwise, to engage in periodic monitoring and sampling of its discharge. Section 64.30(C)(1)(d) specifies that the Director shall have authority to impose permit conditions including limits regarding the discharge of specific pollutants, requirements, which may include specific sampling locations, frequency of sampling, times of sampling, number, types, test standards and reporting schedules, for monitoring programs, and requirements for maintaining and affording City access to plant records relating to discharges, including hauled waste records and manifests.

LAMC Section 64.30 (C)(1)(b)(12) requires the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements. Section 64.30(C)(1)(d)(11) specifies that the Director may require all industrial users to install pretreatment systems, upgrade existing pretreatment systems and/or install additional pretreatment systems, implement Best Management Practices, and any other conditions deemed appropriate to achieve the objectives of the Ordinance. Section 64.30(C)(2) requires industrial users to submit reports necessary to assess and assure compliance.

(e) Enforce any violation of its sewer ordinances

The City's Ordinance provides the authority to carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance by industrial users with applicable pretreatment standards and requirements. The Ordinance gives the Board and the Director the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all applicable State and Federal laws. Section 64.30(C)(5) of the Ordinance specifies that whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this section or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the Director is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Director by this section or other applicable law.

LAMC Section 64.30(E) authorizes enforcement actions for non-compliance with pretreatment standards by an industrial user. It allows for the imposition of criminal penalties for violations. Section 64.30(E) (7) specifies that except as expressly provided, violation of this section or any order issued by the Board or the Director as authorized by this section is a misdemeanor punishable by a fine not to exceed \$1,000.00 per violation per day or by imprisonment in the County jail for a period of not more than six (6) months, or by both such fine and imprisonment. The Ordinance provides the authority to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. It specifies that whenever a discharger of wastewater is in violation of this section or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Board or the Director may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, restraining order, or other order, as may be appropriate in restraining the continuance of such discharge. The Ordinance also specifies the terms under which civil liabilities can be imposed.

References

Bureau of Sanitation, Industrial Waste Management Division, Guide for Discharging Industrial Wastewater To The Sewer, 1997/1998, Page 7.

Los Angeles Municipal Code (LAMC) Section 64.30(E), Section 64.30(C)(5)