

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. ____ N.C.S.

Introduced by: _____

Seconded by: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING SECTION 15.48.040 OF THE PETALUMA MUNICIPAL CODE ENTITLED “SPECIFIC LIMITATIONS ON WASTEWATER STRENGTH”

WHEREAS, the City of Petaluma owns and operates the Ellis Creek Water Recycling Facility (ECWRF) and operates a pretreatment program that sets local limits on certain pollutants, as outlined in the Sewer Use and Source Control Regulations found in Chapter 15.48 of the Petaluma Municipal Code (PMC); and

WHEREAS, Section 15.48.040 of the Petaluma Municipal Code (PMC) states the pretreatment standard limits for users of the municipal sanitary sewer system; and

WHEREAS, the ECWRF National Pollutant Discharge Elimination System (NPDES) permit administered by the Regional Water Quality Control Board requires the pretreatment standard limits, also known as local limits, to be reevaluated every 5 years; and

WHEREAS, in 2022, an evaluation was conducted by a consulting firm on the current local limits, and

WHEREAS, the study found no change to the City’s local limits for pollutants is needed; however, it identified that the current language in PMC Section 15.48.040 for copper and nickel limits, as based on domestic wastewater concentrations for those constituents, is not technically aligned with the EPA’s Local Limits Guidance and suggested amending the current limits for copper and nickel; and

WHEREAS, the study proposed technically based limits for copper and nickel for the City’s consideration; and

WHEREAS, the proposed limits for copper and nickel are less restrictive, based on the operational and treatment capacity of ECWRF, and may support sewer use compliance for industrial discharges; and

WHEREAS, the Regional Water Quality Control Board approved the local limit changes for copper and nickel; and

WHEREAS, the 2017 local limits re-evaluation report recommended the City remove the individual concentration limit listed for Phenol in PMC Section 15.48.040 (A) due to redundancy in the municipal code.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Petaluma, as follows:

Section 1. Recital Findings The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this Ordinance as findings and determinations of the City Council.

Section 2. Exemptions from CEQA The proposed ordinance amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15307 (Actions by regulatory agencies for the protection of natural resources) and 15308 (Actions by regulatory agencies for protection of the environment) because this action will ensure that we do not exceed effluent limitations contained in the National Pollutant Discharge Elimination System permit for the Ellis Creek facility and its collection system, as well as enable the City to meet additional regulatory and operational requirements. The implementation of local limits helps avoid hazardous conditions in the sewer collection system and helps ECWRF meet regulatory standards for recycled water, biosolids, and treated wastewater that is discharged to the Petaluma River.

Section 3. Amendment to Section 15.48.040 of the Petaluma Municipal Code. Section 15.48.040 of the Petaluma Municipal Code entitled “Specific limitations on wastewater strength” is hereby amended to read as follows (***Bold italics*** is added text; ~~Strikethrough~~ is deleted text):

15.48.040 Specific limitations on wastewater strength.

These limits shall be deemed pretreatment standards for the purpose of Section 307(d) of the Act.

A. No person shall discharge wastewater containing in excess of:

Discharge Limitations

POLLUTANT	Daily Composite Sample (values in mg/L)
Arsenic	0.20
Barium	7.00
Beryllium	0.03
Cadmium	0.01
Chromium-(Total)	0.42
<i>Copper</i>	<i>0.34</i>
Cyanide	0.26
Lead	0.12
Mercury	0.001
<i>Nickel</i>	<i>0.21</i>
Selenium	0.10
Silver	0.10

Zinc	1.00
Phenol	1.00

- B. Any discharge which contains greater than two thousand mg/L of suspended solids or one thousand five hundred mg/L BOD, except discharges containing greater amounts of suspended solids and/or BOD that are subject to a discharge permit that permits such greater amounts of suspended solids and/or BOD.
- C. Any water or waste which contains more than one hundred mg/L, by weight, of oil or grease of petroleum origin or fat, oil or grease of animal or vegetable origin, or which contains grease or oil or other substances that will solidify or become viscous at temperatures between thirty-two to one hundred forty degrees Fahrenheit (zero to sixty degrees centigrade).
- D. Any waste containing total toxic organics (TTO), ~~as defined in this part,~~ greater than one mg/L. ***TTO is defined as the sum of the individual constituent concentrations from EPA Methods 624 and 625.***
- ~~E. Any wastewater containing copper or nickel at levels above the domestic concentrations as determined by the city authority, unless issued a wastewater discharge permit containing mass-based limit for copper and/or nickel.~~
- E. The City authority may impose equivalent mass-based discharge limitations in place of, or in addition to, concentration-based discharge limitations in cases where the imposition of mass-based discharge limitations are deemed appropriate by the City authority.***
- F. ***The discharge of*** Any wastewater containing items listed in Section 15.48.030(A) through (D) or any other regulated compound found in excess of concentrations found in normal ***typical*** domestic sewage. ~~If unless~~ an abnormal sewage surcharge is levied as defined in Section 15.44.020(A)(1) and (2) ***the City authority may impose an alternate discharge limitation for the compound for which an average sewage surcharge has been levied. At no time shall a twenty-four hour composite sample of a user's discharge contain these constituents in excess of permit limits.***

Section 4. Severability If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction or preempted by State legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof, irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful, or otherwise invalid.

Section 5. Posting/Publishing of Notice The City Clerk is hereby directed to publish or post this Ordinance or a synopsis for the period and in the manner provided by the City Charter and any other applicable law.

Section 6. Effective Date The Ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

INTRODUCED and ordered published and posted this 09 day of September 2024.

ADOPTED this DD day of Month YYYY by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Caitlin Corley, City Clerk

Eric Danly, City Attorney