



STAFF REPORT – CITY COUNCIL MEETING

December 06, 2023

TO: Honorable Mayor and City Council Members

FROM: Emily Sinkhorn, Director of Environmental Services

PREPARER: Doug Culbert, Dep. Dir. of Environmental Svcs--Streets/Utilities

DATE: November 28, 2023

TITLE: **Introduce Ordinance No. 1565, Amending Title VII, Chapter 2, of the Arcata Municipal Code Pertaining to the Use of Public Sewers and Pretreatment of Wastewater, Waive Reading of the Text and Consent to Read by Title Only; and Adopt an Enforcement Response Plan for the Sewer Chapter of the Arcata Municipal Code.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Introduce Ordinance No. 1565, An Ordinance of the City Council of the City of Arcata Adding Sections 7472.5(F) and 7492.6, Bypass, to Chapter 2, Sewers, of Title VII, Public Works, of the Arcata Municipal Code; waive reading of the text and consent to read by title only; and
- 2) Adopt an Enforcement Response Plan for the Sewer Chapter of the Arcata Municipal Code.

INTRODUCTION:

Title VII, Chapter 2, Sewer Use Ordinance codifies federal pretreatment program rules that the City of Arcata is required to implement under its National Pollutant Discharge Elimination System Permit. The Enforcement Response Plan (ERP) is a required element of the pretreatment program. The ERP outlines the procedures followed by the City of Arcata to identify, document, and respond to violations of the Sewer Use Ordinance. Ordinance No. 1565 amends the Sewer Use Ordinance to include required language regarding the Reports of Changed Conditions and Bypass. These amendments incorporate required and optional pretreatment program changes and will ensure that the Sewer Use Ordinance addresses all the legal authorities required by federal regulation.

BACKGROUND:

Under the National Pollutant Discharge Elimination System permit, Publicly Owned Treatment Works (POTW) treating more than 1 million gallons of wastewater are required to implement an approved pretreatment program. The City implemented an approved pretreatment program in the 1990's. Under the current NPDES permit, the City is required to make updates to the pretreatment program, including revisions to its sewer code to ensure the City has the legal authority to implement all federal pretreatment program requirements including an Enforcement Response Plan.

DISCUSSION:

Fundamentally, the objectives of the sewer section of the municipal code are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Plant (POTW) that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW which may pass through, be inadequately treated, or otherwise be incompatible with the POTW;
- C. To protect the City's POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- D. To preserve the hydraulic capacity of the POTW;
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- G. To enable the City to comply with its NPDES Permit conditions, sludge use and disposal requirements and any other federal or state laws to which the City's wastewater collection and treatment system is subject.
- H. Provide for the safe use of onsite wastewater treatment systems where appropriate.

Amendments to the sewer section of the municipal code are required in order to comply with changes to the General Pretreatment Regulations. These code updates include:

- Additional language regarding denial/or conditional approval of new or increased contributions to the POTW
- A new section providing language for Bypass Notification

City staff have also developed an Enforcement Response Plan, outlining the procedures followed by the City to identify, document, and respond to violations of Title VII Chapter 2, Sewers, of the Arcata Municipal Code. All POTWs with an approved pretreatment program are expected to have an effective enforcement program to deal with Industrial User noncompliance. U.S. Environmental Protection Agency "*expects POTWs to identify all violations, to respond with appropriate action and to follow up on those violations with escalated levels of enforcement, if needed, to ensure compliance with the POTWs Sewer Use Ordinance*". Adoption of the Enforcement Response Plan will provide clear and equitable guidelines for enforcement of violations of the Sewer Use Ordinance.

POLICY IMPLICATIONS:

This ordinance to update the Sewer Use Ordinance and adoption of an Enforcement Response Plan is required to fulfill the requirements of the City's NPDES permit.

BUDGET/FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

- A. Arcata Enforcement Response Plan 2023 11 04_final (PDF)

B. Arcata Proposed Ordinance No. 1565 (PDF)