

**LEGISLATIVE DRAFT  
HBMC 14.24**

**Chapter 14.24 WATER POLLUTION**

**14.24.010 Enforcement and Administration**

The County of Orange and all of its officers, employees and agents are authorized and empowered to enforce and administer the provisions of this chapter within the City of Huntington Beach, California.

**14.24.020 Definitions**

As used in this chapter, unless the context otherwise requires:

“**Department**” means any department of the City or the County of Orange.

“**Director**” means the duly appointed administrator appointed by the Board of Supervisors of the County of Orange.

“**Industrial waste**” means any and all liquid or solid waste substance not sewage from any producing, manufacturing or processing operation of whatever nature. It shall include sewage mixed with “industrial waste”; however, it shall not include domestic sewage from residences, business buildings and institutions containing only waste from water closets, wash water, baths and kitchens.

“**Pollution of underground or surface waters**” means any condition resulting from the depositing or discharging of industrial waste which impairs or contributes to the impairment of the usefulness of waters for human or animal consumption or domestic, agricultural, industrial or recreational purposes, or any other useful purposes.

“**Public agency**” means and includes the United States or any department or agency thereof, the state or any department or agency thereof, county, city, public corporation, municipal corporation or public district.

“**Public sewer**” means the main line sewer, publicly owned or maintained, constructed in a street, highway, alley, place or right of way dedicated to public use.

“**Sewage**” means any waste, liquid or otherwise, associated with human occupancy of buildings including sewage effluent and water contaminated with offal, filth and feculent matter.

“**Underground or surface water**” means any surface or subterranean stream, watercourse, lake or other body of water, and shall include water wells and any underground or surface storage reservoir, whether natural or artificial.

**14.24.030 Prohibited Deposits**

No person shall discharge or deposit or cause or suffer to be discharged or deposited from any source any industrial waste in a manner which will or may cause or result in the pollution of any underground or surface waters.

**14.24.035 Storm Drain and Sewer Use**

No person, firm or corporation shall discharge or cause to be discharged any sewage, waters, vapors or industrial wastes that have any one of the following characteristics:

- A.— Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- B.— Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage or storm drain works;

C.—Any industrial wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

D.—Any noxious or malodorous gas or substance capable of creating a public nuisance;

E.—Any liquid or vapor having a temperature higher than 85 degrees Fahrenheit unless properly treated for scale inhibition;

F.—Any industrial wastes which may contain more than 200 parts per million, by weight, of fat, oil or grease.

#### **14.24.037 Swimming Pool Wastewater Disposal**

Swimming pool wastewater may be discharged to a storm drain or to a public sanitary house sewer by means of an approved temporary sanitary connection from the pool to the storm drain, building drain or house sewer. No person shall permit or allow swimming pool wastewater to be discharged into an open gutter or to flow across public property.

#### **14.24.040 Industrial Waste Disposal—Permit Required**

No person shall discharge or deposit or cause or suffer to be deposited or discharged any industrial waste into or upon any area in the City, or into any underground or surface waters in the City where such industrial waste is or may be deposited upon or may be carried through or over any area of the City or County of Orange except in conformity with the provisions of this chapter, and unless he or she shall have first secured, in the manner hereinafter provided, a permit so to do from the director; provided, however, a permit shall not be required for the discharge of industrial waste into a public sewer with an ocean outfall.

#### **14.24.050 Industrial Waste Disposal—Permit Application**

Applications for permits required hereunder shall be filed with the director upon printed forms to be prescribed and supplied by him or her. The director may require any additional information, including plans and specifications which he or she may deem necessary for the proper disposition of the application.

#### **14.24.060 Industrial Waste Disposal—Permit—Decision**

Within 30 days after the receipt of all of the information requested of an applicant, the director shall either grant or deny the permit and shall immediately notify the applicant by first class mail of the action taken.

#### **14.24.070 Industrial Waste Disposal—Permit Issuance**

The director shall issue a permit for industrial waste disposal if he or she determines that:

A.—The material to be discharged or deposited in the manner proposed will not cause or result in the pollution of any underground or surface waters, as herein prohibited; and

B.—Under existing circumstances and conditions it is reasonable and necessary to dispose of the waste in the manner proposed.

#### **14.24.080 Industrial Waste Disposal—Limitations**

The director may incorporate in any permit issued pursuant to this chapter, such limitations or conditions as may be reasonably necessary to effectuate the purpose of this chapter and may from time to time, review the limitations or conditions which have been incorporated in any permit theretofore issued, giving consideration to changed conditions, and may, whenever in his or her judgment it is advisable or required in order to maintain the waters of the City and county free from pollution, alter, revise, modify, delete or add further limitations or conditions applicable to any permit theretofore issued. No such alteration,

revision, modification, deletion or addition of limitations or conditions shall be effective, however, until notice in writing thereof shall have been served upon the permittee in the manner provided by Section ~~14.24.150~~.

#### **14.24.090 Industrial Waste Disposal—Acts Prohibited**

A permit issued under this chapter does not authorize any act or acts forbidden by any law, rule, regulation or order of any public agency or department and such fact shall be so stated on the face of all permits issued.

#### **14.24.100 Industrial Waste Disposal—Permit Term**

A permit for the disposal of industrial waste shall be valid until suspended or revoked in the manner hereinafter provided.

#### **14.24.110 Industrial Waste Disposal—Permit—Transfer**

The director may transfer a permit to the successor in interest of a permittee upon the filing by the successor in interest of a written application therefor, together with such evidence of transfer of title or interest as the director may require; provided, however, a permit shall not be transferable from one location to another. The director shall immediately notify by first class mail, the person requesting a transfer of a permit of the action taken.

#### **14.24.120 Compliance Tests and Inspections**

For the purpose of securing compliance with this chapter, the director shall make periodic tests of samples of industrial waste obtained from the place or places of discharge or deposit, and such other tests deemed necessary for proper administration hereof. For the purpose of making such tests or inspections, the director or his or her duly authorized deputies or agents shall be permitted at all reasonable hours to enter any premises or place where industrial waste is being or is proposed to be discharged or deposited, or where there may be a violation of this chapter.

#### **14.24.130 Cooperation by Other Departments**

In carrying out the duties imposed upon him or her, the director may request and receive the aid of any other city or county department.

#### **14.24.140 Enforcement**

The director shall enforce this chapter and shall, upon his or her own initiative or may upon the complaint of any person, investigate any violation of this chapter, or of any permit issued hereunder. For this purpose, he or she shall have the powers of a peace officer.

#### **14.24.150 Notice of Violation**

Whenever the director finds that any person is acting in violation of any provision of this chapter or of any permit issued hereunder, he or she shall serve upon the person causing or suffering such violation to be committed, including the permittee, if a permit has been issued, a notice of violation. The notice shall state the act or acts constituting the violation and shall direct notice as the director may deem reasonable. Unless otherwise expressly provided, any notice under this chapter required to be given by the Board of Supervisors or the director shall be in writing and may be served either in the manner provided in the Code of Civil Procedure for the service of process or by registered mail. When service is by registered mail, the notice shall be sent to the last address given to the director.

#### **14.24.160 Continued Violation—Activity Cessation**

Whenever the director finds that the continued violation of any provision of this chapter or of the conditions of any permit issued hereunder is so aggravated that the prevention of pollution of underground or surface waters requires the immediate cessation of the activities causing the violation, he or she may so direct in a notice of violation. A person who has been so notified shall immediately cease all such activities and shall not resume them until the director determines that all of the violations charged in the notice have been corrected.

#### **14.24.170 Permit Suspension**

The director may suspend a permit by giving notice thereof to the permittee:

- A.— When a permittee fails to rectify a violation within the time specified in a notice thereof; or
- B.— When a violation is so aggravated as to require cessation of activities as provided in the preceding section.

A permit suspended by the director shall be reinstated by him or her when all of the violations charged in a notice thereof have been corrected.

#### **14.24.180 Permit Revocation**

The Board of Supervisors may, after notice and hearing as hereinafter provided, revoke a permit on any one or more of the following grounds:

- A.— Fraud or deceit in obtaining a permit;
- B.— Failure of a permittee to correct a violation within the time prescribed in a notice of violation;
- C.— Willful violation of any provisions of this chapter or a condition or limitation of a permit, or any lawful order of the director.

#### **14.24.190 Permit—Revocation Proceedings**

Proceedings for the revocation of a permit may be initiated:

- A.— By the director by serving upon the permittee a copy of and filing with the County Clerk, a written recommendation or revocation setting forth the grounds therefor and requesting a hearing thereon before the Board of Supervisors;
- B.— By the Board of Supervisors, on its own motion or upon complaint of a third person, by serving or causing to be served upon the permittee and the director, a notice of intention to revoke, setting forth the grounds therefor and designating a time and place for hearing thereon.

#### **14.24.200 Permit—Revocation Hearing**

A person who is dissatisfied with an action of the director may request a hearing before the Board of Supervisors. Except as specified in Section [14.24.160](#), the decision of the director shall be suspended pending the decision of the Board of Supervisors.

#### **14.24.210 Hearing—Requests**

Any person who feels him or herself aggrieved by an action of the director:

- A.— Denying an application for a permit or incorporating limitations or conditions in a permit;
- B.— Denying an application for the transfer of a permit;
- C.— Ordering the correction of a violation of any provision of this chapter, or of a condition or limitation of a permit issued hereunder;

D.— Directing the cessation of operations pending the correction of a violation; or

E.— Suspending or refusing to reinstate a permit suspended by him or her, may, within 30 days after receipt of a notice of the action complained of, serve upon the director a copy of and file with the County Clerk a written request for a hearing before the Board of Supervisors. The request shall set forth in concise language the particular action or actions complained of and the reasons why the person or permittee feels him or herself aggrieved thereby.

Failure to file a request for hearing within the time prescribed herein shall constitute a waiver of any objection to the action of the director and his or her action shall be final.

#### **14.24.220 Hearing—Notice**

When a request for hearing is filed with the County Clerk, the Board of Supervisors shall set the matter for hearing and give notice of the time and place thereof to the person requesting the hearing, the director and any other person or public agency requesting the notice thereof. The hearing shall be held not more than 30 days after a written request therefor has been filed with the County Clerk and not less than 10 days after the issuance of the notice thereof.

#### **14.24.230 Hearing—Appearances**

At the time and place set for hearing, the person requesting the hearing, the director and any interested person or public agency may appear and be heard either in person or by counsel.

#### **14.24.240 Hearing—Decision**

The Board of Supervisors shall, within 30 days after conclusion of the hearing, render its decision. The Board of Supervisors may:

A.— Confirm the action of the director;

B.— Direct the director to issue a permit with or without such conditions or limitations as the board may deem appropriate;

C.— Vacate or modify the suspension of permit;

D.— Cancel a notice of violation or modify such notice in such particulars as the board may deem appropriate;

E.— Direct the director to transfer a permit;

F.— Revoke a permit on any of the grounds specified in Section 14.24.180.