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CITY OF LYNNWOOD

ORDINANCE NO. 1705

AN ORDINANCE CREATING NEW SECTIONS OF TITLE 14; ESTABLISHING WASTEWATER PRETREATMENT REGULATIONS; GENERAL DISCHARGE PROHIBITIONS; DISCHARGE PERMITS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; ADMINISTRATIVE HEARING; APPEALS AND PRESCRIBING PENALTIES.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

ARTICLE I

REGULATIONS

Section 14.60.300 GENERAL PROHIBITIONS:

The general prohibitions specified in sections 14.60.301 through 312 apply to each discharger introducing pollutants into the POTW whether or not the source is subject to other national Pretreatment Standards.

Section 14.60.301 PASS THROUGH OR INTERFERENCE

A user shall not introduce into the POTW any pollutant(s) which cause Pass Through or Interference.

Section 14.60.302 FLAMMABLE OR EXPLOSIVE SUBSTANCES

Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction to cause fire or explosion or be capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or be injurious in any other way to the operation of the system or the operating personnel.

Section 14.60.303 SOLID OR VISCOUS SUBSTANCES

Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the system.

Section 14.60.304 CORROSIVE SUBSTANCES

Any wastewater having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel or the system, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a Permit but in no case less than pH 5.0 or greater than 11.0.

Section 14.60.305 HIGH TEMPERATURE

Any wastewater which would cause the influent to the treatment plant temperature to exceed 40 degrees Centigrade (104 F) unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter. In any case, any wastewater having a temperature which will interfere with the biological activity in the system is prohibited.

Section 14.60.306 EXCESSIVE WASTE

Any waste materials, including oxygen demanding waste materials (BOD, etc.), released in either a slugload or continuous discharge of such volume or strength as to cause interference to the system.

Section 14.60.307 CLEAN WATER

Any of the following discharges unless approved by the department under extraordinary circumstances, such as the need to augment sewage flows due to septic conditions:

- A. Noncontact cooling water in significant volumes
- B. Stormwater, and other direct inflow sources
- C. Wastewater significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.

Section 14.60.308 TOXIC POLLUTANTS

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards, or State or Local standards.

Section 14.60.309 WASTEWATER

Any wastewater which causes a hazard to human life or creates a public nuisance.

Section 14.60.310 PESTICIDES

Any persistent pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA), including, but not limited to:

- Aldrin
- Dieldrin
- Chlordane
- 4. 4'-DDT
- 4. 4'-DDX (p,p'-DDX)
- 4. 4'-DDD (p,p'-TDE)
- a-endosulfan-Alpha
- b-endosulfan-Beta
- endosulfan sulfate
- endrin
- aldehyde
- heptachlor
- heptachlor epoxide
- a-BHC-Alpha
- b-BHC-Beta
- c-CHC-(lindane)-Gamma
- g-BHC-Delta
- Toxaphene

Section 14.60.311 DANGEROUS WASTE

Any substance(s) designated in the Discharged Chemical Products List of the State of Washington (WAC 173-303-9903) shall not be discharged into the POTW.

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Section 14.60.312 TAMPERING WITH MONITERING DEVICE-PROHIBITED

No discharger shall tamper with, damage or render inaccurate any wastewater monitoring device required by this chapter.

Section. 14.60.315 RESTRICTED SUBSTANCES

No person shall discharge wastes containing substances restricted by this section directly or indirectly into any sewer that is part of or tributary to the POTW, in excess of the limitations specified by conditions of any of the following: a Wastewater Discharge Permit; a limited permit; standards published by the Director; or State or Federal standards. Permit limitations shall be established to the extent necessary to enable the City to comply with NPDES requirements, applicable standards and federal regulations and with requirements for the protection of the POTW public health and safety, and the receiving waters and when determined by the City to be necessary for the protection of water quality and avoidance of nuisance in the City. The Director shall have the power, from time to time, to adopt, publish, and enforce rules and regulations which set forth the standards which as a minimum establish the following parameters: pH, fats, oils and grease of animal or vegetable origin, fats, oils and greases of mineral origin, and other toxic substances including those defined in applicable state and federal regulations. It is unlawful to violate or fail to comply with any such rule or regulation. Discharge limits or standards in effect and incorporated into any issued Waste Discharge Permit shall remain in effect for that permit until it expires, except as modified as provided in Section 14.60.507.

The Director may prohibit discharge or require the discharge to meet lower limitations than those listed or any categorical limitation if the discharge is reasonably found to have the potential to cause upset or interference with the treatment capabilities of the POTW or violation of Federal discharge permit(s) requirements, or to violate the requirements of any State or Federal Regulation pertaining to hazardous substances.

All known, available, and reasonable methods of treatment, control, and prevention shall be used by any discharger to bring into compliance a discharge of noncompliance to these regulations.

Section. 14.60.318 DISCHARGE RESTRICTIONS

Discharge restrictions include, but are not limited to the following.

1. Food Wastes

Food waste discharged into any sewer shall have been properly shredded so that 100% will pass a 3/8 inch sieve and 75% will pass a 1/4 inch sieve. Persons engaged in the retail sale of raw produce shall be limited to one grinder having a prime mover not exceeding 5hp. for the processing of raw produce waste.

2. Radioactive Substances

Any radioactive wastes or isotopes discharged to any sewer shall not exceed such concentration limitations as established by applicable State of Washington Department of Social and Health Service regulations.

3. Hydraulic Loading

Discharge flow from any user shall not exceed 2.0% of the average daily dry season influent flow to the treatment plant. The user averages shall be determined by using the daily average flows while user is in normal operation over a 30 day period. If a user discharges greater than 2.0% of the influent flow the user must obtain a wastewater discharge permit.

Section 14.60.320 UPSET PROVISIONS

Each discharger shall be subject to the following provisions in the event of an upset condition. An upset can be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards or noncompliance with this chapter provided the discharger demonstrates through properly signed, contemporaneous operating logs or other relevant evidence that:

- A. The upset occurred and the specific cause can be identified.
- B. At the time of the upset, the facility was being operated in a prudent and workmanlike manner according to all appropriate operation and maintenance procedures.
- C. The discharger has submitted the following information to City within 24 hours of discovering the upset:
 1. A description of the discharge and the cause of noncompliance.
 2. The period of noncompliance including exact dates and times or, if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue.
 3. The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

If this information is provided orally, a written submission must be sent within five days.

The discharger has the burden of proof to establish the occurrence of an upset in any enforcement proceeding.

The discharger has the responsibility to control production or cease discharges as necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of the facility until the facility is restored or an alternative method of treatment is provided. This requirement also applies where the primary source of power of the facility is reduced, lost or fails.

Section 14.60.330 ACCIDENTAL DISCHARGE FACILITIES

Each discharger shall provide protection from accidental discharges of prohibited or regulated materials. Facilities to prevent accidental discharges of these materials into the City POTW shall be provided for and maintained by the discharger at the owners expense. Detailed plans and specifications of such facilities shall be submitted as a part of the waste management report required by the wastewater discharge permit or limited permit. Review and approval of plans and operation procedures does not

relieve the discharger from the responsibility to comply with discharge limitations or to modify his treatment facilities in the future to meet subsequent standards, regulations or requirements.

Section 14.60.335 ACCIDENTAL DISCHARGE REPORT

Any discharge that meets the criteria of a slugload shall be considered a reportable accidental discharge. In the event of an accidental discharge it is the responsibility of the discharger to notify the POTW at the time of the discharge. The notifications shall include the location, time, volume, substance(s), concentrations, corrective actions and the persons to be contacted concerning the accident. Within five (5) days the discharger must submit a written report to the Director explaining all the details of the spill, what procedures were taken to mitigate the effects of the spill, and the manner in which the waste was disposed. This report shall also include a description of the measures taken by the company to prevent future occurrences. Notification does not relieve the discharger of any expense, loss, damage, or other liability which may have been incurred as a result of damage to the POTW, to person(s) or personal property: nor does such notification relieve the discharger of any fines, penalties incurred by this ordinance or other regulatory authority.

Section 14.60.340 DILUTION PROHIBITED

No discharger shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standards or any limitations set by this Ordinance. The City may impose mass limitations on dischargers where the imposition of mass limitations is appropriate.

Section. 14.60.350 PRETREATMENT FACILITIES

Discharger shall provide all known, available, and reasonable methods of prevention, control, and pretreatment as required to comply with this Chapter and State and Federal regulations, and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations, chapters, and ordinances. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, properly operated and maintained at the discharger's expense. Detailed plans showing the pretreatment facilities shall be submitted to the City for review and must be accepted by the City and the State Department of Ecology before construction of the facility. The review of such plans by the City shall in no way relieve the discharger from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. The discharger shall obtain all necessary construction-operating permits from the City. Prior to completion of the wastewater treatment facility, the Discharger shall furnish its plan of operations and maintenance procedures for the City to review. Such pretreatment facilities shall be under the control and direction of a qualified operator.

Any subsequent proposal for significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the State Department of Ecology and City prior to the Discharger's initiation of the changes.

Pretreatment facilities shall comply with the applicable requirements of Chapter 173-240 and Section 173.216.110 of the Washington Administrative Code (WAC) and RCW 90.48.010.

Section 14.60.352 "F.O.G." PRETREATMENT REQUIRED

Dischargers who operate newly constructed or remodeled restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease. Take-out food establishments or other establishments that prepare food, but do not cook in oil or grease, and who serve food only in disposable containers, may be exempted from this requirement, provided their discharges will not violate the General Discharge Prohibitions of this Chapter. These pretreatment facilities must be grease interceptors installed in the waste line leading from sinks, drains, or other fixtures where grease may be discharged. The grease interceptors must meet, at a minimum, the specifications of Sections 711, 712, and 713 of the Uniform Plumbing Code adopted by the City at the time of construction. The Director is authorized to adopt and publish additional criteria for grease interceptors. Dischargers must maintain these facilities in a manner that will always prevent fat waste, oil, or grease from being carried into the sewer system. Fat waste, oil, or grease removed from such a facility shall not be disposed of in sanitary or storm sewers.

Section 14.60.354 GREASE INTERCEPTOR REQUIRED - WHEN

All existing restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system which do not have grease interceptor at the time of adoption of this ordinance shall meet the requirements for grease, oils and fats by either installing a grease interceptor or by providing a F.O.G. management plan which shall include specific disposal practices and proof they are being adhered to no later than January 1, 1991. If any of the aforementioned businesses are sold or leased and the new owners or operators must apply for a new business license they shall be required to install or hookup to a grease removal system within six (6) months or provide a management plan within one (1) month of the time the business license is granted. The City shall approve of all management plans or installations of grease removal systems.

Section 14.60.356 WASHING FACILITIES, GREASE RACK - PRETREATMENT

Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities or grease racks and any other dischargers producing grit, sand, oils, or other materials which have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install approved interceptors or tanks in accordance with the latest specifications adopted by the City of Lynnwood such that excessive amounts of oil, sand and inert solids are effectively prevented from entering the POTW sewer.

Section 14.60.358 "F.O.G. PRETREATMENT FACILITIES - INSTALL & MAINTENANCE

All grease interceptors, oil/water separators, settling tanks and grit traps shall be installed, maintained and operated by the discharger at his own expense. The installation shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation. Cleaning must be performed by a service contractor qualified to perform such cleaning. All material removed shall be disposed of in accordance with all state and federal regulations. Certification of maintenance shall be made readily available to the City authorized personnel for review and inspection. If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators results in partial or complete blockage of the building sewer or other parts of the POTW, adversely affects the treatment or transmission capabilities of the POTW, or requires excessive maintenance by the City, the discharger responsible for the facilities shall be subject to the remedies, including enforcement and penalties in Articles III of this chapter.

Section. 14.60.360 RIGHT OF REVISION

The City reserves the right to amend this Chapter, and any permits issued under it, to provide for more stringent limitations or requirements on discharges to the POTW if such amendments are deemed necessary to comply with the objectives set forth in Section 14 04.005 of this Title, or are otherwise in the public interest. No vested right shall be created by the issuance of any permit under this Chapter.

Section. 14.60.370 SEPTAGE AND HOLDING TANK SEWAGE

Septage or holding tank sewage from vacuum-pump trucks or other sources shall not be discharged into the POTW sewer system.

ARTICLE II
ADMINISTRATION

Section. 14.60.500 DISCLOSURE FORMS

All existing and new business that discharge or have the potential to discharge wastes regulated by this chapter shall be required to complete an Industrial Waste Disclosure form. The Disclosure to be made by the Discharger shall be made on written forms provided by the City and shall include such data, information and drawings as may be identified by the Director. The Disclosure forms must be returned to the Director no later than thirty (30) days (except as noted below) of the occurrence of any of the following:

- A. Receipt by the user of a disclosure form with a request for completion and submittal of same from the Director.
- B. Modification of any of the processes regulated by an existing permit which results in any changes in characteristics, volume, or point of discharge from those specified in the existing permit. The disclosure form must be submitted no later than sixty (60) days prior to the expected modifications.
- C. Addition of a process which is regulated by National Categorical Pretreatment Standards or addition of a discharge which is subject to local discharge regulations.
- D. Application for a building permit for initial construction, expansion, or remodeling. The disclosure form must be submitted for review before the building permit is issued.

Disclosure forms shall be reviewed by the City, and if Director makes the determination that a Wastewater Discharge Permit is required, the disclosure form shall serve as a Permit application and must be accompanied by the fee designated in Chapter 14.40.

Disclosure forms must be completed and signed by a principal executive officer of the company.

Section. 14.60.503 INDUSTRIAL WASTEWATER DISCHARGE PERMITS - APPLICATION

All dischargers of industrial wastewater to the sewer system who are required to have an Industrial Wastewater Discharge Permit shall submit an application to the Director. New industrial users subject to Federal Categorical Standards or local limitations as determined by the Director shall apply sixty (60) days prior to connecting to the City sanitary sewer. The Director shall review applications, determine appropriate requirements, restrictions and limitations for the applicant and issue an Industrial Wastewater Discharge Permit as needed. Where a Discharger, becomes subject to a National Categorical Pretreatment Standard, and has not previously submitted an application of a Wastewater Discharge Permit, the Discharger shall apply for a Wastewater Discharge Permit from the City within 90 (ninety) days after the promulgation of the applicable Categorical Pretreatment Standards by the EPA. All permittees shall apply for renewal of their wastewater permit no later than ninety (90) days prior to the expiration of their present permit.

All dischargers who are subject to Federal Categorical Standards must submit a

Baseline Monitoring Report within 180 days of the Promulgation of appropriate Categorical Standards. The report shall follow the rules provided in 40 CFR 403.12(b). For new sources the discharger may provide estimates of production, flow and quality and presence of regulated pollutants in its waste stream.

Section 14.60.504 INDUSTRIAL DISCHARGE PERMIT - REQUIREMENTS

Wastewater permits shall specify no less than all of the following:

Limits on the average and maximum discharge of wastewater constituents and characteristics regulated thereby;

Limits on average and maximum flow rate and time of discharge and/or requirements for flow control and equalization;

Requirements for installation and maintenance of inspection and sampling facilities;

Special conditions - the City may reasonably require under particular circumstances of a given Discharger, including but not limited to, sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

Compliance self-monitoring

Requirements for submission of discharge compliance monitoring reports or special technical reports;

Requirements for submittal of an accidental spill prevention plan (ASPP);

Requirements for immediate reporting of noncompliance, accidental spills, or upsets by the Discharger;

Requirements equivalent to the applicable Washington State Waste Discharge Permit System Requirements.

Requirements for payment of fees pursuant to Chapter 14.40.

Requirement that the Director or designee shall have reasonable access to the dischargers premises to accomplish any required inspection, sampling or flow monitoring.

Section 14.60.505 INDUSTRIAL WASTEWATER DISCHARGE PERMIT - DURATION

All wastewater discharge Permits shall be issued for a period of no greater than five years, subject to amendment or revocation as provided in this chapter. A permit may be issued for a shorter period or may be stated on its face to expire on a specific date.

Section 14.60.506 INDUSTRIAL WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater Discharge Permits are issued to a specific Discharger for a specific operation and are not assignable to another Discharger without prior written approval of the City, and are not transferable to any other location.

Section 14.60.507 INDUSTRIAL WASTEWATER DISCHARGE PERMIT - MODIFICATION

The City reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance or continued compliance by the City with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of each Discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. In addition, the Discharger with an existing Wastewater Discharge Permit shall submit to the City within 90 days after the promulgation of an applicable National Categorical Standard, information regarding the nature and concentrations of any pollutants or materials discharged that are prohibited or restricted by this Chapter and information pertaining to additional pretreatment and/or operation and maintenance activities which will be required to comply with this Chapter. The Discharger must include a schedule of compliance, with a time schedule of completion of each activity. In no case shall a time frame be any longer than 6 months. The Discharger shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new conditions upon the Discharger may require modification of the Wastewater Discharge Permit, as well as include a reasonable time schedule for compliance.

Section 14.60.508 INDUSTRIAL WASTEWATER DISCHARGE PERMIT - REPORTING REQ.

All dischargers subject to National Categorical Pretreatment Regulations must submit a 90 day compliance report within 90 days after the date the final National Categorical Pretreatment compliance must be achieved or, in the case of a new discharger, 90 days after the discharger starts to discharge to the POTW. The information provided in this report shall contain the same information as required by the Baseline Monitoring Report as found in 40 CFR 403.12(b).

All permit holders are required to submit Wastewater discharge monitoring reports to the pretreatment office at the frequencies and times designated in the discharge permit, but in no event less frequent than semi-annually. The report forms shall be furnished by the City. Submitted forms must contain all the results of analyses of the wastewater discharge performed by the permittee, even if the analyses are not required by the permit, and any other information required by the permit or requested on the form itself. The reports must be complete, accurate, and signed by an authorized representative of the discharger.

If any violation has occurred during the reporting period the discharger must repeat the sampling and analyses and submit the results to the City. The resampling data must be submitted to the City within 30 days after the discharger becomes aware a violation has occurred. Resampling analyses shall not be used for satisfying regular compliance monitoring requirements.

Section. 14.60.510 LIMITED PERMITS - REQUIRED WHEN

The Director may issue limited permits to cover categories of dischargers which shall include businesses that collectively may cause pass through or interference with the POTW. These categories include, but are not limited to, gas stations, Auto/boat service stations, radiator shops, photo finishing, restaurants, fleet services, x-ray labs, car wash, printing and publishing, welding and repair, schools, pest control, wrecking yards, auto body and paint shops. Limited permits may be issued to categories of industries that meet the following requirements;

Involve the same or substantially similar types of operations;

Discharge the same types of wastes;

Require the same effluent limitations or operating conditions; may require similar monitoring; and

In the opinion of the Director are more appropriately controlled under a limited permit than under a wastewater discharge permit.

Section 14.60.512 LIMITED PERMITS - CRITERIA

Limited Permits shall specify no less than all of the following as determined applicable by the City:

Fees and Charges to be paid upon initial permit issuance;

Requirements for immediate reporting of noncompliance by the discharger;

Requirement for submittal of an accidental spill prevention plan;

Requirements for a Best Management Practices Plan;

Limits on the average and maximum discharge wastewater constituents and characteristics;

Limits on the average and maximum flow rate and/or requirements for flow control and equalization;

Compliance schedules for implementing permit conditions;

Section 14.60.513 LIMITED PERMITS - SPECIAL CONDITIONS

Special conditions as the City may reasonably determine under particular circumstances may be required of a given discharger, including but not limited to, sampling frequency, number, and type; proof of maintenance on oil/water interceptors or grease interceptors; documentation of maintenance schedules and/or proof of recycled products such as used oil, antifreeze, or substances containing designated dangerous wastes; inspection and sampling facilities; statement of no discharge to the City POTW other than domestic usage only and/or no discharge of contaminated wastewaters to natural outlets.

Section 14.60.514 LIMITED PERMITS - ISSUANCE, REVOCATION, TRANSFER

Sections of the chapter that pertain to modification, issuance, revocation, termination, application and monitoring for industrial wastewater discharge permits shall also apply to Limited Permits.

Section 14.60.515 LIMITED PERMITS - UPGRADE TO DISCHARGE PERMIT, WHEN

The Director may require any discharger authorized by a limited permit to apply for and obtain an industrial wastewater discharge permit. Cases where a wastewater discharge permit may be required include, but are not limited to the following:

The discharger is not in compliance with conditions of the limited permit;

A change occurs in the technology or practices for control or abatement of pollutants for this discharger;

Effluent limitation guidelines are promulgated for the discharger under the Pretreatment Categorical Regulations 40 CFR 403.

Information obtained from POTW testing indicates that cumulative effects on the POTW from dischargers covered under the Limited permit are unacceptable.

In cases where the Director requires any discharger to apply for an industrial wastewater discharge permit, the discharger must be notified in writing that an industrial wastewater discharge permit is being required, an application form and a time limit for submitting the application.

Section. 14.60.516 PUBLIC NOTICE FOR INDUSTRIAL WASTEWATER DISCHARGE PERMITS
Public Notice shall be given in accordance with WAC 173-216-090 . The City may initiate the Public Notice rather than requiring it of the Discharger. The discharger shall pay the costs of the Notification.

Section. 14.60.520 PUBLIC HEARING
Public hearings may be requested in accordance with Section 173-216-100 WAC.

Section. 14.60.525 MONITORING FACILITIES
Whenever required by the Director a Discharger shall provide, maintain and operate, at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of all discharges into the sewer system, as required by the City to assure compliance with this Chapter. Each monitoring facility shall be situated on the Discharger's premises, except that if such a location would be impractical or cause undue hardship on the Discharger, the City may allow such facility to be constructed in an accessible public street or sidewalk area, located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis by the Discharger and the City. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger.

All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction of monitoring facilities for existing Dischargers shall be completed within 180 days of receipt of notice to do so by the Director. Construction of monitoring facilities shall be completed by a new Discharger prior to discharging wastewater into the POTW.

Section. 14.60.530 SAMPLING AND ANALYSIS REQUIREMENTS
Sample types, measurements, analyses required for each Discharger shall be determined by the Director and included in the discharge permit. All measurements, tests and analyses of characteristics of water and wastes to which reference is made in this chapter or in a discharge permit issued under with this chapter shall be in accordance with procedures established by the EPA pursuant to Section 304(H) of the Act and contained in 40 CFR 136 as amended, or with the American Public Health Association Publication, STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATERS, current edition. All sampling, measurements and analyses done for satisfaction of the requirements of the permit shall be the responsibility of the Discharger or his designee.

All samples taken of permitted discharges must be reported to the City whether or not they are required by a permit. Detection limits for required tests must be equal to or less than permit limitations. The wastewater discharge amount shall be measured using either a flow measurement device, or, at the discretion of the director, the metered water supply to the discharger's facility.

Section. 14.60.535 COMPLIANCE MONITORING

The City may conduct compliance monitoring at such times and frequencies as are deemed necessary to carry out the purposes and intentions of this Title. The City reserves the right to verify methods of sampling, flow measurements and analyses and to inspect records pertaining to all requirements of the Dischargers permit. The City also reserves the right to collect and analyze samples of compliance status. At such time that the City collects a sample, a representative split of the sample shall be offered to the Discharger for analysis. All costs incurred in the performance of measurements, tests and analyses done by the City as verification of the discharge compliance shall be charged to the Discharger in accordance with Chapter 14.40.

Section. 14.60.540 INSPECTION OF FACILITIES

The POTW may inspect the wastewater facilities and equipment of any POTW user at any time during normal business hours to ascertain whether the applicable City ordinances, rules and regulations, industrial discharge permit requirements and applicable national categorical pretreatment standards are being met. Persons or occupants of premises where industrial wastewater is produced or discharged shall allow any authorized representative of the director ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, record examination or in the performance of his official duties as a POTW employee. The POTW shall have the authority to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring or flow metering operations. Where a discharger has security measures in force which would require proper identification and clearance before entry onto their premises, the discharger shall make all necessary arrangements with their security personnel so that upon suitable and proper identification authorized wastewater management personnel, including but not limited to employees of the City, the Washington State Department of Ecology, and the U.S. Environmental Protection Agency, will be permitted to enter the premises without delay for the purpose of performing their specific responsibilities and duties.

Section. 14.60.545 RIGHT TO ENTER

In the event that the Director or his designee is refused admission to the discharger's premises, the Director may cause water service to the premises in question to be discontinued until the POTW agents have been afforded reasonable access to the premises to accomplish any required inspection, sampling or flow monitoring.

Section. 14.10.550 ACCIDENTAL SPILL PREVENTION PLAN

All industrial dischargers, and those minor dischargers specified by the City in their industrial wastewater discharge permits or limited permits, shall prepare "Accidental Spill Prevention Plans" (ASPP) or showing facilities and operating procedures necessary to provide the protection required by Section 14.60.330. These plans shall be submitted to the City's Department of Public Works for review and approval. The plan shall include but not be limited to:

- A. An ongoing inventory of the types and quantities of pollutants used or stored by the industrial user.
- B. A diagram of the process and storage location(s) at the facility.
- C. A diagram of the location(s) of floor drains to sanitary or storm sewers.
- D. A description of the measures used to prevent discharge to sanitary or storm sewers.
- E. An outline or list of the emergency response and notification procedures to be followed in case of accidental spills.
- F. An outline of the spill prevention procedures followed by the industrial user.
- G. A description of spill containment, treatment, and disposal methods.
- H. A description of the training procedures and training frequencies for personnel involved in handling, sorting, and disposing of toxic or hazardous pollutants.

Review and approval of such plans and operating procedures by the City shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Chapter nor relieve the discharger from fines, civil penalties, or other liabilities which may be imposed in the event of violations of this code or other applicable ordinances or laws.

Section. 14.60.555 DISCONTINUANCE OF DISCHARGE

In the event a permitted discharger intends to cease to discharge from a regulated process or plans to disconnect from the wastewater system, the Director shall be notified no later than thirty (30) days prior to any action by the discharger. The notification shall provide a closure management plan that includes the following information, as a minimum:

- A. Date of planned disconnect
- B. Methods of disposal of regulated process tanks, chemicals, sludges, plating wastes, cleaningsolutions.
- C. Methods of cleaning tanks, barrels, or other vessels containing regulated pollutants.
- D. Names of carriers and ultimate disposal site(s) of the regulated pollutants and the EPA permit numbers for transportation of the wastes, if a permit is required by EPA.

The discharger shall be responsible for all discharges to the wastewater system and shall not be disconnected until the Director has determined the discharger has disposed of the regulated wastes in a proper and safe manner and has requested termination of the discharge permit in writing.

Section. 14.60.560 CONFIDENTIAL INFORMATION

The city may respond to public requests for information gathered pursuant to this ordinance in accordance with Chapter 42.12 RCW.

Section. 14.60.565 PREEMPTION OF LIMITATIONS, STANDARDS OR REQUIREMENTS

Limitations, standards or requirements that differ from or are more stringent than those in this chapter may be imposed on a discharger under the following conditions:

- A. The federal government promulgates federal categorical pretreatment standards for an industrial category that are more stringent than the standards prescribed in this chapter. Such federal standards shall immediately supersede the standards prescribed by this chapter. The Director shall notify all affected users of applicable reporting requirements.
- B. State requirements and limitations on discharges are more stringent than federal requirements and limitations or those in this article.
- C. The Director establishes limitations or requirements which are more stringent than federal and state requirements or the limitations in this chapter in order to comply with the purposes and objectives of this chapter.
- D. Federal or State regulations pertaining to dangerous or hazardous wastes require a substance(s) to be discharged by some other means because they are listed dangerous or hazardous substances.

Section. 14.60.570 PUBLICATION OF VIOLATORS

Pursuant to the requirements of 40 CFR 403.8 the City shall publish in its official daily newspaper, not less than annually, a list of those dischargers which during the previous twelve (12) months were determined to be responsible for significant violations of the limitations established by this chapter and applicable pretreatment standards or other requirements pursuant to this chapter. This notification shall summarize enforcement action by the City during the same twelve (12) months.

Section. 14.60.575 RECORDS RETENTION - REQUIRED

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analysis made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are subject of administrative adjustment or any other enforcement or litigation involving the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

ARTICLE III
ENFORCEMENT

Section. 14.60.605 VIOLATIONS - REMEDIES

Whenever the Director or his designee finds that any person has violated or is violating any of the provisions of this chapter, he may take one or more of the following actions:

- A. Emergency suspension of service and permit
- B. Termination of treatment services and permit revocation
- C. Notice of Violation and administrative order
- D. Assess civil penalties
- E. Seek criminal penalties
- F. Seek any other legal or equitable remedy.

Section. 14.60.610 VIOLATIONS

For the purposes of enforcement of the provisions of this chapter and of discharge limitations the rules establishing what constitutes a violation for general dischargers are set forth in sections 14.60.611 through 619. Those dischargers subject to National Pretreatment Standards will be subject to enforcement action in accordance with this chapter for any violations of the criteria and limitations specified in the categorical standard or the General Pretreatment Standards set forth in 40 CFR 403.

Section 14.60.611 MAXIMUM DAILY CONCENTRATION ALLOWED

The maximum daily allowable concentration for dischargers not regulated under National Pretreatment Standards is violated under the following circumstances:

- 1. The arithmetic mean of concentrations for eight consecutive samples collected within a 24 hour time period over intervals of fifteen (15) minutes or greater is in excess of the limitation.
- 2. The concentration value obtained from a composite sample that is representative of the 24 hour discharge is in excess of the limitation.
- 3. The concentration of any single sample (whether as single grab sample or a sample within a series) exclusive of any fats, oils, and grease exceeds the limitation by a factor of two and a half times (2.5).
- 4. The arithmetic mean of the concentration of fats, oils, or greases for three grab samples, taken no more frequently than a five (5) minute intervals exceeds the limitation.

Section 14.60.612 PH SAMPLE

The pH of any given sample is less than pH 5.0 or greater than pH 11.0.

Section 14.60.613 TEMPERATURE LIMITATION

The temperature limitation is exceeded for any single sample.

Section 14.60.614 MAXIMUM ALLOWABLE POUNDAGE LIMITATIONS

A violation shall occur if the maximum allowable effluent poundage limitation as established in the wastewater discharge permit is exceeded. The daily poundage discharged shall be calculated using the volume of effluent discharged that day times the concentration for that day either reported by the discharger or obtained through sampling by the City. The poundage shall be determined utilizing the formula:

$$\text{Lbs/day} = \text{conc. in mg/L} \times \text{gal/day disch.} / 1,000,000 \times 8.34$$

Section 14.60.615 REPORTING REQUIREMENTS

A violation shall occur if any reporting requirements established by permit, accidental discharges, upset conditions, written request of the Director or his authorized representative, or as specified by general pretreatment standards (40 CFR 403.12) are not complied with. A violation shall occur when any person knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter.

Section 14.60.616 "F.O.G." PRETREATMENT FACILITY - MAINTENANCE

A violation shall occur if there is any failure to maintain grease or grit interceptors or oil/water separators which causes maintenance on any POTW sewer line to be greater than once every two years caused by excessive oil, grease, or fat build up in the sewer lines; or excess buildup of sand, gravel or other materials clogging the sewer lines. The lack of any device to prevent discharge of grease, oil, fats, sand, gravel or any other materials which will cause excessive maintenance of the sewer lines shall not relieve the discharger of the responsibility of liability for any costs to City for excessive maintenance and/or other costs incurred by the City.

Section 14.60.617 DISCHARGE OF DANGEROUS WASTE

A violation shall occur if any material listed on the Discharge Chemical Products List of the State of Washington (WAC 173.303.9903) is discharged into any public sewer, or building sewer tributary.

Section 14.60.618 EXPLOSION METER READINGS

A violation shall occur if the readings on an explosion meter at any point in the POTW is greater than 10% for a single reading or greater than 5% for two successive readings.

Section 14.60.619 PASS THROUGH OR INTERFERENCE

Any discharge which causes pass through or interference with the POTW.

Section. 14.60.620 EMERGENCY SUSPENSION OF SERVICE AND INDUSTRIAL WASTEWATER DISCHARGE PERMIT OR LIMITED PERMIT

A. The City may, without advance notice, order the suspension of all or some portion of the wastewater treatment service and any applicable industrial wastewater discharge permit or limited permit to a discharger when it appears to the City that an actual or potential discharge:

1. Presents or threatens a substantial danger to the health or welfare of persons or to the environment; or,

2. Threatens to or interferes with the operation of the POTW; or
 3. Causes pass through to the environment.
- B. Any discharger notified of the City's suspension order shall cease immediately all discharges. In the event of failure of the discharger to comply with the suspension order, the City may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The City shall reinstate the wastewater treatment service upon proof by the discharger of the elimination of the noncomplying discharge or of the conditions creating the threat as set forth in this section.
- C. In addition to all other rights and remedies, the City shall have the authority to discontinue water service to a discharger if the City determines that such action is reasonably necessary to suspend service as authorized by subsection (A). The City shall have the right of access on to the discharger's private property to accomplish such termination of the water service.

Section. 14.60.623 TERMINATION OF TREATMENT SERVICES - PERMIT REVOCATION

The City shall have the authority to terminate wastewater treatment services and to revoke the Industrial Wastewater Discharge Permit or Limited Permit of the discharger if it determines that the discharger has:

1. Failed to accurately report wastewater constituents and characteristics; or,
2. Failed to report significant changes in wastewater constituents, characteristics, flow volumes or types of discharge to the POTW; or,
3. Refused reasonable access to the discharger's premises for purposes of inspection or monitoring; or,
4. Violated conditions of the Wastewater Discharge Permit; or,
5. Violated any of the provisions of this chapter or regulations promulgated hereunder; or,
6. Violate any lawful order of the City issued with respect to the Discharger's Permit or this Chapter.
7. Tampered with, disrupted, damages or renders inaccurate any wastewater monitoring device required by this chapter.

Section. 14.60.625 NOTICE OF VIOLATION AND ADMINISTRATIVE ORDER

The Director, upon finding a discharger has violated or is violating any of the provision of this chapter or of any permit issued under this chapter, may serve upon such discharger a written notice of violation and administrative order stating the nature of the violation(s) and providing a reasonable time, not to exceed 45 days, except as otherwise provided for herein, for the satisfactory correction thereof. The order shall establish specific actions in a compliance schedule to be taken and/or procedures to be implemented by the discharger to assure compliance with the Chapter and with the permit to discharge. The notice and order shall be sent to the user via certified mail or perfected pursuant to personal service. The discharger may request a meeting with the Director to discuss the violation(s) and compliance schedule within ten (10) days following issuance of the administrative order. The order may be modified following the written response or meeting to include a revised schedule to correct the violations, if the discharger demonstrates to the director that just cause exists for such modification. The final date of compliance in any modified compliance schedule shall not extend beyond one hundred and eighty (180) days from date of issuance of the original administrative order.

Failure to comply with any terms or requirements of a compliance schedule order by the discharger shall be an additional and independent grounds for civil or criminal penalties and/or termination of wastewater treatment services and revocation of the Wastewater Discharge Permit.

Section. 14.60.630 ADMINISTRATIVE HEARING

- A. A discharger shall have the right to an administrative hearing before the Director or his designee to contest the City's determination: (1) to suspend the discharger's wastewater services and/or to suspend the discharger's Wastewater Discharge Permit; (2) to terminate the discharger's wastewater services and to revoke the discharger's Wastewater Discharge Permit; (3) to impose civil penalties against the discharger; or (4) that the discharger has violated a compliance schedule order.
- B. Any hearing pursuant to this section must be requested by the discharger in writing within fourteen (14) days after the discharger receives notice of the City's determination. The discharger's written request for hearing shall be filed with the Director. The City shall conduct the hearing within fifteen (15) business days of the receipt of the request (or within five (5) business days if the discharger is contesting suspension of wastewater services and Wastewater Discharge Permit.)
- C. The administrative hearing authorized by this section shall be conducted by the rules established in LMC CH. 2.22.

Section. 14.60.635 CIVIL PENALTIES

Any person who violates any of the provisions of this chapter specifically listed in subsections A, B, C, D and E of this section, or any permit or administrative order issued under this chapter which contains such provisions, shall be subject to a civil penalty for each violation. Nothing in the section shall prevent the City from taking action or seeking relief under any other sections of this chapter for any violations of the provisions of this chapter or any permit issued hereunder.

- A. If reports required by permit, this chapter or federal pretreatment regulations are submitted later than thirty (30) days after they are due the discharger shall be subject to civil penalties of \$25 per day for a maximum of twenty (20) working days. The penalty shall then be increased to \$100 per day with a maximum fine of \$1000. In the event the reports have not been submitted at the time the maximum penalty is imposed, the City shall seek remedies under section 14.60.645.
- B. If any of the actions prescribed in any compliance schedule established by permit or administrative order are not complete within thirty (30) days of the time they are required to be complete, the discharger shall be subject to civil penalties of \$100 per day for a maximum of sixty (60) days for each day the actions(s) have not been completed. In the event the actions have not been completed ninety (90) days after the date scheduled in the permit or order the City shall seek remedies under Section 14.60.645.
- C. If a discharger fails to maintain grease, oil and/or sand removal systems which results in excessive maintenance by the City of the POTW the discharger shall be subject to a civil penalty of \$500 which shall be added to the costs incurred by the City to perform the maintenance. If excessive maintenance is required a second time within a three year period, the penalty shall be \$1,000 which shall be added to the costs of maintenance by the City. In the event excessive maintenance continues the City shall seek remedies under Section 14.60.645.
- D. Failure to provide accurate or complete information on any wastewater discharge reports pursuant to Section 14.60.505 F or the requirements of a discharge permit shall result in a civil penalty of \$100 for the first offense. Thereafter the discharger shall be subject to remedies under Section 14.60.645.

In addition to the assessments described above any costs incurred by the City, including attorneys fees, due to violations subject to civil penalty shall be added to the total amount of the civil penalty assessment pursuant to 14.60.640.

Section. 14.60.640 CIVIL LIABILITY FOR EXPENSES AND FINES

Any discharger violating provisions of this chapter shall be liable for any expense, loss or damage caused to the POTW by reason of such violation, including increased costs for sewage treatment, sludge treatment and disposal and POTW operation and maintenance expenses when such increased costs are the result of the discharger's discharge. If the discharger discharges pollutants that cause the City to violate any condition of its NPDES permit and to be fined by the United States Environmental Protection Agency or the State for such violation, the discharger shall be liable to the City for the total amount of the fine assessed against the City, including, without limitation, all legal, sampling, analytical and other associated costs and expenses.

Section. 14.60.645 CRIMINAL PENALTIES

Except as provided for in Section 14.60.635, any person who willfully violates any of the provisions of this chapter or any of the requirements contained in a discharge permit issued under this chapter, or continues any violation(s) beyond the time limit(s) specified in Section 14.60.635 shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding five thousand dollars (\$5000) or by imprisonment in the City jail for a period not exceeding one year, or both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

Section. 14.60.660 JUDICIAL REVIEW

Any decision of the Hearing Examiner rendered pursuant to 14.60.630 may be reviewed only by superior court. The review shall be initiated by a petition filed by the discharger. Such review shall be filed no later than fourteen (14) days after the discharger has received notice of the decision of the Hearing Examiner.

Section. 14.60.665 RIGHT TO WRITTEN INTERPRETATION OF CHAPTER

Any discharger or any interested party shall have the right to request an interpretation or ruling by the City on any matter covered by this Chapter. The request must be in writing and must be addressed to the City's Director of Public Works. The City shall provide a written response within ten (10) working days. A request pursuant to this section shall not stay or otherwise affect enforcement proceedings.

Section. 14.60.900 SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section. 14.60.910

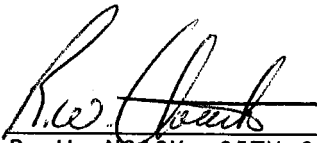
This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 24th day of July, 1989, and signed in authentication of its passage this 24th day of July, 1989.



M. J. HRDLICKA, MAYOR

ATTEST:



R. W. NOACK, CITY CLERK

APPROVED AS TO FORM:



OFFICE OF THE CITY ATTORNEY

PUBLISHED: AUGUST 21, 1989