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City of Lynnwood

DEC 13 2000

SCANNED

ORDINANCE NO. 1706

AN ORDINANCE CREATING NEW PROVISIONS OF TITLE 14 SEWERS OF THE LYNNWOOD MUNICIPAL CODE; DEFINING TERMS; REGULATING THE USE OF THE LYNNWOOD SEWER SYSTEM; PRESCRIBING PENALTIES FOR VIOLATION OF TITLE 14 AND REPEALING ORDINANCE 1391 AND PORTIONS OF ORDINANCES NO. 127, 147 AND 781 AND OF TITLE 14 AND RECODIFYING CERTAIN SECTIONS OF TITLE 14.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYNNWOOD AS FOLLOWS:

Section. 14.04.005 STATEMENT OF PURPOSE

This Title has as its purpose the protection of public health and safety by controlling the quality of wastewater discharged to the wastewater collection and wastewater treatment system. Pollution control shall be implemented through regulation and control of the quantity and quality of industrial or commercial wastes admitted or discharged which shall enable the City to comply with all applicable State and Federal Laws required by the Federal Clean Water Act of 1977, the General Pretreatment Regulations (40 CFR 403) and any subsequent amendments thereto. The objectives of this Title are:

To protect the health, safety and welfare of the POTW and its personnel and the general public.

To make provisions for the collection and treatment of all wastewater generated by domestic and non-domestic sources under the jurisdiction of the City.

To protect the City's wastewater collection and treatment system from pollutants which may interfere with the operation of the system or contaminate the sludges or other waste products generated as a result of operating the system.

To prevent pollutants from entering the wastewater treatment and collection system which could pass through the system, inadequately treated, into the receiving waters.

To generate sufficient revenues to operate, maintain, repair, improve and construct the wastewater collection and treatment system.

Section. 14.04.010 That section 14.04.010 which reads as follows:

Any person willfully violating any provision of this title is guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the City jail for a period not exceeding ninety days, or both such fine and imprisonment. Each day's violation of the provisions of this title may be deemed a separate offense.

is hereby revised, repealed and amended to read as follows:

Any person wilfully violating any provision of this title, except Chapter 14.60 of this title, is guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding one thousand dollars

(\$1000.00), or by imprisonment in the City jail for a period not exceeding ninety days, or by both such fine and imprisonment. Each day's violation of the provisions of this title may be deemed a separate offense.

#### Section 14.06.00 DEFINITIONS

Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary. Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context shall indicate to the contrary.

#### Section. 14.06.010

"Act" (also Clean Water Act) means the Federal Water Pollution Control Act, Law 92-500 as amended.

"Administrative Authority" means the Mayor, Executive Administrative Assistant, Director of Public Works, Sewer Inspector, or any other person acting under the authority of the administrative authority.

"ASPP" means Accidental Spill Prevention Plan.

"Authorized representative of discharger" means (a) a principal executive officer of at least the level of vice president, if the discharger is a corporation; (b) a general partner or proprietor if the discharger is a partnership or proprietorship, respectively; (c) a duly authorized representative of the above designated individual, if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates.

#### Section 14.06.020

"Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

"Building Sewer" (also side sewer) means the extension from the building drain, beginning two (2) feet outside the foundation wall to the public sewer or other place of disposal.

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedures (as described in the American Public Health Association Publication, STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATERS, current edition, or GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS, contained in 40 CFR 136) in five days at temperature of 20 degrees centigrade, expressed in milligrams per liter.

Section 14.06.030

"Categorical pretreatment standard" means any standard or limitation for a pollutant which has been assigned in accordance with the requirements of the "General Pretreatment Regulations for New and Existing Sources of Pollution," 40 CFR part 403, et seq.

"City" shall mean the City of Lynnwood.

"COD" (denoting chemical oxygen demand) means a measure of oxygen consuming capacity of organic or inorganic matter present in water or wastewater expressed in milligrams per liter, for a chemical oxidant in a specific laboratory procedure.

"Commercial Establishment" means a building or portion thereof used in a trade, business or profession, including a building or portion thereof not included within the meaning of terms single and multiple family dwelling units, but excluding industrial establishments.

"Compatible pollutants" means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the POTW'S NPDES Permit if the POTW is designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Examples of the additional pollutants which may be considered compatible include:

- COD
- Total Organic Carbon
- Phosphorous and phosphorous compounds
- Nitrogen and nitrogen compounds
- Fats, oils and greases (FOG) of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the POTW)

"Composite Sample" means a representative flow proportioned or time proportioned sample collected during normal hours of business over a period representative of process discharge to the POTW sewer. A composite sample shall be composed of a minimum of eight (8) individual samples.

Section. 14.06.040

"Director" means the Director of the Public Works Department of the City of Lynnwood or designee.

"Discharger" means any person who discharges or causes the discharge of wastewater into the POTW sewer system.

"Domestic Wastes" means the liquid and water borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the POTW or by means of a private sewage disposal system.

Section. 14.06.050

"Excessive maintenance" means any maintenance required beyond normal sewer utilities maintenance schedules for any portion of the sanitary sewer lines. Normal maintenance is considered to be cleaning or jetting once every two years.

Section. 14.06.060

"F.O.G." means fats, oils and greases of animal or vegetable origin.

"Food Waste" means properly shredded garbage.

14.06.070

"Garbage" means all putrescible wastes, except sewage and body wastes and all such substances from all public, private establishments, and from residences.

"Grab sample" means an instantaneous dip sample taken from a waste stream without consideration for flow or time.

Section. 14.06.080

"Holding Tank Sewage" means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tanked trucks.

Section. 14.06.090

"Industrial Establishment or Industrial Concern" means a building or portion thereof used for the production of articles from raw or prepared materials by giving the materials new forms, qualities, properties, or combinations whether by hand labor or machines.

"Industrial User" means any non-domestic source of wastewater discharge, regulated under Section 307(b) or (c) of the Act, that introduces pollutants into the POTW.

"Industrial waste" means the water-carried wastes from industrial manufacturing or industrial processing as distinct from sanitary sewage. It includes the trade wastes produced by, but not limited to, food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cooling plants, chemical plants, chemical treatment installations, industrial manufacturing, and automotive service and repair.

"Interference" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

- (2) which is the cause of a violation of any requirement of the City's NPDES Permit (including an increase in the magnitude or duration of a violation) or contributes to the City's inability to dispose of or use to maximum benefit the sludge recovered from the treatment process because of its violation of Section 405 of the Act or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource and Recovery Act (RCRA)) the Clean Air Act, the Marine Protection Research and Sanctuaries Act, the Toxic Substances Control Act or more stringent county, state or federal criteria applicable to the method of disposal or use of sludge employed by the wastewater utility.

Section 14.06.120

"Limited Permit" means a document issued to a discharger in accordance with the terms and provisions of this title stipulating requirements and limitations on wastewater discharges to the POTW sewer system.

Section. 14.06.130

"Mass limit" or "mass loading" means the total number of pounds of a pollutant allowed to be discharged during a specified time period. It shall be calculated using the following formula:

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

"Minor Violation" means any pollutant concentrations or mass loadings in excess of the effluent limitations allowed by 14.60.310 of this title, or by a discharge permit issued under this chapter which are:

1. Less than 1.2 times the average concentration or mass loading allowed by the provisions of this title or any discharge permit issued hereunder, or
2. Less than 2.5 times the maximum concentration or mass loading allowed by the provisions of this chapter or any discharge permit issued hereunder.

"Multiple Family Dwelling Unit" means a residential establishment consisting of a building or portion thereof used as a residence for two, three, or more families living independently of each other.

Section. 14.06.140

"National Categorical pretreatment standard" see "Categorical pretreatment standard."

"Natural outlet" means any outlet into a watercourse, pond, ditch, or other body of water.

"Non-contact cooling water" means the water discharged from any use such as air conditioning, cooling, refrigeration or any thermal heat exchange process to which the only pollutant added is heat.

"NPDES permit" (denoting national pollution discharge elimination system permit) means a permit issued pursuant to Section 402 of the Clean Water Act.

Section. 14.06.160

"Pass Through" means a discharge which exits the POTW into waters of the State of Washington in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is the cause of a violation of any requirement of water quality standards or bottom sediments quality standards of the State of Washington or of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, proprietorship, firm, company, corporation, association, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. For the purposes of this chapter, the masculine gender shall be construed as including the feminine and references to the singular shall include the plural where indicated by the context.

"pH" is a measure of the acidic or basic properties of a substance and is defined as the logarithm, to the base 10, of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

"POTW" (denoting publicly owned treatment works) means treatment works as defined by Section 212 of the Act which is owned by any of the political subdivisions of the State of Washington having statutory authority to collect and treat wastewater to the POTW treatment facilities, except building or lateral sewers. For the purposes of this title, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City boundaries who are by contract or agreement with the POTW actually users of the POTW treatment facilities.

"Premises" means a continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of sewer and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as here defined.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of such pollutants into the POTW sewer system. The reduction or alteration of pollutants can be obtained by physical, chemical or biological processes, except as prohibited by 40 CFR 403.6(d).

"Properly shredded garbage" means the solid wastes from the preparation, cooking and dispensing of food that have been shredded so that 100% will pass a 3/8 inch sieve and 75% will pass a 1/4 inch sieve.

"Public sewer system" (also POTW sewer system) means the sewer pipes, chambers, structures and appurtenances in publicly owned land or easements in which all owners of abutting property have equal rights and which are controlled by the City of Lynnwood.

Section. 14.06.190

"Sanitary sewage" means the water-carried wastes from residences, hotels, restaurants, eating houses, or from business establishments or premises engaged solely in the sale, storage or repair of goods, wares or merchandise, and which contains properly shredded garbage, human wastes or animal wastes.

"Sanitary sewer" means the pipe or conduit system used for the collection and transportation of sewage and into which storm, surface and groundwater are not intentionally admitted, except as herein provided.

"Sanitary Sewer System" see POTW.

"Septage" means the solid and liquid wastes from septic tanks, vault toilets, portable toilets or similar facilities.

"Service Lateral" means that portion of the public sewer line running from the sewer main to the property line.

"Sewage" means wastewater.

"Shall-May" Shall is mandatory. May is permissive.

"Side Sewer" see building sewer.

"Significant Industrial User" means any user of the POTW who (a) is subject to national categorical pretreatment standards; or (b) has in its wastes toxic pollutants as referenced in Section 307(a) of the Act; or (c) is found by the City, State or the USEPA to have the potential for significant impact, either singly or in combination with other contributing dischargers, on the POTW or wastewater treatment process, treated effluent, sewage sludge or gaseous emissions; or (d) has a discharge volume greater than 25,000 gallons per day.

"Significant Violation" means one or more of the following violations of this title or of a permit issued under this title:

- a. Any failure to meet the requirements of any compliance schedule or any other time frames for taking corrective action specified in this title within ninety (90) days of scheduled completion.
- b. For discharges subject to a permit, any noncompliance that is greater than 1.2 times the average concentration or mass value or greater than 2.5 times the maximum concentration or mass value as defined in this ordinance or in a permit to discharge.
- c. For discharges subject to a permit, any four or more minor violations of the same limitation within a six-month period.
- d. Any pattern of noncompliance with any terms or conditions of a discharge permit over a twelve (12) month period.
- e. Any failure to report an accidental, prohibited, or non-permitted discharge.

- f. Failure to provide reports for compliance schedules, self monitoring data, baseline monitoring reports, 90-day compliance reports, or periodic reports within 30 days from the due date.

"Single Family Dwelling Unit" means a residential establishment consisting of a detached building designed for, or occupied exclusively by, one family.

"Slug" or "Slugload" means any discharge of industrial waste, wastewater, or sewage which has a concentration of any given constituent or quantity of flow exceeding, for a duration longer than fifteen (15) minutes, more than five (5) times the average twenty hour flow rate or concentration during the average day operations.

"Spill" means any non-intentional discharge which enters the POTW.

"Standard Industrial Classification" (or SIC) means a classification pursuant to the most recent edition of the "Standard Industrial Classification Manual," issued by the Executive Office of the President, Office of Management and Budget.

"State" means the State of Washington.

"Storm sewer" means a pipe system or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section. 14.06.200

"TSS" (denoting total suspended solids) means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtration as prescribed by standardized methods and referred to as non-filterable residue.

Section. 14.06.210

"Uniform Plumbing Code" is the current edition of same which is accepted by the City of Lynnwood.

"Unpolluted water" means water of quality equal to or better than the NPDES permit effluent criteria in effect or water that would not cause a violation of water quality standards if discharged untreated.

"Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with Pretreatment Standards and/or with requirements of this Title because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, careless or improper operation or spills.

"User" means any person who contributes, causes or allows the discharge of sewage or industrial wastewater into the POTW sewer system.



Section. 14.06.220

"Violation" see minor violation or significant violation.

Section. 14.06.230

"Wastewater" (also sewage) means the water-carried and liquid wastes from dwellings, commercial buildings, institutions and industrial facilities, or other property discharged to the POTW sewer system together with any groundwater, surface water and storm water that may be present.

"Wastewater Discharge Permit" or "Permit" means the document issued to an industrial user in accordance with the terms and provisions of this chapter stipulating requirements and limitations on wastewater discharges to the POTW sewer system.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

Section. 14.12.015 WASTE DISPOSAL

Unless otherwise provided for, all domestic waste and wastewater shall be discharged to the POTW.

Section. 14.16.022 PERMIT FOR INSTALLATION

A permit for the installation of a side sewer shall be obtained from the Director, the fee for such permit shall be forty dollars. If a service lateral is not available at the property line, the owner shall install at his own expense a service lateral. A permit shall be obtained from the Director for such service lateral, the fee for which shall be forty dollars. Application for said permits shall be made upon forms supplied by the City in such detail as may be required by the Director. The permit card issued must be posted in some conspicuous place at or near the site of the work at all times during the performance of the work and until completion and approval of the work by the Director. No permit shall be issued until the connection charge set forth in Chapter 14.50 has been paid to the City.

Section. 14.16.032 SIDE SEWER FOR ADJOINING PROPERTIES

Upon approval of the Director, two or more adjoining property owners may agree to service their respective lands through one side sewer. In such event there shall be a permit fee of forty dollars for each property owner using the common side sewer. A joint easement of the property owners sharing a common line side sewer shall be filed with the Snohomish County Auditor's office, and proof of the recorded easement shall be presented to the City prior to issuance of a permit for connection to the POTW.

Section. 14.16.065 STANDARDS FOR INSTALLATION--RESTORATION OF STREETS

All excavations for building sewer or service lateral installation shall be guarded with barricades and lights as are reasonably adequate to protect the public from accident and injury. Streets, sidewalks, parkways and other public property disturbed, in the course of work, shall be restored in a manner satisfactory to the Director. Standards for installation of side sewer and service laterals shall be those set forth in the Uniform Plumbing Code adopted by the city, the WSDOT and APWA Standard Specifications for Roads, Bridge and Municipal Construction, current edition or such other regulations as the City Council may from time to time adopt.

Section. 14.20.050 That section 14.20.050 which reads as follows:

The administrative authority is empowered, and it shall be his duty in all cases where sewer service is available, as set forth in Section 14.20.040 of this chapter, to compel every owner or occupant of land, buildings or premises situated within such distance to connect or cause to be connected to the public sewer said buildings or premises.

is hereby revised, repealed and amended to read as follows.

The administrative authority is empowered, and it shall be his duty in all cases where sewer service is available, as set forth in section 14.12.042 of this chapter, to compel every owner or occupant of land, buildings or premises situated within such distance to connect or cause to be connected to the public sewer said buildings or premises.

Such amended section is recodified as section 14.12.043.

Section. 14.24.020 SIZE AND SLOPE

That section 14.24.020 of the code which reads as follows:

The size and slope of the building sewer shall be subject to the approval of the Director of Public Works, but in no event shall the diameter be less than four inches. The slope of such four inch pipe shall be not less than one eighth inch per foot as approved by the Director of Public Works.

is hereby revised, repealed and amended to read as follows:

The size and slope of the building sewer shall be subject to the approval of the Director. In no event shall the diameter be less than four inches. The slope of such four inch pipe shall be not less than one-quarter inch per foot as approved by the Director.

Such amended section is recodified as section 14.16.110.

Section. 14.90.900 REPEALER

The following Ordinances and provisions of Title 14 of the Lynnwood Municipal Code are hereby repealed in their entirety: all of Chapter 14.08 LMC; sections LMC 14.12.010, 14.12.020, 14.12.040 and LMC 14.12.070; sections LMC 14.16.020, LMC 14.16.030 and 14.16.070; Sections LMC 14.20.010, LMC 14.20.020, 14.20.030 and 14.20.100; Sections 14.24.010; all of Chapter 14.28 LMC; Sections LMC 14.32.040, and LMC 14.32.050; all of Chapter 14.36 LMC; and Sections LMC 14.60.010 through LMC 14.60.110 and Sections 1.01 through 1.26 and Sections 3.01, 3.02, 3.04 and Sections 5.02, 5.03, 6.01, 8.01, 9.03, 10.01, 10.02, 11.01, 11.02, 11.03, 13.01, 13.02, and 14.01 of Ordinance 147; and Sections 2, 4, 5, 6, 7, 11, 13, 14, 17, 19, 25, 26 and 28 of Ordinance 781; and Sections 1, 2, and 12 of Ordinance 127; and all of Ordinance 1391.

Section. 14.90.910 RECODIFICATION OF CERTAIN CODE SECTIONS.

The following sections of the Lynnwood Municipal Code are hereby recodified as set forth herein:

14.20.040 is recodified as 14.12.042	14.32.010 is recodified as 14.16.150
14.20.060 is recodified as 14.12.045	14.32.020 is recodified as 14.16.160
14.20.110 is recodified as 14.16.015	14.32.030 is recodified as 14.16.170
14.24.030 is recodified as 14.16.120	14.20.070 is recodified as 14.16.180
14.24.040 is recodified as 14.16.130	14.20.080 is recodified as 14.16.200
14.24.050 is recodified as 14.16.140	14.32.060 is recodified as 14.16.210

Section. 14.90.950 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 work of this ordinance.

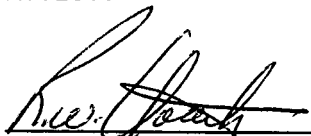
Section 14.90.980.

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: JULY 31, 1989