

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. 2031

City of Lynnwood

DEC 20 2000

SCANNED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, CREATING NEW PROVISIONS OF TITLE 14, SEWERS OF THE LYNNWOOD MUNICIPAL CODE; DEFINING TERMS; REGULATING THE USE OF THE LYNNWOOD SEWER SYSTEM; PRESCRIBING CIVIL PENALTIES FOR VIOLATION OF TITLE 14; PROVIDING GUIDELINES FOR FATS, OILS, AND GREASE CONTROL PLANS; AMENDING PORTIONS OF ORDINANCES NOS. 147, 1705, 1706, 1831, AND 1945; AND RECODIFYING CERTAIN SECTIONS OF TITLE 14.

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

Section 1. Section 14.06.318 and Ordinance 1706 are each amended to read as follows:

14.06.060 "F"

"F.O.G." means fats, oils and greases which includes either nonpolar F.O.G. or polar F.O.G.

- a. Non Polar F.O.G. means fats, oils and grease of petroleum oil, nonbiodegradable cutting oil or mineral products of mineral oil origin whether or not emulsified.
- b. Polar F.O.G. means fats, oils and greases of animal or vegetable origin; or any substances which may solidify or become discernibly viscous at temperatures above zero degrees C (0 degrees C)(32 degrees F).

"Food Waste" means properly shredded garbage.

Section 2. Section 14.16.130 and Ordinances 1706 and 147 are each amended to read as follows:

14.16.130 BACKWATER VALVE

An approved backwater valve shall be installed in the building sewer of any newly constructed, or remodeled non-residential and multi-family residential building and in any newly constructed single-family residential building in an accessible location. An approved clean-out must be included and located between the backwater valve and the sewer main. The Director is authorized to adopt regulations on approved backwater valves, clean-outs, location and installation.

Section 3. Section 14.16.135 of the Lynnwood Municipal Code and Sections 1 and 2 of Ordinance 1969 are hereby repealed in their entirety.

Section 4. Section 14.60.315 and Ordinances 1705 and 1831 are each amended to read as follows:

14.60.315 RESTRICTED SUBSTANCES

- A. No person shall discharge waste containing substances restricted by this Chapter 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; the Lynnwood Municipal Code; 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, when determined by the City to be necessary for the protection of water quality and avoidance of nuisance in the City. Discharge limits or standards in effect and incorporated into any issued waste discharge permit shall remain in effect for that permit until its expires, except as modified pursuant to LMC 14.60.507.
- B. The Director may prohibit discharge or require the discharge to meet lower limitations than those listed in 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.
- C. All known, available, and reasonable methods of treatment, control, and prevention shall be used by any discharger to bring a discharge of noncompliance into compliance with to these regulations.

Section 5. Section 14.60.318 and Ordinances 1705, 1831 and 1945 are each amended to read as follows:

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.

4. Fats, Oils, and Greases

Wastewater discharged to the POTW shall not contain polar or nonpolar fats, oils, and greases as follows:

- (a) in excess of 100 mg/L of polar or nonpolar F.O.G. The limit for polar or nonpolar F.O.G. is violated when the arithmetic mean of the concentration of three grab samples taken no more frequently than at five (5) minute intervals, exceeds the limitation. Companies or residences which violate the polar or nonpolar F.O.G. limit may be required to complete, for the Director's review and approval, a F.O.G. Control Plan, per LMC 13.60.354; or,
- (b) Visible or free floating polar or nonpolar F.O.G. Dischargers may not add emulsifying agents exclusively for the purposes of emulsifying polar or nonpolar F.O.G. Companies which discharge visible or free floating polar or nonpolar F.O.G. will be required to complete, for the Director's review and approval, a F.O.G. Control Plan, per LMC 13.60.354.

5. Substance Limitations

Any discharger subject to a national pretreatment standard after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of discharge to the sewer system, shall comply with the effluent limitations appropriate for that categorical industry, unless any limitation in the Lynnwood Municipal Code is more restrictive. In that case, the most restrictive effluent standard shall apply. All other users shall comply with the following limitations express in mg/L which shall be applied to the point at which the waste stream enters into the City sewer line, otherwise known as "end-of-pipe":

Arsenic	0.5 mg/L
Cadmium	0.5 mg/L
Total Chromium	2.0 mg/L
Copper	2.0 mg/L
Cyanide	1.0 mg/L
Lead	1.5 mg/L
Mercury	0.05 mg/L
Nickel	1.5 mg/L
Silver	0.5 mg/L
Zinc	1.5 mg/L

In addition to the above concentration limits and those contained in the categorical standards, the Director may also impose mass limits if it is necessary for the protection of the City's treatment facilities and/or sludge disposal. Such poundage limits shall be derived using the following formula:

$$\text{pounds/day} = (\text{conc. in mg/L}) \times (\text{gal discharge/day}^*) \times 8.34$$

*In million gallons discharged per day, i.e., 100 gallons is represented by 0.000100 in million gallons.

6. High Temperatures

Heat in amounts which will inhibit biological activity in treatment plant facilities resulting in an interference in the treatment process and specifically including heat in such quantities that the temperature at the treatments works influent exceeds 40°C (104°F) or the temperature exceeds 65°C (150°F) at the point of discharge to the public sewers.

7. BOD and TSS Limitations

Wastewater discharged to the POTW shall not contain in excess of 300 mg/L of BOD, and/or 330 mg/L of TSS. Discharges with greater concentrations may be permitted with approval of the Director. In addition to the concentration limits the Director may also impose mass limits if the discharges comprise greater than 2% of the total BOD and/or TSS loading to the POTW. The formula for calculating the loading is found in subsection 5 of this Section 14.60.318.

Section 6. Section 14.60.352 and ordinances 1705 and 1831 are each amended to read as follows:

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 F.O.G. 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 or other approved grease removal systems installed in the waste line leading from sinks, drains, or other fixtures where F.O.G. may be discharged. The grease interceptors and other grease removal systems must meet, at a minimum, the specifications of the current Uniform Plumbing Code as adopted by the City at the time of construction. The Director is authorized to adopt and publish additional criteria for grease interceptors or other grease removal systems. Dischargers must maintain these systems 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 system shall not be disposed of in sanitary or storm sewers.

Section 7. Section 14.60.354 and Ordinance 1705 are each amended to read as follows:

14.60.354 GREASE REMOVAL SYSTEM 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 F.O.G. may be introduced to the sewer system which do not have grease interceptors 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. Control 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. The City shall approve of all Control Plans or installations of grease removal systems.

Section 8. A new section is added to LMC Chapter 14.60 to read as follows:

14.60.355 F.O.G. CONTROL PLANS - CONTENTS

The goal of the F.O.G. Control Plan is to implement reasonable and technically feasible controls of visible or free floating F.O.G. The basic components of the F.O.G. Control Plan should include:

- * A written policy articulating management and corporate support for the plan and a commitment to implement planned activities and achieve established goals.
- * A description of the facility type and a summary of the products made and/or service provided.
- * Quantities of F.O.G. brought into the facility as raw product, amounts contained in products and quantities discharged to the sewer.
- * Schematics of process areas illustrating drains and discharge points connected to the sewer.
- * A description of current reduction, recycling and treatment activities.
- * Identification of a full range of potentially feasible reduction opportunities.
- * Specific performance goals, and implementation schedule.
- * Signature of owner.

Section 9. Section 14.60.358 and Ordinances 1705 and 1945 are each amended to read as follows:

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

All pretreatment facilities to prevent the discharge of fat waste, oil, or grease 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 City authorized personnel for review and inspection. Certification of maintenance records shall be required to be kept on site for three (3) years. If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators or any other grease pretreatment facility 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 II of this Chapter.

Section 10. Section 14.60.611 and Ordinance 1705 are each amended to read as follows:

14.60.611 MAXIMUM DAILY CONCENTRATION ALLOWED

Unless otherwise provided in this Chapter, the maximum daily allowable concentration for dischargers not regulated under National Pretreatment Standards is violated under the following circumstances:

1. The arithmetic mean of concentration 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 11. Section 14.60.616 and Ordinance 1705 are each amended to read as follows:

14.60.616 "F.O.G." PRETREATMENT FACILITY MAINTENANCE - COMPLIANCE WITH CONTROL PLAN

A violation shall occur if:

- A. There are any discharges of any substance or F.O.G. in excess of the provisions or restrictions of this Chapter.
- B. 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 build up 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 the City for excessive maintenance and/or other costs incurred by the City.
- C. A discharger does not comply with their approved F.O.G. Control Plan.

Section 12. Section 14.60.635 and Ordinance 1705 are each amended to read as follows:

14.60.635 CIVIL PENALTIES

Any person who violates any of the provisions of the 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.

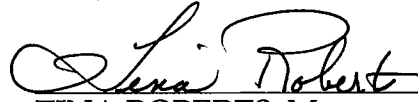
- A. If reports required by permit, this chapter or federal pretreatment regulations are submitted later than thirty (30) days after they are due the discharger shall be subject to civil penalties of \$25 per day for a maximum of twenty (20) working days. The penalty shall then be increased to \$100 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 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 action(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 14.60.645.
- C. If a discharger fails to maintain grease, oil and/or sand removal systems or has no system to remove grease, oil or sand 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 14.60.645. A discharger shall be subject to a civil penalty of \$100 for discharge of any substance or F.O.G. in excess of the provisions or restrictions of this Chapter, or for failure to comply with an approved F.O.G. Control Plan, for each and every day that the violation continues.
- D. Failure to provide accurate or complete information on any wastewater discharge reports pursuant to 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 14.60.645.

In addition to the assessment 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 13. 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. EFFECTIVE DATE. This Ordinance shall take effect and be in full force five (5) days after its passage, approval and its publication or summary thereof.

PASSED this 10th day of April, 1995, and signed in authentication of its passage this 11th day of April, 1995.


TINA ROBERTS, Mayor

ATTEST:


R. W. NOACK, City Clerk

APPROVED AS TO FORM:


Lynnwood City Attorney

PUBLISHED: