

**CITY OF LYNNWOOD  
ORDINANCE NO. 2742**

AN ORDINANCE AMENDING THE CITY OF LYNNWOOD WASTEWATER PRETREATMENT ORDINANCE AND AMENDING CHAPTER 14.06 AND CHAPTER 14.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the City determines it is in the interest of public health, safety and welfare to set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Lynnwood in order to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403); and

WHEREAS, to prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW; and

WHEREAS, to prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW; and

WHEREAS, to ensure that the quality of the wastewater treatment plant biosolids is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations; and

WHEREAS, to protect personnel who may be affected by wastewater, wastewater solids and biosolids in the course of their employment and to protect the general public;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Chapter 14.06 Lynnwood Municipal Code shall be amended to read as follows:

***Chapter 14.06  
DEFINITIONS***

*Sections:*

14.06.000 *Definitions and abbreviations.*

14.06.010 "A."

14.06.020 "B."

14.06.030 "C."

14.06.040 "D."

14.06.050 "E."

14.06.060 "F."

14.06.070 "G."

14.06.080 "H."

14.06.090 "I."

14.06.120 "L."

14.06.130 "M."

14.06.140 "N."

14.06.160 "P."

14.06.190 "S."

14.06.200 "T."

14.06.210 "U."

14.06.220 "V."

14.06.230 "W."

14.06.260 "Z"

**14.06.000 Definitions and abbreviations.**

*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. (Ord. 1706, 1989)*

**14.06.010**"A."

*“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. (Ord. 1706, 1989)*

#### **14.06.020“B.”**

*“BMP” or “Best Management Practices” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in LMC14.60.300-3015 [CFR 403.5(a)(1) and (b)]. BMP include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.*

*“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 (5) days at temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.*

*“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.*

*“Bypass” means the intentional diversion of waste streams from any portion of an industrial user’s treatment facility. (Ord. 1831 § 1, 1991; Ord. 1706, 1989)*

#### **14.06.030“C.”**

*“Categorical Industrial User” means an Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.*

*“Categorical pretreatment standard” or “Categorical Standard” means any standard or limitation for a pollutant which has been assigned in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.*

*“CFR” means Code of Federal Regulations.*

*“City” means 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 and industrial users” means all users other than single-family and multifamily and includes mobile homes in a mobile home park.*

*“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 eighty (80) percent or greater. Examples of the additional pollutants which may be considered compatible include:*

- A. COD;*
- B. Total organic carbon;*
- C. Phosphorous and phosphorous compounds;*
- D. Nitrogen and nitrogen compounds;*
- E. 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. (Ord. 2609 § 1, 2006; Ord. 2572 § 3, 2005; Ord. 2070 § 1, 1996; Ord. 1706, 1989)*

*“Control Authority” means the City of Lynnwood Public Works Department.*

#### **14.06.040“D.”**

*“Daily Maximum Limit” means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.*

*“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. (Ord. 1706, 1989)*

#### **14.06.050“E.”**

*“Environmental Protection Agency” or (or “EPA”) means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator or duly authorized official of said agency.*

*“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 (2) years. (Ord. 1706, 1989)*

#### **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. *“Nonpolar 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 centigrade (32 degrees Fahrenheit).*

*“Food service establishment” means a restaurant, cafe, lunch counter, cafeteria, bar, club, hotel, hospital, sanitarium, factory, school kitchen or any other establishment that serves or prepares food where Fats, Oils or Grease may be introduced to the sewer system. “Food waste” means properly shredded garbage. (Ord. 2031 § 1, 1995; Ord. 1706, 1989)*

#### **14.06.070“G.”**

*“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. (Ord. 1706, 1989)*

*“Grease Interceptor” means an interceptor of at least fifteen hundred (1500) gallon capacity to serve one or more fixtures and which shall be remotely located.*

*“Grease Trap” means a device designed to retain grease from one (1) to a maximum of four (4) fixtures.*

#### **14.06.080“H.”**

*“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. (Ord. 1706, 1989)*

#### **14.06.090“I.”**

*“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 nondomestic 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:*

- A. *Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and*

B. 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. (Ord. 1706, 1989)

#### **14.06.120“L.”**

“LMC” means Lynnwood Municipal Code.

“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. (Ord. 1706, 1989)

“Local Limit” means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and(b).

#### **14.06.130“M.”**

“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:

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

\*In million gallons discharged per day, i.e., one hundred (100) gallons is represented by 0.000100 in million gallons.

“Middle Tier Significant Categorical Industrial User” means at the Director's discretion, a Categorical Industrial User may be deemed a “Middle Tier Significant CIU” where the Industrial User meets all of the following conditions:

- (1) The Industrial User's total categorical wastewater flow does not exceed any of the following:
  - (a) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
  - (b) 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

- (c) *0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by the POTW;*
- (2) *The Industrial User has not been in significant noncompliance, as defined in 40 CFR 403.8(f)(2)(viii), for any time in the past two years;*
- (3) *The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions.*

*“Minor violation” means any pollutant concentrations or mass loadings in excess of the effluent limitations allowed by LMC 14.60.319, or by a discharge permit issued under this chapter which are:*

- A. *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*
- B. *Less than 2.5 times the maximum concentration or mass loading allowed by the provisions of this chapter or any discharge permit issued hereunder.*

*“Monthly Average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.*

*“Multifamily user” means a residential building designed for two (2) or more families, or for more than five unrelated persons. It includes duplexes, triplexes, fourplexes, apartment buildings, dormitories, boarding houses and rooming houses. (Ord. 2609 § 1, 2006; Ord. 2572 § 4, 2005; Ord. 2070 § 2, 1996; Ord. 1706, 1989)*

#### **14.06.140“N.”**

*“National Categorical Pretreatment Standard.” See “Categorical pretreatment standard.”*

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

*“New source” has the same meaning as set forth in Section 403.3(m) of the Code of Federal Regulations, as now existing or hereafter amended, one (1) copy of which shall be on file with the city clerk, and which is adopted by this reference.*

*“Noncontact 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. (Ord. 1831 § 2, 1991)*



#### **14.06.160“P.”**

*“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 ten (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 one hundred (100) percent will pass a three-eighths-inch sieve and seventy five (75) percent will pass a one-quarter-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. (Ord. 1706, 1989)*

#### **14.06.190“S.”**

*“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” (or “SIU”). Except as provided in paragraph (3) and (4) of this section, the term Significant Industrial User means:*

- (1) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and*
- (2) Any other Industrial User that:*
  - (a) discharges an average of twenty five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);*
  - (b) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or*

- (c) *is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).*
- (3) *The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:*
- (a) *The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;*
- (b) *The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and*
- (c) *The Industrial User never discharges any untreated concentrated wastewater.*
- (4) *Upon a finding that an Industrial User meeting the criteria in paragraph (2)(b) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.*

*"Significant violation" has the same meaning as "significant noncompliance", as set forth in 40 CFR § 403.8(f)(2)(viii), as now existing or hereafter amended, one copy of which shall be on file with the finance director, and which is adopted by this reference.*

*"Single-family user" means all users living in a dwelling unit that is occupied by one (1) family or by not more than five (5) unrelated persons. It includes detached single-family residences, and zero-lot line buildings wherein the building is on a separate fee simple lot and used for residential purposes.*

*"Slug" or "slugload" means any pollutant (including BOD) released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions of the title, any permit, or federal pretreatment regulations.*

*“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. (Ord. 2070 § 3, 1996; Ord. 1831 §§ 3, 4 & 5, 1991; Ord. 1706, 1989)*

#### **14.06.200“T.”**

*“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 nonfilterable residue. (Ord. 1706, 1989)*

#### **14.06.210“U.”**

*“Uniform Plumbing Code” means 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. (Ord. 1706, 1989)*

#### **14.06.220“V.”**

*“Violation.” See “Minor violation” or “Significant violation.” (Ord. 1706, 1989)*

#### **14.06.230“W.”**

*“WAC” means the Washington Administrative Code.*

*“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. (Ord. 1706, 1989)*

**14.06.260”Z.”**

*“Zero Discharge Permit” means a Permit for a Categorical User that operates its processes so that no Industrial Waste is discharged to the POTW.*

**Section 2.** Chapter 14.60 Lynnwood Municipal Code shall be amended to read as follows:

**Chapter 14.60**  
**WASTEWATER PRETREATMENT**

*Sections:*

*Article I. Regulations*

*14.60.010 – 14.60.110 Repealed.*

*14.60.200 Purpose.*

*14.60.300 General prohibitions.*

*14.60.3015 Specific prohibitions.*

*14.60.312 Tampering with monitoring device – Prohibited.*

*14.60.3183 Federal categorical pretreatment standards.*

*14.60.3186 State requirements.*

*14.60.319 Local limits.*

*14.60.3195 pH Effluent limitations under continuous monitoring.*

14.60.320 *Upset provisions.*

14.60.325 *Bypass.*

14.60.330 *Accidental discharge facilities.*

14.60.335 *Accidental discharge report.*

14.60.340 *Dilution prohibited.*

14.60.350 *Pretreatment facilities.* 14.60.352 *F.O.G. pretreatment required.*

14.60.354 *Grease removal system required – When.*

14.60.355 *F.O.G. control plans – Contents.*

14.60.356 *Washing facilities, grease rack – Pretreatment.*

14.60.358 *F.O.G. pretreatment facilities – Install and maintenance.*

14.60.3582 *Grease removal system additives.*

14.60.3584 *Grease removal system sizing.*

14.60.3586 *Record keeping/monitoring requirements.*

14.60.359 *Permit to be obtained for installation of grease interceptor.*

14.60.3593 *Compliance with applicable pretreatment requirements.*

14.60.3596 *Additional pretreatment measures.*

14.60.360 *Right of revision.*

14.60.365 *Special agreement.*

14.60.370 *Septage and holding tank sewage.*

## *Article II. Administration*

14.60.400 *Purpose.*

14.60.500 *Disclosure forms.*

14.60.503 *Industrial wastewater discharge permits – Application.*

*14.60.5032 Wastewater discharge permitting: Extrajurisdictional users.*

*14.60.5034 Wastewater discharge permitting: Zero discharge permits.*

*14.60.5036 Wastewater discharge permitting: Middle tier categorical industrial user.*

*14.60.5038 Wastewater discharge permitting: Non-significant categorical industrial user.*

*14.60.504 Industrial discharge permit – Requirements.*

*14.60.505 Industrial wastewater discharge permit – Duration.*

*14.60.506 Industrial wastewater discharge permit – Transfer.*

*14.60.507 Industrial wastewater discharge permit – Modification.*

*14.60.508 Industrial wastewater discharge permit – Reporting required.*

*14.60.509 Signatory and certification requirement.*

*14.60.510 Limited permits – Required when.*

*14.60.512 Limited permits – Criteria.*

*14.60.513 Limited permits – Special conditions.*

*14.60.514 Limited permits – Issuance, revocation, transfer.*

*14.60.515 Limited permits – Upgrade to discharge permit, when.*

*14.60.516 Public notice for industrial wastewater discharge permits.*

*14.60.520 Public hearing.*

*14.60.525 Monitoring facilities.*

*14.60.530 Sampling and analysis requirements.*

*14.60.533 Resampling required when violation occurs.*

*14.60.535 Compliance monitoring.*

*14.60.5355 Non-compliance monitoring.*

*14.60.536 Compliance schedules for meeting applicable pretreatment standards.*

*14.60.537 Notification of significant production changes.*

*14.60.538 Sampling and analysis frequencies.*

*14.60.540 Inspection of facilities.*

*14.60.545 Right to enter.*

*14.60.550 Accidental spill prevention plan.*

*14.60.553 Notification of changes in discharge.*

*14.60.554 Hazardous waste notification.*

*14.60.555 Discontinuance of discharge.*

*14.60.556 TTO reporting.*

*14.60.557 Reports from un-permitted users.*

*14.60.558 Timing.*

*14.60.560 Confidential information.*

*14.60.565 Pre-emption of limitations, standards or requirements.*

*14.60.570 Publication of violators.*

*14.60.575 Records retention – Required.*

### *Article III. Enforcement*

*14.60.605 Violations – Remedies.*

*14.60.610 Violations.*

*14.60.611 Maximum daily concentration allowed.*

*14.60.613 Temperature limitation.*

*14.60.614 Maximum allowable poundage limitations.*

*14.60.615 Reporting requirements.*

*14.60.616 F.O.G. pretreatment facility maintenance – Compliance with control plan.*



14.60.617 *Discharge of dangerous waste.*

14.60.618 *Explosion meter readings.*

14.60.619 *Pass-through or interference.*

14.60.620 *Emergency suspension of service and industrial wastewater discharge permit or limited permit.*

14.60.623 *Termination of treatment services – Permit revocation.*

14.60.624 *Wastewater discharge permit re-issuance.*

14.60.625 *Notice of violation and administrative order.*

14.60.630 *Administrative hearing.*

14.60.635 *Civil penalties.*

14.60.640 *Civil liability for expenses and fines.*

14.60.645 *Criminal penalties.*

14.60.660 *Judicial review.*

14.60.665 *Right to written interpretation of chapter.*

#### *Article I. Regulations*

#### **14.60.010– 14.60.110 Repealed.**

*Repealed by Ord. 1706.*

#### **14.60.200 Purpose.**

*This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Lynnwood, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:*

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;*

- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;*
- C. To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;*
- D. To protect POTW personnel who may be affected by wastewater, wastewater solids, and biosolids in the course of their employment and to protect the general public;*
- E. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW;*

*This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits and discharge authorizations; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.*

#### ***14.60.300 General prohibitions.***

*No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.*

*14.60.3015 Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:*

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21;*
- (2) Wastewater having a pH less than five (5.0) or more than eleven (11.0) (unless in compliance with Section 14.60.319 of this Ordinance) or otherwise causing corrosive structural damage to the POTW or equipment;*
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one quarter inch (1/4");*
- (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;*

- (5) *Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) or forty degrees Celcius (40°C), or the temperature exceeds one hundred fifty degrees Fahrenheit (150°F) or sixty five degrees Celcius (65°C) at the point of discharge to the public sewers unless the Approval Authority, upon the request of the POTW, approves alternate temperature limits;*
- (6) *Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;*
- (7) *Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;*
- (8) *Trucked or hauled pollutants [except Domestic Sewage or Septic Tank Wastes] unless authorized by the Director, and at discharge points designated by the City.*
- (9) *Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;*
- (10) *Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;*
- (11) *Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations;*
- (12) *Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;*
- (13) *Any sludges, screenings, or other residues from the pretreatment of industrial or commercial wastes or from industrial or commercial processes, except as authorized by the Director;*
- (14) *Medical wastes, except as specifically authorized by the Director;*

- (15) *Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;*
- (16) *Detergents, surface-active agents, or other substances in amounts which may cause excessive foaming in the POTW;*
- (17) *Any liquid, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) per cent nor any single reading over ten (10%) per cent of the lower explosive limit (LEL) of the meter.*
- (18) *Animal entrails, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes in amounts that cause interference in the POTW.*
- (19) *Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.*
- (20) *Any wastewater, which in the opinion of the Director can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the Director (except that no special waiver shall be given from categorical pretreatment standards).*
- (21) *The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City of Lynnwood and paid all fees assessed for the privilege of said discharge.*
- (22) *Any hazardous or dangerous wastes as defined in rules published by the State of Washington (WAC 173-303) and/or in EPA rules 40 CFR Part 261.*
- (23) *Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).*
- (24) *Any slug load.*

- (25) *Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process.*
- (26) *Fats, oils and grease in amounts that may cause obstructions or maintenance problems in the collection/conveyance system, or interference in the POTW.*
- (27) *The use of the treatment and controls located at the POTW for wastewater treatment required by a National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP) under 40 CFR Part 63 is prohibited. The discharge of any untreated wastewater regulated by a NESHAP also is prohibited. The POTW does not and will not accept a NESHAP regulated waste stream nor provide treatment or controls as an agent for any Industrial User within the meaning of 40 CFR Part 63, including but not limited to 40 CFR Part 63.1595.*

*Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they are likely to be discharged to the POTW unless the user has in place an Accidental Spill Prevention Plan (ASPP)/slug control plan.*

***14.60.312 Tampering with monitoring device– Prohibited.***

*No discharger shall tamper with, damage or render inaccurate any wastewater monitoring device required by this chapter. (Ord. 1705, 1989)*

***14.60.3183 Federal categorical pretreatment standards.***

*The National categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are incorporated herein by reference as if set forth in full in this ordinance.*

***14.60.3186 State requirements.***

*State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this ordinance or other applicable ordinances.*

***14.60.319 Local limits.***

*The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits.*

<i>Ammonia</i>	<i>33mg/L</i>
<i>Arsenic</i>	<i>0.5 mg/L</i>
<i>BOD5</i>	<i>300mg/L</i>

Cadmium	0.5mg/L
Chromium	2.0 mg/L
Copper	2.0mg/L
Cyanide	1.0mg/L
Lead	1.5 mg/L
Mercury	0.05 mg/L
Molybdenum	3.0mg/L
Nickel	1.5mg/L
Nitrogen	50mg/L
Total Phenols	10mg/L
Selenium	0.5mg/L
Silver	0.5mg/L
Zinc	1.5mg/L
Fats, Oils & Grease	200mg/L

*(Polar or Non-Polar)*

*pH 5.0 to 11.0*

*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., one hundred (100) gallons is represented by 0.000100 in million gallons. The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). Categorical pretreatment standards apply at the end of the process. However, the Director may elect to have local limits apply after pretreatment and/or prior to mixing with dilution flows.*

*All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to (or in place of) the concentration based limitations above.*

*Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.*

*The City Council authorizes the Director to revise local limits.*

***14.60.3195 pH Effluent limitations under continuous monitoring.***

- A. *Where a permittee continuously monitors the pH of wastewater discharged to the City's sewer system pursuant to a requirement in their discharge permit, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except excursions from the range are permitted subject to the following limitations:*
- (1) *The total time during which the pH values are outside the required range of pH values shall not exceed two (2) hours in any calendar month; and*
  - (2) *No individual excursion from the allowable range of pH values shall exceed fifteen (15) minutes.*
- B. *At no time will the pH value be outside the allowable range of pH values by more than one pH unit.*
- C. *At no time shall the pH be less than five (5.0) pH units nor more than eleven (11.0) pH units.*
- D. *All batch discharges shall be in compliance with the allowable pH range.*
- E. *For the purposes of this Ordinance, an excursion is an unintentional and temporary incident in which the pH value of the discharged wastewater exceeds the range set forth in the user's discharge permit.*
- F. *Temporary pH value excursions that comply with the provisions of this section of the Ordinance will not be considered violations of the user's discharge permit but shall be reported in the pretreatment self-monitoring report with copies of the associated pH recorder charts.*

*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. (Ord. 1705, 1989)*

#### **14.60.325 Bypass.**

A. *For the purposes of this section,*

- (1) *"Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.*
- (2) *"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.*

B. *A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.*

- C.
- (1) *If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.*
  - (2) *A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or*



*planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.*

- D. (1) *Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless*
- a) *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*
  - b) *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and*
  - c) *The user submitted notices as required under paragraph (C) of this section.*
- (2) *The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D)(1) of this 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 owner's 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. (Ord. 1705, 1989)*

*14.60.335 Accidental discharge. 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 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 chapter or other regulatory authority. (Ord. 1705, 1989)*

#### ***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 chapter. The city may impose mass limitations on dischargers where the imposition of mass limitations is appropriate. (Ord. 1705, 1989)*

#### ***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 WAC, WAC 173-216-110 and RCW 90.48.010. (Ord. 1705, 1989)14.60.352 F.O.G. pretreatment required.***

*All Food Service Establishments that serve or prepare food or any other establishment from which a considerable amount of F.O.G. may be introduced to the sewer system shall have an adequate grease removal system installed and/or exercise proper kitchen best management practices to ensure that excess concentrations of F.O.G. are not discharged to the POTW. 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. 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.*

*Containment of fats, oils and grease shall be in approved containers and the surrounding area clean of any residue. Containers shall be inside a covered enclosure that is kept clean and capable of containing any and all spillage from the containers. The Director may grant a variance on the type or size of grease removal system required as deemed appropriate under extraordinary circumstances. (Ord. 2031 § 6, 1995; Ord. 1831 § 13, 1991; Ord. 1705, 1989)*

#### ***14.60.354 Grease removal system required– When.***

*If any Food Service Establishments where F.O.G. may be introduced to the sewer system are sold or leased, and the new owners or operators must apply for a new business license, they shall be required to install or hook up to a grease removal system within six (6) months. In the event that an existing business is not capable of fully utilizing the existing grease removal system due to faulty or incomplete plumbing, or the existing grease removal system is inadequate, the business shall, within twelve (12) months of notification, make whatever corrections or upgrades necessary to bring their system into compliance.*

*The city shall approve of all control plans or installations of grease removal systems. The cost of grease interceptor permits shall be as shown in Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 2031 § 7, 1995; Ord. 1705, 1989)*

#### ***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. A written policy articulating management and corporate support for the plan and a commitment to implement planned activities and achieve established goals;*
- B. A description of the facility type and a summary of the products made and/or service provided;*
- C. Quantities of F.O.G. brought into the facility as raw product, amounts contained in products and quantities discharged to the sewer;*
- D. Schematics of process areas illustrating drains and discharge points connected to the sewer;*
- E. A description of current reduction, recycling and treatment activities;*

F. Identification of a full range of potentially feasible reduction opportunities;

G. Specific performance goals, and implementation schedule;

H. Signature of owner. (Ord. 2031 § 8, 1995)

#### **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. (Ord. 1705, 1989)*

#### **14.60.358 F.O.G. pretreatment facilities– Install and 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 of an interceptor style Grease Removal System (or "GRS") must be performed by a service contractor qualified to perform such cleaning. Trap style GRS may be maintained by the establishment as long as all the proper procedures for the cleaning and disposing of all waste materials are done in the proper manner*

*At a minimum, interceptor-style GRSs shall be cleaned at least once every ninety (90) days and trap-style GRSs cleaned at least biweekly. These required frequencies may be extended with the approval of the Director. GRSs must be cleaned whenever the combined thickness of the floating greases and settled solids is equal to, or greater than, twenty five percent (25%) of the total liquid depth in the GRS. When cleaned, an interceptor-style GRS must be completely pumped out, all solids removed, solidified grease scraped from the interior and the structure and all internal plumbing inspected for damage and corrosion. The GRS shall be refilled with cold water prior to being placed back into operation. If repairs are required, they shall be performed within seven (7) days.*

*When cleaned, the trap style GRS must have surface grease and oil removed, settled solids removed, all sides scraped, removable parts removed and cleaned, be inspected for damage and corrosion, and be properly reassembled. If repairs are required, they shall be performed within seven (7) days.*

*Material that is removed in the process of cleaning a GRS shall not be discharged back into the GRS, any part of the POTW, any private sewer, any drainage piping, or storm sewer system. All materials removed shall be handled and disposed of in accordance with Federal, State, County and Local laws, rules and regulations. In addition to the maintenance required above, automatic Grease Removal Systems shall be maintained in accordance with the manufacturers' guidelines.*

*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 Article III of this chapter. (Ord. 2031 § 9, 1995; Ord. 1945 § 4, 1993; Ord. 1705, 1989)*

#### **14.60.3582 Grease removal system additives.**

*The use of any additive, such as enzymes, chemicals, or bacteria, as a substitute for grease traps or interceptors or the maintenance of grease traps or interceptors is prohibited. In no case shall any additive that emulsifies fats, oils or grease be used. Any use of additives as a supplement to grease interceptors shall first be authorized in writing by the Director prior to their use by the facility owner. MSDS sheets and any other applicable information concerning the composition, frequency of use and mode of action of the proposed additive shall be sent to the City together with a written statement outlining the proposed use of the additive. Based on the information received and any other information solicited from the potential user or supplier, the City shall allow or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time if violations of this chapter occur that can be demonstrated to be due to the use of the additive.*

#### **14.60.3584 Grease removal system sizing.**

*The type (Grease Trap or Grease Interceptor) and size of the grease removal system shall be based on the 'Sizing of Grease Interceptors' formula as defined in the currently adopted Uniform Plumbing Code.*

*In no case shall a grease trap smaller than twenty (20) gallons/minute or larger than fifty five (55) gallons/minute be installed without approval of the Director. In no case shall a grease interceptor smaller than fifteen hundred (1500) gallons be installed without prior approval of the Director. The maximum size for an interceptor shall be four thousand (4000) gallons. If the calculated minimum size is larger than this, two interceptors of approximately equal size shall be installed in series. If the calculated minimum size is larger than eight thousand (8000) gallons, two four thousand (4000) gallon interceptors shall be installed in series.*

#### **14.60.3586 Record keeping / Reporting requirements.**

*Users subject to this ordinance shall document all cleaning and maintenance activities performed on their Grease Removal System. These records shall be maintained for a minimum of three (3) years and be available for inspection and copying by the Director or his representative. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period required by the Director. Where the Director has determined that a user must provide written reports, these reports shall be submitted in accordance with the requirement of the Director. Written reports will be deemed to have been submitted on the date postmarked.*

*For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the City shall govern.*

#### ***14.60.359 Permit to be obtained for installation of grease interceptor.***

*A permit application for the installation of a grease interceptor shall be submitted to the department of public works for processing as required by LMC 2.44.040. (Ord. 2241 § 16, 1999)*

#### ***14.60.3593 Compliance with applicable pretreatment requirements.***

*New source dischargers, and "new users" that are determined to be Significant Industrial Users (SIU's), are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed ninety (90) days from the beginning of discharge). New Sources, and "new users" that are determined to be Significant Industrial Users (SIU's), shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.*

*Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user that is considered to be an SIU, or a categorical user that must comply with a more stringent local limit, which is in non-compliance with any local limits shall be provided with a compliance schedule to insure compliance within the shortest time feasible.*

#### ***14.60.3596 Additional pretreatment measures.***

*Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.*

*When determined necessary by the Director, each user discharging into the POTW, shall install and maintain, on his property and at his expense, a suitable storage and flow-control facility to insure equalization of flow. The Director may require the facility to be equipped with alarms and a rate of discharge controller, the regulation of which shall be determined by the Director. A wastewater discharge permit may be issued solely for flow equalization. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection system.*

*Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.*

*When a new building is constructed without a tenant, and has any sewers which are intended to serve wastes other than sanitary or domestic waste, a three compartment interceptor approved by the Director shall be installed.*

#### **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 LMC 14.04.005, or are otherwise in the public interest. No vested right shall be created by the issuance of any permit under this chapter. (Ord. 1705, 1989)*

#### **14.60.365 Special agreement.**

*The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 40 CFR 403.13.*

#### **14.60.370 Septage and holding tank sewage.**

*Any trucked or hauled pollutants, septage or holding tank sewage from any source are prohibited from being discharged into the POTW. (Ord. 1831 § 15, 1991; Ord. 1705, 1989)*

### *Article II. Administration*

#### **14.60.400 Purpose.**

*Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City of Lynnwood personnel. The Director may create administrative guidelines to implement the provisions of this ordinance.*

#### **14.60.500 Disclosure forms.**

*All existing and new businesses 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 within 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 LMC.*

*Disclosure forms must be completed and signed by a principal executive officer of the company. (Ord. 1705, 1989)*

#### ***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. The industrial sewer discharge permit application shall be submitted to the department of public works for processing as required by LMC 2.44.040, unless federal rules and regulation require otherwise. New Industrial Users subject to Federal Categorical Standards or local limitations as determined by the director shall apply 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 ninety (90) 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 one hundred eighty (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.*



*A new source may be required to submit an engineering report to the Director and comply with WAC 173-240; the report should explain the method of pretreatment a new source intends to use to meet applicable categorical standards. A new source shall give estimates of its anticipated flow and quantity of pollutants discharged.*

*The cost of industrial wastewater discharge permits shall be as shown in Chapter 3.104LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 2076 § 17, 1996; Ord. 1705, 1989)*

***14.60.5032 Wastewater discharge permitting: Extrajurisdictional users.***

*New Source, and "new users" that are determined to be Significant Industrial Users (SIU's), located beyond the City limits required to obtain a wastewater discharge permit shall comply with Section 14.60.508 (A)-(E) of this ordinance.*

***14.60.5034 Wastewater discharge permitting: Zero discharge permits.***

*Any categorical user that operates its regulated processes so that no industrial waste is discharged to the POTW may request that a Zero Discharge Permit (ZDP) be issued by the City. To be eligible for a ZDP the user shall demonstrate to the Director's satisfaction that no industrial waste will be discharged and shall either permanently seal all accesses to the POTW other than those required for disposal of domestic sewage or install shutoff devices that will accept City installed, tamper evident seals. Breaking this seal without prior authorization by the Director shall be a violation of the ZDP and this ordinance.*

***14.60.5036 Wastewater discharge permitting: Middle tier categorical industrial user.***

*Any categorical user that operates its regulated processes so that it complies with the requirements in Section 14.06.130 "M" of this Ordinance may request that it be designated a Middle Tier Categorical Industrial User. If the Director agrees with that request, the User's discharge permit will be modified to incorporate the applicable provisions of 40 CFR 403. If, at any time, the User no longer complies with the requirements in Section 14.06.130 "M" of this Ordinance, it shall immediately notify the Director and comply with the backup reporting requirements contained in the permit.*

***14.60.5038 Wastewater discharge permitting: Non-Significant categorical industrial user.***

*Any categorical user that operates its regulated processes so that it complies with the requirements in Section 14.06.190 "S" (3) of this Ordinance may request that it be designated a Non-Significant Categorical Industrial User. If the Director agrees with that request, the User will be issued a Non-Significant CIU permit and shall comply with the requirements of that permit. If, at any time, the User no longer complies with the requirements in Section 14.06.190 "S" (3) of this Ordinance, it shall immediately notify the Director and comply with the backup reporting requirements contained in the permit.*

#### **14.60.504 Industrial discharge permit– Requirements.**

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

- A. Limits on the average and maximum discharge of wastewater constituents and characteristics regulated thereby;*
- B. Limits on average and maximum flow rate and time of discharge and/or requirements for flow control and equalization;*
- C. Requirements for installation and maintenance of inspection and sampling facilities;*
- D. 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;*
- E. Compliance self-monitoring;*
- F. Requirements for submission of discharge compliance monitoring reports or special technical reports;*
- G. Requirements for submittal of an accidental spill prevention plan (ASPP);*
- H. Requirements for immediate reporting of noncompliance, accidental spills, or upsets by the discharger;*
- I. Requirements equivalent to the applicable Washington State Waste Discharge Permit System Requirements;*
- J. Requirements for payment of fees pursuant to Chapter 14.40 LMC;*
- K. Requirement that the director or designee shall have reasonable access to the discharger's premises to accomplish any required inspection, sampling or flow monitoring (Ord. 1705, 1989);*
- L. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.*

#### **14.60.505 Industrial wastewater discharge permit– Duration.**

*All wastewater discharge permits shall be issued for a period of no greater than five (5) 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. (Ord. 1705, 1989)*

#### **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. (Ord. 1705, 1989)

#### **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 ninety (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 six (6) months. The discharger shall be informed of any proposed changes in its permit at least thirty (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. (Ord. 1705, 1989)

#### **14.60.508 Industrial wastewater discharge permit– Reporting required.**

All dischargers subject to National Categorical Pretreatment Regulations must submit a ninety (90) day compliance report within ninety (90) days after the date the final National Categorical Pretreatment compliance must be achieved or, in the case of a new discharger, ninety (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).

- A. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;
- B. Permits. The user shall submit a list of any environmental control permits held by or for the facility;
- C. Description of operations. The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the

*POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.*

*D. Flow Measurement.*

*(1) Categorical User:*

*The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:*

- (i) Regulated or manufacturing process streams; and*
- (ii) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).*

*(2) Non-Categorical User:*

*The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:*

- (i) Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Director.*

*The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.*

*E. Measurements of pollutants.*

*(1) Categorical User:*

- (i) The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.*
- (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass) where required by the Categorical Pretreatment Standard or as required by the City of regulated pollutants (including standards contained in Sections 14.60.300 through 14.60.3015-Specific Prohibitions of this ordinance, as appropriate in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 14.60.530.*

- (iii) *The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.*
- (iv) *Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical pretreatment standard this adjusted limit along with supporting data shall be submitted as part of the application.*

(2) *Non-Categorical User:*

- (i) *The user shall identify the applicable pretreatment standards for its wastewater discharge.*
- (ii) *In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the City) of regulated pollutants contained in Sections 14.60.300 through 14.60.3015-Specific Prohibitions of this ordinance, as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 14.60.530 of this ordinance.*
- (iii) *The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.*
- (iv) *Where the Director developed alternate concentration or mass limits because of dilution this adjusted limit along with supporting data shall be submitted as part of the application.*

F. Certification. *A statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in Section 14.60.509 of this ordinance, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O and M) and/or additional pretreatment is required for the user to meet the applicable Pretreatment Standards and Requirements.*

G. Compliance Schedule. *If additional pretreatment and/or O and M will be required to meet the applicable Pretreatment Standards, the City will establish the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The schedule shall conform with the requirements of Section 14.60.3593-Compliance with Applicable Pretreatment Requirements.*

- (1) *Where the user's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the*

*user submits the report required by this paragraph, the information required by paragraphs (D) and (E) of this section shall pertain to the modified limits.*

- (2) If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraphs (D) and (E) of this section, then a new report shall be submitted by the user within sixty (60) days after the modified limit is approved.*

*H. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.*

*For users subject to equivalent mass or concentration limits established by the City in accordance with procedures established in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.*

*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 thirty (30) days after the discharger becomes aware a violation has occurred. Resampling analyses shall not be used for satisfying regular compliance monitoring requirements. (Ord. 1705, 1989)*

#### ***14.60.509 Signatory and certification requirement.***

*All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:*

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant*

*penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

#### **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:*

- A. Involve the same or substantially similar types of operations;*
- B. Discharge the same types of wastes;*
- C. Require the same effluent limitations or operating conditions; may require similar monitoring; and*
- D. In the opinion of the director are more appropriately controlled under a limited permit than under a wastewater discharge permit.*

*Industries that have been identified as needing limited permits are required to make application to the department of public works for such permits. The industrial waste limited discharge permit shall be processed by the department of public works as required by LMC 2.44.040, unless federal rules and regulation require otherwise. The cost of such permit shall be as shown in Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 2076 § 18, 1996; Ord. 1705, 1989)*

#### **14.60.512 Limited permits– Criteria.**

*Limited permits shall specify no less than all of the following as determined applicable by the city:*

- A. Fees and charges to be paid upon initial permit issuance;*
- B. Requirements for immediate reporting of noncompliance by the discharger;*
- C. Requirement for submittal of an accidental spill prevention plan;*
- D. Requirements for a best management practices plan;*
- E. Limits on the average and maximum discharge wastewater constituents and characteristics;*
- F. Limits on the average and maximum flow rate and/or requirements for flow control and equalization;*

G. *Compliance schedules for implementing permit conditions. (Ord. 1705, 1989)*

**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. (Ord. 1705, 1989)*

**14.60.514 Limited permits– Issuance, revocation, transfer.**

*Sections of this chapter that pertain to modification, issuance, revocation, termination, application and monitoring for industrial wastewater discharge permits shall also apply to limited permits. (Ord. 1705, 1989)*

**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:*

- A. *The discharger is not in compliance with conditions of the limited permit;*
- B. *A change occurs in the technology or practices for control or abatement of pollutants for this discharger;*
- C. *Effluent limitation guidelines are promulgated for the discharger under the Pretreatment Categorical Regulations, 40 CFR 403;*
- D. *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. (Ord. 1705, 1989)*

**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. (Ord. 1705, 1989)*



#### **14.60.520 Public hearing.**

*Public hearings may be requested in accordance with WAC 173-216-100. (Ord. 1705, 1989)*

#### **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 one hundred eighty (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. (Ord. 1705, 1989)*

#### **14.60.530 Sampling and analysis requirements.**

*Sample types, measurements, analyses and sample frequency 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 this chapter, shall be in accordance with procedures established by the EPA pursuant to Section 304(H) of the Federal Clean Water Act as contained in 40 CFR § 136, as now existing or hereafter amended, one copy of which shall be on file with the city clerk and which is adopted by this reference. 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 analyses performed to establish compliance and used in compliance reporting shall be performed by a laboratory accredited by the Washington State Department of Ecology, Quality Assurance Division in accordance with 173-50 WAC. Laboratories must be accredited for the analyses for which they are performing. 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. (Ord. 1831 § 16, 1991; Ord. 1705, 1989)*

#### **14.60.533 Resampling required when violation occurs.**

*If the sampling performed by an industrial user indicates a violation, the user shall notify the city within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analyses to the city within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:*

- A. Sampling frequency is at least once per month; or*
- B. The city samples between the time the industrial user collected the initial sample and the time the user receives the results of this sampling.*

#### **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. Compliance monitoring for categorical industries shall be performed at least once per year. The city reserves the right to verify methods of sampling, flow measurements and analyses, and to inspect records pertaining to all requirements of the discharger's permit. The city also reserves the right to collect and analyze samples of compliance status.*

*Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises. In those situations where such a location would be impractical or cause undue hardship on the user, the City may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Director, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system).*

*There shall be ample room in or near such sampling facility to allow accurate sampling, flow measurement and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.*

*The Director may require the user to install monitoring equipment as necessary. All devices used to measure wastewater flow and quality shall be maintained and calibrated in accordance with manufacturers' recommendations to ensure their accuracy.*

*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 LMC. (Ord. 1831 § 18, 1991; Ord. 1705, 1989)*

#### **14.60.5355 Non-Compliance reporting.**

*If sampling performed by a user indicates a violation, the user shall notify the City within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation, except the user is not required to resample if:*

- A. The City performs sampling at the user at a frequency of at least once per month, or*
- B. The City performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.*

#### ***14.60.536 Compliance schedules for meeting applicable pretreatment standards.***

- A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).*
- B. No increment referred to in paragraph (A) of this section shall exceed nine (9) months.*
- C. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.*

#### ***14.60.537 Notification of significant production changes.***

*Any user operating under a wastewater discharge permit incorporating mass or concentration limits based on production levels shall notify the City within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.*

#### ***14.60.538 Sampling and analysis frequencies.***

*All significant industrial users must sample their effluent at least once every six (6) months.  
(Ord. 1831 § 19, 1991)*

#### ***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. (Ord. 1705, 1989)

#### **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. (Ord. 1705, 1989)

#### **14.60.550 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 LMC 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. (Ord. 1705, 1989)*

#### **14.60.553 Notification of changes in discharge.**

*All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification as required by 40 CFR § 403.12(p), as now existing or hereafter amended, one copy of which shall be on file with the city clerk and which is adopted by this reference. (Ord. 1831 § 20, 1991)*

#### **14.60.554 Hazardous waste notification.**

*Any user that is discharging fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one time notification in writing to the City, EPA Regional Waste Management Division Director, and the Hazardous waste division of the North West Regional Office of the Washington State Department of Ecology. Any existing user exempt from this notification, shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the City sewer system.*

*Such notification shall include:*

- A. The name of the hazardous waste as set forth in 40 CFR Part 261,*
- B. The EPA Hazardous waste number; and*
- C. The type of discharge (continuous, batch, or other).*
- D. If an industrial user discharges more than one hundred (100) kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:*
  - (1) an identification of the hazardous constituents contained in the wastes,*
  - (2) an estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and*
  - (3) an estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months.*

*These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.*

*Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the City of the discharge of such a substance within ninety (90) days of the effective date of such regulations.*

*In the case of any notification made under this paragraph, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. Discharging Hazardous waste to the sewer system is prohibited as per section 14.60.300 of this ordinance*

#### **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, cleaning solutions;*
- 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. (Ord. 1705, 1989)*

#### **14.60.556 TTO Reporting.**

*Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic organics (TTOs) discharged into the sewer system must follow the Categorical Pretreatment Standards for that industry. Those users must also meet the following requirements:*

- A. Must sample, as part of the initial application requirements, for the organics listed under the TTO limit reasonably expected to be present;*
- B. May submit a statement that no TTOs are used at the facility and/or develop a solvent management plan in lieu of continuously monitoring for TTO, if authorized by the Director:*

*If allowed to submit a statement or develop a solvent management plan, the user must routinely submit a certification statement as part of its self-monitoring report that there has been no dumping of concentrated toxic organic into the wastewater and that it is implementing a solvent management plan as approved by the City. The Director may require the development and implementation of a solvent management plan in addition to monitoring for TTO.*

**14.60.557 Reports from un-permitted users.**

*All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Director may require.*

**14.60.558 Timing.**

*Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.*

**14.60.560 Confidential information.**

*The city may respond to public requests for information gathered pursuant to this chapter in accordance with Chapter 42.12 RCW. (Ord. 1705, 1989)*

**14.60.565 Pre-emption 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. (Ord. 1705, 1989)*

**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. (Ord. 1705, 1989)*

#### ***14.60.575 Records retention– Required.***

*All dischargers subject to this chapter shall retain and preserve for no less than three (3) 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. (Ord. 1705, 1989)*

#### *Article III. Enforcement*

#### ***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. (Ord. 1705, 1989)*

#### ***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 LMC 14.60.611 through 14.60.619. 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. (Ord. 1705, 1989)*

#### ***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:

- A. The arithmetic mean of concentrations for eight consecutive samples collected within a twenty four (24) hour time period over intervals of fifteen (15) minutes or greater is in excess of the limitation.
- B. The concentration value obtained from a composite sample that is representative of the twenty four (24) hour discharge is in excess of the limitation.
- C. 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 one-half times.
- D. The arithmetic mean of the concentration of fats, oils, or greases for three grab samples, taken no more frequently than at five (5) minute intervals, exceeds the limitation. (Ord. 2031 § 10, 1995; Ord. 1705, 1989)

#### **14.60.613 Temperature limitation.**

The temperature limitation is exceeded for any single sample.

#### **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:

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

\*In million gallons discharged per day, i.e., one hundred (100) gallons is represented by 0.000100 in million gallons.

(Ord. 1705, 1989)

#### **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. (Ord. 1705, 1989)*

#### **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 (2) years caused by excessive oil, grease, or fat buildup 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.*
- C. A discharger does not comply with their approved F.O.G. control plan. (Ord. 2031 § 11, 1995; Ord. 1705, 1989)*

#### **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. (Ord. 1705, 1989)*

#### **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 ten (10) percent for a single reading or greater than five (5) percent for two (2) successive readings. (Ord. 1705, 1989)*

#### **14.60.619 Pass-through or interference.**

*A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in LMC 14.60.300-General prohibitions and 14.60.3015-Specific Prohibitions if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.*

**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 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) of this section. The city shall have the right of access on to the discharger's private property to accomplish such termination of the water service. (Ord. 1705, 1989)*

**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:*

- A. *Failed to accurately report wastewater constituents and characteristics; or*
- B. *Failed to report significant changes in wastewater constituents, characteristics, flow volumes or types of discharge to the POTW; or*
- C. *Refused reasonable access to the discharger's premises for purposes of inspection or monitoring; or*
- D. *Violated conditions of the wastewater discharge permit; or*
- E. *Violated any of the provisions of this chapter or regulations promulgated hereunder; or*

- F. *Violated any lawful order of the city issued with respect to the discharger's permit or this chapter;*
- G. *Tampered with, disrupted, damaged or rendered inaccurate any wastewater monitoring device required by this chapter. (Ord. 1705, 1989)*

**14.60.624 Wastewater discharge permit re-issuance.**

*A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application, in accordance with LMC 14.60.503 of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and has submitted its re-application in the time period specified herein, shall be deemed to have an effective wastewater discharge permit until the City issues or denies the new wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein, will be deemed to be discharging without a wastewater discharge permit.*

**14.60.625 Notice of violation and administrative order.**

*The Director, upon finding a discharger has violated or is violating any of the provisions 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 forty five (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 this 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 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. (Ord. 1705, 1989)*

**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 Chapter 2.22 LMC. (Ord. 1705, 1989)*

#### ***14.60.635 Civil penalties.***

*Any person who violates any of the provisions of this chapter specifically listed in subsections (A) through (D) 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 \$25.00 per day for a maximum of twenty (20) working days. The penalty shall then be increased to \$100.00 per day with a maximum fine of \$1,000. In the event the reports have not been submitted at the time the maximum penalty is imposed, the city shall seek remedies under LMC 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 \$100.00 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 LMC 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 \$500.00 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 LMC 14.60.645. A discharger shall be subject to a civil penalty of \$100.00 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 LMC 14.60.504(F) or the requirements of a discharge permit shall result in a civil penalty of \$100.00 for the first offense. Thereafter the discharger shall be subject to remedies under LMC 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 LMC 14.60.640. (Ord. 2031 § 12, 1995; Ord. 1705, 1989)*

#### ***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. (Ord. 1705, 1989)*

#### ***14.60.645 Criminal penalties.***

*Except as provided for in LMC 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 LMC 14.60.635 shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding \$5,000 or by imprisonment in the city jail for a period not exceeding one (1) year, or both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense. (Ord. 1705, 1989)*

#### ***14.60.660 Judicial review.***

*Any decision of the hearing examiner rendered pursuant to LMC 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. (Ord. 1705, 1989)*

#### ***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. (Ord. 1705, 1989)*

**Section 3 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 4 Summary Publication.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

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

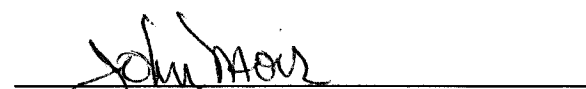
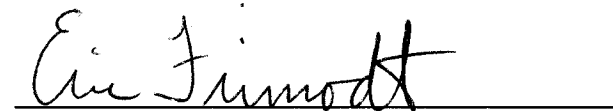
PASSED THIS 27<sup>th</sup> day of October, 2008 and signed in authentication of its passage this 6<sup>th</sup> day of November, 2008.



DON GOUGH  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHN MOIR  
Finance Director  
\_\_\_\_\_  
ERIC FRIMODT  
City Attorney